

Letter A



SANTA YNEZ BAND OF MISSION INDIANS
Tribal Elders Council

August 21, 2018

Morgan Jones, Environ. Planner
Public Works Department
123 E Anapamu St.
Santa Barbara, Calif. 93101

Re: Floradale Ave. Bridge Replacement

Mr. Jones,

The SYBCI Elders Council Has received and reviewed the proposal for the bridge replacement at Floradale Avenue and Santa Lucia Canyon Road. Our representative has also met with SB County to discus this project and voiced our concerns.

Given the sensitivity of the area and the fact that there are known cultural sites within or near the APE, the SYBCI Elders Council feel that if and MND is going to be granted for this project, that a mitigation measure for NA monitoring also be assigned to that MND.

1

The SYBCI Elders Council would like thank you for this oppportunity to comment and look forward to hearing from you.

Sincerely,



Freddie R. Romero
SYBCI Elders Council
Cultural Resources Coordinator
805-688-7997 X4109

Appendix C: Comments and Response to Comments
Floradale Avenue Bridge Replacement 18NGD-00000-00003

Letter A

COMMENTER: Freddie R. Romero, Santa Ynez Band of Mission Indians, Tribal Elders Council

DATE: August 21, 2018

Response A.1 – Request for Native American Monitoring

We acknowledge the need for Native American monitoring. It has required as stated in mitigation measure ARC-2, as copied below.

ARC-2 Native American and Archaeological Monitoring. The Contractor shall retain the services of a County approved archeologist and Native American tribal representative to conduct project monitoring and to ensure the establishment and maintenance of the Environmentally Sensitive Areas (ESAs) by accomplishing the following tasks:

- The County approved archeologist and Native American tribal representative shall advise the contractor during a preconstruction meeting and training that the ESAs are potentially significant cultural resources and require protection and avoidance;
- An archaeological monitor and a Native American monitor will observe all construction activities north of Farm Road (as shown in Figure 3) to ensure that the ESA conditions are enforced; and
- There shall be a Native American tribal representative during all project excavation.

In the event unanticipated archaeological resources are encountered during grading or excavation, work in the vicinity of the find shall be stopped immediately or redirected until the County qualified archeologist and Native American representative evaluate the significance of the find pursuant to Phase 2 investigations of the County Archaeological Guidelines. If resources are found to be significant, they shall be subject to a Phase 3 mitigation program consistent with County Archaeological Guidelines.

Plan Requirements and Timing: These requirements shall be included in the project plans and specifications. **Monitoring:** The County Public Works Transportation RE and County Public Works Transportation Senior Environmental Planner shall ensure compliance with these measures. A County qualified archeologist shall evaluate the significance of any archaeological resources and conduct the required investigation.



State of California – Natural Resources Agency
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EDMUND G. BROWN JR., Governor
 CHARLTON H. BONHAM, Director



Letter B

September 13, 2018

Mr. Morgan Jones
 Project Planner
 Santa Barbara County Public Works Department
 123 E. Anapamu Street
 Santa Barbara, CA 93101
 (805) 568-3059
mmjones@cosbpw.net

Subject: Comments on the Draft Mitigated Negative Declaration for Floradale Avenue Bridge Replacement Project, SCH 2018081045.

Dear Mr. Jones:

The California Department of Fish and Wildlife (Department) has reviewed the above-referenced Draft Mitigated Negative Declaration (DMND) for the Floradale Avenue Bridge Replacement Project (Project). The Santa Barbara County Public Works Department proposes to replace the existing 51C-006 bridge on Floradale Avenue over the Santa Ynez River with a new bridge at an immediately adjacent location. The proposed project is located along Floradale Avenue south of Rancho Lompoc Farm Road and north of West Central Avenue, immediately west of the City of Lompoc in Santa Barbara County.

The following comments and recommendations 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 pursuant to our authority as Trustee Agency with jurisdiction over natural resources affected by the project (California Environmental Quality Act, [CEQA] Guidelines § 15386) to assist the Lead Agency in avoiding or minimizing potential project impacts on biological resources.

