



STATE OF CALIFORNIA
DEPARTMENT OF FISH AND WILDLIFE

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July 14, 2026

Kalani Durham
County of Santa Barbara
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Subject: Environmental Impact Report for the Santa Maria River Levee Trail Project, SCH No. 2024080368, Santa Barbara County, CA

Dear Kalani Durham:

The California Department of Fish and Wildlife (CDFW) reviewed the Environmental Impact Report (EIR) from Santa Barbara County (County) for the Santa Maria River Levee Trail Project (Project) pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines¹.

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

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expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

CDFW may also act as a Responsible Agency under CEQA (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381). CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, for 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 law² 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: Santa Barbara County

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 that would connect 12th 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 existing State Route 166, which is heavily used by automotive vehicles. The Project also includes consideration of a crossing point at Bonita School Road and a connection to a new bridge that would be constructed over the river to improve public access to the trail system.

Location: The Project area encompasses a 6.7-mile-long segment, totaling 16.3 acres, within an unincorporated area of Santa Barbara County. The Project is located south of the Santa Maria River, which serves as 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 are west of the Project area, and the maintained portion of the levee trail is in the northern limits of the City of Santa Maria along North Blosser Road.

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Biological Setting: The levee is about 16-18 feet wide, is flat and 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 Santa Barbara County. The proposed trail extends from North Blosser Road in Santa Maria to Peralta Road in Guadalupe.

The area south of the Project consists of active and historical agricultural land. The area to the north is primarily composed of grasslands with herbaceous vegetation near the river and levee trail. Based on aerial imagery, the Guadalupe end point on the western side of the Project runs through 12th Street in Guadalupe and includes railroad tracks parallel to State Route 1. The eastern end, on North Blosser Road, is residential land.

CDFW is concerned that the Project may impact the following special-species wildlife species: 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, California Rare Plant Rank (CRPR) 1B.1), Nipomo Mesa ceanothus (*Ceanothus impressus* var. *nipmensis*; CRPR 1B.2), blushing layia (*Layia erubescens*; California Rare Plant Rank (CRPR) 1B.2), Blochman's leafy daisy (*Erigeron blochmaniae*; CRPR 1B.1), dune larkspur (*Delphinium parryi* ssp. *Blochmaniae*; CRPR 1B.2), and Kellogg's horkelia (*Horkelia cuneata* ssp. *sericea*, CRPR 1B.1). Monarch – California overwintering population (*Danaus 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.

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.

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COMMENT #1: Impacts to Crotch's Bumble Bee

Issue: The Project may adversely impact Crotch's bumble bee.

Specific impacts: The Project may result in temporary or permanent loss of suitable nesting and foraging habitat for Crotch's bumble bee. Project ground-disturbing activities may cause mortality or injury to adults, eggs, and larva; burrow collapse; nest abandonment; and reduced nest success.

Why impacts would occur: According to the California Natural Diversity Database (CNDDDB), there have been historical observations of Crotch's bumble bee throughout Santa Barbara County (CDFW 2026a). In addition to regional observations, the Project area lies within the home range of Crotch's bumble bee (CDFW 2026b). Crotch's bumble bee may utilize areas that have suitable nesting habitat and floral resources. Crotch's bumble bee primarily nests from late February through late October, underground in abandoned small mammal burrows. With small mammal burrows present on the Project site, suitable habitat for Crotch's bumble bee is present. Crotch's bumble bee may also nest under perennial bunch grasses, thatched annual grasses, brush piles, as well as in old bird nests, dead trees, or hollow logs (Williams et al. 2014). Overwintering sites utilized by Crotch's bumble bee mated queens include soft, disturbed soil (Goulson 2010), or areas under leaf litter or other debris (Williams et al. 2014).

The EIR does not provide sufficient species-specific measures to reduce impacts to Crotch's bumble bee to levels less than significant if present during Project activities. Specifically, the EIR: 1) does not evaluate impacts to foraging habitat if an active Crotch's bumble bee nest is found; and 2) Mitigation Measure 7-5 does not address the impacts to the overwintering habitat of Crotch's bumble bee. Ground disturbance and vegetation removal associated with Project implementation may impact a Crotch's bumble bee or overwintering queen and may cause mortality or injury of bumble bees, eggs, and larva; burrow collapse; nest abandonment; and/or reduced reproductive success. Potential habitat loss, as a result of the proposed Project, may also reduce foraging habitat for this species in the broader landscape as development increases throughout the County.

