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*GAVIN NEWSOM, Governor*  
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September 9, 2024

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**SUBJECT: NOTICE OF PREPARATION OF A DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE SANTA MARIA RIVER LEVEE TRAIL PROJECT, SCH NO. 2024080368, UNICORPERATED SANTA BARBARA COUNTY, CA**

Dear Kalani Durham:

The California Department of Fish and Wildlife (CDFW) reviewed the Notice of Preparation (NOP) of a Draft Environmental Impact Report (DEIR) from the County of Santa Barbara (County; Lead Agency) for the Santa Maria River Levee Trail 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.

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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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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 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:** County of Santa Barbara

**Objective:** The objective of the Project is to implement design improvements to a 6.7-mile-long segment of the existing 17-mile levee of the Santa Maria River Levee System. Currently, the levee trail system connects the City of Santa Maria to the City of Guadalupe. The Project proposes an alternate connection at the Guadalupe access point which would connect 12<sup>th</sup> Street to State Route 1 by extending the trail underneath the existing railroad crossing. The alternate connection would increase accessibility for pedestrians and bicyclists compared to the alternate State Route 166 which is heavily used by automotive vehicles. There is also consideration for a crossing point at Bonita School Road and a connection to a new bridge to be constructed over the river to improve public access to the trail system.

**Location:** The Project area is a 6.7-mile-long segment and 16.3 acres entirely within an unincorporated area of the County of Santa Barbara. The Project area is south of the Santa Maria River which creates a border between San Luis Obispo County in the north and Santa Barbara County in the south. State Route 1 and the City of Guadalupe is west of the Project area and the maintained portion of the levee trail is in the northern limits of the City of Santa Maria on North Blosser Road.

**Biological Setting:** The levee is about 16-18 ft wide, flat graded, and consists of mostly loose gravel along the south side of the Santa Maria River. The Project area is bisected by Bonita School Road which connects the two counties via a north-south oriented bridge. The Project area lies on multiple parcels that are owned by private landowners or by Santa Barbara County. The proposed trail has an ending point at North Blosser Road in Santa Maria and Peralta Road in Guadalupe.

The area south of the Project area lies active and historical agricultural land. The north area is primarily grasslands with herbaceous features near the river and levee trail. Based on aerial imagery, the Guadalupe end point on the western side of the project

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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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consists of open, unpaved lots that hold freight vehicles. The alternate connection through 12<sup>th</sup> St in Guadalupe includes railroad tracks parallel to State Route 1. The eastern end on North Blosser Road in Santa Maria is residential land. CDFW is concerned that the Project may impact the following special-species wildlife species: blushing layia (*Layia erubescens*; California Rare Plant Rank (CRPR) 1B.2), Crotch's bumble bee (*Bombus crotchii*; CESA candidate species), La Graciosa thistle (*Cirsium scariosum* var. *loncholepis*; CESA listed-threatened, Endangered Species Act (ESA) listed-endangered, CRPR 1B.1), Nipomo Mesa ceanothus (*Ceanothus impressus* var. *nipmensis*; CRPR 1B.2), Monarch – California overwintering population (*Danaus plexippus plexippus*; ESA candidate species), California red-legged frog (*Rana draytonii*; ESA listed-threatened, California Species of Special Concern (SSC)), western spadefoot (*Spea hammondi*; ESA proposed threatened, SSC), coast horned lizard (*Phrynosoma blainvillii*; SSC), western pond turtle (*Emys marmorata*; ESA proposed threatened, SSC), Swainson's hawk (*Buteo swainsoni*; CESA listed-threatened), and nesting birds. No mitigation is proposed in the NOP for this Project.

## COMMENTS AND RECOMMENDATIONS

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

### Specific Comments

- 1) Swainson's Hawk. A Swainson's hawk historical observation was recorded through [California Natural Diversity Database](#) (CNDDDB) on the western portion of the Project area in the City of Guadalupe. To ensure that Swainson's hawk does not currently occupy the Project area, CDFW recommends that the County retain a qualified biologist to conduct focused surveys for Swainson's hawk. The focused surveys should be conducted prior to the preparation of the Project's environmental document. According to the [Swainson's Hawk Survey Protocols, Impact Avoidance, and Minimization Measures for Renewable Energy Projects in the Antelope Valley of Los Angeles and Kern Counties, California](#) (CEC 2010), a qualified biologist should conduct surveys in a manner that maximizes the potential to observe the adult Swainson's hawks and the nest/chicks via visual and audible cues within a five-mile radius of the project. All potential nest trees within the five-mile radius shall be surveyed for presence of nests. Surveys should be repeated within the 5- mile radius if a survey season ensues or elapses before the onset of project related activities. If construction begins mid-survey season the year after the initial surveys, then the surveys should continue for that part of the season before construction. Findings and potential impacts should be included in the DEIR. If the Project would impact Swainson's hawk, directly or indirectly, the DEIR should provide measures to minimize, and/or mitigate potential impacts to Swainson's hawk as well as habitat supporting the species.

