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August 17, 2026

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Subject: Draft Environmental Impact Report for the Proposed Sandyland Shoreline Protection Project, SCH No. 2024120924, Santa Barbara County, CA

Dear Morgan Jones:

The California Department of Fish and Wildlife (CDFW) has reviewed the Draft Environmental Impact Report (DEIR) from Santa Barbara County (County; Lead Agency) for the Proposed Sandyland Shoreline Protection Project (Project). Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife or be subject to Fish and Game Code.

CDFW's Role

CDFW is California's Trustee Agency for fish and wildlife resources and holds those resources in trust for the people of the state [Fish & Game Code, §§ 711.7, subdivision (a) & 1802; Pub. Resources Code, § 21070; California Environmental Quality Act (CEQA) Guidelines, [§ 15386, subdivision (a)]. CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species (Id., § 1802). CDFW is also directed to provide 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.). To the extent implementation of the Project as proposed may result in "take" of any species protected

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under the California Endangered Species Act (CESA; Fish & Game Code, § 2050 et seq.), or CESA-listed rare plant pursuant to 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 Description and Summary

Proponent: County

Objective: The objective of the Project is to repair and restore the 1983 design of the existing 3,700-foot-long Sandyland rock revetment Seawall (Figure 1). Currently there are 23 existing private beach-access stairways constructed along the revetment to serve residents of Sand Point Road. As part of the proposed Project, 12 private access stairways would be demolished, and the new rock revetment would be restored in their place. The remaining 11 existing access stairways would be rebuilt. The Project would also include increasing public access to the beach. New access points will be constructed across the revetment wall, west of the residence at 845 Sand Point Road, to the beach. This will provide a new public access connection between the beach and Sand Point Road. The proposed Project would also dedicate a new 5-foot-wide trail/public accessway that provides a publicly accessible connection from Santa Claus Lane to the beach at Sand Point Road. From the intersection of Santa Claus Lane and Sand Point Road, the accessway would follow the road shoulder of Sand Point Road across the Union Pacific Railroad tracks. The accessway would then cross to the west across a vacant area of Assessor's Parcel Number (APN) 005-460-038 to connect to private roadway belonging to the Casa Blanca Beach Estates Owners Association on APN 005-600-018.

The proposed Project would involve repairing the revetment by placing up to 15,000 tons of 3- to 5-ton armor rocks to achieve the 1983 design of the revetment with a 16.4-foot crest elevation (relative to NAVD88 vertical datum), a 2:1 (horizontal: vertical) seaward slope, and a crest width of 10 feet (Figure 2). The repair would involve minor re-working of the revetment, using new (imported) armor rocks to fill voids in the revetment, correct low points and reduced width in the revetment crest, and address areas where existing armor stone has been dislodged. Where possible, existing displaced armor rock would be salvaged and re-used.

In addition, the proposed Project would provide dune vegetation enhancement along the landward splash wall. Existing non-native vegetation would be removed, and native dune vegetation would be planted to create additional habitat area. Construction of the dune feature may require the import of a small amount of sand for dune vegetation establishment in locations where sand cover does not exist.

Future maintenance activities of the revetment would include refilling voids within the revetment that would require import of new armor rock approximately every 10 years or on

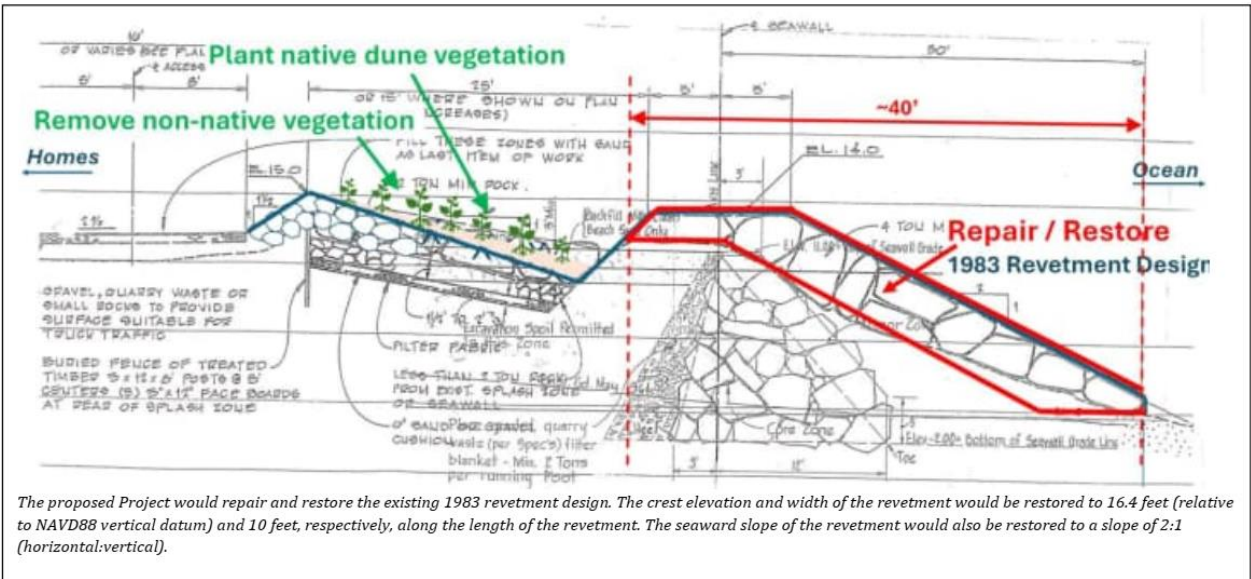
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an emergency as needed basis in the event of severe storms and damage to the
revetment.



The Sandyland Shoreline Protection Device is a 3,700-foot-long rock revetment that protects 25 single-family residences, ancillary structures, and associated infrastructure along Sand Point Road.

Figure 1. Figure showing the existing rock revetment wall in front of 25 homes below Carpinteria Marsh, Santa Barbara County.



The proposed Project would repair and restore the existing 1983 revetment design. The crest elevation and width of the revetment would be restored to 16.4 feet (relative to NAVD88 vertical datum) and 10 feet, respectively, along the length of the revetment. The seaward slope of the revetment would also be restored to a slope of 2:1 (horizontal:vertical).

Figure 2. Figure showing the original design and proposed repairs to the rock revetment wall.

Location: The Project site is comprised of an existing approximately 3,700-foot-long revetment wall located in unincorporated Santa Barbara County, approximately 0.7 miles west of the

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City of Carpinteria. The revetment wall is on an unnamed beach between Santa Claus Lane Beach and the mouth of the Carpinteria Salt Marsh and Santa Monica Creek. The revetment is located seaward of the residential homes and accessory structures along Sand Point Road, between the residences and the beach. Regional access to the Project site is provided by U.S. Highway 101 to the north of the Project site. Local access is provided via Santa Claus Lane from Highway 101 and Sand Point Road, which is a gated private roadway.

Equipment and material staging for the proposed Project, including future maintenance activities, would occur on two existing vacant lots located at 865 Sand Point Road and 501 Sand Point Road at the northwestern and southeastern extents of the Project site, respectively.

Timeframe: Project construction and repair of the existing revetment is anticipated to occur no earlier than 2028 over a period of approximately 6 to 7 months between April 1-December 31. Construction work would primarily occur between the hours of 7:00 A.M. and 7:00 P.M.; however, work outside of these hours may be necessary based on tidal conditions.

Biological Setting: The Sandyland community is a private neighborhood with restricted private access for residents and guests via a security guard and security gate. No existing public access is provided to the revetment or the unnamed beach fronting the residential properties along Sand Point Road.