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Evidence impacts would be significant: The California Fish and Game Commission accepted a petition to list the Crotch's bumble bee as endangered under CESA, determining the listing "may be warranted," and advancing the species to the candidacy stage of the CESA listing process. The Project may substantially reduce and adversely modify habitat as well as reduce and potentially impair the viability of populations of Crotch's bumble bee. The Project may also reduce the number and range of the species without considering the likelihood that special status species on adjacent and nearby natural lands may rely upon the habitat that occurs on the proposed Project site. In addition, Crotch's bumble bee has a state ranking of S1/S2. This means that the Crotch's bumble bee is considered critically imperiled or imperiled and is extremely rare (often 5 or fewer populations). Crotch's bumble bee is also listed as an invertebrate of conservation priority under the California Terrestrial and Vernal Pool Invertebrates of Conservation Priority (CDFW 2017). Accordingly, Crotch's bumble bee meets the CEQA definition of rare, threatened, or endangered species (CEQA Guidelines, § 15380). Therefore, take of Crotch's bumble bee could require a mandatory finding of significance by the County (CEQA Guidelines, § 15065).

Recommended Potentially Feasible Mitigation Measure(s)

CDFW recommends that Mitigation Measure 7-5 be revised to incorporate the underlined language and omit the language in ~~strike through~~:

Mitigation Measure 7-5. Crotch's Bumble Bee. If Crotch's bumble bee remains a candidate species or its status becomes elevated to a listed species under the California Endangered Species Act ~~If Crotch's bumble bee is listed by California Department of Fish and Wildlife~~ prior to project implementation, one of the following options shall be implemented prior to vegetation removal.

Option 1: Seasonal Avoidance Between September and March (the overwintering season) prior to construction, clear vegetation and conduct ground disturbing activities outside of the colony active period (April through August) to avoid peak flight season ~~and discourage bumble bees from nesting in the project area~~. A qualified bee biologist, who possesses a Memorandum of Understanding to perform surveys for Crotch's bumble bee, shall conduct a habitat assessment to identify the project site as potential Crotch's bumble bee overwintering habitat. If the project site is identified as potential Crotch's

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bumble bee overwintering habitat, the following measures shall be implemented during the overwintering season:

A qualified biological monitor that has received the Crotch's bumble bee training and is in possession of the Training Materials shall monitor the staking of limits, clearing and grubbing, and removal of stockpiled vegetation from the site until the site no longer provides potential Crotch's bumble bee habitat. The biological monitor shall be responsible for monitoring Crotch's bumble bee when they are detected and shall ensure active foraging patches are not removed until the Crotch's bumble bee(s) leave the area on their own volition. The biological monitor, shall monitor the slow and methodical removal of vegetation in patches and by hand where necessary should Crotch's bumble bee nesting or overwintering behavior be observed (scanning the ground instead of targeting flowering resources, seen entering a burrow or disappearing into thick vegetation and not re-emerging, sitting on the open ground), until it is confirmed that a Crotch's bumble bee nest or overwintering site is not present. Should the project result in unpermitted take of a Crotch's bumble bee individual or nest, work shall immediately halt and CDFW shall be immediately notified by the qualified Crotch's bumble bee biologist.

Option 2: Assume presence of Crotch's bumble bee Assume presence and obtain Incidental Take Authorization from the California Department of Fish and Wildlife ~~Game~~ Section 2081 of the Fish and Game Code. Avoidance measures identified in the permit will be implemented. Compensatory mitigation, such as land acquisition and habitat restoration or enhancement would be required.

Option 3: Conduct focused surveys for Crotch's bumble bee If seasonal avoidance is not possible, consultation with the California Department of Fish and Wildlife should occur at least one year prior to ground disturbance to evaluate potential impacts and other feasible avoidance measures, including habitat assessments and/or surveys. Surveys should occur during the colony active period for the Crotch's bumble bee (April through August) prior to vegetation clearing, grading, or the initiation of any construction activity in the staging and access areas or where fencing is proposed, the County shall hire a qualified bee biologist, who possesses a Memorandum of Understanding to perform surveys for Crotch's bumble bee, shall conduct protocol-level surveys

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for Crotch's bumble bee in accordance with CDFW Survey Considerations for California Endangered Species Act (CESA) Candidate Bumble Bee Species (CDFW 2023). Surveys shall be conducted during the appropriate flying season where suitable habitat occurs in direct impact area(s). Any modification to the Crotch's bumble bee survey protocol shall be submitted to CDFW for review and approval prior to survey implementation. ~~to conduct a pre-construction survey of small mammal burrows and thatched/bunch grasses. If the survey results are negative (i.e., no bumble bee activity observed), a letter report confirming absence should be prepared and submitted to the County of Santa Barbara Public Works Department and California Department of Fish and Wildlife, where it will be kept on file, and no further mitigation is required.~~

If Crotch's bumble bees or bumble bee nests are detected and if direct or indirect impacts to Crotch's bumble bee suitable habitat will occur, the County shall consult with the CDFW. If take of Crotch's bumble bee is expected, no construction activities with the potential to result in direct or indirect adverse impacts on Crotch's bumble bee shall occur until CDFW has authorized such take through an ITP under Section 2081(b) of the California Fish and Game Code for unavoidable impacts. ~~the area can be avoided, a qualified biologist should supervise the installation of protective fencing/flagging a minimum of 50 feet around the nest area prior to construction and phase vegetation removal, to retain patches of floral resources during construction. The fencing/flagging will be checked at least once per week by a biological monitor until construction is complete to ensure that the protective fencing/flagging remains intact. The qualified biologist can conduct the 'weekly checks or train a biological monitor selected from the construction crew by the construction contractor (typically the project foreman) to check the fencing/flagging and provide weekly updates.~~

