



State of California – Natural Resources Agency

DEPARTMENT OF FISH AND WILDLIFE

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April 25, 2022

Mary Chang
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**Subject: Comments on the Final EIR Heritage Ridge Residential Project,
 SCH #2015041014, Santa Barbara County**

Dear Ms. Chang:

The California Department of Fish and Wildlife (CDFW) has reviewed a Final Environmental Impact Report (FEIR) from the City of Goleta (City; Lead Agency) for the Heritage Ridge Residential Project (Project). The City is the Lead Agency. CDFW submitted comments on a Draft Environmental Impact Report (DEIR) for the Project on June 28, 2021. CDFW provided comments and recommendations to assist the City in mitigating the Project's potential impacts on wildlife corridor passage, special status plants; aquatic and riparian resources; native plant communities; California Species of Special Concern; and avoiding the fully protected white-tailed kite. CDFW appreciates that the City reviewed and responded to our comments and recommendations.

After reviewing the FEIR and responses to our comments, CDFW is concerned that the FEIR does not adequately avoid, minimize, and/or mitigate Project impacts to biological resources. We appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code. Thank you for the opportunity to review the FEIR, and we request that the City consider our additional comments prior to approving the FEIR.

CDFW's Role

CDFW is California's Trustee Agency for fish and wildlife resources and holds those resources in trust by statute for all the people of the State [Fish & Game Code, §§ 711.7, subdivision (a) & 1802; Public Resources Code, § 21070; 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.

CDFW is also submitting comments as a Responsible Agency under CEQA (Public Resources Code, § 21069; CEQA Guidelines, § 15381). CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code, including lake and streambed alteration regulatory authority (Fish & Game Code, § 1600 *et seq.*). Likewise, to the extent

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implementation of the Project as proposed may result in “take” (see Fish & Game Code, § 2050) of any species protected under the California Endangered Species Act (CESA; Fish & Game Code, § 2050 *et seq.*) or the Native Plant Protection Act (NPPA; Fish & Game Code, § 1900 *et seq.*), CDFW recommends the Project proponent obtain appropriate authorization under the Fish and Game Code.

Project Location: The Project is located north of Camino Vista and east of South Los Carneros Road in the City of Goleta, in Santa Barbara County. Union Pacific Railroad tracks are located approximately 50 feet from the site’s northern property line. United States Highway 101 southbound freeway on-ramp from South Los Carneros Road is immediately north of the railroad tracks, Calle Koral and South Los Carneros Road are located west of the Project site.

Project Description/Objectives: The Heritage Ridge Residential Project involves a Vesting Tentative Map to merge 13 existing lots into three-lots for residential use and one lot for a two-acre public park. A Development Plan is proposed for 332 residential apartment units in ten buildings, as well as two recreational buildings. The Project also includes an amendment to the General Plan that would revise Figure 3-5 of the Open Space Element and Figure 4-1 of the Conservation Element to remove an Environmentally Sensitive Habitat Area designation of Coastal Sage Scrub that does not occur on the property.

COMMENTS AND RECOMMENDATIONS

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

Comment 1: Wildlife Movement

Issue: CDFW is concerned the proposed 25-40-foot-wide wildlife movement corridor is not adequate in size to minimize and mitigate impacts to a known wildlife movement corridor.

Why Impact Would Occur: The DEIR study found evidence of a wildlife linkage between the Santa Ynez Mountain foothills and the Los Carneros Wetlands through the Heritage Ridge Project site. The Los Carneros Wetland is a locally important property that includes freshwater-to-estuarine transitional habitat at the northern edge of the Goleta Slough. This on-site wildlife linkage is important for small- (raccoon, striped skunk) and medium- (coyote and bobcat) sized mammal species that use the wetlands and foothills to hunt, seek shelter, breed, and conduct other normal behaviors important for their survival, especially within the wilderness-urban interface. The current site starts at 1,000 feet wide at the northern boundary and narrows to 400 feet at the southern boundary. CDFW is concerned that 25-40 feet is not adequate to ensure the continued, unimpacted use of this corridor by the species the DEIR identifies as currently relying on it.

Evidence impact would be significant: The Los Carneros Wetland is upstream from and connected to the Goleta Slough through a small culvert traversing north-south beneath Hollister Road. The DEIR mentions a 25-40-foot-wide wildlife movement corridor will be left between a sound wall and S. Los Carneros Road to allow for movement of mammals and other wildlife species between the Santa Ynez Mountain foothills and Los Carneros Wetland to the south.