Special-status species that have the potential to occur on site, and may be impacted by the Project, include, but are not limited to: Crotch's bumble bee (*Bombus crotchii*), California grunion (*Leuresthes tenuis*), sandy beach tiger beetle (*Cicindela hirticollis gravida*), globose dune beetle (*Coelus globosus*), burrowing owl (*Athene cunicularia*), western snowy plover (*Charadrius nivosus nivosus*), Belding's savannah sparrow (*Passerculus sandwichensis beldingi*), light-footed Ridgeway's rail (*Rallus obsoletus levipes*), California legless lizard (*Anniella pulchra*), red sand verbena (*Abronia maritima*), salt marsh bird's beak (*Chloropyron maritimum* ssp. *Maritimum*), Ventura marsh milk-vetch (*Astragalus pycnostachyus* var. *lanosissimus*), Coulter's goldfields (*Lasthenia glabrata* ssp. *Coulteri*), Coulter's saltbush (*Atriplex coulteri*) Salt marsh bird's beak (*Chloropyron maritimum* ssp. *maritimum*), Ventura marsh milk-vetch (*Astragalus pycnostachyus* var. *lanosissimus*), and Sandy beach tiger beetle (*Cicindela hirticollis gravida*).

Project History: California State Lands Commission (CSLC) and the Sandyland homeowners have conflicting claims as to ownership of the real property located under portions of the rock revetment. CSLC staff contends that the legal boundary between the privately-owned uplands and the sovereign state tidelands is generally along the mean high tide. Permitting issues surrounding past actions were raised by California Coastal Commission (CCC) staff, and in 2008 the County submitted a Coastal Development Permit application seeking after-the-fact authorization from the CCC for the revetment. The application was returned in 2010

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as incomplete and the file was closed by the CCC. Then, in 2015, the CCC issued a letter of potential violation for an unpermitted seawall. For the past decade, the County and Sandyland homeowners have sought to obtain the necessary permit approvals and grant of easements to cover areas of the seawall covered under previous easements, as well as the lands covered by the expanded facilities. However, these issues remain unresolved. CSLC staff and the Sandyland homeowners have been involved in extended discussions over many years, including mediation in 2016. To avoid potential litigation, the parties agreed to a lease between the CSLC and the County with no prejudice as to the determination of jurisdiction, ownership, or boundaries. Under the lease agreement, prior to the expiration or sooner termination of the lease, the County must remove the existing rock revetment from the lease area or the County would need to apply for a new lease if the County intends to retain the revetment after the current lease expires on December 10, 2028.

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

General Comment

The DEIR, Table 1-1 Listed CDFW as a Trustee Agency, but not as a Responsible Agency. CDFW should be listed under the Responsible Agency Row. CDFW is 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. To the extent implementation of the Project as proposed may result in "take" of any species protected under the California Endangered Species Act (CESA; Fish & Game Code, § 2050 et seq.), or CESA-listed rare plant pursuant to 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 Specific Comments

COMMENT # 1: Burrowing Owl

Issue: The Project contains a known overwintering burrowing owl and occupied overwintering habitat.

Specific impact: CDFW considers the site occupied by burrowing owl; therefore, any impacts to this site could cause take by eliminating overwintering habitat or causing direct take to an owl. Project activities such as removal of rock wall, filling of voids in the rock wall with rock/sand/soil, maintenance activities, vegetation clearing, construction, and operation

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could impact burrowing owl through loss of habitat, burrow/rock shelter loss, being buried alive, or direct mortality.

Why impact would occur: The 2012 DFG Staff Report on Burrowing Owl Mitigation includes the following definition:

- Occupied site or occupancy means a site that is assumed occupied if at least one burrowing owl has been observed occupying a burrow (the cavities in the rock wall function as a burrow for this owl) within the last three years. Occupancy of suitable burrowing owl habitat may also be indicated by owl sign including its molted feathers, cast pellets, prey remains, eggshell fragments, or excrement at or near a burrow entrance or perch site.

An overwintering burrowing owl within the revetment wall has been documented for many years on the Project site, most recently in 2026, from October through March. The overwintering owl uses spaces or cavities in the rock revetment wall as a burrow/shelter and has been observed perching over the full length of the revetment wall as well as the adjacent habitat and homes. Burrowing owls exhibit site fidelity for overwintering locations, returning year after year (Rush, et al., 2023) Overwintering sites are a vital piece of the burrowing owl life cycle (Nerhus, Eagleton, and Bloom, 2025).

Given burrowing owl occupy the site, the DEIR mitigation measures of pre-construction surveys do not provide sufficient avoidance and minimization to prevent impacts to burrowing owl and occupied overwintering habitat. The DEIR states if occupied or previously occupied burrows are identified, the biologist will coordinate with CDFW and prepare a Burrowing Owl Plan. The Project site contains occupied burrows. The DEIR did not address the resident overwintering burrowing owl and how this Project will impact the owl and its ability to use this overwintering site. Temporary loss of the overwintering site would displace the owl and could cause mortality. In addition, overwintering owls can move between local areas daily and may not be present the day of a pre-construction survey but still utilize the site as part of its overwintering burrow network. Removing an overwinter site impacts the owl when they return to find the site unavailable.

On October 15, 2024, the Fish and Game Commission accepted a petition to list burrowing owl as a candidate species under CESA (FGC 2024). According to the petition that the Fish and Game accepted, burrowing owl populations are experiencing a decline as their habitat is lost. One of the drivers of this loss of habitat are attributed to direct and indirect impacts from urbanization (CBD 2024). This Project involves clearing and construction of undeveloped land, further reducing potential habitat for burrowing owl. Furthermore, burrowing owl remains a Species of Special Concern. Therefore, regardless of their status as a candidate species, burrowing owl may be considered an “endangered” or “rare” species under CEQA.

The existing mitigation measure for burrowing owl, MM BIO-3e, only provides for pre-construction surveys, and do not address impacts the construction timing, wall construction,

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post-construction wall owl habitat, impacts to food sources (rodents, etc.) using the wall, and arrival of the overwintering owl at the Project site during construction or provide any meaningful mitigation to reduce and mitigate overall impacts to the overwintering burrowing owl.

Evidence impact would be significant: Burrowing owl is a species designated as candidate for listing as threatened or endangered pursuant to CESA (Fish & G. Code, § 2050 et seq.). Take of any endangered, threatened, or 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). Additionally, take of individual western burrowing owl and their nests is defined by Fish and Game Code section 86 and prohibited by sections 3503, 3503.5, and 3513.

In addition, burrowing owl has a State Ranking of S1/S2. This means that the species is considered critically imperiled or imperiled and is extremely rare (often 5 or fewer populations). Burrowing owl is also listed as a Species of Special Concern. Accordingly, burrowing owl meets the CEQA definition of rare, threatened, or endangered species (CEQA Guidelines, § 15380). Therefore, take of burrowing owl could require a mandatory finding of significance by the County (CEQA Guidelines, § 1565). CDFW considers impacts to CESA-listed and SSC's a significant direct and cumulative adverse effect without implementing appropriate avoidance and/or mitigation measures.

Take is defined in Fish and Game Code section 86 as "hunt, pursue, catch, capture or kill, or attempt to hunt, pursue, catch, capture or kill." Inadequate avoidance and mitigation measures will result in the Project continuing to have a substantial adverse direct 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.

Recommended Potentially Feasible Mitigation Measure(s)

To evaluate potential impacts of the Project to burrowing owl, CDFW recommends the following mitigation measures as conditions of approval in the Project's CEQA document.