Direct impacts to Crotch's bumble bee occupied habitat shall be mitigated through an incidental take permit with the California Department of Fish and Wildlife, with a revegetation plan and plant palette of locally native nectar sources that are weed and pest free (e.g., Argentine ants), pathogen-free, and have not been treated with pesticides. Mitigation that satisfies the fully mitigated standard may occur through one or more of the following: onsite and/or offsite

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habitat creation, restoration, and/or enhancement; acquisition and preservation of onsite and/or offsite lands demonstrated to be occupied by the species; and/or purchase of mitigation credits at an approved mitigation bank. The County shall comply with any additional measures (e.g., avoidance, conservation) incorporated into any permits or authorizations issued by the regulatory agencies with jurisdiction over this resource beyond what is being proposed under this CEQA analysis to reduce the impact to less than significant.

COMMENT #2: Impacts to Western Burrowing Owl

Issue: The Project may adversely impact burrowing owl.

Specific impacts: The Project may result in the loss of foraging and nesting habitat for burrowing owl. Project activities may result in loss of refugia, nest abandonment, and/or decreased feeding frequency. This could result in increased nestling mortality, constituting a significant impact on this imperiled species.

Why impacts would occur: According to CNDDDB, the Project area is within the historic range of burrowing owl (CDFW 2026c). Project activities include vegetation and tree removal, grading, and construction. Project activities are likely to result in elevated levels of noise, human activity, dust, ground vibrations, and vegetation disturbance. These disturbances and stressors occurring near potential nests could cause individuals to abandon their nests, resulting in the loss of fertile eggs or nestlings.

The EIR does not provide sufficient species-specific measures to reduce impacts to burrowing owl to levels less than significant if present during Project activities. More specifically, Mitigation Measure 7-8 does not address the impacts to the loss of foraging habitat associated with burrowing owls that are found on site or adjacent to the Project site. Ground disturbance and vegetation removal associated with Project implementation during the breeding season could result in the incidental loss of fertile eggs, disrupt breeding success, and/or lead to nest abandonment in areas within and adjacent to the Project site. Potential habitat loss, as a result of the proposed Project, may also reduce foraging habitat for this species in the broader landscape as development increases throughout the County.

Evidence impacts would be significant: CDFW considers adverse impacts to a species protected by CESA, absent appropriate mitigation, to be significant under CEQA.

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Under CESA, take of any endangered, threatened, candidate species that results from the Project is prohibited, except as authorized by State law (Fish & G. Code, §§ 86, 2062, 2067, 2068, 2080, 2085; Cal. Code Regs., tit. 14, § 786.9).

CDFW considers impacts to CESA-listed species a significant direct and cumulative adverse effect without implementing appropriate avoidance and/or mitigation measures. In addition, nests of all native bird species are protected under State laws and regulations, including Fish and Game Code sections 3503 and 3503.5.

Recommended Potentially Feasible Mitigation Measure(s)

CDFW recommends that Mitigation Measure 7-8 be revised to incorporate the underlined language and omit the language in ~~strike through~~:

Mitigation Measure 7-8. To avoid loss of or harm to burrowing owl as a result of implementation measures 1-4, the following measures shall be implemented:

a. To avoid/minimize impacts to burrowing owls potentially occurring within the project site, a biologist qualified in ornithology shall conduct surveys for burrowing owl prior to ground disturbance or vegetation removal. The qualified biologist shall conduct a two-visit (i.e., morning and evening) presence/absence survey at areas of suitable habitat on and adjacent to the project site boundary, with one survey no less than 14 days prior to the start of construction or ground disturbance activities and the second survey occurring no more than 48 hours prior to initiating construction activities. Surveys shall be conducted according to the methods described in protocols accepted by CDFW (the qualified biologist shall contact CDFW for up-to-date guidance). If no burrowing owls are found, a letter report confirming absence shall be prepared and submitted to the County of Santa Barbara Public Works Department and California Department of Fish and Wildlife, where it will be kept on file, and no further measures are required.

b. Because burrowing owls occupy habitat year-round, seasonal no-disturbance buffers, as outlined in the Burrowing Owl Survey Protocol and Mitigation Guidelines (CBOC 1993) and the Staff Report on Burrowing Owl Mitigation (CDFG 2012), shall be in place around occupied habitat prior to and during any ground disturbance activities. The following buffer recommendations are based

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on the time of year and level of disturbance (CDFG 2012), unless a qualified biologist approved by the California Department of Fish and Wildlife verifies through non-invasive measures that either: 1) birds have not begun egg laying and incubation; or 2) that juveniles from the occupied burrows are foraging independently and are capable of independent survival.

