March 28, 2016

Shari Hammond
University of California, Santa Barbara
Office of Campus Planning and Design
Goleta, CA 93106

Subject: Draft Mitigated Negative Declaration for the North Campus Open Space Restoration Project, SCH # 2016021103, Santa Barbara County

Dear Ms. Hammond:

The California Department of Fish and Wildlife (Department) received a Notice of Availability of a Draft Mitigated Negative Declaration (DMND) from the University of California, Santa Barbara (UCSB) for the subject Project pursuant to the California Environmental Quality Act (CEQA). UCSB proposes the restoration of Devereux Slough on the North Campus Open Space (NCOS). The NCOS is located on the 238-acre UCSB North Campus, which is generally bordered by the City of Goleta to the east and north; Ellwood Mesa to the west; and the UCSB West Campus (including lower Devereux Slough and Coal Oil Point Reserve) to the south. The proposed NCOS Restoration Project (Project) is located on 136.4 acres and is comprised of three parcels: the South Parcel (68.9 acres), Whittier Parcel (3.70 acres) and the former Ocean Meadows Golf Course (63.8 acres).

The Project would restore portions of the historic northern extent of the Devereux Slough primarily on the former golf course property, and would also restore portions of the South Parcel. Restoration of Devereux Slough would be accomplished by excavating approximately 355,000 cubic yards of soil from the golf course property and placing the excavated soil primarily on the South Parcel. The proposed soil movement would, at least partially, reverse the excavation and fill actions that were conducted to develop the golf course. The Project includes removal of a sheet pile water control structure (sill) and associated armoring from Devereux Creek at the Devereux Creek Bridge.

The goal of the Project is that the restored former slough and uplands would reflect ecological functions consistent with historic conditions and the future effects of climate change. Proposed restoration efforts would expand slough, wetland and transitional and upland habitats; provide public access and passive recreation amenities; and promote educational opportunities. Restored areas would be revegetated with native species with the objective to create a range of habitats that would connect to and expand native habitats of the existing lower Devereux Slough and the surrounding Coal Oil Point Reserve.

The Project includes installation of a network of multi-use recreational trails and bridges to be installed over streams on the restored lands. Trails are categorized according to the level of use as primary, secondary, and tertiary. Bicycles would be allowed on primary and secondary trails, and dogs would be allowed on primary, and perhaps, secondary trails.
Project impacts described in the DMND include the temporary removal (via excavation and grading) of 12.4 acres of coastal sage scrub, saltwater and freshwater wetlands, southern riparian scrub, and native grassland habitats; an unspecified amount of annual grasslands (likely over 100 acres) and other ruderal and non-native habitats. Additionally, the abandoned golf course supports 235 established trees (178 live and 57 dead) and 189 of those would be removed; the South Parcel also supports 65 trees, 11 of which would be removed.

Wildlife with the potential to be impacted by the project identified in the MND include the Federal Endangered and California Species of Special Concern tidewater goby (*Eucyclogobius newberryi*), the Federal Threatened and State Special Concern Species California red-legged frog (*Rana aurora draytonii*), the State Fully Protected white-tailed kite (*Elanus caeruleus*), the State Special Concern Species western pond turtle (*Emys marmorata*) and Cooper’s hawk (*Accipiter cooperi*), and the California Rare Plant Rank 1B southern tarplant (*Centromadia parryi ssp. australis*).

Measures proposed in the DMND to mitigate impacts to biological resources include:

- a project-specific (southern) Tarplant Restoration Plan;
- construction to be timed to avoid the bird nesting season of February 15-September 15, or nesting bird surveys conducted during the bird nesting season with avoidance of active nests;
- compliance with the Federal Endangered Species Act for tidewater goby and California red-legged frog;
- a salvage and relocation plan for the tidewater goby, California red-legged frog, and western pond turtle that is approved by the U.S. Fish and Wildlife Service (USFWS);
- Clean Water Act regulatory compliance in the form of a permit/authorization from the Army Corps of Engineers; and,
- compliance with section 1602 of the California Fish and Game Code (Lake and Streambed Alteration).