Mitigation Measure #1: Mitigation Measure MM BIO-3e – revise Mitigation Measure MM BIO-3e by incorporating the underlined language and removing the language with strikethrough:

MM BIO-3e. Burrowing owls. Prior to initiation of ground- and rock-disturbing activities, an Incidental Take Permit shall be obtained from CDFW. ~~a County approved biologist shall conduct a take avoidance survey of the Project site and surrounding areas to a distance of 150 meters, in accordance with the methods outlined in the California Burrowing Owl Consortium (CBOC) Burrowing Owl Survey Protocol and Mitigation Guidelines (CBOC 1993) and the California Department of Fish and Game (CDFG; now the CDFW) Staff Report on Burrowing Owl Mitigation (CDFG 2012). The pre-~~

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~~construction survey must cover all areas within 150 meters of the portion of the site where construction is planned to occur, except for the bare sandy beach area and tidelands located seaward of the revetment where no suitable burrowing owl habitat exists. Areas within 150 meters that are not accessible due to property access restrictions shall be surveyed using binoculars.~~

~~If no occupied or previously occupied (breeding or wintering) burrowing owl burrows are identified, no further action shall be required.~~

~~If occupied~~Occupied or previously occupied burrows are identified on the site or within 150 meters of the Project disturbance area, the County approved biologist shall begin coordination with CDFW and USFWS immediately and shall prepare a Burrowing Owl Plan that shall be submitted to CDFW for review and approval prior to commencing Project activities. The Burrowing Owl Plan shall describe proposed avoidance, minimization, mitigation, and monitoring actions. The Burrowing Owl Plan shall include the number and location of occupied burrow sites (occupied site means at least one burrowing owl has been observed within the last 3 years; may also be indicated by owl sign including feathers, pellets, prey remains, eggshell fragments, or excrement at or near a burrow entrance or perch site), acres of burrowing owl habitat that will be impacted, details of site monitoring, and details on proposed buffers and other avoidance measures. If impacts to occupied burrowing owl habitat or burrow cannot be avoided, the Burrowing Owl Plan shall also describe minimization and relocation actions that will be implemented, and as necessary, plans for compensatory mitigation for loss of habitat (if authorized by CDFW). Proposed implementation of burrow exclusion and closure should only be considered as a last resort, after all other options have been evaluated as exclusion is not in itself an avoidance, minimization, or mitigation method and has the possibility to result in take. If impacts to occupied burrows cannot be avoided, information shall be provided regarding adjacent or nearby suitable habitat available to owls and the conservation status of adjacent or nearby suitable habitat, along with proposed relocation actions. The Burrowing Owl Plan shall be implemented following CDFW and USFWS review and approval. If construction activities, including burrow exclusion and closure, disturbance of overwintering site, and removal of overwintering habitat, could result in take of burrowing owl, appropriate CESA authorization should be obtained from CDFW prior to commencement.

Plan Requirements and Timing: County Public Works staff shall obtain an ~~name and contact information for the biologist prior to initiation of the focused take avoidance survey. The County approved biologist shall conduct the survey prior to the initiation of any ground-disturbing activities. If deemed necessary, the Burrowing Owl Plan shall be reviewed and~~ Incidental Take Permit, approved by CDFW, USFWS, and the County prior to authorization to commence project activities.

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Monitoring: County Public Works staff shall review the ~~survey report(s), and if necessary, the Burrowing Owl Plan,~~ Incidental Take Permit for compliance with this condition prior to the commencement of ground disturbing activities and shall perform site inspections throughout the construction period to verify compliance in the field.

Mitigation Measure #2: The County shall require the preparation of a burrowing owl study to determine how the owl uses the site including: what features of the rock revetment wall are used by the owl, measuring size, temperature, and aspect of the burrow/shelter locations in the wall, assessing food source(s), predatory access to the wall, and any other information that would be necessary to ensure the revetment rock wall is reconstructed with similar features to allow the owl to continue overwintering at this site post-construction.

Mitigation Measure #3: A long-term monitoring and adaptive management program shall be implemented to ensure the site is re-occupied by burrowing owl post-construction. If burrowing owl fail to reoccupy the wall, the adaptive management plan shall make necessary changes to improve the overwintering site.

Mitigation Measure #4: Any near-term or long-term maintenance activities shall occur outside of the burrowing owl overwintering season (October – March). Any maintenance activities that have the potential to affect the suitability of overwintering shelter/foraging habitat, or occur during the overwintering season, shall obtain an ITP prior to initiation of these activities. Emergency activities shall be considered and planned for in advance to minimize take and included in the incidental take permit obtained from CDFW.

Mitigation Measure #5: Rodenticides that could result in direct or secondary poisoning to burrowing owl shall not be used for the duration of the Project and after the Project is complete in perpetuity. The County shall prohibit use of rodenticides or other poisons used to control burrowing animals in the Project Area during the life of the Project or within mitigation lands. Permittee shall prohibit management of ground squirrel populations or any rodents by any means, including, but not limited to, rodenticide, gas, or live-trapping within the Project Area for the duration of construction and long-term maintenance.

Mitigation Measure #6: The County shall prohibit the presence of dogs, cats, or other pets on the beach in front of the rock revetment wall. The County shall post signs at all current and future access points stating the area is an environmentally sensitive area, and that dogs/cats, pets are not allowed on or off leash.

Recommendation #1: CDFW recommends the Project be completed outside of the burrowing owl overwintering season, in a single year. Project construction should start as soon as the owl has left the overwintering site confirmed with CDFW (around March) and should be completed prior to October 1.

Recommendation #2: CDFW recommends the final EIR include a discussion of how the Project will impact the overwintering burrowing owl that has been documented using the site

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for several months. The final EIR should include take minimization measures such as timing construction to complete the Project outside of the overwintering season and build artificial overwintering shelter/burrows to mitigate the loss of overwintering habitat. The final EIR should also include meaningful habitat mitigation and long-term post-Project monitoring and adaptive management.

Recommendation #3: The DEIR should analyze impacts to burrowing owl from near- and long-term maintenance of the revetment activities, such as filling gaps with sand/soil, importation of up to 5,000 tons of rock armor, and importation of up to 41,000 tons of rock to raise the crest elevation in the future, and staging during these activities.

Recommendation #4: The DEIR should analyze impacts to burrowing owl facilitating increased public access to the area occupied by overwintering burrowing owl. CDFW recommends restricting public access during the timeframe burrowing owl is present at the rock revetment wall.

COMMENT # 2: Crotch's Bumble Bee

Issue: The Project may have significant impact to Crotch's bumble bee.

Specific impact: Crotch's bumble bee has been documented within the Project impact area (CNDDDB, 2026). The Project's ground, rock, and vegetation disturbance could result in potentially significant impacts to Crotch's bumble bee including loss of foraging resources, overwintering mortality, changes in foraging behavior, burrow collapse, nest abandonment, reduced nest success, reduced health and vigor of eggs, young, and/or queens, and direct mortality.

Why impact would occur: The DEIR states that Crotch's bumble bee has a low potential to occur on the Project site. The California Natural Diversity Database, (CNDDDB), shows records of Crotch's bumble bee within the Project site (CNDDDB 2026).

The DEIR concludes there is no nesting habitat, and that the Project will temporarily reduce available upland/foraging habitat. CDFW disagrees with the DEIR conclusion that the Project will not impact Crotch's bumble bee. The DEIR does not address the potential for overwintering impacts, nesting bee and nest impacts, or direct mortality to foraging individuals or include any mitigation measures for Crotch's bumble bee. The field surveys conducted to support the DEIR (May 21, 2024 and December 10, 2025) do not meet the timing and duration necessary to identify Crotch's bumble bee. Vegetation clearing in the presence of Crotch's bumble bee, Project construction, and activity at the staging areas could result in direct impacts through individual mortality, which would be considered take under CESA.

