



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
South Coast Region
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San Diego, CA 92123
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GAVIN NEWSOM, Governor
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January 7, 2026

Travis Lee
City of Goleta
130 Cremona Drive
Goleta, CA 93117
tlee@cityofgoleta.gov

SUBJECT: Mitigated Negative Declaration; Greenbark 30 Battery Energy Storage System Project; SCH No. 2025120703; Santa Barbara County, CA

Dear Travis Lee:

The California Department of Fish and Wildlife (CDFW) has reviewed the Mitigated Negative Declaration (MND) from the City of Goleta (City; Lead Agency) for the Greenbark 30 Battery Energy Storage System (BESS) Project (Project) pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines¹.

Thank you for the opportunity to provide comments and recommendations regarding Project activities that may affect California fish and wildlife. Likewise, CDFW appreciates the opportunity to comment on those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

CDFW ROLE

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

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

¹ CEQA is codified in the California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

Travis Lee
City of Goleta
January 7, 2026
Page 2 of 15

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: Scale Microgrids, LLC

Objective: The proposed Project consists of constructing a battery energy storage system (BESS) with an output of 30 megawatts and a storage capacity of 120 megawatt-hours. The Project footprint would be within a 2.1-acre Project site parcel. The BESS operational area would include the interior perimeter road, the BESS equipment, and a perimeter fence.

Construction activities would include site preparation and the clearing of trees and vegetation. Additional Project activities include site grading, installation of BESS foundations and enclosures, assembly and placement of underground electrical lines, and installation of high-voltage equipment such as a generation-tie line.

Location: The Project would be located on a 2.1-acre vacant, undeveloped site at the northern terminus of Viajero Drive in western Goleta, California, within Santa Barbara County. The property is adjacent to the existing Ellwood Generating Station and would be accessed from the northern terminus of Viajero Drive, approximately one-quarter mile north of Hollister Avenue.

Timeframe: The site preparation and the BESS installation are planned for early 2026-2027. Site preparation, earthwork, and foundation pad installation is anticipated to take place over a period of three months. The delivery and installation of BESS equipment will take an additional three to four months.

COMMENTS AND RECOMMENDATIONS

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

² "Take" is defined in Section 86 of the Fish and Game Code as "hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill."

Travis Lee
City of Goleta
January 7, 2026
Page 3 of 15

COMMENT # 1: Impacts to Crotch's Bumble Bee (*Bombus crotchii*)

Issue: The Project may impact suitable nesting and foraging habitat for Crotch's bumble bee. Crotch's bumble bee is a CESA-candidate species and, as such, is granted full protection under CESA.

Specific impact: The Project may result in temporary and permanent impacts due to loss of suitable nesting and foraging habitat of Crotch's bumble bee.

Why impact would occur: According to CDFW's Crotch's Bumble Bee Range – CDFW dataset (CDFW 2025a; 2025b), the Project area lies within the current range for Crotch's bumble bee. Crotch's bumble bees primarily nest from late February through late October and typically nest underground in abandoned small mammal burrows. However, they may also nest under perennial bunch grasses, thatched annual grasses, under-brush piles, in old bird nests, and in dead trees or hollow logs (Hatfield et al. 2012). The Project's ground and/or vegetation disturbance activities could result in potentially significant impacts to Crotch's bumble bee, including loss of foraging resources, changes in foraging behavior, burrow collapse, nest abandonment, reduced nest success, reduced health and vigor of eggs, young, and/or queens, and direct mortality.

Evidence impact may 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. 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 species that are candidates for CESA listing to be significant, under CEQA. Accordingly, the Project may have a substantial adverse 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 the CDFW or U.S. Fish and Wildlife Service.

Recommended Potentially Feasible Mitigation Measure(s)

MM BIO-4: Mitigation Measure Revision. CDFW recommends that MM-BIO-4 is revised to incorporate the underlined language for nesting birds and omit the language in strikethrough:

Crotch's Bumble Bee. Consistent with CDFW's 2023 guidance (Survey Considerations for CESA Candidate Bumble Bee Species), three visual survey passes for foraging and nesting Crotch bumble bee will be conducted by a qualified biologist/entomologist(s) with the appropriate handling permits to conduct focused surveys, during the Colony Active Period (April to August) preceding the initiation of construction. The survey passes will be separated by no less than 2 weeks and no more than 4 weeks. Survey passes will take place during the day (at least 1 hour after sunrise and 2 hours before