The following statements and comments have been prepared pursuant to the Department’s authority as a Responsible Agency under CEQA Guidelines section 15381 over those aspects of the proposed Project that come under the purview of the California Endangered Species Act (Fish and Game Code § 2050 *et seq.*) and Fish and Game Code section 1600 *et seq.*, and pursuant to our authority as Trustee Agency with jurisdiction over natural resources affected by the Project (California Environmental Quality Act, [CEQA] Guidelines § 15386). These comments and recommendations are based on the requirement for the environmental document to include the following information:

- Identification of environmental impacts of the proposed Project (CEQA Guidelines, §§ 15063, 15065, 15126, 15126.2,15126.6 & 15358); and,
- A description of feasible mitigation measures to avoid potentially significant impacts, and/or mitigate significant impacts, of the proposed Project on the environment (CEQA Guidelines, §§ 15021, 15063, 15071, 15126.2, 15126.4 & 15370).
South Parcel and Whittier Parcel Annual Grasslands and Associated Habitats

The environmental setting presented in the DMND does not adequately describe the existing habitats found in the project area. Only 18.4 acres are identified as supporting habitats despite the fact that the entire project area totals 136.4 acres (Table 2.5-1). Habitats present on the abandoned golf course and on the South Parcel need to be included in the analysis, as they support numerous species of wildlife including small mammals, raptors, reptiles, amphibians, invertebrates and other biological resources.

Table 2.5-1 does not show annual grassland in the onsite habitat tallies. The table shows general vegetation and/or habitat types for an area totaling 106 acres, but the overall project will affect 136.4 acres including the South Parcel, Whittier and the previous golf course area. A substantial portion of the South Parcel (approximately 50 of the 69 acres) would be impacted by grubbing, grading and placement of fill. The proposed fill area on the South Parcel supports primarily annual grassland. Annual grassland in turn supports numerous species of native wildlife and also supports localized areas of native plant species populations, including annual herbs. The habitat on the South Parcel will be entirely removed by the proposed project which will result in substantial adverse impacts not analyzed in the DMND.

The term non-native annual grassland is used in the DMND, but should be replaced with the term annual grassland, or a floristic term which accurately identifies the vegetation community in the affected areas and is consistent with state vegetation mapping and classification requirements (see Fish and Game Code § 1940). The Department considers impacts to approximately two-thirds of the South Parcel, supporting annual grassland, to be significant and adverse. The DMND does not adequately disclose these direct effects to onsite species in annual grassland. Areas of thin soils or bare areas also support wildlife species, including, for example, native insects which make ground nests or burrows, and reptiles and birds which feed on these resources. No mitigation is proposed to address these impacts, and therefore, the project could result in significant unmitigated adverse impacts.

Open habitats throughout the project area, including the abandoned golf course and the South Parcel area appear to favor reptiles and small mammal species which in turn provide food for numerous species of raptors, including Cooper’s hawk, red tail hawk, and the California Fully Protected white-tailed kite. Grubbing, grading and placement of fill on two-thirds of the South Parcel will eliminate individuals of all wildlife species occupying the impact area, fundamentally eliminating California voles (*Micropus californicus*) and other food sources for wildlife. It will take decades for the revegetated habitat areas on the South Parcel to recover and sustain wildlife populations, resulting in long term impacts. Loss of California vole habitat in the general area represents a substantial adverse impact for which no mitigation is proposed, and this also constitutes a significant cumulative impact when considering the local and regional loss of foraging habitat for raptors in the Goleta area.

**Botanical Resources**

The Department was unable to locate a site-specific Biological Assessment in the DMND or appendices. It appears that no field surveys were conducted using the Department’s *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities* (State of California, CDFG, November 24, 2009). Adequate evaluation of the
environmental setting should include a site-specific evaluation. The Department’s protocols are intended to aid in identifying the information necessary to evaluate impacts from proposed projects within the context of CEQA. Without adequate onsite surveys consistent with the protocols referenced above, there remains the potential for significant adverse impacts to sensitive native plant populations and natural communities.