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The Project site is the only undeveloped site in the immediate area and the only north/south wildlife corridor between the Los Carneros Wetlands and two creeks to the Goleta Slough. Poorly designed corridors can act as populations sinks, because the large amount of edge exposes animals to predation from matrix dwellers and competition from generalist species (Hess and Fischer, 2001).

CDFW is concerned this current design of a 25-foot-wide corridor between a sound wall and a road will result in increased death. The functional width of usable linkages should be described and maintained outside of the zone of influence of edge effect. The scientifically accepted minimum width for a functioning wildlife linkage is 1000 feet from any human disturbance or uses, including edge effects (Monica, 2003). The effective corridor width is the minimum spatial dimension needed to mitigate human influence on animal movement through the corridor (Ford et al., 2020). The current site starts at 1,000 feet wide at the northern boundary and narrows to 400 feet at the southern boundary. CDFW is concerned that 25-40 feet is not adequate to ensure the continued, unimpacted use of this corridor by the species the DEIR identifies as currently relying on it.

Roads create noise and vibration that interfere with ability of reptiles, birds, and mammals to communicate, detect prey, or avoid predators. Some reptiles sense ground-transmitted vibrations through their jaw (Heatherington, 2005) and are repelled even from low-speed 2-lane roads, resulting in reduced species richness (Findlay and Houlihan, 1997). Increased numbers of dogs, cats, and other pets can act as subsidized predators, killing millions of wild animals each year (Courchamp and Sugihara, 1999) (May and Norton, 1996). Artificial night lighting, which can impair the ability of nocturnal animals to navigate through a corridor (Beier, 2006) and has been implicated in decline of reptile populations (Perry and Fisher, 2006). CDFW is concerned this corridor design will become a population sink, causing casualties to wildlife due to inadequate design considerations.

CDFW is also concerned with the DEIR conclusion that the 16% increase in traffic from the Project would not affect wildlife because the increase would be “during daytime hours when wildlife is least active”. The Federal Highway Administration Research and Technology Report (FHWA-HRT-08-034) states wildlife vehicle collisions are most prevalent in the early morning (5-9am) and at evening (4-12pm), which is when traffic volume would be significantly increased during commuting times. CDFW is concerned the DEIR does not cumulatively include the increase in traffic from recent, adjacent Projects in this analysis.

Recommendation #1: CDFW recommends redesigning the development to allow more area for the wildlife corridor. The functional width of usable linkages should be described and maintained outside of the zone of influence of edge effect. The scientifically accepted minimum width for a functioning wildlife linkage is 1000 feet from any human disturbance or uses, including edge effects (Monica, 2003). The effective corridor width is the minimum spatial dimension needed to mitigate human influence on animal movement through the corridor (Ford *et al.*, 2020).

A scientifically defensible wildlife corridor width should be incorporated into the final project design. A wildlife study should determine:

- 1) If the needs of each animal grouping would be maintained by the 25-40-foot-wide corridor;
- 2) How the predator/prey balance might be affected for the different species; and,

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- 3) Calculate the edge effect and analyze the functional width of the proposed corridor versus the needs of these animals.

Recommendation #2: CDFW recommends a more robust baseline study and long-term monitoring for corridor effectiveness over time. Continued monitoring of any Project wildlife corridor, and adaptive management should be a condition of approval to ensure any approved design continues to provide adequate wildlife movement. CDFW requests annual reports of any wildlife monitoring conducted.

For baseline studies taking place prior to Project construction, a study such as the Before-After-Control-Impact research design is preferable for monitoring corridor function over time (Baxter-Gilbert et al., 2015; Roedenbeck et al., 2007), as it provides the highest inferential strength (Roedenbeck et al., 2007). In this approach, the distribution, abundance and movement patterns are measured in impact sites and control sites, both before and after the construction time (Ascensão et al., 2019).

If a baseline assessment takes place after Project construction, a study such as the Control-Impact design provides the alternative with the best inferential strength (Roedenbeck et al., 2007). In this design, both populations inhabiting the Project vicinity and the control sites are measured simultaneously. Depending on the changes of the patterns of mortality, movement, and abundance on control and impact sites, one can infer if and of what type of impact the infrastructure has at the population level. When a high mortality is recorded, coupled with no avoidance behavior and a lower abundance in impact sites, suggest that the infrastructure is driving a depletion effect and acting as a sink habitat. Conversely, when a low mortality is recorded, which is our focus here, and is coupled with no avoidance behavior and similar abundance between control and impact sites, suggests that individuals are able to cross safely and/or avoid incoming vehicles. Low mortality coupled with an avoidance behavior toward the infrastructure proximity, suggest a strong barrier effect (Ascensão et al., 2019).