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If “take” of Swainson’s hawk would occur from Project construction or operation, the Project proponent should obtain CESA authorization (i.e., Incidental Take Permit (ITP)). CDFW may consider the City’s CEQA documentation for its CESA-related actions if it adequately analyzes/discloses impacts and mitigation to CESA-listed species. Additional documentation may be required as part of an ITP application for the Project in order for CDFW to adequately develop an accurate take analysis and identify measures that would fully mitigate for take of CESA-listed species.

- 2) Crotch’s Bumble Bee. Crotch’s bumble bee is a generalist bee species that can utilize a variety of habitats including open areas and desert scrub communities for nesting and foraging opportunities. According to CNDDDB, Crotch’s bumble bee has been observed within two miles of the Project area (CDFW 2024a). Additionally, the Project area falls within the current range for Crotch’s bumble bee based on CDFW’s [Crotch’s Bumble Bee Range Dataset](#) (CDFW 2024b). Focused surveys should be conducted to determine Crotch’s bumble bee presence/absence within the Project area. Without a focused survey, Project activities could result in permanent loss of floral resources and nesting sites, nest abandonment, and/or direct injury or mortality of Crotch’s bumble bee.

In preparation of the DEIR, CDFW recommends the County retain a qualified biologist with the appropriate handling permits to conduct focused surveys. Focused surveys should follow CDFW’s [Survey Considerations for California Endangered Species Act Candidate Bumble Bee Species](#) (CDFW 2023). Focused surveys should also be conducted throughout the entire Project area during the appropriate flying season to ensure no missed detection of Crotch’s bumble bee occurs. Findings from the focused survey should be included in the DEIR for complete public disclosure and review.

The DEIR should also provide a discussion of habitat suitability for Crotch’s bumble bee. Additionally, the DEIR should provide a discussion of the Project’s potential direct and indirect impacts on Crotch’s bumble bee. If the Project would impact Crotch’s bumble bee, the DEIR should provide measures to minimize, and/or mitigate potential impacts to Crotch’s bumble bee as well as habitat supporting the species. Coordination with CDFW is recommended and may include obtaining appropriate take authorization under CESA.

Appropriate authorization from CDFW may include an ITP or a consistency determination in certain circumstances, among other options [Fish & G. Code, §§ 2080.1, 2081, subds. (b) and (c)]. Early consultation is encouraged, as significant modification to a Project and mitigation measures may be required to obtain a CESA Permit. Revisions to the Fish and Game Code, effective January 1998, may require that CDFW issue a separate CEQA document for the issuance of an ITP unless the Project CEQA document addresses all Project impacts to CESA-listed species and specifies a mitigation monitoring and reporting program that will meet the requirements of an ITP. For these reasons, biological mitigation monitoring and

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reporting proposals should be of sufficient detail and resolution to satisfy the requirements of a CESA ITP.