1. From April 1 through August 15: 200-meter buffer for low level of disturbance, 500-meter buffer for medium and high levels of disturbance;
2. From August 16 through October 15: 200-meter buffer for low and medium levels of disturbance, 500-meter buffer for high level of disturbance; and,
 - From October 16 through March 31: 50-meter buffer for low level of disturbance, 100-meter buffer for medium level of disturbance, and 500-meter buffer for medium and high level of disturbance.

c. If burrowing owl is found and avoidance is not possible, burrow exclusion may be conducted by qualified biologists only during the non-breeding season, before breeding behavior is exhibited and after the burrow is confirmed empty through noninvasive methods, such as surveillance. Occupied burrows shall be replaced with artificial burrows at a ratio of one collapsed burrow to one constructed artificial burrow (1:1). Evicted burrowing owls may attempt to colonize or re-colonize an area that would be impacted, thus ongoing surveillance during project activities shall be conducted at a rate sufficient to detect burrowing owls if they return.

d. If surveys locate occupied burrows in or near construction areas, consultation with the California Department of Fish and Wildlife shall occur to interpret survey results and develop a project-specific avoidance and minimization approach. Once the absence of burrowing owl has been confirmed, a letter report shall be prepared and submitted to the County of Santa Barbara Public Works Department and California Department of Fish and Wildlife, where it will be kept on file.

Permanent direct impacts to active burrowing owl nest sites shall be offset through an incidental take permit with the California Department of Fish and Wildlife, which may include, but is not limited to, onsite and/or offsite

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preservation of burrowing owl habitat demonstrated to support, at a minimum, the number of active burrowing owl nest sites impacted by construction. Lands to be conserved as mitigation for direct impacts shall include: (1) sufficient acreage to support the number of burrowing owl individuals impacted, including adequate territory size and foraging habitat, with fossorial mammals (e.g., California ground squirrel) present; (2) permanent protection through a conservation easement or similar protective instrument for the purpose of conserving burrowing owl habitat and prohibiting activities incompatible with burrowing owl use; (3) preparation and implementation of a Mitigation Land Management Plan to address long-term ecological sustainability, enhancement of conserved lands, and maintenance of the site for burrowing owls; and (4) funding for the long-term maintenance and management of the mitigation land through the establishment of a long-term funding mechanism, such as an endowment. Metropolitan shall comply with any additional measures (e.g., avoidance, conservation) incorporated into any permits or authorizations issued by the regulatory agencies with jurisdiction over these resources beyond what is being proposed under this CEQA analysis to reduce the impact to less than significant.

COMMENT #3: Impacts to Special-Status Plant Species

Issue: The Project may have adverse impacts to the following special-status plant species: La Graciosa thistle, Kellogg's horkelia, Blochman's leafy daisy, blushing layia, Nipomo Mesa ceanothus, and dune larkspur.

Specific impacts: Project activities, including vegetation clearing and grading, will result in the removal and degradation of vegetation communities on site. These activities may also impact special-status plant species, the seedbank, and result in long-term and/or permanent loss of ecological function.

Why impact would occur: 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 (CDFW 2026a). Many rare or special-status plant species are annuals that avoid disturbance with a dormant seed phase, so their persistence depends on seeds stored in undisturbed soils (Karban et al. 2024). These special-status plant species do not produce new plants, but rely on the seed bank stored in the

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undisturbed soils to support their life history stages including, germination, growth, reproduction, and additional seed dispersal (Hubert et al. 2024). Given the potential occurrence of special-status plant species on the Project site, the EIR does not include species-specific measures to reduce impacts to less-than-significant levels during Project activities. The EIR: 1) does not mention any special-status plant species in the revegetation and monitoring plan; 2) does not specify any coordination with CDFW to discuss appropriate mitigation ratios for special status plant species, if found; 3) does not address the potential impacts to CESA-listed species, such as the La Graciosa thistle; and 4) Mitigation Measure 7-1 does not commit to obtaining an incidental take permit for impacts to La Graciosa thistle. Without appropriate avoidance and minimization measures, ground disturbance and vegetation removal associated with Project implementation could result in direct impacts and the reproductive failure of La Graciosa thistle due seed bank removal and inbreeding associated with a decrease in population sizes (USFWS 2019). Direct impacts to La Graciosa thistle would require an ITP.

Evidence impact would be significant: CDFW considers adverse impacts to a species protected by CESA, absent appropriate mitigation, to be significant under CEQA. Under CESA, take of any endangered, threatened, candidate species that results from the Project is prohibited, except as authorized by State law (Fish & G. Code, §§ 86, 2062, 2067, 2068, 2080, 2085; Cal. Code Regs., tit. 14, § 786.9).