The baseline assessment should then be used as a baseline for ongoing monitoring to ensure the site is not creating a wildlife mortality sink and that wildlife use, density, and species richness remains consistent with the “no effect” determination made by the EIR, including:

- 1) Area-sensitive species: species that occur in lower density but require large areas or species with greater need for corridor to survive.
- 2) Barrier-sensitive species: species that are specifically sensitive to roads or other anthropogenic barriers in the landscape.
- 3) Umbrella species: to collectively conserve other native species and key ecological processes.
- 4) Dispersal-limited species: species that require movement as dictated by their life history characteristics, movement characteristics, and habitat preferences: movement by individual animals to access resources within their home range; movement between two smaller populations to maintain metapopulation persistence (immigration and emigration); or seasonal migration.
- 5) Habitat specialists: species that are highly sensitive to loss or fragmentation of a specific habitat type.
- 6) Species of greater conservation need: based on conservation status rankings/vulnerabilities.

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7) Process-limited species: species that move to maintain certain ecological processes such as disturbance, predator-prey interactions and dispersal to acquire new habitats.

This assessment should also include species specific analysis that includes:

- 1) Strikes from cars at existing traffic levels;
- 2) Impacts to introducing new/additional barriers to dispersal;
- 3) Constraining wildlife corridors and pinch points leading to severed migration;
- 4) Habitat loss, fragmentation, and encroachment;
- 5) Increased human presence, noise; and,
- 6) Use of herbicides, pesticides, and rodenticides.

Such analysis should be informed by a study to assess movement, territory size, and habitat use for all animals that utilize or support the function of wildlife use/movement within and surrounding the Project vicinity. This baseline data and study should then be used to conduct long-term monitoring of the corridor.

Recommendation #3: Light pollution can be mitigated adjacent to the wildlife corridor and Los Carneros Creek, including using newer designs that meet the Illuminating Engineering Society of North America's standards and also reduce light pollution. Directing light downward or away from habitat, reducing glare and using lower wattage flat lens fixtures on highways and city streets reduces light pollution, and increasing reflectivity of signs and road striping in appropriate areas may increase driver visibility while reducing the need for artificial lighting. One solution is to turn off unnecessary lights at night.

Comment 2: Mitigation for White-tailed Kite Foraging Habitat

Issue: CDFW disagrees with the conclusion the FEIR makes that the site provides marginal foraging habitat and no significant impact to the species would result from the Project.

Specific Impact: Project impacts would potentially reduce the number and/or restrict the range of the white-tailed kite or contribute to the continued abandonment of a nesting site and/or loss of significant foraging habitat for a given nest territory. This would result in "take" as defined under CEQA.

Why Impact Would Occur: The opportunity for white-tailed kites to successfully nest at Los Carneros Wetland is heavily dependent on foraging habitat within 0.5 miles. The DEIR does not adequately address the cumulative and ongoing reductions in foraging habitat and consider how these habitat losses reduce number of white-tailed kites that can locally be supported.

The DEIR states white-tailed kites were documented nesting at Los Carneros Wetland in 1990, but presence/absence data for nesting kites is lacking for the wetland for most years since 1990. The DEIR also concludes that the possibility of kites returning to roost or nest at the Los Carneros Wetland cannot be discounted as the site contains numerous prey species and foraging value with large trees located adjacent to the Project site. CDFW is concerned that due to lack of survey data, the local status of white-tailed kites is not adequately disclosed in the DEIR.

Evidence Impact would be significant: CDFW records indicate white-tailed kites roost in saltgrass and non-native grassland communities, which are present on the site.

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White-tailed kite is a fully protected species. CDFW cannot authorize the take of any fully protected species as defined by State law. State fully protected species may not be taken or possessed at any time and no licenses or permits may be issued for its take except for collecting those species for necessary scientific research and relocation of the bird species for protection of livestock (Fish & G. Code, §§ 3511, 4700, 5050, 5515). Take of any species designated as fully protected under the Fish and Game Code is prohibited.

In order to analyze if a project may have a significant effect on the environment, the Project related impacts, including protocol survey results for CEQA-rare, California Species of Special Concern (SSC), or CESA-listed species (including fully protected species) that could occur in the Project footprint need to be disclosed. This disclosure is necessary to allow CDFW to comment on alternatives to avoid impacts, as well as to assess the significance of the specific impact relative to the species (e.g., current range, distribution, population trends, and connectivity).

CEQA Guidelines sections 15070 and 15071 require the EIR to analyze if the Project may have a significant effect on the environment as well as review if the Project will “avoid the effect or mitigate to a point where clearly no significant effects would occur.”