- 3) California Red-legged Frog. California red-legged frog (CRF) had multiple observations through CNDDDB less than a mile from the Project area. Project activities may result in death or injury of adults, juveniles, eggs, or hatchlings. Moreover, buildout of the Project may eliminate foraging, breeding, or nesting habitat and refugia. In preparation of the DEIR, CDFW recommends that the County thoroughly discuss the potential impacts. To ensure that CRF do not currently occupy the Project area, CDFW recommends that the County retain a qualified biologist to conduct focused surveys for CRF. The focused surveys should be conducted prior to the preparation of the Project's environmental document. A qualified biologist should survey CRF adhering to survey methods described in [Revised Guidance on Site Assessment and Field Surveys for the California Red-legged Frog](#) (CDFW 2005). Surveys may begin anytime during January and should be completed by the end of September. Multiple survey visits conducted throughout the survey-year (January through September) increase the likelihood of detecting the various life stages of the CRF. The County should also incorporate suitable mitigation measures to offset the impacts on sensitive amphibian species and their habitats.
- 4) Rare Plants. According to CNDDDB, blushing layia, La Graciosa thistle, and Nipomo Mesa ceanothus were observed less than two miles from the Project area and is presumed extant. Project activities, such as landscaping, vegetation removal, and the implementation of staging areas, may have impacts to plant species with a CRPR 1B.1 and 1B.2 and should be analyzed in the DEIR as they meet the definition of endangered, rare, or threatened species (CEQA Guidelines, § 15380). CDFW recommends that the County provides full disclosure of the Project's impact on rare plants and their associated seedbank. CDFW also recommends the County incorporate measures in the DEIR that avoid, minimize, and mitigate potential impacts on rare plants and supporting habitat. The County should also retain a qualified biologist with the appropriate handling permits to conduct a rare plant survey throughout the Project area to confirm presence/absence of rare plants. Surveys should adhere to CDFW's [Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities](#) (CDFW 2018). Findings of the rare plant survey should be disclosed in the DEIR.
- 5) Lake and Streambed Alteration. Project activities, such as grading, may occur within the Santa Maria River when constructing a new bridge over the river at Bonita School Road. Manipulation of the levee may also be subject to a Lake and Streambed Agreement if it occurs during Project activities. CDFW recommends the County obtain a Lake and Streambed Alteration Agreement prior to the start of Project activities. The DEIR should discuss any impacts associated with potential construction of a bridge across the river, manipulation of the levee, erosion, impacts to channelized drainages, and alterations to existing drainage patterns. The DEIR

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should discuss the Project's impact on the streams, include a stream delineation and evaluation of impacts.

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. As a Responsible Agency under CEQA, CDFW has authority over activities in streams and/or lakes that will divert or obstruct the natural flow, or change the bed, channel, or bank (including vegetation associated with the stream or lake) of a river or stream or use material from a streambed. For any such activities, the Project proponent (or "entity") must notify CDFW. Accordingly, because the Project would impact streams, the DEIR should include measures that require the Project proponent to notify CDFW pursuant to Fish and Game Code section 1602 prior to starting activities. Please visit CDFW's [Lake and Streambed Alteration Program](#) webpage for more information (CDFW 2024c).

- 6) Monarchs. Monarchs have been historically documented along the eastern segment of the Project area. This area also serves as part of CDFW's [Monarch Areas on Conservation Emphasis](#) (CDFW 2024d) in the [Terrestrial Significant Habitats](#) dataset (CDFW 2020). Tree trimming and vegetation removal may directly impact any monarch butterflies overwintering in the Project area. Additionally, noise from construction activities may disturb overwintering roosts. The DEIR should evaluate the Project's potential direct, indirect, and cumulative impacts on monarchs and overwintering habitat during the construction and operational phase of the Project.

CDFW recommends the County retain a qualified biologist to assess the Project area for monarchs and overwintering habitat. A qualified biologist should conduct multiple surveys for overwintering monarchs where potential overwintering habitat has been identified. Monitoring should be done as frequently as possible during the overwintering season (typically September 15 through March 11) to capture changing distributions through the season and in response to storm events. Findings should be incorporated in the DEIR for public review.

If the Project would have impacts on monarchs, the DEIR should include measures to first avoid and minimize impacts on monarchs and overwintering habitat. If the Project would result in loss of overwintering habitat, CDFW recommends the County provide compensatory mitigation so that there is no net loss of overwintering habitat. Mitigation for monarchs should be developed in consultation with USFWS. CDFW recommends the County also consult the following resources to develop appropriate measures to mitigate the Project's potential impacts on monarchs.

- [Western Monarch Butterfly Conservation Plan](#) (WAFWA 2019);
- [Overwintering Site Management and Protection](#) (Western Monarch Count 2022);
- [Protecting California's Butterfly Groves](#) (Xerces Society 2017);
- [Managing Monarch Habitat in the West](#) (Xerces Society 2024a);



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- [Pollinator-Friendly Native Plant Lists](#) (Xerces Society 2024b); and,
- CDFW's [Monarch Butterfly](#) webpage (CDFW 2024e).

Given the candidate listing under the ESA, we also recommend the County scope the impacts to this species and possible mitigation options with the USFWS.