Evidence impact 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

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“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 area. 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, § 1565).

Recommended Potentially Feasible Mitigation Measure(s)

To evaluate potential impacts of the Project to Crotch’s bumble bee, CDFW recommends the following mitigation measures as conditions of approval in the Project’s CEQA document.

Mitigation Measure #7: The County shall provide CDFW negative Crotch’s bumble bee survey results or shall coordinate with CDFW to obtain appropriate CESA take authorization for Crotch’s bumble bee (assumed presence based on past survey detection). Appropriate take authorization shall be obtained prior to Project initiation.

If the County conducts Crotch’s bumble bee surveys, the survey shall include 1) a habitat assessment and 2) focused surveys, based on the *Survey Considerations for California Endangered Species Act (CESA) Candidate Bumble Bee Species*¹ released by the California Department of Fish and Wildlife (CDFW) on June 6, 2023. The habitat assessment and focused surveys will be performed by a biologist with appropriate handling permits for handling Crotch’s bumble bee. All areas, including staging and off-site beach access improvement locations shall be included in the survey.

If a Crotch’s bumble bee is found, the County shall consult with CDFW to obtain an Incidental Take Permit.

Mitigation Measure #8: In the event an Incidental Take Permit is needed, mitigation for impacts to Crotch’s bumble bee shall be fulfilled through compensatory mitigation at a minimum of 3:1 nesting or foraging habitat replacement of equal or better functions and values to those impacted by the Project, or as otherwise determined through the Incidental

¹ <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=213150&inline>

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Take Permit process. Mitigation will be accomplished either through on-site or off-site conservation or through a CDFW-approved mitigation bank. If mitigation is not purchased through a mitigation bank, and lands are conserved separately, a cost estimate will be prepared to estimate the initial start-up costs and ongoing annual costs of management activities for the management of the conservation easement area(s) in perpetuity. The funding source will be in the form of an endowment to help the qualified natural lands management entity that is ultimately selected to hold the conservation easement(s). The endowment amount will be established following the completion of a Project-specific cost estimate analysis to calculate the costs of in-perpetuity land management. The cost estimate analysis will take into account all management activities required in the Incidental Take Permit to fulfill the requirements of the conservation easement(s), which are currently in review and development.

Recommendation #5: The DEIR should analyze impacts to Crotch's bumble bee from near- and long-term maintenance of the revetment activities, such as filling gaps with sand/soil, importation of up to 5,000 tons of rock armor, and importation of up to 41,000 tons of rock to raise the crest elevation in the future, staging during these activities as well as access routes and staging areas for these activities.

Recommendation #6: The DEIR should analyze impacts of facilitating increased public access to the area occupied by Crotch's bumble bee.

Comment #3: Belding's savannah sparrow and western snowy plover

Issue: CDFW is concerned that the Project may impact CESA-listed Belding's savannah sparrow as well as Species of Special Concern western snowy plover through 1) the revetment wall construction, 2) near- and long-term maintenance activities, and 3) accommodating higher levels of human occupancy and disturbance in and adjacent to areas occupied by the above species.

Specific Impact: Grading, vegetation removal, and other ground disturbances could crush and bury listed or sensitive plants and animals, resulting in direct mortality. The Project may also affect adjacent habitat by loud noises, lighting, increased human presence and activity, fugitive dust, and spreading invasive weeds, resulting in stress, displacement, and mortality of these species

Why impact would occur: The DEIR states Belding's savannah sparrow could be found foraging in and around the revetment or shoreline, but there is no suitable nesting habitat. CDFW disagrees with this statement because Belding's savannah sparrow has been documented to occupy suitable habitat and known to breed in Carpinteria Salt Marsh. The DEIR also states that there is low likelihood of western snowy plover in the Project area, with marginal nesting habitat. However, two fledgling western snowy plover chicks were

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observed on the beach at the west end of the Project site on May 21, 2013, and they may use the shoreline in the Project site for foraging.

The DEIR did not contain a discussion on the distribution, location, territories, noise isotherms, visual lines of sight, or seasonal activities, to assess potential direct and indirect impacts to either bird. This information is needed to assess specific Project impacts such as distance to known occupied habitat, noise isotherm maps, and specific occupied habitat removal areas. Both birds are year-round residents of Carpinteria Marsh and are protected from unauthorized take year-round. Western snowy plover is extremely sensitive to human disturbance, which causes adults to abandon nests, reduces feeding rates, and threatens chick survival. Human activity on public beaches lowers the time plovers spend feeding, draining their energy reserves.

The DEIR concludes implementation of MM BIO-1 (Pre-Construction Special-status Plant Surveys), MM BIO-2 (Pre-Construction Nesting Bird Surveys), BIO-3a-e (Pre-Construction Special-status Wildlife Surveys, excluding Belding's savannah sparrow and western snowy plover), MM BIO-4 through MM BIO-7 (Worker Education, Biological Monitor, Minimizing Impacts to Dune Mat, and Obtaining Section 404 and 401 Permits) along with general construction BMPs, would reduce temporary impacts to CESA-listed birds such that impacts would be significant but mitigable. However, pre-construction bird surveys and 500-foot buffers may not be adequate to detect and avoid Project impacts to CESA-listed Belding's savannah sparrow, as well as Species of Special Concern western snowy plover.

Site construction and operations may result in a substantial amount of noise through road use, equipment, and other project-related activities. Increase visual disturbance, from the current low-use baseline, is also a potential impact to Belding's savannah sparrow and western snowy plover. Anthropogenic noise can disrupt the communication of many wildlife species including birds (Sun and Narins 2005, Patricelli and Blickley 2006, Gillam and McCracken 2007, Slabbekoorn and Ripmeester 2008). Additionally, many prey species increase their vigilance behavior when exposed to noise because they need to rely more on visual detection of predators when auditory cues may be masked by noise (Rabin et al. 2006, Quinn et al. 2017). Noise has also been shown to reduce the density of nesting birds (Francis et al. 2009) and cause increased stress that results in decreased immune responses (Kight and Swaddle 2011). Increased ambient lighting levels can increase predation risks and disorientation and disrupt normal behaviors of western snowy plovers in adjacent feeding, breeding, and roosting habitat (Longcore and Rich 2004). Without assessing noise and light disruptions or providing appropriate minimization or mitigation measures, the Project may result in substantial impacts to sensitive wildlife species.

Evidence impact would be significant: Project implementation would result in a substantial adverse effect, either directly via removal of habitat or through habitat modifications caused by alteration of existing public use, on a species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations or by the Wildlife

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Agencies (CDFW or U.S. Fish and Wildlife Service). It is unclear how Project impacts would be reduced to less than significant without appropriate avoidance, minimization, or mitigation measures.

Recommended potentially feasible mitigation measure(s):

CDFW recommends the following mitigation measures as conditions of approval in the Project's CEQA document.

Mitigation Measure #9: Project construction that occurs during the western snowy plover breeding season (1 March – 30 September) shall have a CDFW-approved plover and Belding's savannah sparrow monitor present during all Project activities, to minimize effects to these birds.

Mitigation Measure #10: The Project shall restrict use of equipment to hours least likely to disrupt wildlife (e.g., not at night or in early morning before 9am). Generators should not be used except for temporary use in emergencies. CDFW recommends use of noise suppression devices such as mufflers or enclosures for generators. Sounds generated from any means should be below the 55-60 dB range within 50 feet from the source.