Impacts to any sensitive or special status species should be considered significant under CEQA unless they are clearly mitigated below a level of significance. The Project and environmental document should be conditioned to avoid and/or mitigate for potential impacts to special-status plants if present. Inadequate avoidance, minimization, and mitigation measures for impacts to sensitive or special status 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 by CDFW

Recommended Potentially Feasible Mitigation Measure(s)

CDFW recommends that Mitigation Measure 7-1 be revised to incorporate the underlined language and omit the language in ~~strike through~~:

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Mitigation Measure 7-1. Focused Plant Surveys. Prior to ground disturbance within access staging areas or where fencing is proposed, a biologist qualified in botany should conduct a focused survey for federally- and state-listed special-status plant species at the project site in accordance with current California Department of Fish and Wildlife and California rare plant survey protocols (CDFW 2018 and CNPS 2001). The survey should occur during the peak blooming period for these species to determine their presence or absence. Some special-status plant species are only identifiable during their blooming periods and surveys are only considered valid if they occur when blooms are visible. Based on the known blooming periods of the special-status plant species potentially present, two surveys would be necessary to adequately survey the project site: the first in May and the second in July/August. If possible, known reference populations of the target species in the project vicinity should first be visited to verify that the species is observable, and the focused survey should be conducted within two weeks of observing the reference population in full bloom. The biologist should then prepare a brief report documenting the results of the surveys which will be submitted to the County of Santa Barbara Public Works Department and California Department of Fish and Wildlife prior ground disturbance. If the focused surveys conclude that special-status plant species are not present within the project site boundary, or if they are present but impacts to them can be completely avoided, then no further measures would be required. If the focused surveys identify special-status plant species within the project site boundary and they would be affected by the proposed project, then appropriate avoidance and minimization measures should be developed by the biologist and implemented by the project applicant prior to ground disturbance including obtaining an incidental take permit from the California Department of Fish and Wildlife for CESA listed species, such as La Graciosa thistle. Measures may include, but are not limited to:

- a. A qualified biologist should identify an on-site or off-site mitigation area suitable for restoration of habitat and seed transplantation for any special-status plant species in coordination with the California Department of Fish and Wildlife.
- b. Prior to ground disturbance, a qualified biologist or native plant specialist should perform seed collection from all special-status plants located within the impact areas and implement seed installation at the mitigation area at the optimal time in coordination with the California Department of Fish and Wildlife to ensure mitigation

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ratios are sufficient for special-status plant species. Additionally, topsoil from the special-status species occurrence area(s) should be salvaged (where practical) for use in the mitigation area.

c. A maintenance and monitoring program should be developed by a qualified biologist in coordination with the California Department of Fish and Wildlife and established for a minimum of five to seven years (depending on the special-status plant species) after mitigation area installation to verify that restoration activities have been successful. Maintenance activities may include, but not be limited to, watering during the plant establishment period, supplemental seed planting as needed, and removal of non-native plants. Monitoring should include, at a minimum, quarterly monitoring reports for the first year and annual reports for the remaining four years. The performance standard for successful mitigation should be developed in coordination with the California Department of Fish and Wildlife. ~~a minimum 3:1 replacement ratio (i.e., three plants observed in mitigation area for each plant lost from the project site) achieved in at least one of the five years of monitoring.~~

Mitigation and Monitoring Reporting Plan

CDFW recommends the County adopt the mitigation measures and recommendations in this letter into the EIR. Mitigation measures must be fully enforceable through permit conditions, agreements, or other legally binding instruments [(Pub. Resources Code, § 21081.6; CEQA Guidelines, § 15126.4(a)(2)]. As such, CDFW has provided comments and recommendations to assist the County in developing mitigation measures that are (1) consistent with CEQA Guidelines, section 15126.4; (2) specific; (3) detailed (i.e., responsible party, timing, specific actions, and location), and (4) clear to ensure successful implementation through a mitigation, monitoring, and/or reporting program (Pub. Resources Code, § 21081.6; CEQA Guidelines, § 15097).

The County is welcome to coordinate with CDFW to further review and refine the Project's mitigation measures. Per Public Resources Code, section 21081.6(a)(1), CDFW has provided the County with a summary of our suggested mitigation measures and recommendations in the form of an attached Draft Mitigation and Monitoring Reporting Plan (MMRP; Attachment 1).

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Environmental Data

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database (i.e., CNDDDB) which may be used to inform subsequent or supplemental environmental determinations (Pub. Resources Code, § 21003, sub. (e)). Accordingly, please report any special status species and natural communities detected during Project surveys to the CNDDDB. The CNDDDB field survey form can be filled out and submitted online (CDFW 2025a). Please visit CDFW online to access the types of information reported to CNDDDB. Information on special status native plant populations and sensitive natural communities and the Combined Rapid Assessment and Relevé Form should be completed and submitted to CDFW's Vegetation Classification and Mapping Program (CDFW 2025d).