Southern tarplant is noted as the only special status plant species observed in the project area (pg 5.4-9). Given that field surveys consistent with Department protocols have not been conducted, there is potential for undetected populations to exist elsewhere on the site. In addition, we note that the rare Santa Barbara honeysuckle (Lonicera subspicata var. subspicata) is mentioned as present in Phelps Creek on page 1-21 of the DMND, but this species is not discussed further in the impact analysis. Other than the presence of these species, no other information is described. More information needs to be included to better describe the potential for special status plant resources to be impacted, including: 1) the areal extent of these populations, 2) number of individuals, 3) typical densities, 4) stature and vigor (for instance, a southern tarplant can be three inches tall or three feet across), 5) associated species, and 6) general habitat requirements that need to be maintained or created to replace impacted populations. We recommend that special status plant species-specific plans be developed for our review, addressing more specifically how these resources would be protected and their genetic diversity conserved. Additionally, we request the opportunity to review and comment on the Tarplant Restoration Plan, to be prepared under mitigation measure BIO 1a.

Common and Special Status Wildlife

The DMND states on page 5.4-10 that previous grading on the project site has substantially reduced the upland and wetland habitat suitability for both special-status and common wildlife. The Department agrees that past activities have likely reduced habitat suitability, but this is not equivalent to saying that there are no impacts to special status and common wildlife species from the proposed project. Cumulative effects in this area are particularly acute, given losses to development the Department has observed in the Goleta area. The DMND does not describe site-specific surveys for common and sensitive wildlife species and only mentions previous observations and sightings which do not represent a systematic analysis of site conditions needed for adequate CEQA evaluation of significant impacts (CEQA Guidelines § 15064). Common and special status wildlife are abundant, both on the abandoned golf course, and at the South Parcel.

Tree removals

The DMND discusses the removal of non-native and native trees within the analysis for Aesthetic Impacts Section 5.1. On the golf course, which would be converted to wetland and transitional habitats, 235 trees are identified (178 live and 57 dead); 189 of these trees would be removed. On the South Parcel, 65 trees are reported, 11 of which would be removed. The DMND mentions three sycamores, two oaks and four willows which are presumably native, but we could not locate information on where these are located or what species they are.

Onsite trees support a variety of wildlife habitat values and therefore, the impacts of tree removals on native and local wildlife should be evaluated in the DMND in the biological resources section. Dead trees are particularly valuable to wildlife and should be conserved in
open space areas at locations that do not impose a safety risk to the public. Onsite trees slated for removal need to be assessed for the potential to support special status and common species of bats. A qualified biologist needs to assess trees for the presence of bats, and should bats be detected, the Department can provide additional guidance regarding methods to reduce bat mortality when trees need to be removed.

The DMND contains a mitigation measure that would replace 5 of the removed trees at a 1:1 ratio, with no specifics as to species, or location. The DMND should develop additional mitigation strategies to address tree removal impacts to wildlife. Offsite locations appropriate for additional tree planting in areas that wildlife can safely use and access, should be investigated and utilized if feasible.

**Biological Mitigation Measures**

The DMND appears to contain no mitigation measures addressing impacts to common and special status wildlife from construction activities. The act of grubbing, grading and constructing new features will result in direct and indirect adverse impacts to common and sensitive wildlife species. The Department recommends that specific feasible measures be developed and required by the DMND, which include, but are not limited to:

- Qualified biological monitor(s) will be present during all grubbing and grading activities to capture and move non-motile animal species out-of-harm’s way;
- Nesting and foraging mapping for the Fully Protected white-tailed kite should be prepared. At the completion of this analysis, a plan shall be developed to ensure full avoidance of the species, and mitigate the effects on its habitat and food source (California vole and native mice). Strategies to avoid take of white-tailed tail should be developed in consultation with the Department.
- Grading strategies need to be modified to include grading procedures which are configured to allow more motile animal species to escape into surrounding locations where they will be safe;
- Additional hazing measures are needed to prevent crows, ravens and other birds from entering the project area and capturing displaced wildlife during grubbing and grading; and
- Trail monitoring and patrolling program to ensure that dogs and bicycles are prohibited off-trail (see below).

Several CNNB records at sites in the vicinity of the Project show historic foraging and nesting by western snowy plover (*Charadrius alexandrinus nivosus*) has declined or been eliminated in many areas, primarily because of human-caused disturbances. The Project’s stated intent to attract snowy plover and the State Endangered Belding’s savannah sparrow (*Passerculus sandwichensis beldingi*) to use restored habitats therefore will not occur if disturbances are not regulated.