Mitigation Measure #11: Night lighting shall not be used during construction of the Project.

Mitigation Measure #12: A minimum 250-meter buffer between Project operations and listed species habitat shall be established.

Mitigation Measure #13: Workers shall not bring pets onto the Project site.

Mitigation Measure #14: Workers shall ensure the site is clean of all trash and food waste daily to prevent crows and ravens from being attracted to the construction and staging sites.

Recommendation #7: Parking, driving, lay-down, stockpiling, and vehicle and equipment storage should be limited to previously compacted and developed areas. No off-road vehicle use should be permitted beyond the Project site and designated access routes. Disturbances to the adjacent native vegetation should be minimized.

Comment #4: California Grunion (*Leuresthes tenuis*)

Issue: The proposed Project's rock revetment repair and restoration construction activities (e.g., mobilization/demobilization of equipment, the import of rock and sand material to the site, the placement and reworking of rock material, demolition of some of the existing coastal stairways, and the construction of new public and private stairways) could cause burial of sensitive marine species, notably California grunion during the spawning season, and impact the sandy beach habitats grunion depend on.

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Specific Impact: Carpinteria coastal waters support commercially and recreationally important fish species including grunion. Rock revetment repair and restoration construction activities on the beach could impact grunion via direct burial/smothering. Grunion are vulnerable to disturbance from beach construction projects within the intertidal and nearshore during their reproductive cycle because they spawn and bury their eggs within the upper intertidal. Grunion may have the potential to spawn within the Project's beach construction footprint during the spawning season (March through August). Direct impacts could include crushing incubating eggs from driving heavy equipment within egg nests and burying incubating eggs from movement of sand, which may lead to inviable eggs or eggs unable to hatch out.

California grunion are small, silvery fish found only along the coast of Southern California and northern Baja California. Unlike other fish, grunion come completely out of the water to lay their eggs in the wet sand of the beach. Grunion make these excursions only on particular nights and with such regularity that the time of their arrival on the beach can be predicted a year in advance (California Department of Fish and Wildlife [CDFW] 2026). California grunion are protected from coastal development/impacts during their spawning period from March 1 to August 31. The California Coastal Commission and the U.S. Army Corps of Engineers often requires pre-construction grunion surveys and a Grunion Monitoring & Avoidance Plan for coastal development projects.

Why impact would occur: The DEIR confirmed that grunion routinely used the beach along Sand Point Road prior to construction of the rock revetment and that grunion runs have occurred at Carpinteria State Beach in the last five years. Even though the DEIR includes a mitigation measure (MM BIO-3d) to minimize impacts to grunion, the DEIR does not discuss how grunion spawning season could be avoided during the Project's construction.

Evidence impact would be significant: Grunion are an ecologically, recreationally, and culturally important species in southern California, and an important prey species for numerous marine species. Sandy beaches are critical grunion habitat during spawning events and grunion are vulnerable to disturbance from beach construction projects within the intertidal and nearshore since their eggs are buried in the upper intertidal. The Project's construction activities could crush or bury incubating grunion eggs which will lead to unsuccessful reproduction or inviable offspring for the species.

Recommended Potentially Feasible Mitigation Measures

To evaluate potential impacts of the Project to grunion, CDFW recommends the following mitigation measures as conditions of approval in the Project's CEQA document.

Recommendation #8: While CDFW appreciates that MM BIO-3d was included in the DEIR to minimize impacts to grunion by conducting monitoring (pre-construction and during construction), CDFW recommends all beach construction activities occur outside of grunion

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spawning season (March 1st through August 31st) to the greatest extent feasible. If avoiding the grunion spawning season is not feasible during beach construction activities, CDFW recommends that all activity related to beach construction be restricted to above the kelp wrack line or the Higher High Water line from March 1st to August 31st. Furthermore, the locations of the spawning run should be marked physically and/or by Global Positioning System (GPS) locations. The density of the grunion throughout the area should be noted using the Walker Scale. The Project should ensure that maintenance workers avoid the spawning and hatching area and that a 50-foot buffer is used to avoid impacting any areas adjacent to the sediment placement sites. If grunion spawning occurs within the Project area, work in that area should cease and not be conducted until after the grunion eggs have hatched, approximately two weeks until the next tidal inundation. The expected run schedule can be found on [CDFW's website](#)².

Comment # 5: Increased Public Access to Beach with Sensitive Biological Resources Present

Issue: CDFW is concerned that the DEIR did not adequately evaluate how opening public access to a currently inaccessible 5.5-acre beach with multiple CESA-listed and CEQA-rare species, could impact biological resources.

Specific Impact: Facilitating public access to this currently inaccessible beach would expose sensitive habitats and special-status species to increased human and dog disturbance, trash-related predator attraction, habitat degradation, and other anthropogenic stressors that could result in substantial direct and indirect adverse biological impacts.

Why impact would occur: The Sandyland community is a private neighborhood with restricted private access for residents and guests via a security guard and security gate. No existing public access is provided to the revetment or the 5.5-acre unnamed beach fronting the residential properties along Sand Point Road. The unnamed beach is generally inaccessible from the north due to an existing rock revetment constructed to protect private residences of the Casa Blanca Beach Estate Owners Association, and from the south due to the mouth of the Carpinteria Salt Marsh and Santa Monica Creek. Public access to the beach is only possible from the Pacific Ocean or laterally along the beach during periods of very low tides (e.g., King Tides) when the revetment fronting the Casa Blanca Beach Estates is passable. Facilitating public access to this beach that currently is only accessible by the 25 adjacent homeowners, may result in substantial adverse effects, either directly or indirectly, on habitat occupied by CESA-listed and CESA-rare species including burrowing owl, Belding's savannah sparrow, western snowy plover, California grunion, Crotch's bumble bee, red sand verbena (California Rare Plant Rank 4.2), and dune mat (*Abronia latifolia* – *Ambrosia chamissonis* herbaceous alliance (State rarity ranking S-3)).

² <https://wildlife.ca.gov/Fishing/Ocean/Grunion>

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Trash left behind by visitors attracts natural predators like crows and ravens, which then target western snowy plover/Belding's savannah sparrow eggs and chicks. The presence of dogs presents an acute threat, causing western snowy plovers to flush or flee at much higher rates than from humans. Noise and physical disturbance from humans may result in direct mortality, population declines, or local extirpation of special status fish, reptile, plant, and mammal species.

Evidence impact may be significant: The Project includes plans to facilitate increased public access to the unnamed beach fronting Sand Point Road. Under CEQA guidelines, introducing or extending infrastructure, including providing new access to a beach that is currently inaccessible to the public, could be considered as both directly and indirectly inducing growth. CEQA Guidelines Section 15126.2 (d) also states that it cannot be assumed that growth in an area is necessarily beneficial, detrimental, or of little significance to the environment. Depending upon the type, magnitude, and location of growth, it can result in significant adverse environmental effects. The proposed project's growth inducing potential is therefore considered significant if project-induced growth could result in significant physical effects in one or more environmental issue areas.

Project implementation would result in a substantial adverse effect, either directly via crushing or mortality due to nest abandonment and habitat modifications, indirectly caused by increased anthropomorphic stressors (e.g. increased noise, trash, invasive species, dogs) on species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations or by the Wildlife Agencies (CDFW or U.S. Fish and Wildlife Service). Public access may result in biological impacts including habitat fragmentation, native plant destruction, and wildlife disturbance and mortality.

Recommended potentially feasible mitigation measure(s):

To evaluate potential impacts of the Project to sensitive species and biological resources, CDFW recommends the following mitigation measures as conditions of approval in the Project's CEQA document.