Impacts to special status wildlife species should be considered significant under CEQA unless they are clearly mitigated below a level of significance. Inadequate avoidance, minimization, and mitigation measures for impacts to special status wildlife species will result in the Project continuing to have a substantial adverse direct, indirect, and cumulative effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by CDFW or United States Fish and Wildlife Service (USFWS).

Mitigation Measure #1: Permanent impacts to foraging habitat for white-tailed kite should be offset by setting aside replacement habitat to be protected in perpetuity under a conservation easement dedicated to a local land conservancy or other appropriate entity that has been approved to hold and manage mitigation lands pursuant to Assembly Bill 1094 (2012), which amended Government Code sections 65965-65968. Under Government Code section 65967(c), the lead agency must exercise due diligence in reviewing the qualifications of a governmental entity, special district, or nonprofit organization to effectively manage and steward land, water, or natural resources on mitigation lands it approves. An appropriate non-wasting endowment should be provided for the long-term management of mitigation lands. A white-tailed kite mitigation plan should include measures to protect the targeted habitat values in perpetuity from direct and indirect negative impacts. Issues that should be addressed include, but are not limited to, restrictions on access; proposed land dedications; control of illegal dumping; water pollution; and increased human intrusion. A conservation easement and endowment funds should be fully acquired, established, transferred, or otherwise executed prior to implementing Project related ground disturbing activities.

Recommendation #1: The DIER should include survey results for white-tailed kite throughout the Los Carnaros/Project/Goleta Slough areas, preferably over multiple years to determine if white-tailed kites are currently utilizing the Project site for foraging.

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Comment 3: Mitigation for Sensitive Vegetation Communities

Issue: The DEIR does not include CDFW sensitive vegetation community alliance information and only considers the county definition of a native grassland. The FEIR response to CDFW comments states “sensitive communities are not present on-site and mitigation is not required”.

Specific Impact: Project implementation includes grading, vegetation clearing, trail/road construction, soil compaction, utilities construction, road maintenance, and other activities that may result in direct mortality, population declines, or local extirpation of vegetation communities.

Why Impact Would Occur: CEQA Guidelines sections 15070 and 15071 require the DEIR to analyze if the Project may have a significant effect on the environment as well as review if the Project will “avoid the effect or mitigate to a point where clearly no significant effects would occur.”

In order to analyze if a project may have a significant effect on the environment, the location, species composition, and success criteria of proposed mitigation information is necessary to allow the Department to comment on alternatives to avoid impacts, as well as assess the adequacy of the mitigation proposed.

Evidence Impact would be significant: Inadequate avoidance, minimization, and mitigation measures for impacts to these CEQA locally sensitive vegetation communities will result in the Project continuing to have a substantial adverse direct, indirect, and cumulative effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by CDFW or USFWS.

CDFW considers *Nassella* spp. Alliance, ranked S3, a sensitive vegetation community. *Atriplex lentiformis* Shrubland (Quailbush Scrub) Alliance is ranked an S4 community by CDFW and given the loss of this vegetation community in the coastal Goleta area, CDFW considers this S4 species as a locally sensitive vegetation community. *Baccharis pilularis* (Coyote brush scrub) Alliance is ranked S5 by CDFW but given the local losses of this vegetation community in the coastal Goleta area, CDFW considers this a locally sensitive vegetation community CEQA Guidelines Section 15125(c).

Mitigation Measure #1: CDFW recommends avoiding any sensitive natural communities found on the Project, this includes the S4 and S5 alliances/associations CDFW has determined to be locally rare under CEQA. If avoidance is not feasible, the Project proponent should mitigate at a ratio sufficient to achieve a no-net loss for impacts to special status plant species and their associated habitat. CDFW recommends all impacts to the S3 sensitive vegetation communities should be mitigated at a 4:1 ratio and impacts to the S4 and S5 communities be mitigate at a 2:1 ratio due to the overall decline of coastal bluff/scrub habitats region wide.

All revegetation/restoration areas that will serve as mitigation should include preparation of a restoration plan, to be approved by CDFW prior to any ground disturbance. The restoration plan should include restoration and monitoring methods; annual success criteria; contingency actions should success criteria not be met; long-term management and maintenance goals; and a funding mechanism for long-term management. Areas proposed as mitigation should have a recorded conservation easement and be dedicated to an entity which has been approved to hold/manage lands (AB 1094; Government Code, §§ 65965-65968).