The Department appreciates the thorough evaluation of potential biological impacts and the selection and development of the biological mitigation measures in the DMND and provides the following specific comments that focus on additionally minimizing impacts to biological resources.

Specific Comments

1. Sensitive Bird Species Surveys. The Natural Environmental Study (NES) for the DMND was completed in 2014 and are therefore outdated for the Project area. The Department recommends updated protocol level surveys (because of the lapse of 4-5 years since the previous surveys) be conducted for least Bell's vireo (*Vireo bellii pusillus*), southwestern willow flycatcher (*Empidonax traillii extimus*), and western yellow-billed cuckoo (*Coccyzus americanus occidentalis*) within the project footprint and a 500-foot buffer adjacent to the project within suitable riparian habitat. As noted in the NES, these species have been detected within close proximity to the project site in the past. Due to the potential of these species nesting within or adjacent to the Project area, updated surveys are needed because the original assessment is 4-5 years old. New surveys are needed to assess if these species are currently using the habitat within and adjacent to the Project footprint to insure Project activities do not directly or indirectly, through noise, light, or dust impacts, cause nest failures. These species are listed as endangered or threatened by the U.S. Fish and Wildlife Service (Service) and as endangered

pursuant to CESA (Fish and Game Code § 2050 *et seq.*). The survey guidelines can be found on the Department's website at: http://www.dfg.ca.gov/wildlife/nongame/survey_monitor.html. Protocol surveys should be in addition to the directed surveys outlined in the DMND.

1

The Department considers adverse impacts to a species protected by CESA, for the purposes of CEQA, to be significant without mitigation. As to CESA, take of any endangered, threatened, candidate species, or state-listed rare plant species that results from the Project is prohibited, except as authorized by state law (Fish and Game Code, §§ 2080, 2085; Cal. Code Regs., tit. 14, §786.9). Consequently, if the Project, Project construction, or any Project-related activity during the life of the Project will result in take of a species designated as endangered or threatened, or a candidate for listing under CESA, the Department recommends that the Project proponent seek appropriate take authorization under CESA prior to implementing the Project. Appropriate authorization from the Department may include an Incidental Take Permit (ITP) or a consistency determination in certain circumstances, among other options (Fish and Game Code §§ 2080.1, 2081, subds. (b),(c)). Early consultation is encouraged, as significant modification to a Project and mitigation measures may be required in order to obtain a CESA Permit. Revisions to the Fish and Game Code, effective January 1998, may require that the Department issue a separate CEQA document for the issuance of an ITP unless the Project CEQA document addresses all Project impacts to CESA-listed species and specifies a mitigation monitoring and reporting program that will meet the requirements of an ITP. For these reasons, biological mitigation monitoring and reporting proposals should be of sufficient detail and resolution to satisfy the requirements for a CESA ITP.

2

2. Vegetation Mapping. The DMND and NES provide vegetation mapping based on general vegetation communities and land cover types. The Department recommends a floristic, alliance- and/or association-based mapping and vegetation impact assessments be conducted at the project site and within the neighboring vicinity. The Manual of California Vegetation, second edition, should also be used to inform this mapping and assessment (Sawyer et al. 2008
3. Adjoining habitat areas should be included in this assessment where site activities could lead to direct or indirect impacts offsite. Habitat mapping at the alliance level will help establish baseline vegetation conditions.

3

Thank you for the opportunity to comment on the Project. Questions regarding this letter and further coordination on these issues should be directed to Dan Blankenship, Senior Environmental Scientist, at (661-259-3750) or Daniel.Blankenship@wildlife.ca.gov.