Travis Lee
City of Goleta
January 7, 2026
Page 4 of 15

sunset) on warm (65-90 degrees Fahrenheit), sunny days with low wind (less than 8 miles per hour). Survey results, including negative findings, will be submitted to the City and CDFW prior to implementing Project ground-disturbing and/or vegetation removal activities. If survey results are negative, no further actions are required. Should Crotch bumble bee nests/colonies be detected within the Parcel during surveys, ~~an avoidance plan will be developed, if feasible, in consultation with the City and in coordination with CDFW~~ the Project proponent shall coordinate with CDFW to determine next steps and whether appropriate take authorization from CDFW is necessary (pursuant to Fish & Game Code, § 2080 et seq). ~~No construction permits will be issued until the plan has been approved by the City and no further actions are required. If avoidance is infeasible, the Project proponent will initiate consultation with CDFW.~~ No construction permits will be issued until a 2081 Incidental Take Permit is issued or CDFW provides written concurrence that a 2081 Incidental Take Permit is unnecessary.

Recommendation #1: CESA and CEQA. CDFW's issuance of an ITP for a Project is subject to CEQA. As a Responsible Agency, CDFW may consider the CEQA document from the lead agency/Project proponent for the Project. However, additional documentation may be required as part of an ITP application for the Project in order for CDFW to adequately develop an accurate take analysis and identify measures that would fully mitigate for take of CESA-listed species. To minimize additional requirements by CDFW pursuant to Fish and Game Code, section 2081 and/or under CEQA, the Project's CEQA document should fully identify the potential impacts to Crotch's bumble bee and provide adequate avoidance, mitigation, monitoring, and reporting commitments for issuance of the ITP.

COMMENT # 2: Impacts to Western Burrowing Owl (*Athene cunicularia*)

Issue: The Project has the potential to impact wintering habitat for western burrowing owl, a CESA-candidate species.

Specific impact: The Project may result in the loss of wintering habitat for western burrowing owl due to construction of the BESS facility.

Why impact would occur: According to CDFW's Western Burrowing Owl Range (CDFW 2025c), the Project area lies within the current range for western burrowing owl, and specifically wintering habitat. Burrowing owls are well adapted to open, dry annual and perennial grasslands, deserts, and scrublands with low-grading vegetation. They can be found on relatively flat expanses and vacant lots such as the site for the BESS facility. Burrowing owls are dependent on burrow at all times of the year for survival and/or reproduction. Loss of access to burrows may likely results in varying levels of increased stress on burrowing owls and could increase predation.

Evidence impact would be significant: On October 10, 2024, the California Fish and Game Commission determined that listing of western burrowing owl as endangered as a candidate CESA species was warranted. If Project activities could result in take, appropriate CESA authorization (i.e., Incidental Take Permit under Fish and Game

Travis Lee
City of Goleta
January 7, 2026
Page 5 of 15

Code, section 2081) should be obtained prior to commencement of Project activities. 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). Take of individual burrowing owls and their nests is defined by Fish and Game Code, section 86, and prohibited by sections 3503, 3503.5 and 3513.

Recommended Potentially Feasible Mitigation Measure(s)

Recommendation #2: Western Burrowing Owl. CDFW recommends that the environmental document evaluate the direct and indirect impacts to burrowing owl within the proposed BESS facility site and any other Project areas that may provide suitable habitat. The environmental document should incorporate measures to avoid, minimize, and/or mitigate potential impacts to western burrowing owl as well as its habitat.

Mitigation Measure #1: Western Burrowing Owl Surveys. Protocol-level surveys shall be conducted by a CDFW-approved Designated Biologist, following the guidelines in CDFW's Staff Report on Burrowing Owl Mitigation (CDFG 2012) prior to ground disturbance and/or vegetation removal activities. All biologists surveying and/or monitoring for burrowing owl shall obtain a Scientific Collecting Permit³ issued by CDFW. Early consultation with CDFW is encouraged to ensure all necessary permits are obtained.

Mitigation Measure #2: Incidental Take Permit. If Project activities will impact western burrowing owl and their habitat, the Project proponent shall coordinate with CDFW to determine next steps and whether appropriate take authorization from CDFW is necessary (pursuant to Fish & Game Code, § 2080 et seq).