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Mitigation Measure #2: Success criteria should be based on the specific composition of the vegetation communities being impacted. Success should not be determined until the site has been irrigation-free for at least 5 years and the metrics for success have remained stable (no negative trend for richness/diversity/abundance/cover and no positive trend for invasive/non-native cover for each vegetation layer) for at least 5 years. In the revegetation plan, the success criteria should be compared against an appropriate reference site, with the same vegetation alliance, with as good or better-quality habitat. The success criteria shall include percent cover (both basal and vegetative), species diversity, density, abundance, and any other measures of success deemed appropriate by CDFW. Success criteria shall be separated into vegetative layers (tree, shrub, grass, and forb) for each alliance being mitigated, and each layer shall be compared to the success criteria of the reference site, as well as the alliance criteria in MCV2, ensuring one species or layer does not disproportionately dominate a site but conditions mimic the reference site and meets the alliance membership requirements.

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

Comment #4: Indirect Impacts to Los Carnaros Creek

Issue: Potential impacts to Los Carneros Creek and the new culvert under the Union Pacific Railroad are not clear.

Specific Impacts: Project construction and activities occurring adjacent to streams could impact the stream and associated vegetation, as well as local/regional wildlife movement. Typically, the biological evaluation of a project includes a buffer that extends outside the Project footprint to assess impacts to resources immediately adjacent to the Project. The DEIR and FEIR both asserted that because Los Carnaros Creek is immediately (~100-feet) adjacent to the Project disturbance footprint, no mapping or assessment of this stream is necessary. CDFW disagrees with this conclusion.

Evidence Impact would be significant: CEQA Guidelines (Section 15358(a)(2)) require discussion of potential indirect impacts of a proposed project. Indirect impacts, also referred to as secondary impacts, are impacts caused by a project that occur later in time or are farther removed in distance but are still reasonably foreseeable. The EIR should include as assessment of this adjacent riparian feature as well as existing culverts, to assess wildlife use of the feature and how the Project might indirectly affect the biological resources that use this feature

Mitigation Measure #1: Stream Delineation and Impact Assessment. CDFW recommends the EIR provide a stream delineation and analysis of impacts on any river, stream, or lake¹. The delineation should be conducted pursuant to the USFWS wetland definition adopted by CDFW (Cowardin et al. 1979). Be advised that some wetland and riparian habitats subject to CDFW's authority may extend well beyond the jurisdictional limits of the U.S. Army Corps of Engineers'

¹ "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.

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Section 404 permit and Regional Water Quality Control Board Section 401 Certification. As part of the LSAA Notification process, CDFW requests a map showing features potentially subject to CDFW's broad regulatory authority over streams. CDFW also requests a hydrological evaluation of the 200, 100, 50, 25, 10, 5, and 2-year frequency storm event for existing and proposed conditions. The EIR should disclose the linear feet and acres of streams and associated plant communities that occur adjacent to the Project as this area can reasonably be assumed to have indirect impacts resulting from the Project.

Mitigation Measure #2: CDFW recommends the Project avoid impacts on streams and associated vegetation. Herbaceous vegetation adjacent to streams protects the physical and ecological integrity of these water features and maintains natural sedimentation processes. Where the Project may occur near a stream but avoids the watercourse and vegetation, CDFW recommends EIR provide effective unobstructed vegetated buffers and setbacks adjoining streams and associated vegetation. The EIR should provide justification for the effectiveness of chosen buffer and setback distances to avoid impacts on the stream and associated vegetation.

Mitigation Measure #3: Avoidance/Mitigation. If the Project will result in indirect impacts to Los Carnaros Creek via noise, light, and other disturbances that result from both active construction and the long-term development, the EIR should provide mitigation to reduce these effects on animals. Mitigation can include seasonal timing of construction that generate noise/vibration, prohibiting the use of generators within 1000 meters from the edge of any stream, sound barriers, ensuring people are not able to access the creek via the Project, long-term monitoring to ensure humans do not start accessing and degrading this area from current baseline, and eliminating night lighting. Light pollution can be mitigated, including using newer designs that meet the Illuminating Engineering Society of North America's standards and also reduce light pollution. Directing light downward or away from habitat, reducing glare and using lower wattage flat lens fixtures on streets reduces light pollution, and increasing reflectivity of signs and road striping in appropriate areas may increase driver visibility while reducing the need for artificial lighting. Turning off unnecessary lights at night is also recommended.

Mitigation Measure #4: Lake and Streambed Alteration (LSA) Agreement. CDFW exercises its regulatory authority as provided by Fish and Game Code section 1600 et seq. to conserve fish and wildlife resources which includes rivers, streams, or lakes and associated natural communities. 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 applicant (or "entity") must notify CDFW². Accordingly, the DEIR should include a measure whereby the LACMTA would notify CDFW pursuant to Fish and Game Code section 1602 prior to starting activities that may impact streams. Please visit CDFW's [Lake and Streambed Alteration Program](#) webpage for more information (CDFW 2021b).