Filing Fees

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

Conclusion

CDFW appreciates the opportunity to comment on the EIR and to support the County in identifying and mitigating Project impacts to biological resources. To ensure significant impacts are adequately mitigated to less-than-significant level, we recommend incorporating the feasible mitigation measures described above should be incorporated as enforceable conditions in the EIR for the Project. CDFW requests the opportunity to coordinate with the County on responses to these comments prior to adoption of the final environmental document. We also request notification of any forthcoming hearing date(s) for the Project [CEQA Guidelines, § 15073(e)].

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Questions regarding this letter or further coordination should be directed to Mary Ngo¹, Senior Environmental Scientist (Specialist).

Sincerely,

DocuSigned by:

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7/14/2026

Victoria Tang
Environmental Program Manager
South Coast Region

ATTACHMENTS

Attachment 1: Mitigation and Monitoring Reporting Plan

cc: California Department of Fish and Wildlife
Victoria Tang, Environmental Program Manager
Baron Barrera, Senior Environmental Scientist (Supervisory)
Cindy Hailey, Staff Services Analyst
CEQA Program Coordinator – Sacramento

Office of Land Use and Climate Innovation
State Clearinghouse – State.Clearinghouse@lci.ca.gov

REFERENCES

[CDFW] California Department of Fish and Wildlife. 2012 Staff Report on Burrowing Owl Mitigation. Available at: <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=83843>

[CDFW] California Department of Fish and Wildlife. 2017. California Terrestrial and Vernal Pool Invertebrates of Conservation Priority. Available from: <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=149499&inline>

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

¹ Phone: (562) 477-0743; Email: Mary.Ngo@wildlife.ca.gov

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Attachment A: Mitigation and Monitoring Reporting Plan		
Mitigation Measures	Timing	Responsible Party
CDFW recommends that Mitigation Measure 7-5 be revised to incorporate the <u>underlined</u> language and omit the language in strikethrough: Mitigation Measure 7-5. Crotch's Bumble Bee. <u>If Crotch's bumble bee remains a candidate species or its status becomes elevated to a listed species under the California Endangered Species Act</u> ~~If Crotch's bumble bee is listed by California Department of Fish and Wildlife prior to project implementation, one of the following options shall be implemented prior to vegetation removal.~~ - Option 1: Seasonal Avoidance Between September and March (the overwintering season) prior to construction, clear vegetation and conduct ground disturbing activities outside of the colony active period (April through August) to avoid peak flight season and discourage bumble bees from nesting in the project area. <u>A qualified bee biologist, who possesses a Memorandum of Understanding to perform surveys for Crotch's bumble bee, shall conduct a habitat assessment to identify the project site as potential Crotch's bumble bee overwintering habitat. If the project site is identified as potential Crotch's bumble bee overwintering habitat, the following measures shall be implemented during the overwintering season:</u> <u>A qualified biological monitor that has received the Crotch's bumble bee training and is in possession of the Training Materials shall monitor the staking of limits, clearing and grubbing, and removal of stockpiled vegetation from the site until the site no longer provides potential Crotch's bumble bee habitat. The biological monitor shall be</u>	Prior to finalizing CEQA document; and Prior to construction.	Project Proponent / Lead Agency