Sincerely,



Erinn Wilson
Environmental Program Manager I

ec: Scott Morgan (State Clearinghouse)

Literature Cited:

Sawyer, J. O., Keeler-Wolf, T., and Evens J.M. 2008. A manual of California Vegetation, 2nd ed. ISBN 978-0-943460-4

Appendix C: Comments and Response to Comments
Floradale Avenue Bridge Replacement 18NGD-00000-00003

Letter B

COMMENTER: Erinn Wilson, California Department of Fish and Wildlife

DATE: September 13, 2018

Response B.1 – Sensitive Bird Species Surveys

The California Department of Fish and Wildlife (CDFW) is recommending updated protocol level surveys to be conducted for least Bell's vireo (*Vireo bellii pusillus*), southwestern willow flycatcher (*Empidonax traillii extimus*), and western yellow-billed cuckoo (*Coccyzus americanus occidentalis*) within the project footprint and a 500-foot buffer adjacent to the project within suitable riparian habitat. This is due to the lapse in time since the surveys were conducted for the project (NES completed in 2014).

We acknowledge the length in time since the last studies were conducted and will require the contractor to conduct protocol level bird surveys for the least Bell's vireo, southwestern willow flycatcher, and western yellow-billed cuckoo within the project footprint and a 500-foot buffer adjacent to the project within suitable riparian habitat. Mitigation measure BIO-4 has been modified as shown below (underline indicates additional language added).

BIO-4 Special Status Riparian and Migratory Birds. Prior to construction, the approved biologist shall conduct protocol level bird surveys for the least Bell's vireo, southwestern willow flycatcher, and western yellow-billed cuckoo within the project footprint and a 500-foot buffer adjacent to the project within suitable riparian habitat, and applicant shall schedule vegetation removal to occur outside of the nesting season (September 1 to February 14), if possible. To avoid potential delays due to nesting birds on the existing bridge, the applicant shall install bird and bat exclusion netting on the bridge until the structure is demolished per Caltrans standards.

Plan Requirements: These requirements shall be noted in plan specifications.

Timing: Plans shall be reviewed for consistency with these requirements by the County Public Works Transportation RE prior to construction. Implementation shall occur prior to construction. Please note, protocol surveys for the least Bell's vireo require eight (8) surveys between April 10 and July 31.

MONITORING: The County Public Works Transportation RE shall perform periodic site inspections to ensure compliance with these requirements. If netting is installed, it shall be inspected weekly by a qualified biologist and documented in a weekly monitoring report or site inspection report.

Response B.2 – Species Protected by CESA

The CDFW considers adverse impacts to a species protected by the California Endangered Species Act (CESA), for the purposes of CEQA, to be significant without mitigation and take of any endangered, threatened, candidate species, or state-listed rare plant species that results from the project is prohibited, except as authorized by state law through a CESA Incidental Take Permit (ITP) or consistency determination. Therefore,

Appendix C: Comments and Response to Comments

Floradale Avenue Bridge Replacement 18NGD-00000-00003

the CDFW recommends that biological mitigation monitoring and reporting proposals should be of sufficient detail and resolution to satisfy the requirements for a CESA ITP.

We agree with the CDFW's recommendation and will work with the CDFW to prepare biological mitigation monitoring and reporting proposals to satisfy the requirements for a CESA ITP, if take of any endangered, threatened, candidate species, or state-listed rare plant species might occur.

Response B.3 – Vegetation Mapping

The CDFW has recommended a floristic, alliance- and/or association-based mapping and vegetation impact assessments be conducted at the project site and within the neighboring vicinity.

We acknowledge this recommendation but consider the vegetation mapping conducted for the project as sufficient for mapping vegetation at the project site. As well, a tree survey and habitat verification survey was conducted on June 27, 2018. That survey concluded, "A habitat verification survey was also conducted. All habitats and their limits were concluded accurate as documented in the 2014 Natural Environment Study and no change to that study is necessary." (Tree Survey for the Floradale Avenue Bridge Replacement over the Santa Ynez River, Santa Barbara County, California Memo dated 7/13/2018) Furthermore, all riparian and wetland habitats are considered sensitive in the MND and therefore, the project will require mitigation in the form of preparing and implementing a Habitat Mitigation and Monitoring Plan.