Comment # 3: Nesting and Wintering Avian Species

Issue: The Project may impact a wide range of nesting and wintering avian species, including several designated as a Species of Special Concern (SSC).

Specific impacts: The Project may potentially result in the loss of foraging and nesting habitat for Cooper's hawk, sharp-shinned hawk, long-eared owl, red-shouldered hawk, northern harrier, prairie falcon, loggerhead shrike and other migratory species. These impacts could result in increased nestling mortality and reduced reproductive success, representing a significant impact on these imperiled species. The Project may also result in loss of breeding and/or foraging habitat.

Why impacts would occur: The Project area contains suitable habitat and recently documented occurrences of nesting and wintering avian species, including observations recorded in CNDDDB and regional bird surveys. Project activities include vegetation and tree removal, grading, and construction. Project activities are likely to result in elevated

³ <https://wildlife.ca.gov/Licensing/Scientific-Collecting>

Travis Lee
 City of Goleta
 January 7, 2026
 Page 6 of 15

levels of noise, human activity, dust, ground vibrations, and vegetation disturbance. Vegetation proposed for removal, including eucalyptus (*Eucalyptus spp.*) trees which provides important nesting substrates, thermal cover, and foraging perches for migratory and raptor species. These disturbances and stressors occurring near potential nests could cause individuals to abandon their nests, resulting in the loss of fertile eggs or nestlings. Such impacts may exceed CEQA thresholds for significant by contributing to nest failure, reproductive disruption, and habitat degradation for multiple special-status species. Mitigation Measure MM-BIO-7 may not (1) provide a sufficiently large buffer to avoid take, (2) commit adequate mitigation for the Project (particularly if take occurs), (3) adopt specific performance standards the mitigation will achieve, and/or (4) identify the type(s) of potential action(s) that can feasibly achieve the performance standard(s) to be considered, analyzed, and potentially incorporated in the mitigation measure (CEQA Guidelines, § 15126.4(a)(1)(B)).

Evidence impacts 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).

An SSC is a species, subspecies, or distinct population of an animal native to California that currently satisfies one or more of the following (not necessarily mutually exclusive) criteria:

- Is extirpated from the State or, in the case of birds, is extirpated in its primary season or breeding role;
- Is listed under the federal Endangered Species Act, but not CESA;
- Meets the State definition of threatened or endangered but has not formally been listed;
- Is experiencing, or formerly experienced, serious (non-cyclical) population declines or range retractions (not reversed) that, if continued or resumed, could qualify the species for State threatened or endangered status; and/or,
- Has naturally small populations exhibiting high susceptibility to risk from any factor(s) that, if realized, could lead to declines that would qualify it for CESA threatened or endangered status (CDFW 2025c).

CEQA provides protection not only for CESA-listed species, but for any species including but not limited to SSCs, that can be shown to meet the criteria for State listing. These SSCs meet the CEQA definition of rare, threatened, or endangered species (CEQA Guidelines, § 15380). Therefore, take of SSCs could require a mandatory finding of significance (CEQA Guidelines, § 15065). Insufficient avoidance and mitigation measures could result in substantial direct and cumulative adverse effects, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species by CDFW.

Travis Lee
City of Goleta
January 7, 2026
Page 7 of 15

Recommended Potentially Feasible Mitigation Measure(s):

MM BIO-7: Mitigation Measure Revision. CDFW recommends that MM-BIO-7 is revised to incorporate the underlined language for nesting birds and omit the language in strikethrough:

Nesting Bird Avoidance. Removal of vegetation between ~~4-March~~ 15 February and 15 September will be avoided to the extent feasible. Should vegetation removal be required on the Project site between ~~4-March~~ 15 February and 15 September, a qualified biologist will conduct nesting bird surveys no more than 7 days prior to vegetation removal. If pre-construction surveys detect an active nest, no vegetation clearing, grading, construction, or other development activity will be permitted within 100 feet of the nest site (300 feet for highly sensitive species and 500 feet for raptors) during the nesting and fledging season to the extent feasible.

Comment # 4: Vegetation and Revegetation

Issue: The Project will have impacts to trees and vegetation communities, including eucalyptus - tree of heaven - black locust groves, ice plant mats, ornamental landscaping, pepper tree or myoporum groves, poison hemlock or fennel patches, upland mustards or star-thistle fields, and wild oats and annual brome grasslands.