<u>responsible for monitoring Crotch's bumble bee when they are detected and shall ensure active foraging patches are not removed until the Crotch's bumble bee(s) leave the area on their own volition. The biological monitor, shall monitor the slow and methodical removal of vegetation in patches and by hand where necessary should Crotch's bumble bee nesting or overwintering behavior be observed (scanning the ground instead of targeting flowering resources, seen entering a burrow or disappearing into thick vegetation and not re-emerging, sitting on the open ground), until it is confirmed that a Crotch's bumble bee nest or overwintering site is not present. Should the project result in unpermitted take of a Crotch's bumble bee individual or nest, work shall immediately halt and CDFW shall be immediately notified by the qualified Crotch's bumble bee biologist.</u> • Option 2: Assume presence of Crotch's bumble bee Assume presence and obtain Incidental Take Authorization from the California Department of Fish and <u>Wildlife</u> Game Section 2081 of the Fish and Game Code. Avoidance measures identified in the permit will be implemented. Compensatory mitigation, such as land acquisition and habitat restoration or enhancement would be required. • Option 3: Conduct focused surveys for Crotch's bumble bee If seasonal avoidance is not possible, consultation with the California Department of Fish and Wildlife should occur at least one year prior to ground disturbance to evaluate potential impacts and other feasible avoidance measures, including habitat assessments and/or surveys. Surveys should occur during the colony active period for the Crotch's bumble bee (April through August) prior to vegetation		
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clearing, grading, or the initiation of any construction activity in the staging and access areas or where fencing is proposed, the County shall hire a qualified bee biologist, <u>who possesses a Memorandum of Understanding to perform surveys for Crotch's bumble bee, shall conduct protocol-level surveys for Crotch's bumble bee in accordance with CDFW Survey Considerations for California Endangered Species Act (CESA) Candidate Bumble Bee Species (CDFW 2023). Surveys shall be conducted during the appropriate flying season where suitable habitat occurs in direct impact area(s). Any modification to the Crotch's bumble bee survey protocol shall be submitted to CDFW for review and approval prior to survey implementation.</u> to conduct a pre-construction survey of small mammal burrows and thatched/bunch grasses. If the survey results are negative (i.e., no bumble bee activity observed), a letter report confirming absence should be prepared and submitted to the County of Santa Barbara Public Works Department <u>and California Department of Fish and Wildlife</u>, where it will be kept on file, and no further mitigation is required. If <u>Crotch's bumble bees or bumble bee nests are detected and if direct or indirect impacts to Crotch's bumble bee suitable habitat will occur, the County shall consult with the CDFW. If take of Crotch's bumble bee is expected, no construction activities with the potential to result in direct or indirect adverse impacts on Crotch's bumble bee shall occur until CDFW has authorized such take through an ITP under Section 2081(b) of the California Fish and Game Code for unavoidable impacts.</u> the area can be avoided, a qualified biologist should supervise the installation of		
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protective fencing/flagging a minimum of 50 feet around the nest area prior to construction and phase vegetation removal, to retain patches of floral resources during construction. The fencing/flagging will be checked at least once per week by a biological monitor until construction is complete to ensure that the protective fencing/flagging remains intact. The qualified biologist can conduct the 'weekly checks or train a biological monitor selected from the construction crew by the construction contractor (typically the project foreman) to check the fencing/flagging and provide weekly updates. <u>Direct impacts to Crotch's bumble bee occupied habitat shall be mitigated through an incidental take permit with the California Department of Fish and Wildlife, with a revegetation plan and plant palette of locally native nectar sources that are weed and pest free (e.g., Argentine ants), pathogen-free, and have not been treated with pesticides. Mitigation that satisfies the fully mitigated standard may occur through one or more of the following: onsite and/or offsite habitat creation, restoration, and/or enhancement; acquisition and preservation of onsite and/or offsite lands demonstrated to be occupied by the species; and/or purchase of mitigation credits at an approved mitigation bank. The County shall comply with any additional measures (e.g., avoidance, conservation) incorporated into any permits or authorizations issued by the regulatory agencies with jurisdiction over this resource beyond what is being proposed under this CEQA analysis to reduce the impact to less than significant.</u>		
CDFW recommends that Mitigation Measure 7-8 be revised to incorporate the <u>underlined</u> language and omit the language in strikethrough:	Prior to finalizing CEQA document; and Prior to construction.	Project Proponent / Lead Agency

Mitigation Measure 7-8. To avoid loss of or harm to burrowing owl as a result of implementation measures 1-4, the following measures shall be implemented: a. To avoid/minimize impacts to burrowing owls potentially occurring within the project site, a biologist qualified in ornithology shall conduct surveys for burrowing owl prior to ground disturbance or vegetation removal. The qualified biologist shall conduct a two-visit (i.e., morning and evening) presence/absence survey at areas of suitable habitat on and adjacent to the project site boundary, <u>with one survey no less than 14 days prior to the start of construction or ground disturbance activities and the second survey occurring no more than 48 hours prior to initiating construction activities</u>. Surveys shall be conducted according to the methods <u>described in protocols accepted by CDFW (the qualified biologist shall contact CDFW for up-to-date guidance)</u>. If no burrowing owls are found, a letter report confirming absence shall be prepared and submitted to the County of Santa Barbara Public Works Department <u>and California Department of Fish and Wildlife</u>, where it will be kept on file, and no further measures are required. b. Because burrowing owls occupy habitat year-round, seasonal no-disturbance buffers, as outlined in the Burrowing Owl Survey Protocol and Mitigation Guidelines (CBOC 1993) and the Staff Report on Burrowing Owl Mitigation (CDFG 2012), shall be in place around occupied habitat prior to and during any ground disturbance activities. The following buffer recommendations are based on the time of year and level of disturbance (CDFG 2012), unless a qualified biologist approved by the California Department of Fish and Wildlife verifies through non-invasive measures that either: 1) birds have not begun egg laying and incubation; or 2)		
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that juveniles from the occupied burrows are foraging independently and are capable of independent survival.

1. From April 1 through August 15: 200-meter buffer for low level of disturbance, 500-meter buffer for medium and high levels of disturbance;
2. From August 16 through October 15: 200-meter buffer for low and medium levels of disturbance, 500-meter buffer for high level of disturbance; and,
3. From October 16 through March 31: 50-meter buffer for low level of disturbance, 100-meter buffer for medium level of disturbance, and 500-meter buffer for medium and high level of disturbance.

c. If burrowing owl is found and avoidance is not possible, burrow exclusion may be conducted by qualified biologists only during the non-breeding season, before breeding behavior is exhibited and after the burrow is confirmed empty through noninvasive methods, such as surveillance. Occupied burrows shall be replaced with artificial burrows at a ratio of one collapsed burrow to one constructed artificial burrow (1:1). Evicted burrowing owls may attempt to colonize or re-colonize an area that would be impacted, thus ongoing surveillance during project activities shall be conducted at a rate sufficient to detect burrowing owls if they return.

d. If surveys locate occupied burrows in or near construction areas, consultation with the California Department of Fish and Wildlife shall occur to interpret survey results and develop a project-specific avoidance and minimization approach. Once the absence of burrowing owl has been confirmed, a letter report shall be prepared and submitted to the County of Santa Barbara Public Works Department and California Department of Fish and Wildlife, where it will be kept on file.