Recommendation #9: CDFW recommends the County assess the potential impacts facilitating increased human access and recreation will have on the CESA-listed and CEQA-rare species within and adjacent to the 5.5 acre unnamed beach and recirculate the DEIR.

Recommendation #10: CDFW recommends the County install signs at every beach entrance point detailing the presence of sensitive species.

Recommendation #11: CDFW recommends the DEIR include specific measures to minimize and mitigate increased public access and recreation to the 5.5-acre beach including seasonal closures, restrictions on dogs and pets, developing a trash program to ensure nuisance wildlife is not attracted to the beach, a monitoring program to ensure sensitive resources are not impacted, and an invasive species monitoring plan.

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Recommendation #12: CDFW recommends the County obtain an ITP addressing the impacts providing public access to the 5.5-acre unnamed beach will likely have on CESA-listed species.

Comment # 6: Near-term and Long-term Maintenance Activities.

Issue: CDFW is concerned that the DEIR did not adequately evaluate how near-term and long-term maintenance activities could impact CESA-listed and CEQA-rare biological resources.

Specific Impact: Major maintenance activities requiring the importation of up to an additional 5,000 tons of armor rock to fill voids are estimated to occur every 10 years. Maintenance activities would also occur on an emergency as-needed basis in the event of severe storms and damage to the revetment. The proposed Project also includes allowance for future sea level rise adaptation measures allowing additional up to 41,000 tons of rock to raise the crest elevation to accommodate sea level rise of up to 2.8 feet.

Construction activities and staging during these maintenance and adaptation activities would be similar to the initial repair but requiring shorter construction durations. Repairs and sea level rise adaptation measures would be triggered based on wave overtopping and flood damage to the homeowners' property, public accessway, and dune habitat occurring more than once per year.

Why impact would occur: Future maintenance and emergency activities may result in substantial adverse effects, either directly or indirectly, on habitat occupied by CESA-listed and CESA-rare species including burrowing owl, Belding's savannah sparrow, western snowy plover, Crotch's bumble bee, California grunion, red sand verbena (California Rare Plant Rank 4.2), and dune mat (*Abronia latifolia* – *Ambrosia chamissonis* herbaceous alliance (State rarity ranking S-3)). Grading, rock deposition, vegetation removal, and other ground disturbances could crush and bury listed or sensitive plants and animals, resulting in direct mortality. The Project may also affect adjacent habitat by loud noises, lighting, increased human presence and activity, fugitive dust, and spreading invasive weeds, resulting in stress, displacement, and mortality of these species.

The DIER analysis did not include an assessment of impacts to CESA-listed and CEQA-rare species in the context of emergency and maintenance activities. Adding additional rock, sand, or fill to the rock revetment wall while burrowing owl is present, could result in direct mortality by burying or crushing of burrowing owl. Introducing heavy machinery near snowy plover or Belding's savannah sparrow could cause direct and indirect impacts to these species due to nest or habitat abandonment.

Evidence impact may be significant: Impacts to CESA-listed and CEQA-rare 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

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these sensitive 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.

Take of any endangered, threatened, or 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). In addition, take under the Federal Endangered Species Act (ESA) is more broadly defined than take under CESA. Take under ESA also includes significant habitat modification or degradation that could result in death or injury to a listed species by interfering with essential behavioral patterns such as breeding, foraging, or nesting.

Recommended potentially feasible mitigation measure(s):

CDFW recommends the following mitigation measures as conditions of approval in the Project's CEQA document.

Mitigation Measure #15: A long-term, near-term, and emergency maintenance plan shall be developed prior to Project initiation. This plan shall include detailed species survey guidelines, avoidance measures, seasonal restrictions, mitigation measures, and contain relevant CESA-permitting information.

Mitigation Measure #16: The County shall coordinate with CDFW to obtain appropriate CESA take authorization for burrowing owl and Crotch's bumble bee. Appropriate take authorization shall be obtained prior to Project initiation.

Recommendation #13: The DEIR should include a discussion that addresses impacts maintenance and emergency activities will have on the CESA-listed and CEQA-rare species present and adjacent to the Project. Specific avoidance, minimization, and mitigation strategies should be assessed in the DEIR.

ADDITIONAL COMMENTS

Invasive Weeds. CDFW recommends the following mitigation measure be included in the DEIR to address invasive weeds both during construction and any maintenance activities.

Mitigation Measure #17: Non-native plants, including noxious weeds (as listed by the California Invasive Plant Council), shall be prevented from establishing in the Project area (staging, stockpile, access routes, and construction zones), by hand-weeding. A weed monitoring program with regular inspection, mapping, and removal should be implemented to ensure. A weed management plan shall be developed for the Project area and implemented both during construction and for at least 3 years post-Project. Soil disturbance promotes establishment and growth of non-native weeds. As part of the Project, non-native

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weeds should be prevented from becoming established both during and after construction, to control the local spread of invasive plants. The Project area should be monitored via mapping for new introductions and expansions of non-native weeds. Annual threshold limits, eradication targets, and monitoring should be included in this plan. Monitoring for spread of invasive weeds to adjacent lands should also be included.

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

ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations. (Pub. Resources Code, § 21003, subd. (e).) Accordingly, please report any special status species and natural communities detected during Project surveys to CNDDB. The [CNDDB website](https://wildlife.ca.gov/Data/CNDDB)³ provides direction regarding the types of information that should be reported and allows on-line submittal of field survey forms.

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

The County should ensure data collected for the preparation of the Project's environmental document is properly submitted.

FILING FEES

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required in order for the underlying project approval to be operative, vested,

³ <https://wildlife.ca.gov/Data/CNDDB>

⁴ [Natural Communities — Submitting Information](#)

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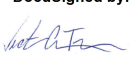
and final. (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089.)

CONCLUSION

CDFW appreciates the opportunity to comment on the DEIR to assist the County in identifying and mitigating Project impacts on biological resources. CDFW requests an opportunity to review and comment on any response that the County has to our comments and to receive notification of any forthcoming hearing date(s) for the Project (CEQA Guidelines, § 15073(e)).

Questions regarding this letter or further coordination should be directed to Kelly Schmoker⁵, Senior Environmental Scientist (Specialist).

Sincerely,

DocuSigned by:

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Victoria Tang
Environmental Program Manager
South Coast Region

ATTACHMENTS

Attachment A: Draft Mitigation, Monitoring, and Reporting Program

ec: California Department of Fish and Wildlife
Victoria Tang, Environmental Program Manager
Frederic (Fritz) Rieman, Senior Environmental Scientist (Supervisory)
Kelly Schmoker, Senior Environmental Scientist (Specialist)
Cindy Hailey, Staff Services Analyst

Office of Land Use and Climate Innovation
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References:

⁵ Email: Kelly.Schmoker@wildlife.ca.gov

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STATE OF CALIFORNIA
DEPARTMENT OF FISH AND WILDLIFE

GAVIN NEWSOM, Governor
MEGHAN HERTEL, Director

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ATTACHMENT A: DRAFT MITIGATION MONITORING AND REPORTING PROGRAM (MMRP)

CDFW provides the following language to be incorporated into the MMRP for the Project.