² CDFW's issuance of a 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 environmental document of the local jurisdiction (lead agency) for the project. To minimize additional requirements by CDFW pursuant to section 1600 et seq. and/or under CEQA, the environmental 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.

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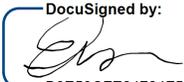
Filing Fees

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

Conclusion

CDFW appreciates the opportunity to comment on the FEIR to assist the City of Goleta in identifying and mitigating Project impacts on biological resources. If you have any questions or comments regarding this letter, please contact Kelly Schmoker, Senior Environmental Scientist, at (626) 335-9092 or by email at Kelly.Schmoker@wildlife.ca.gov.

Sincerely,

DocuSigned by:

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ec: CDFW

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CDFW recommends the following language to be incorporated into a future environmental document for the Project.

| Biological Resources | | | |
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| | Mitigation Measure | Timing | Responsible Party |
| REC-Bio-1-CEQA-Wildlife Corridor | <p>Recommendation #1: CDFW recommends a scientifically defensible wildlife corridor width be incorporated into the final project design. CDFW recommends keeping the minimum width of 400 feet that the property currently provides for wildlife use and movement. This width is based on CDFW's analysis of the wildlife study submitted with the DEIR.</p> <p>CDFW recommends redesigning the development to allow more area for the wildlife corridor. This can be accomplished in several ways. One recommendation is to reduce the surface area of the water quality basins and shifting the development so that acreage is added to the wildlife corridor. Pumping stations can be utilized to manually direct water uphill and potentially using part of the wildlife corridor as a linear water quality retention/biofiltration feature. Fill can be left in place to allow the more depth to groundwater to allow for deeper basins with a smaller physical footprint.</p> | Prior to Finalizing the EIR | City of Goleta |
| REC-Bio-2-CEQA-Wildlife Corridor | <p>Recommendation #2: CDFW recommends a more robust baseline study and long-term monitoring for corridor effectiveness over time. Continued monitoring of any Project wildlife corridor, and adaptive management should be a condition of approval to ensure any approved design continues to provide adequate wildlife movement. CDFW requests annual reports of any wildlife monitoring conducted. For baseline studies taking place prior to Project construction, a study such as the Before-After-Control-Impact research design is preferable for monitoring corridor function over time (Baxter-Gilbert et al., 2015; Roedenbeck et al., 2007), as it provides the highest inferential strength (Roedenbeck et al., 2007). In this approach, the distribution, abundance and movement patterns are measured in impact sites and control sites, both before and after the construction time (Ascensão et al., 2019).</p> <p>If a baseline assessment takes place after Project construction, a study such as the Control-Impact design provides the alternative with the best inferential strength (Roedenbeck et al., 2007). In this design, both populations inhabiting the Project vicinity and the control sites are measured simultaneously. Depending on the changes of the patterns of mortality, movement, and abundance on control and impact sites, one can infer if and of what type of impact the infrastructure has at the population level. When a high mortality is recorded, coupled with no avoidance behavior</p> | Prior to Finalizing the EIR | City of Goleta |