Specific impacts: Project activities such as tree removal, vegetation clearing and grading may eliminate or reduce habitat used by wildlife for nesting, perching, foraging and cover, especially for species that rely on native vegetation structure and small mammal burrows observed throughout the Project sites.

Why impacts would occur: Project activities that do not minimize disturbance to vegetation and soil could result in population declines, or local extirpation of sensitive plant species. Vegetation proposed for removal, including Eucalyptus trees which provides important nesting substrates, thermal cover, and foraging perches for migratory and raptor species. These disturbances and stressors occurring near potential nests could cause individuals to abandon their nests, resulting in the loss of fertile eggs or nestlings. Such impacts may exceed CEQA thresholds for significant by contributing to nest failure, reproductive disruption, and habitat degradation for multiple special-status species.

Evidence impacts would be significant: Per CEQA Guidelines, section 15065(a), a project may have a significant effect on biological resources if the project substantially reduces the habitat of a fish or wildlife species; threatens to eliminate a plant community; or has the potential to restrict the range of endangered, rare, or threatened species.

Travis Lee
City of Goleta
January 7, 2026
Page 8 of 15

Recommended Potentially Feasible Mitigation Measure(s):

Recommendation #3: Additional Landscape Buffers. To offset the loss of trees and vegetation, CDFW recommends the City include landscape buffers of shrubs and trees for the Project along the entire fenced perimeter of the Project, including the western boundary of the BESS facility. The Project, as currently proposed, only considers buffers along the southern, northern, and eastern boundaries of the BESS facility.

Recommendation #4: Proposed Planting Palette for the Project. CDFW recommends the City's proposed planting palette for the landscape buffer also include additional California species deemed fire-resistant by City fire, such as common yarrow (*Achillea millefolium*), bladderpod (*Isomeris arborea*), quail bush (*Atriplex lentiformis breweri*), white alder (*Alnus rhombifolia*), ash (*Fraxinus spp.*), cottonwood (*Populus spp.*), brittle bush (*Encelia farinosa*), coast sunflower (*Encelia californica*), Prince's plume (*Stanleya pinnata*), coffeeberry (*Frangula californica*), hollyleaf cherry (*Prunus ilicifolia*), saltbush (*Atriplex lentiformis breweri*), lemonade berry (*Rhus integrifolia*).

Recommendation #5: Best Management Practices for Invasive Argentine Ants. CDFW recommends that any irrigation proposed by the City for the landscape buffers drain back into the development and not onto natural habitat land as perennial sources of water allow for the introduction of invasive Argentine ants. Irrigation should only be used if an individual plant is stressed and it should be limited to the first three years (in the installation phase). If a temporary irrigation system must be installed it should not be connected to a water source and should not be on a timer. The water source (water truck) should only be connected to the irrigation system while it is in use. A system left on a timer should never be used as this creates an unnatural hydrologic regime and more robust growth than would normally be supported by the existing sites.

ADDITIONAL COMMENTS

Mitigation and Monitoring Reporting Plan. CDFW recommends the 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 City 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, §

Travis Lee
City of Goleta
January 7, 2026
Page 9 of 15

21003, subd. (e).) Accordingly, please report any special status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDDB). The [CNDDDB website](https://wildlife.ca.gov/Data/CNDDDB)⁴ 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](#)⁵.

The City should ensure that any data collected for the MND is properly submitted.

FILING FEES

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of environmental document 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 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.)

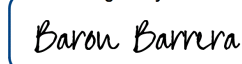
CONCLUSION

CDFW appreciates the opportunity to comment on the MND to assist the City in identifying and mitigating Project impacts on biological resources. CDFW requests an opportunity to review and comment on any response that the City 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 Mary Ngo, Senior Environmental Scientist (Specialist)⁶.