<u>Permanent direct impacts to active burrowing owl nest sites shall be offset through an incidental take permit with the California Department of Fish and Wildlife, which may include, but is not limited to, onsite and/or offsite preservation of burrowing owl habitat demonstrated to support, at a minimum, the number of active burrowing owl nest sites impacted by construction. Lands to be conserved as mitigation for direct impacts shall include: (1) sufficient acreage to support the number of burrowing owl individuals impacted, including adequate territory size and foraging habitat, with fossorial mammals (e.g., California ground squirrel) present; (2) permanent protection through a conservation easement or similar protective instrument for the purpose of conserving burrowing owl habitat and prohibiting activities incompatible with burrowing owl use; (3) preparation and implementation of a Mitigation Land Management Plan to address long-term ecological sustainability, enhancement of conserved lands, and maintenance of the site for burrowing owls; and (4) funding for the long-term maintenance and management of the mitigation land through the establishment of a long-term funding mechanism, such as an endowment. Metropolitan shall comply with any additional measures (e.g., avoidance, conservation) incorporated into any permits or authorizations issued by the regulatory agencies with jurisdiction over these resources beyond what is being proposed under this CEQA analysis to reduce the impact to less than significant.</u>		
CDFW recommends that Mitigation Measure 7-1 be revised to incorporate the <u>underlined</u> language and omit the language in strikethrough: Mitigation Measure 7-1. Focused Plant Surveys. Prior to ground disturbance within access staging areas or where fencing is proposed, a biologist qualified in botany should conduct a	Prior to finalizing CEQA document; and Prior to construction.	Project Proponent / Lead Agency

focused survey for federally- and state-listed special-status plant species at the project site in accordance with current California Department of Fish and Wildlife and California rare plant survey protocols (CDFW 2018 and CNPS 2001). The survey should occur during the peak blooming period for these species to determine their presence or absence. Some special-status plant species are only identifiable during their blooming periods and surveys are only considered valid if they occur when blooms are visible. Based on the known blooming periods of the special-status plant species potentially present, two surveys would be necessary to adequately survey the project site: the first in May and the second in July/August. If possible, known reference populations of the target species in the project vicinity should first be visited to verify that the species is observable, and the focused survey should be conducted within two weeks of observing the reference population in full bloom. The biologist should then prepare a brief report documenting the results of the surveys which will be submitted to the County of Santa Barbara Public Works Department and California Department of Fish and Wildlife prior ground disturbance. If the focused surveys conclude that special-status plant species are not present within the project site boundary, or if they are present but impacts to them can be completely avoided, then no further measures would be required. If the focused surveys identify special-status plant species within the project site boundary and they would be affected by the proposed project, then appropriate avoidance and minimization measures should be developed by the biologist and implemented by the project applicant prior to ground disturbance including obtaining an incidental take permit from the California Department of Fish and Wildlife for CESA listed species, such as La Graciosa thistle. Measures may include, but are not limited to:

a. A qualified biologist should identify an on-site or off-site mitigation area suitable for restoration of habitat and seed transplantation for any special-status plant species <u>in coordination with the California Department of Fish and Wildlife</u>. b. Prior to ground disturbance, a qualified biologist or native plant specialist should perform seed collection from all special-status plants located within the impact areas and implement seed installation at the mitigation area at the optimal time <u>in coordination with the California Department of Fish and Wildlife to ensure mitigation ratios are sufficient for special-status plant species</u>. Additionally, topsoil from the special-status species occurrence area(s) should be salvaged (where practical) for use in the mitigation area. c. A maintenance and monitoring program should be developed by a qualified biologist <u>in coordination with the California Department of Fish and Wildlife</u> and established for a minimum of <u>five to seven years (depending on the special-status plant species)</u> after mitigation area installation to verify that restoration activities have been successful. Maintenance activities may include, but not be limited to, watering during the plant establishment period, supplemental seed planting as needed, and removal of non-native plants. Monitoring should include, at a minimum, quarterly monitoring reports for the first year and annual reports for the remaining four years. The performance standard for successful mitigation should be <u>developed in coordination with the California Department of Fish and Wildlife</u>, a minimum 3:1 replacement ratio (i.e., three plants observed in mitigation area for each plant lost from the project site) achieved in at least one of the five years of monitoring.		
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