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| | <p>and a lower abundance in impact sites, suggest that the infrastructure is driving a depletion effect and acting as a sink habitat. Conversely, when a low mortality is recorded, which is our focus here, and is coupled with no avoidance behavior and similar abundance between control and impact sites, suggests that individuals are able to cross safely and/or avoid incoming vehicles. Low mortality coupled with an avoidance behavior toward the infrastructure proximity, suggest a strong barrier effect (Ascensão et al., 2019). The baseline assessment should then be used as a baseline for ongoing monitoring to ensure the site is not creating a wildlife mortality sink and that wildlife use, density, and species richness remains consistent with the “no effect” determination made by the EIR, including:</p> <ol style="list-style-type: none"> 1) Area-sensitive species: species that occur in lower density but require large areas or species with greater need for corridor to survive. 2) Barrier-sensitive species: species that are specifically sensitive to roads or other anthropogenic barriers in the landscape. 3) Umbrella species: to collectively conserve other native species and key ecological processes. 4) Dispersal-limited species: species that require movement as dictated by their life history characteristics, movement characteristics, and habitat preferences: movement by individual animals to access resources within their home range; movement between two smaller populations to maintain metapopulation persistence (immigration and emigration); or seasonal migration. 5) Habitat specialists: species that are highly sensitive to loss or fragmentation of a specific habitat type. 6) Species of greater conservation need: based on conservation status rankings/vulnerabilities. 7) Process-limited species: species that move to maintain certain ecological processes such as disturbance, predator-prey interactions and dispersal to acquire new habitats. <p>This assessment should also include species specific analysis that includes:</p> <ol style="list-style-type: none"> 1) Strikes from cars at existing traffic levels; 2) Impacts to introducing new/additional barriers to dispersal; 3) Constraining wildlife corridors and pinch points leading to severed migration; 4) Habitat loss, fragmentation, and encroachment; 5) Increased human presence, noise; and, 6) Use of herbicides, pesticides, and rodenticides. <p>Such analysis should be informed by a study to assess movement, territory size, and habitat use for all animals that utilize or support the function of wildlife use/movement within and surrounding the Project vicinity. This baseline data and</p> | | |
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| | study should then be used to conduct long-term monitoring of the corridor. | | |
| REC-Bio-3-CEQA-Wildlife Corridor | Recommendation #3: Light pollution can be mitigated adjacent to the wildlife corridor and Los Carneros Creek, including using newer designs that meet the Illuminating Engineering Society of North America's standards and also reduce light pollution. Directing light downward or away from habitat, reducing glare and using lower wattage flat lens fixtures on highways and city streets reduces light pollution, and increasing reflectivity of signs and road striping in appropriate areas may increase driver visibility while reducing the need for artificial lighting. One solution is to turn off unnecessary lights at night. | Prior to Finalizing the EIR | City of Goleta |
| REC-Bio-1-White Tailed Kite | Recommendation #1: The DIER should include survey results for white-tailed kite throughout the Los Carnaros/Project/Goleta Slough areas, preferably over multiple years to determine if white-tailed kites are currently utilizing the Project site for foraging. | Prior to Finalizing the EIR | City of Goleta |
| REC-Bio-2-White Tailed Kite | Permanent impacts to foraging habitat for white-tailed kite should be offset by setting aside replacement habitat to be protected in perpetuity under a conservation easement dedicated to a local land conservancy or other appropriate entity that has been approved to hold and manage mitigation lands pursuant to Assembly Bill 1094 (2012), which amended Government Code sections 65965-65968. Under Government Code section 65967(c), the lead agency must exercise due diligence in reviewing the qualifications of a governmental entity, special district, or nonprofit organization to effectively manage and steward land, water, or natural resources on mitigation lands it approves. An appropriate non-wasting endowment should be provided for the long-term management of mitigation lands. A white-tailed kite mitigation plan should include measures to protect the targeted habitat values in perpetuity from direct and indirect negative impacts. Issues that should be addressed include, but are not limited to, restrictions on access; proposed land dedications; control of illegal dumping; water pollution; and increased human intrusion. A conservation easement and endowment funds should be fully acquired, established, transferred, or otherwise executed prior to implementing Project related ground disturbing activities. | Prior to Finalizing the EIR | City of Goleta |
| MM-Bio-1-CEQA-Sensitive Vegetation Communities | CDFW recommends avoiding any sensitive natural communities found on the Project. If avoidance is not feasible, the Project proponent should mitigate at a ratio sufficient to achieve a no-net loss for impacts to special status plant species and their associated habitat. CDFW recommends all impacts to the S3 sensitive vegetation communities should be mitigated at a 4:1 ratio and impacts | Prior to Finalizing the EIR | City of Goleta |

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| | <p>to the S4 and S5 communities be mitigate at a 2:1 ratio due to the overall decline of coastal bluff/scrub habitats region wide.</p> <p>All revegetation/restoration areas that will serve as mitigation should include preparation of a restoration plan, to be approved by CDFW prior to any ground disturbance. The restoration plan should include restoration and monitoring methods; annual success criteria; contingency actions should success criteria not be met; long-term management and maintenance goals; and a funding mechanism for long-term management. Areas proposed as mitigation should have a recorded conservation easement and be dedicated to an entity which has been approved to hold/manage lands (AB 1094; Government Code, §§ 65965-65968).</p> | | |
| MM-Bio-2-CEQA-Sensitive Vegetation Communities | <p>Success criteria should be based on the specific composition of the vegetation communities being impacted. Success should not be determined until the site has been irrigation-free for at least 5 years and the metrics for success have remained stable (no negative trend for richness/diversity/abundance/cover and no positive trend for invasive/non-native cover for each vegetation layer) for at least 5 years. In the revegetation plan, the success criteria should be compared against an appropriate reference site, with the same vegetation alliance, with as good or better-quality habitat. The success criteria shall include percent cover (both basal and vegetative), species diversity, density, abundance, and any other measures of success deemed appropriate by CDFW. Success criteria shall be separated into vegetative layers (tree, shrub, grass, and forb) for each alliance being mitigated, and each layer shall be compared to the success criteria of the reference site, as well as the alliance criteria in MCV2, ensuring one species or layer does not disproportionately dominate a site but conditions mimic the reference site and meets the alliance membership requirements.</p> <p>CDFW does not recommend topsoil salvage or transplantation as viable mitigation options. Several studies have documented topsoil salvage had no effect on the recolonization of the target plant species (Hinshaw, 1998, Dixon, 2018). Based on the scientific literature available, relying on topsoil salvage alone to mitigate impacts to CEQA-rare plant species does not appear to provide any value to mitigate impacts to the plant.</p> | Prior to Finalizing the EIR | City of Goleta |
| MM-Bio-1-CEQA-Lake | Mitigation Measure #1: Stream Delineation and Impact Assessment. CDFW recommends the EIR provide a stream delineation and analysis of impacts on any river, stream, or | Prior to Finalizing the EIR | City of Goleta |