Sincerely,

DocuSigned by:



1/7/2026

57FC783AB67942E...
Baron Barrera

Senior Environmental Scientist (Supervisory); acting for Heather A. Pert
South Coast Region

⁴ <https://wildlife.ca.gov/Data/CNDDDB>

⁵ <https://wildlife.ca.gov/Data/VegCAMP/Natural-Communities/Submit>

⁶ Phone: (562) 477-0743; Email: Mary.Ngo@wildlife.ca.gov

Travis Lee
City of Goleta
January 7, 2026
Page 10 of 15

ATTACHMENTS

Attachment A: Draft Mitigation, Monitoring, and Reporting Program

cc: California Department of Fish and Wildlife
Heather Pert, Environmental Program Manager
Baron Barrera, Senior Environmental Scientist (Supervisory)
Felicia Silva, Senior Environmental Scientist (Specialist)

Office of Planning and Research
State.Clearinghouse@opr.ca.gov

REFERENCES

[CDFG] California Department of Fish and Game (CDFG). 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. 2023. Survey Considerations for California Endangered Species Act (CESA) Candidate Bumble Bee Species. Available from: <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=213150&inline>

[CDFW] California Department of Fish and Wildlife. 2025a. Crotch's Bumble Bee Range Dataset 3095. Available at CDFW's Biogeographic Information and Observation System, <https://wildlife.ca.gov/Data/BIOS>

[CDFW] California Department of Fish and Wildlife. 2025b. California Natural Diversity Database. Available from: <https://wildlife.ca.gov/Data/CNDDB>

[\[CDFW\] California Department of Fish and Wildlife. 2025c. Western Burrowing Owl Range Dataset 907. Available at CDFW's Biogeographic Information and Observation System, https://wildlife.ca.gov/Data/BIOS](#)

Hatfield, R, S Jepsen, E Mader, S H Black, and M Shepherd. 2012. Conserving Bumble Bees Guidelines for Creating and Managing Habitat for America's Declining Pollinators. Portland, OR: The Xerces Society for Invertebrate Conservation

Travis Lee
 City of Goleta
 January 7, 2026
 Page 11 of 15

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
MM BIO-4: <u>Mitigation Measure Revision</u>. CDFW recommends that MM-BIO-4 is revised to incorporate the underlined language for nesting birds and omit the language in strikethrough: Crotch's Bumble Bee. Consistent with CDFW's 2023 guidance (Survey Considerations for CESA Candidate Bumble Bee Species), three visual survey passes for foraging and nesting Crotch bumble bee will be conducted by a qualified biologist/entomologist(s) with the appropriate handling permits to <u>conduct focused surveys</u>, during the Colony Active Period (April to August) preceding the initiation of construction. The survey passes will be separated by no less than 2 weeks and no more than 4 weeks. Survey passes will take place during the day (at least 1 hour after sunrise and 2 hours before sunset) on warm (65-90 degrees Fahrenheit), sunny days with low wind (less than 8 miles per hour). Survey results, including negative findings, will be submitted to the City and CDFW prior to implementing Project ground-disturbing and/or vegetation removal activities. If survey results are negative, no further actions are required. Should Crotch bumble bee nests/colonies be detected within the Parcel during surveys, ~~an avoidance plan will be developed, if feasible, in consultation with the City and in coordination with CDFW~~ the Project proponent shall coordinate with CDFW to determine next steps and whether appropriate take authorization from CDFW is necessary (pursuant to Fish & Game Code, § 2080 et seq). ~~No construction permits will be issued until the plan has been approved by the City and no further actions are required. If avoidance is infeasible, the Project proponent will initiate consultation with CDFW.~~ No construction permits will be	Prior to Project Initiation	Lead Agency

Travis Lee
City of Goleta
January 7, 2026
Page 12 of 15

Mitigation Measure	Timing	Responsible Party
issued until a 2081 Incidental Take Permit is issued or CDFW provides written concurrence that a 2081 Incidental Take Permit is unnecessary.		
MM BIO-7: <u>Mitigation Measure Revision</u>. CDFW recommends that MM-BIO-7 is revised to incorporate the underlined language for nesting birds and omit the language in strikethrough: Nesting Bird Avoidance. Removal of vegetation between 4 ~~March 15 February~~ and 15 September will be avoided to the extent feasible. Should vegetation removal be required on the Project site between 4 ~~March 15 February~~ and 15 September, a qualified biologist will conduct nesting bird surveys no more than 7 days prior to vegetation removal. If pre-construction surveys detect an active nest, no vegetation clearing, grading, construction, or other development activity will be permitted within 100 feet of the nest site (300 feet <u>for highly sensitive species and 500 feet</u> for raptors) during the nesting and fledging season to the extent feasible.	Prior to Project Initiation	Lead Agency
Mitigation Measure #1: <u>Western Burrowing Owl Surveys</u>. Protocol-level surveys shall be conducted by a CDFW-approved Designated Biologist, following the guidelines in CDFW's Staff Report on Burrowing Owl Mitigation (CDFG 2012) prior to ground disturbance and/or vegetation removal activities. All biologists surveying and/or monitoring for burrowing owl shall obtain a Scientific Collecting Permit³ issued by CDFW. Early consultation with CDFW is encouraged to ensure all necessary permits are obtained.	Prior to Project Initiation/During Project Construction	Lead Agency/Designated Biologist