- 7) SSC Reptiles. According to CNDDDB, coast horned lizard was observed less than half-mile from the Project area. The Project area consists of grassland habitat and asphalt roads which provide suitable habitat for coast horned lizard (California Herps 2024). Additionally, the [Western Pond Turtle Predicted Habitat](#) dataset shows a high likelihood of western pond turtle occurring along the Santa Maria River and Project area (CDFW 2024f). Project activities may result in death or injury of adults, juveniles, eggs, or hatchlings. Moreover, buildout of the Project may eliminate foraging, breeding, or nesting habitat and refugia for this SSC. In preparation of the DEIR, CDFW recommends that the County thoroughly discuss the potential impacts to these SSC.

CDFW recommends that the County retain a qualified biologist to conduct a general survey with a focus on SSC species. Additionally, the County should retain a qualified biologist to conduct focused surveys for western pond turtles. The focused surveys should be conducted prior to circulation of the DEIR. A qualified biologist should survey western pond turtle adhering to survey methods described in [Draft USGS Western Pond Turtle \(\*Emys marmorata\*\) Visual Survey Protocol for the Southcoast Ecoregion](#) (USGS 2006). Surveys for western pond turtles should be conducted during the time of greatest pond turtle activity, typically during the breeding season (May - July), and when pond turtles have not left the water to aestivate or overwinter in the uplands.

The County should also incorporate suitable mitigation measures to offset the impacts on sensitive reptile species and their habitats. It should be noted that the temporary relocation of wildlife does not constitute effective mitigation for the purpose of offsetting permanent Project impacts associated with habitat loss.

- 8) Nesting Birds. The vegetation within the Project area provides suitable habitat for nesting birds. Implementation of the Project during bird breeding and nesting season may result in the incidental loss of fertile eggs or nestlings, or otherwise lead to nest abandonment. CDFW recommends the County provide a discussion of the Project's impact on nesting birds and raptors. Additionally, the County should incorporate measures in the DEIR to fully avoid impacts on nesting birds.

The California Fish and Game Code (Sections 3503, 3503.5, and 3513), prohibit take of all birds and their active nests, including raptors and other migratory nongame birds as listed under the Federal Migratory Bird Treaty Act of 1918 (Code of Federal Regulations, Title 50, § 10.13). It is unlawful to take, possess, or needlessly destroy the nest or eggs of any nesting bird.

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To avoid impacts to nesting birds, CDFW recommends that clearing of vegetation occur outside of the peak avian breeding season, which generally runs from February 1 through September 1 (as early as January 1 for some raptors). If Project construction is necessary during the bird breeding season, a qualified biologist with experience in conducting breeding bird surveys should conduct weekly bird surveys for nesting birds, within three days prior to work in the area, and ensure no nesting birds in the Project area would be impacted by the Project. If an active nest is identified, a buffer shall be established between the construction activities and the nest so that nesting activities are not interrupted. For the given Project site, CDFW generally recommends a 100-foot buffer from common avian species, 300 feet for listed or highly sensitive, and 500 feet for raptors. The buffer should be delineated by temporary fencing and remain in effect as long as construction is occurring. No Project construction shall occur within the fenced nest zone until the young have fledged, are no longer being fed by the parents, have left the nest, and will no longer be impacted by the project. Reductions in the nest buffer distance may be appropriate depending on the avian species involved, ambient levels of human activity, screening vegetation, or possibly other factors.

- 9) Lighting. The Project proposes the implementation of security lighting along the trail. Artificial night lighting can affect plants and wildlife through attraction and disorientation, loss of connectivity, interference with pollination and foraging, and disruption of circadian rhythms and lunar and seasonal cycles (Barrientos et al. 2023). CDFW recommends the DEIR evaluate lighting impacts, especially nighttime lighting, on wildlife species and biological resources within the Project area during the construction and operational phases. CDFW also recommends the County prepare a lighting plan that discusses the criteria used in selecting the types of light fixtures, a schedule detailing the hours various lights will be on, and steps taken by the County to minimize adverse effects on wildlife species. Methods for minimizing adverse effects of artificial night lighting include lighting only where light is necessary, turning lights off when they are not in use (e.g., motion detector), only using as much light as is needed, directing the light only where it is needed, and using the lowest possible correlated color temperature for the goal of the lighting.
- 10) Wildlife Friendly Fencing. The Project proposes fencing installation within the Project area. Fencing could obstruct wildlife movement and result in wildlife injury or mortality due to impalement and entanglement (e.g., chain link fencing). If the Project includes temporary and/or permanent fencing, CDFW recommends the County provide wildlife friendly fencing designs. Fencing designs should be disclosed and evaluated in the DEIR for potential impacts on biological. The DEIR should discuss how fencing proposed for the Project would minimize impacts on biological resources, specifically wildlife movement. CDFW supports the use of wildlife-friendly fencing. Wildlife-friendly fencing should be used and strategically placed in areas of high biological resource value to protect biological resources, habitat, and wildlife movement. CDFW recommends [A Landowner's Guide to Wildlife Friendly Fences](#) for information wildlife-friendly fences (MFWP 2012).