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| <p>and Streambed</p> | <p>lake . The delineation should be conducted pursuant to the USFWS wetland definition adopted by CDFW (Cowardin et al. 1979). Be advised that some wetland and riparian habitats subject to CDFW's authority may extend well beyond the jurisdictional limits of the U.S. Army Corps of Engineers' Section 404 permit and Regional Water Quality Control Board Section 401 Certification. As part of the LSAA Notification process, CDFW requests a map showing features potentially subject to CDFW's broad regulatory authority over streams. CDFW also requests a hydrological evaluation of the 200, 100, 50, 25, 10, 5, and 2-year frequency storm event for existing and proposed conditions. The EIR should disclose the linear feet and acres of streams and associated plant communities that occur adjacent to the Project as this area can reasonably be assumed to have indirect impacts resulting from the Project.</p> | | |
| <p>MM-Bio-2-CEQA-Lake and Streambed</p> | <p>Mitigation Measure #2: Avoidance and Setbacks. CDFW recommends the Project avoid impacts on streams and associated vegetation. Herbaceous vegetation adjacent to streams protects the physical and ecological integrity of these water features and maintains natural sedimentation processes. Where the Project may occur near a stream but avoids the watercourse and vegetation, CDFW recommends EIR provide effective unobstructed vegetated buffers and setbacks adjoining streams and associated vegetation. The EIR should provide justification for the effectiveness of chosen buffer and setback distances to avoid impacts on the stream and associated vegetation.</p> | <p>Prior to Finalizing the EIR</p> | <p>City of Goleta</p> |
| <p>MM-Bio-3-CEQA-Lake and Streambed</p> | <p>Mitigation Measure #3: Avoidance/Mitigation. If the Project will result in indirect impacts to Los Carnaros Creek via noise, light, and other disturbances that result from both active construction and the long-term development, the EIR should provide mitigation to reduce these effects on animals. Mitigation can include seasonal timing of construction that generate noise/vibration, prohibiting the use of generators within 1000 meters from the edge of any stream, sound barriers, ensuring people are not able to access the creek via the Project, long-term monitoring to ensure humans do not start accessing and degrading this area from current baseline, and eliminating night lighting. Light pollution can be mitigated, including using newer designs that meet the Illuminating Engineering Society of North America's standards and also reduce light pollution. Directing light downward or away from habitat, reducing glare and using lower wattage flat lens fixtures on streets reduces light pollution, and increasing reflectivity of signs and road striping in appropriate areas may increase driver visibility while</p> | <p>Prior to Finalizing the EIR</p> | <p>City of Goleta</p> |

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| | reducing the need for artificial lighting. Turning off unnecessary lights at night is also recommended. | | |
| MM-Bio-4-CEQA-Lake and Streambed | Mitigation Measure #4: Lake and Streambed Alteration (LSA) Agreement. CDFW exercises its regulatory authority as provided by Fish and Game Code section 1600 et seq. to conserve fish and wildlife resources which includes rivers, streams, or lakes and associated natural communities. 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 applicant (or "entity") must notify CDFW . Accordingly, the DEIR should include a measure whereby the LACMTA would notify CDFW pursuant to Fish and Game Code section 1602 prior to starting activities that may impact streams. Please visit CDFW's Lake and Streambed Alteration Program webpage for more information (CDFW 2021b). | Prior to Finalizing the EIR | City of Goleta |
| MM-Bio-5-CEQA-Lake and Streambed | CDFW recommends that this Project and similar development projects use permeable pavement to permit natural water filtration and percolation into groundwater basin. CDFW also recommends using native plants for landscaping to reduce water consumption and application of pesticides and herbicides that may seep into the groundwater table (see Additional Recommendation #3). Pesticides and herbicides may be transported via runoff into adjacent wetlands, intermittent or ephemeral streams. | Prior to Finalizing the EIR | City of Goleta |
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