Travis Lee
City of Goleta
January 7, 2026
Page 13 of 15

Mitigation Measure	Timing	Responsible Party
Mitigation Measure #2: <u>Incidental Take Permit</u>. If Project activities will impact western burrowing owl and their habitat, the Project proponent shall coordinate with CDFW to determine next steps and whether appropriate take authorization from CDFW is necessary (pursuant to Fish & Game Code, § 2080 et seq).	Prior to Project Initiation	Lead Agency
Recommendation #1: <u>CESA and CEQA</u>. CDFW's issuance of an ITP for a Project is subject to CEQA. As a Responsible Agency, CDFW may consider the CEQA document from the lead agency/Project proponent for the Project. However, additional documentation may be required as part of an ITP application for the Project in order for CDFW to adequately develop an accurate take analysis and identify measures that would fully mitigate for take of CESA-listed species. To minimize additional requirements by CDFW pursuant to Fish and Game Code, section 2081 and/or under CEQA, the Project's CEQA document should fully identify the potential impacts to Crotch's bumble bee and provide adequate avoidance, mitigation, monitoring, and reporting commitments for issuance of the ITP.	Prior to Project Initiation	Lead Agency
Recommendation #2: <u>Western Burrowing Owl</u>. CDFW recommends that the environmental document evaluate the direct and indirect impacts to burrowing owl within the proposed BESS facility site and any other Project areas that may provide suitable habitat. The environmental document should incorporate measures to avoid, minimize, and/or mitigate potential impacts to western burrowing owl as well as its habitat.	Prior to Project Initiation/During Project Construction	Lead Agency

Travis Lee
 City of Goleta
 January 7, 2026
 Page 14 of 15

Mitigation Measure	Timing	Responsible Party
Recommendation #3: <u>Additional Landscape Buffers</u> . To offset the loss of trees and vegetation, CDFW recommends the City include landscape buffers of shrubs and trees for the Project along the entire fenced perimeter of the Project, including the western boundary of the BESS facility. The Project, as currently proposed, only considers buffers along the southern, northern, and eastern boundaries of the BESS facility.	Prior to Project Initiation	Lead Agency
Recommendation #4: <u>Proposed Planting Palette for the Project</u> . CDFW recommends the City's proposed planting palette for the landscape buffer also include additional California species deemed fire-resistant by City fire, such as common yarrow (<i>Achillea millefolium</i>), bladderpod (<i>Isomeris arborea</i>), quail bush (<i>Atriplex lentiformis breweri</i>), white alder (<i>Alnus rhombifolia</i>), ash (<i>Fraxinus spp.</i>), cottonwood (<i>Populus spp.</i>), brittle bush (<i>Encelia farinosa</i>), coast sunflower (<i>Encelia californica</i>), Prince's plume (<i>Stanleya pinnata</i>), coffeeberry (<i>Frangula californica</i>), hollyleaf cherry (<i>Prunus ilicifolia</i>), saltbush (<i>Atriplex lentiformis breweri</i>), lemonade berry (<i>Rhus integrifolia</i>).	Prior to Project Initiation	Lead Agency
Recommendation #5: <u>Best Management Practices for Invasive Argentine Ants</u> . CDFW recommends that any irrigation proposed by the City for the landscape buffers drain back into the development and not onto natural habitat land as perennial sources of water allow for the introduction of invasive Argentine ants. Irrigation should only be used if an individual plant is stressed and it should be limited to the first three years (in the installation phase). If a temporary irrigation system must be installed it should not be connected to a water source and should not be on a timer. The water source (water truck) should only be connected to the irrigation system while it is in use. A system left	Prior to Project Initiation	Lead Agency

Travis Lee
City of Goleta
January 7, 2026
Page 15 of 15

Mitigation Measure	Timing	Responsible Party
on a timer should never be used as this creates an unnatural hydrologic regime and more robust growth than would normally be supported by the existing sites.		