Mitigation Measure	Timing	Responsible Party
Mitigation Measure #1: Mitigation Measure MM BIO-3e – revise Mitigation Measure BIO MM-12 by incorporating the underlined language and removing the language with strikethrough: MM BIO-3e. Burrowing owls. Prior to initiation of ground- and rock-disturbing activities, an Incidental Take Permit shall be obtained from CDFW. <u>a County approved biologist shall conduct a take avoidance survey of the Project site and surrounding areas to a distance of 150 meters, in accordance with the methods outlined in the California Burrowing Owl Consortium (CBOC) Burrowing Owl Survey Protocol and Mitigation Guidelines (CBOC 1993) and the California Department of Fish and Game (CDFG; now the CDFW) Staff Report on Burrowing Owl Mitigation (CDFG 2012). The pre-construction survey must cover all areas within 150 meters of the portion of the site where construction is planned to occur, except for the bare sandy beach area and tidelands located seaward of the revetment where no suitable burrowing owl habitat exists. Areas within 150 meters that are not accessible due to property access restrictions shall be surveyed using binoculars.</u>	Prior to Project Implementation	Project Proponent

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~~If no occupied or previously occupied (breeding or wintering) burrowing owl burrows are identified, no further action shall be required.~~ ~~If eOccupied or previously occupied burrows are identified on the site or within 150 meters of the Project disturbance area, the County-approved biologist shall begin coordination with CDFW and USFWS immediately and shall prepare a Burrowing Owl Plan that shall be submitted to CDFW for review and approval prior to commencing Project activities. The Burrowing Owl Plan shall describe proposed avoidance, minimization, mitigation, and monitoring actions. The Burrowing Owl Plan shall include the number and location of occupied burrow sites (occupied site means at least one burrowing owl has been observed within the last 3 years; may also be indicated by owl sign including feathers, pellets, prey remains, eggshell fragments, or excrement at or near a burrow entrance or perch site), acres of burrowing owl habitat that will be impacted, details of site monitoring, and details on proposed buffers and other avoidance measures. If impacts to occupied burrowing owl habitat or burrow cannot be avoided, the Burrowing Owl Plan shall also describe minimization and relocation actions that will be implemented, and as necessary, plans for compensatory mitigation for loss of habitat (if authorized by CDFW). Proposed implementation of burrow exclusion and closure should only be considered as a last resort, after all other options have been evaluated as exclusion is not in itself an avoidance, minimization, or mitigation method and has the possibility to result in take. If impacts to occupied burrows cannot be avoided, information shall be provided regarding adjacent or nearby suitable habitat available to owls and the conservation status of adjacent or nearby suitable habitat, along with proposed relocation actions. The Burrowing Owl Plan shall be implemented following CDFW and USFWS review and approval. If <u>C</u>onstruction activities, including burrow exclusion and closure, <u>d</u>isturbance of overwintering site, and removal of overwintering habitat,~~		
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could result in take of burrowing owl, appropriate CESA authorization should be obtained <u>from CDFW</u> prior to commencement. Plan Requirements and Timing: County Public Works staff shall obtain an ~~name and contact information for the biologist prior to initiation of the focused take avoidance survey.~~ The County approved biologist shall conduct the survey prior to the initiation of any ground disturbing activities. If deemed necessary, the Burrowing Owl Plan shall be ~~reviewed and~~ Incidental Take Permit, approved by CDFW, ~~USEWS, and the County~~ prior to authorization to commence project activities. Monitoring: County Public Works staff shall review the ~~survey report(s), and if necessary, the Burrowing Owl Plan,~~ Incidental Take Permit for compliance with this condition prior to the commencement of ground disturbing activities and shall perform site inspections throughout the construction period to verify compliance in the field.		
Mitigation Measure #2: The County shall require the preparation of a burrowing owl study to determine how the owl uses the site including: what features of the rock revetment wall are used by the owl, measuring size, temperature, and aspect of the burrow/shelter locations in the wall, assessing food source(s), predatory access to the wall, and any other information that would be necessary to ensure the revetment rock wall is reconstructed with similar features to allow the owl to continue overwintering at this site post-construction.	Prior to Project Implementation	Project Proponent
Mitigation Measure #3: A long-term monitoring and adaptive management program shall be implemented to ensure the site is re-occupied by burrowing owl post-construction. If burrowing owl fail to reoccupy the wall, the adaptive management plan shall make necessary changes to improve the overwintering site.	Prior to Project Implementation	Project Proponent

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Mitigation Measure #4: Any near-term or long-term maintenance activities shall occur outside of the burrowing owl overwintering season (October – March). Any maintenance activities that have the potential to affect the suitability of overwintering shelter/foraging habitat, or occur during the overwintering season, shall obtain an ITP prior to initiation of these activities. Emergency activities shall be considered and planned for in advance to minimize take and included in the incidental take permit obtained from CDFW.	Prior to Project Implementation	Project Proponent
Mitigation Measure #5: Rodenticides that could result in direct or secondary poisoning to burrowing owl shall not be used for the duration of the Project and after the Project is complete in perpetuity. The County shall prohibit use of rodenticides or other poisons used to control burrowing animals in the Project Area during the life of the Project or within mitigation lands. Permittee shall prohibit management of ground squirrel populations or any rodents by any means, including, but not limited to, rodenticide, gas, or live-trapping within the Project Area for the duration of construction and long-term maintenance	Prior to Project Implementation	Project Proponent
Mitigation Measure #6: The County shall prohibit the presence of dogs, cats, or other pets on the beach in front of the rock revetment wall. The County shall post signs at all current and future access points stating the area is an environmentally sensitive area, and that dogs/cats, pets are not allowed on or off leash.	Prior to Project Implementation	Project Proponent
Mitigation Measure #7: The County shall provide CDFW negative Crotch's bumble bee survey results or shall coordinate with CDFW to obtain appropriate CESA take authorization for Crotch's bumble bee (assumed presence based on past survey detection). Appropriate take authorization shall be obtained prior to Project initiation. If the County conducts Crotch's bumble bee surveys, the survey shall include 1) a habitat assessment and 2) focused surveys, based on the Survey	Prior to Project Implementation	Project Proponent

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<i>Considerations for California Endangered Species Act (CESA) Candidate Bumble Bee Species⁶</i> released by the California Department of Fish and Wildlife (CDFW) on June 6, 2023. The habitat assessment and focused surveys will be performed by a biologist with appropriate handling permits for handling Crotch's bumble bee. All areas, including staging and off-site beach access improvement locations shall be included in the survey. If a Crotch's bumble bee is found, the County shall consult with CDFW to obtain an Incidental Take Permit.		
Mitigation Measure #8: In the event an Incidental Take Permit is needed, mitigation for impacts to Crotch's bumble bee shall be fulfilled through compensatory mitigation at a minimum of 3:1 nesting or foraging habitat replacement of equal or better functions and values to those impacted by the Project, or as otherwise determined through the Incidental Take Permit process. Mitigation will be accomplished either through on-site or off-site conservation or through a CDFW-approved mitigation bank. If mitigation is not purchased through a mitigation bank, and lands are conserved separately, a cost estimate will be prepared to estimate the initial start-up costs and ongoing annual costs of management activities for the management of the conservation easement area(s) in perpetuity. The funding source will be in the form of an endowment to help the qualified natural lands management entity that is ultimately selected to hold the conservation easement(s). The endowment amount will be established following the completion of a Project-specific cost estimate analysis to calculate the costs of in-perpetuity land management. The cost estimate analysis will take into account all management activities required in the Incidental Take Permit to fulfill the	Prior to Project Implementation	Project Proponent