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- 11) Landscaping. CDFW recommends the County provide a native plant palette for the Project. The Project's landscaping plan should be disclosed and evaluated in the DEIR for potential impacts on biological resources such as natural communities adjacent to the Project area (e.g., introducing non-native, invasive species). CDFW strongly recommends avoiding non-native, invasive species for landscaping and restoration, particularly any species listed as 'Moderate' or 'High' by the [California Invasive Plant Council](#) (Cal-IPC 2024). CDFW supports the use of native species found in naturally occurring plant communities within or adjacent to the Project area. In addition, CDFW supports planting species of trees and understory vegetation (e.g., ground cover, subshrubs, and shrubs) that create habitat and provide a food source for birds. CDFW recommends retaining any standing, dead, or dying tree (snags) where possible because snags provide perching and nesting habitat for birds and raptors. Finally, CDFW supports planting species of vegetation with high insect and pollinator value.

### **General Comments**

- 1) Disclosure. The DEIR should provide an adequate, complete, and detailed disclosure about the effects which a proposed project is likely to have on the environment (Pub. Resources Code, § 20161; CEQA Guidelines, § 15151). Such disclosure is necessary so CDFW may provide comments on the adequacy of proposed avoidance, minimization, or mitigation measures, as well as assess the significance of the specific impact relative to plant and wildlife species impacted (e.g., current range, distribution, population trends, and connectivity).
- 2) Project Description and Alternatives. To enable adequate review and comment on the proposed Project from the standpoint of the protection of fish, wildlife, and plants, CDFW recommends the following information be included in the DEIR:
  - a. A complete discussion of the purpose and need for, and description of the proposed Project;
  - b. A range of feasible alternatives to the Project location to avoid or otherwise minimize direct and indirect impacts on sensitive biological resources and wildlife movement areas. CDFW recommends the County select Project designs and alternatives that would avoid or otherwise minimize direct and indirect impacts on biological resources. CDFW also recommends the County consider establishing appropriate setbacks from sensitive and special status biological resources. Setbacks should not be impacted by ground disturbance or hydrological changes from any future Project-related construction, activities, maintenance, and development. As a general rule, CDFW recommends reducing or clustering a development footprint to retain unobstructed spaces for vegetation and wildlife and provide connections for wildlife between properties and minimize obstacles to open space.

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Project alternatives should be thoroughly evaluated, even if an alternative would impede, to some degree, the attainment of the Project objectives or would be more costly (CEQA Guidelines, § 15126.6). The DEIR shall include sufficient information about each alternative to allow meaningful evaluation, public participation, analysis, and comparison with the proposed Project (CEQA Guidelines, § 15126.6).

- c. Where the Project may impact aquatic and riparian resources, CDFW recommends the County select Project designs and alternatives that would fully avoid impacts to such resources. CDFW also recommends an alternative that would not impede, alter, or otherwise modify existing surface flow, watercourse and meander, and water-dependent ecosystems and natural communities. Project designs should consider elevated crossings to avoid channelizing or narrowing of watercourses. Any modifications to a river, creek, or stream may cause or magnify upstream bank erosion, channel incision, and drop in water level, which may cause the watercourse to alter its course of flow.
- 3) Biological Baseline Assessment. An adequate biological resources assessment should provide a complete assessment and impact analysis of the flora and fauna within and adjacent to the Project site and where the Project may result in ground disturbance. The assessment and analysis should place emphasis on identifying endangered, threatened, rare, and sensitive species; regionally and locally unique species; and sensitive habitats. An impact analysis will aid in determining the Project's potential direct, indirect, and cumulative biological impacts, as well as specific mitigation or avoidance measures necessary to offset those impacts. CDFW also considers impacts to Species of Special Concern (SSC) a significant direct and cumulative adverse effect without implementing appropriate avoidance and/or mitigation measures. The DEIR should include the following information:
- a. Information on the regional setting that is critical to an assessment of environmental impacts, with special emphasis on resources that are rare or unique to the region (CEQA Guidelines, § 15125(c)). The DEIR should include measures to fully avoid and otherwise protect 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. These ranks can be obtained by visiting the [Vegetation Classification and Mapping Program - Natural Communities](https://wildlife.ca.gov/Data/VegCAMP/Natural-Communities) webpage<sup>3</sup>.
  - b. A thorough, recent, floristic-based assessment of special status plants and natural communities following CDFW's *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural*