Mitigation for South Parcel impacts could include the installation of artificial burrowing owl burrows. An example of an artificial burrow design, its placement in the landscape, and other project specific burrowing owl mitigation measures, is attached.
Mitigation Measure BIO-2

Mitigation Measure BIO-2 in the DMND specifies February 15 to September 15 as the nesting bird season to conduct surveys for nesting birds on the Project site. However, the Department standard to avoid the bird breeding season is February 1 to September 15. The nesting season of February 1 to September 15 reflects the nesting behavior of raptor species, such as white-tailed kite (Waian, 1973), and also reflects the observed behavior of birds initiating nesting earlier in the season due to climate change. We therefore recommend the nesting season dates for Mitigation Measure BIO-2 be amended to February 1 to September 15.

Mitigation Measure BIO-3b

Mitigation Measure BIO-3b in the DMND calls for UCSB to develop a salvage and relocation plan for the tidewater goby, California red-legged frog, and western pond turtle. The Department, as state trustee and responsible agency, requests the opportunity to review the salvage and relocation plan for western pond turtle. We note that any plan for western pond turtle salvage should include holding captured turtles and releasing back onto the restored site, instead of relocating off-site.

Public Use Impacts

Trails

The DMND does not adequately analyze the adverse effects on wildlife resulting from creating a network of public access trails on the South Parcel. Intensified public use by creating trail networks will displace wildlife species that are sensitive to human activity. To reduce this potential impact, the Department recommends that the secondary trail shown in Figure 2.6-1 within the interior of the South Parcel be changed to a tertiary trail that allows only foot traffic for nature observation. Bicycle use and dogs should be prohibited within the South Parcel habitat area. Bicycle use on trails with pedestrians creates other conflicts and hazards which do not seem appropriate for the South Parcel habitat area. The secondary trail connection depicted in Figure 2.6-1 linking the paved Veneco Road to the De Anza Trail would be less impactful and impacts from this proposed trail are likely less than significant. Railings should be considered to keep bicycles on the trail.

The trail construction design shown in Figure 2.6-2 (tertiary trails) needs to also address design features to prevent intercepting sheet flow, capturing runoff and becoming eroded.

Impacts to Jurisdictional Drainages

The Department requires a Lake or Streambed Alteration Agreement (LSAA), pursuant to Section 1600 et seq. of the Fish and Game Code, prior to any direct or indirect impacts to a lake or stream bed, bank or channel or associated riparian resources. This law requires any person, state or local governmental agency, or public utility to notify the Department before beginning an activity that could substantially modify a river, stream, or lake.

The Department’s issuance of an LSAA is considered a project that is subject to CEQA. To minimize additional requirements by the Department pursuant to Section 1600 et seq., the DMND should fully identify the potential impacts to any drainage or riparian resources and provide adequate avoidance, mitigation, monitoring and reporting commitments. Impacts to drainages (including impacts to the special status aquatic species listed above) and associated mitigation are lacking in the DMND and so would not facilitate issuance of a streambed alteration agreement at this time. The Department emphasizes that in order to protect sensitive resources, substantial revisions to the proposed project may be required in the LSAA.

Thank you for this opportunity to provide comment. Questions regarding this letter and further coordination on these issues should be directed to Mr. Martin Potter, Senior Environmental Scientist (Specialist), at (805) 640-3677 or Martin.Potter@Wildlife.ca.gov, or Ms. Mary Meyer, Senior Environmental Scientist (Specialist), at (805) 640-8019 or Mary.Meyer@Wildlife.ca.gov.

Sincerely,

Betty Courtney
Environnemental Program Manager I
South Coast Region

Attachment

cc: Mr. Martin Potter, CDFW, Ojai
Ms. Christine Found-Jackson, CDFW, Westlake Village
Ms. Sarah Rains, CDFW, Newbury Park
Ms. Mary Meyer, CDFW, Ojai
Mr. Roger Root, USFWS, Ventura
Mr. Scott Morgan, State Clearinghouse, Sacramento