⁶ <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=213150&inline>

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requirements of the conservation easement(s), which are currently in review and development.		
Mitigation Measure #9: Project construction that occurs during the western snowy plover breeding season (1 March – 30 September) shall have a CDFW-approved plover and Belding's savannah sparrow monitor present during all Project activities, to minimize effects to these birds.	Prior to Project Implementation	Project Proponent
Mitigation Measure #10: The Project shall restrict use of equipment to hours least likely to disrupt wildlife (e.g., not at night or in early morning before 9am). Generators should not be used except for temporary use in emergencies. CDFW recommends use of noise suppression devices such as mufflers or enclosures for generators. Sounds generated from any means should be below the 55-60 dB range within 50 feet from the source.	Prior to Project Implementation	Project Proponent
Mitigation Measure #11: Night lighting shall not be used during construction of the Project.	Prior to Project Implementation	Project Proponent
Mitigation Measure #12: A minimum 250-meter buffer between Project operations and listed species habitat shall be established.	Prior to Project Implementation	Project Proponent
Mitigation Measure #13: Workers shall not bring pets onto the Project site.	Prior to Project Implementation	Project Proponent
Mitigation Measure #14: Workers shall ensure the site is clean of all trash and food waste daily to prevent crows and ravens from being attracted to the construction and staging sites.	Prior to Project Implementation	Project Proponent
Mitigation Measure #15: A long-term, near-term, and emergency maintenance plan shall be developed prior to Project initiation. This plan shall include detailed species survey guidelines, avoidance measures, seasonal restrictions, mitigation measures, and contain relevant CESA-permitting information.	Prior to Project Implementation	Project Proponent
Mitigation Measure #16: The County shall coordinate with CDFW to obtain appropriate CESA take authorization for burrowing owl and Crotch's bumble	Prior to Project Implementation	Project Proponent

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bee. Appropriate take authorization shall be obtained prior to Project initiation.		
Mitigation Measure #17: Non-native plants, including noxious weeds (as listed by the California Invasive Plant Council), shall be prevented from establishing in the Project area (staging, stockpile, access routes, and construction zones), by hand-weeding. A weed monitoring program with regular inspection, mapping, and removal should be implemented to ensure. A weed management plan shall be developed for the Project area and implemented both during construction and for at least 3 years post-Project. Soil disturbance promotes establishment and growth of non-native weeds. As part of the Project, non-native weeds should be prevented from becoming established both during and after construction, to control the local spread of invasive plants. The Project area should be monitored via mapping for new introductions and expansions of non-native weeds. Annual threshold limits, eradication targets, and monitoring should be included in this plan. Monitoring for spread of invasive weeds to adjacent lands should also be included.	Prior to Project Implementation	Project Proponent
Recommendation #1: CDFW recommends the Project be completed outside of the burrowing owl overwintering season, in a single year. Project construction should start as soon as the owl has left the overwintering site confirmed with CDFW (around March) and should be completed prior to October 1.	Prior to Project Implementation	Project Proponent
Recommendation #2: CDFW recommends the final EIR include a discussion of how the Project will impact the overwintering burrowing owl that has been documented using the site for several months. The final EIR should include take minimization measures such as timing construction to complete the Project outside of the overwintering season and build artificial overwintering shelter/burrows to mitigate the loss of overwintering habitat. The final EIR	Prior to Project Implementation	Project Proponent

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should also include meaningful habitat mitigation and long-term post-Project monitoring and adaptive management.		
Recommendation #3: The DEIR should analyze impacts to burrowing owl from near- and long-term maintenance of the revetment activities, such as filling gaps with sand/soil, importation of up to 5,000 tons of rock armor, and importation of up to 41,000 tons of rock to raise the crest elevation in the future, and staging during these activities.	Prior to Project Implementation	Project Proponent
Recommendation #4: The DEIR should analyze impacts to burrowing owl facilitating increased public access to the area occupied by overwintering burrowing owl. CDFW recommends restricting public access during the timeframe burrowing owl is present at the rock revetment wall.	Prior to Project Implementation	Project Proponent
Recommendation #5: The DEIR should analyze impacts to Crotch's bumble bee from near- and long-term maintenance of the revetment activities, such as filling gaps with sand/soil, importation of up to 5,000 tons of rock armor, and importation of up to 41,000 tons of rock to raise the crest elevation in the future, staging during these activities as well as access routes and staging areas for these activities.	Prior to Project Implementation	Project Proponent
Recommendation #6: The DEIR should analyze impacts of facilitating increased public access to the area occupied by Crotch's bumble bee.	Prior to Project Implementation	Project Proponent
Recommendation #7: Parking, driving, lay-down, stockpiling, and vehicle and equipment storage should be limited to previously compacted and developed areas. No off-road vehicle use should be permitted beyond the Project site and designated access routes. Disturbances to the adjacent native vegetation should be minimized.	Prior to Project Implementation	Project Proponent
Recommendation #8: While CDFW appreciates that MM BIO-3d was included in the DEIR to minimize impacts to grunion by conducting monitoring (pre-construction and during construction), CDFW recommends all beach	Prior to Project Implementation	Project Proponent

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construction activities occur outside of grunion spawning season (March 1st through August 31st) to the greatest extent feasible. If avoiding the grunion spawning season is not feasible during beach construction activities, CDFW recommends that all activity related to beach construction be restricted to above the kelp wrack line or the Higher High Water line from March 1st to August 31st. Furthermore, the locations of the spawning run should be marked physically and/or by Global Positioning System (GPS) locations. The density of the grunion throughout the area should be noted using the Walker Scale. The Project should ensure that maintenance workers avoid the spawning and hatching area and that a 50-foot buffer is used to avoid impacting any areas adjacent to the sediment placement sites. If grunion spawning occurs within the Project area, work in that area should cease and not be conducted until after the grunion eggs have hatched, approximately two weeks until the next tidal inundation. The expected run schedule can be found on CDFW's website ⁷ .		
Recommendation #9: CDFW recommends the County assess the potential impacts facilitating increased human access and recreation will have on the CESA-listed and CEQA-rare species within and adjacent to the 5.5 acre unnamed beach and recirculate the DEIR.	Prior to Project Implementation	Project Proponent
Recommendation #10: CDFW recommends the County install signs at every beach entrance point detailing the presence of sensitive species.	Prior to Project Implementation	Project Proponent
Recommendation #11: CDFW recommends the DEIR include specific measures to minimize and mitigate increased public access and recreation to the 5.5-acre beach including seasonal closures, restrictions on dogs and pets, developing a trash program to ensure nuisance wildlife is not attracted to the	Prior to Project Implementation	Project Proponent

⁷ <https://wildlife.ca.gov/Fishing/Ocean/Grunion>

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beach, a monitoring program to ensure sensitive resources are not impacted, and an invasive species monitoring plan.		
Recommendation #12: CDFW recommends the County obtain an ITP addressing the impacts providing public access to the 5.5-acre unnamed beach will likely have on CESA-listed species.	Prior to Project Implementation	Project Proponent
Recommendation #13: The DEIR should include a discussion that addresses impacts maintenance and emergency activities will have on the CESA-listed and CEQA-rare species present and adjacent to the Project. Specific avoidance, minimization, and mitigation strategies should be assessed in the DEIR.	Prior to Project Implementation	Project Proponent
Mitigation and Monitoring Reporting Plan. CDFW recommends the Project's environmental document include mitigation measures recommended in this letter. CDFW has provided comments via a mitigation monitoring and reporting plan to assist in the development of feasible, specific, detailed (i.e., responsible party, timing, specific actions, location), and fully enforceable mitigation measures (CEQA Guidelines, § 15097; Pub. Resources Code, § 21081.6). The Lead Agency is welcome to coordinate with CDFW to further review and refine the Project's mitigation measures. Per Public Resources Code section 21081.6(a)(1), CDFW has provided a summary of our suggested mitigation measures and recommendations in the form of an attached Draft Mitigation Monitoring and Reporting Plan (Attachment A).	Prior to Project Implementation	Project Proponent