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<sup>3</sup> <https://wildlife.ca.gov/Data/VegCAMP/Natural-Communities>

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*Communities*<sup>4</sup>. Botanical field surveys should be comprehensive over the entire Project site, including areas that will be directly or indirectly impacted by the Project. Adjoining properties should also be surveyed where direct or indirect Project effects could occur, such as those from fuel modification, herbicide application, invasive species, and altered hydrology. Botanical field surveys should be conducted in the field at the times of year when plants will be both evident and identifiable. Usually, this is during flowering or fruiting. Botanical field survey visits should be spaced throughout the growing season to accurately determine what plants exist in the Project site. This usually involves multiple visits to the Project site (e.g., in early, mid, and late season) to capture the floristic diversity at a level necessary to determine if special status plants are present.

- c. Floristic alliance- and/or association-based mapping and vegetation impact assessments conducted in the Project site and within adjacent areas. The Manual of California Vegetation, second edition, (Sawyer, Keeler-Wolf, & Evens, 2009) should also be used to inform this mapping and assessment. Adjoining habitat areas should be included in this assessment where the Project's construction and activities could lead to direct or indirect impacts offsite.
- d. A complete and recent assessment of the biological resources associated with each habitat type in the Project site and within adjacent areas. A full literature review includes but is not limited to CDFW's California Natural Diversity Database<sup>5</sup> (CNDDDB). The CNDDDB should be accessed to obtain current information on any previously reported sensitive species and habitat. An assessment should include a minimum nine-quadrangle search of the CNDDDB to determine a list of species potentially present in the Project site. A nine-quadrangle search should be provided in the Project's CEQA document for adequate disclosure of the Project's potential impact on biological resources.
- e. A complete, recent, assessment of endangered, rare, or threatened species and other sensitive species within the Project site and adjacent areas, including SSC and California Fully Protected Species (Fish & G. Code, §§ 3511, 4700, 5050, and 5515). Species to be addressed should include all those which meet the CEQA definition of endangered, rare, or threatened species (CEQA Guidelines, § 15380). Seasonal variations in use of the Project site should also be addressed such as wintering, roosting, nesting, and foraging habitat. Focused species-specific surveys, conducted at the appropriate time of year and time of day when the sensitive species are active or otherwise identifiable, may be required if suitable habitat is present. See CDFW's Survey and Monitoring Protocols and Guidelines<sup>6</sup> for established survey protocol. Acceptable species-specific survey procedures may be developed in consultation with CDFW and USFWS.

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<sup>4</sup> <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=18959&inline>

<sup>5</sup> <https://wildlife.ca.gov/Data/CNDDDB>

<sup>6</sup> <https://wildlife.ca.gov/conservation/survey-protocols>

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- f. A recent wildlife and rare plant survey. A lack of records in the CNDDDB does not mean that rare, threatened, or endangered plants and wildlife do not occur. Field verification for the presence or absence of sensitive species is necessary to provide a complete biological assessment for adequate CEQA review (CEQA Guidelines, § 15003(i)). CDFW generally considers biological field assessments for wildlife to be valid for a one-year period, and assessments for rare plants may be considered valid for a period of up to three years. Some aspects of the proposed Project may warrant periodic updated surveys for certain sensitive taxa, particularly if Project implementation build out could occur over a protracted time frame or in phases.

4) Direct and Indirect Impacts on Biological Resources. The DEIR should provide a thorough discussion of direct and indirect impacts expected to affect biological resources with specific measures to offset such impacts. The DEIR should address the following:

- a. A discussion of potential impacts from lighting, noise, temporary and permanent human activity, and exotic species, and identification of any mitigation measures. A discussion regarding Project-related indirect impacts on biological resources. These include resources in nearby public lands, open space, adjacent natural habitats, riparian ecosystems, and any designated and/or proposed or existing reserve lands (e.g., preserve lands associated with a Natural Community Conservation Plan (Fish & G. Code, § 2800 et. seq.)).
  - a. A discussion of both the short-term and long-term effects of the Project on species population distribution and concentration, as well as alterations of the ecosystem supporting those species impacted (CEQA Guidelines, § 15126.2(a));
  - b. Impacts on, and maintenance of, wildlife corridor/movement areas, including access to undisturbed habitats in areas adjacent to the Project, should be fully analyzed and discussed in the DEIR;
- b. A discussion of post-Project fate of drainage patterns, surface flows, and soil erosion and/or sedimentation in streams and water bodies. The discussion should also address the potential water extraction activities and the potential resulting impacts on habitat supported by the groundwater. Measures to mitigate such impacts should be included; and
- c. An analysis of impacts from proposed changes to land use designations and zoning, and existing land use designation and zoning located nearby or adjacent to natural areas that may inadvertently contribute to wildlife-human interactions. A discussion of possible conflicts and mitigation measures to reduce these conflicts should be included in the DEIR.

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- 5) Cumulative Impact. Cumulative impacts on biological resources can result from collectively significant projects which are individually insignificant. The Project, when considered collectively with prior, concurrent, and probable future projects, may have a significant cumulative effect on biological resources. The Project may have the potential to substantially reduce the number or restrict the range of endangered, rare, or threatened species. Species that may be impacted by the Project include, but are not limited to, the biological resources described in this letter.

Accordingly, CDFW recommends the DEIR evaluate the Project's potential cumulative impacts on biological resources. The Project may have a "significant effect on the environment" if the possible effects of the Project are individually limited but cumulatively considerable. "Cumulatively considerable" means that the incremental effects of an individual project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects (Pub. Resources Code, § 21083(b)). The County's conclusions regarding the significance of the Project's cumulative impact should be justified and supported by evidence to make those conclusions. Specifically, if the County concludes that the Project would not result in cumulative impacts on biological resources, the County, "shall identify facts and analysis supporting the Lead Agency's conclusion that the cumulative impact is less than significant" (CEQA Guidelines section § 15130(a)(2)).

- 6) Mitigation Measures. Public agencies have a duty under CEQA to prevent significant, avoidable damage to the environment by requiring changes in a project through the use of feasible alternatives or mitigation measures (CEQA Guidelines, §§ 15002(a)(3), 15021). Pursuant to CEQA Guidelines section 15126.4, an environmental document shall describe feasible measures which could mitigate impacts below a significant level under CEQA. Mitigation measures must be feasible, effective, implementable, and fully enforceable/imposed by the lead agency through permit conditions, agreements, or other legally binding instruments (Pub. Resources Code, § 21081.6(b); CEQA Guidelines, § 15126.4).
- a. Specific and Detailed. The DEIR should provide mitigation measures that are specific and detailed (i.e., responsible party, timing, specific actions, location) in order for a mitigation measure to be fully enforceable and implemented successfully via a mitigation monitoring and/or reporting program (Pub. Resources Code, § 21081.6; CEQA Guidelines, § 15097).
- b. Disclosure of Impacts. If a proposed mitigation measure would cause one or more significant effects, in addition to impacts caused by the proposed Project, the DEIR should include a discussion of the effects of proposed mitigation measures (CEQA Guidelines, § 15126.4(a)(1)). In that regard, the DEIR should provide an adequate, complete, and detailed disclosure about the Project's proposed mitigation measure(s). Adequate disclosure is necessary so CDFW may assess the potential impacts of proposed mitigation measures.

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- 7) Compensatory Mitigation. The DEIR should include compensatory mitigation measures for the Project's significant impacts (direct and/or through habitat modification) to sensitive and special status plants, animals, and habitats. Mitigation measures should emphasize avoidance and minimization of Project-related impacts. For unavoidable impacts, on-site habitat restoration or enhancement should be discussed in detail. If on-site mitigation is not feasible or would not be biologically viable and therefore inadequate to mitigate the loss of biological functions and values, off-site mitigation through habitat creation and/or acquisition and preservation in perpetuity should be addressed. Areas proposed as mitigation lands should be protected in perpetuity with a conservation easement and financial assurance and dedicated to a qualified entity for long-term management and monitoring.
- 8) Long-term Management of Mitigation Lands. For proposed preservation and/or restoration, the DEIR should include measures to protect the targeted habitat values in perpetuity. The mitigation should offset Project-induced qualitative and quantitative losses of biological resources. Issues that should be addressed include (but are not limited to) restrictions on access, proposed land dedications, monitoring and management programs, control of illegal dumping, water pollution, and increased human intrusion. An appropriate endowment should be set aside to provide for long-term management of mitigation lands.
- 9) Translocation/Salvage of Plants and Animal Species. Translocation and transplantation is the process of removing plants and wildlife from one location and permanently moving it to a new location. CDFW generally does not support the use of translocation or transplantation as the primary mitigation strategy for unavoidable impacts to endangered, rare, or threatened plants and animals. These efforts are experimental, and the outcome is unreliable. CDFW has found that permanent preservation and management of habitat capable of supporting these species is often a more effective long-term strategy for conserving plants and animals and their habitats.
- 10) Scientific Collecting Permit. A scientific collecting permit would be necessary if there is a plan to capture and relocate wildlife. Pursuant to the California Code of Regulations, title 14, section 650, qualified biologist(s) must obtain appropriate handling permits to capture, temporarily possess, and relocate wildlife to avoid harm or mortality in connection with Project-related 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). 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). For more information, please see CDFW's Scientific Collecting Permit webpage 7.



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- 11) Wetland Resources. CDFW, as described in Fish and Game Code section 703(a), is guided by the [Fish and Game Commission's \(Commission\) policies](#)<sup>7</sup>. Through its Wetlands Resources policy, the Commission "...seek[s] to provide for the protection, preservation, restoration, enhancement, and expansion of wetland habitat in California" (California Fish and Game Commission, 2024). It is the policy of the Fish and Game Commission to strongly discourage development in or conversion of wetlands. It opposes, consistent with its legal authority, any development or conversion that would result in a reduction of wetland acreage or wetland habitat values. To that end, the Commission opposes wetland development proposals unless, at a minimum, project mitigation assures there will be 'no net loss' of either wetland habitat values or acreage. The Commission strongly prefers mitigation which would achieve expansion of wetland acreage and enhancement of wetland habitat values."
- a. The Wetlands Resources policy provides a framework for maintaining wetland resources and establishes mitigation guidance. CDFW encourages avoidance of wetland resources as a primary mitigation measure and discourages the development or type conversion of wetlands to uplands. CDFW encourages activities that would avoid the reduction of wetland acreage, function, or habitat values. Once avoidance and minimization measures have been exhausted, a project should include mitigation measures to assure a "no net loss" of either wetland habitat values, or acreage, for unavoidable impacts to wetland resources. Conversions include, but are not limited to, conversion to subsurface drains, placement of fill or building of structures within the wetland, and channelization or removal of materials from the streambed. All wetlands and watercourses, whether ephemeral, intermittent, or perennial, should be retained and provided with substantial setbacks, which preserve the riparian and aquatic values and functions benefiting local and transient wildlife populations. CDFW recommends mitigation measures to compensate for unavoidable impacts be included in the DEIR and these measures should compensate for the loss of function and value.
  - b. The Fish and Game Commission's Water policy guides CDFW on the quantity and quality of the waters of this State that should be apportioned and maintained respectively so as to produce and sustain maximum numbers of fish and wildlife; to provide maximum protection and enhancement of fish and wildlife and their habitat; encourage and support programs to maintain or restore a high quality of the waters of this State; prevent the degradation thereof caused by pollution and contamination; and, endeavor to keep as much water as possible open and accessible to the public for the use and enjoyment of fish and wildlife. CDFW recommends avoidance of water practices and structures that use excessive amounts of water, and minimization of impacts that negatively affect water quality, to the extent feasible (Fish & G. Code, § 5650).

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<sup>7</sup> <https://fgc.ca.gov/About/Policies/Miscellaneous>

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## 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 CNDDDB. The [CNDDDB website](#)<sup>8</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>9</sup>.

The County of Santa Barbara 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 filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required in order for the underlying project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089.)

## CONCLUSION

CDFW appreciates the opportunity to comment on the NOP to assist the County of Santa Barbara in identifying and mitigating Project impacts on biological resources.

Questions regarding this letter or further coordination should be directed to Joleena De La Fe, Environmental Scientist at (858) 354-3527 or [Joleena.Delafe@wildlife.ca.gov](mailto:Joleena.Delafe@wildlife.ca.gov).

Sincerely,

DocuSigned by:  
  
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Victoria Tang  
Environmental Program Manager  
South Coast Region

<sup>8</sup> <https://wildlife.ca.gov/Data/CNDDDB>

<sup>9</sup> <https://wildlife.ca.gov/Data/VegCAMP/Natural-Communities/Submit>

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