



# PUBLIC NOTICE

**U.S. ARMY CORPS OF ENGINEERS  
LOS ANGELES DISTRICT**

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**APPLICATION FOR PERMIT  
Andree Clark Bird Refuge Restoration Project**

**Public Notice/Application No.:** SPL-2021-00274-EBR

**Project:** Andree Clark Bird Refuge Restoration Project

**Comment Period:** June 4, 2021 – July 4, 2021

**Project Manager:** Emma Ross; (805) 585-2149; [Emma.B.Ross@usace.army.mil](mailto:Emma.B.Ross@usace.army.mil)

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**Applicant**

George Johnson  
City of Santa Barbara  
P.O. Box 1990  
Santa Barbara, California 93102

**Contact**

Same as Applicant

**Location**

The proposed project is located at the Andree Clark Bird Refuge, within the city and county of Santa Barbara, CA (at: 34.417707, -119.663687).

**Activity**

The Andree Clark Bird Refuge restoration project includes the following key components: 1) Construction of a 6,000 square foot, low-flow water treatment wetland; 2) Removal and replacement of the concrete weir/dam (40' long by 6' wide) and weir gate at Cabrillo Boulevard; 3) Restoration of approximately 0.5 acre of dune, and mudflat habitat around the beach lagoon; and 4) Periodic breach priming of the sand berm at the mouth of the lagoon. For more information see Additional Project Information section below. This permit would include ongoing activities (beach priming) that would be authorized on a programmatic basis over a 10-year period.

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**Submittal of Public Comments**

Interested parties are hereby notified an application has been received for a Department of the Army permit for the activity described herein and shown on the attached drawing(s). We invite you to review today's public notice and provide views on the proposed work. By providing substantive, site-specific comments to the Corps Regulatory Division, you provide information that supports the Corps' decision-making process. All comments received during the comment period become part of the record and will be considered in the decision. This permit will be issued, issued with special conditions, or denied under Section 404 of the Clean Water Act.

**Please submit comments to: [emma.b.ross@usace.army.mil](mailto:emma.b.ross@usace.army.mil). Should you have any questions or concerns about the Corps' proposed action or our comment period, you may contact Emma Ross directly at (805) 585-2149.**

The mission of the U.S. Army Corps of Engineers Regulatory Program is to protect the Nation's aquatic resources, while allowing reasonable development through fair, flexible and balanced permit decisions. The Corps evaluates permit applications for essentially all construction activities that occur in the Nation's waters, including wetlands. The Regulatory Program in the Los Angeles District is executed to protect aquatic resources by developing and implementing short- and long-term initiatives to improve regulatory products, processes, program transparency, and customer feedback considering current staffing levels and historical funding trends.

Corps permits are necessary for any work, including construction and dredging, in the Nation's navigable water and their tributary waters. The Corps balances the reasonably foreseeable benefits and detriments of proposed projects and makes permit decisions that recognize the essential values of the Nation's aquatic ecosystems to the general public, as well as the property rights of private citizens who want to use their land. The Corps strives to make its permit decisions in a timely manner that minimizes impacts to the regulated public.

During the permit process, the Corps considers the views of other Federal, state and local agencies, interest groups, and the general public. The results of this careful public interest review are fair and equitable decisions that allow reasonable use of private property, infrastructure development, and growth of the economy, while offsetting the authorized impacts to the waters of the United States. The permit review process serves to first avoid and then minimize adverse effects of projects on aquatic resources to the maximum practicable extent. Any remaining unavoidable adverse impacts to the aquatic environment are offset by compensatory mitigation requirements, which may include restoration, enhancement, establishment, and/or preservation of aquatic ecosystem system functions and services.

### **Evaluation Factors**

The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit, which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof. Factors that will be considered include conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food production and, in general, the needs and welfare of the people. In addition, if the proposal would discharge dredged or fill material, the evaluation of the activity will include application of the EPA Guidelines (40 CFR Part 230) as required by Section 404 (b)(1) of the Clean Water Act.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

## **Preliminary Review of Selected Factors**

**EIS Determination**- A preliminary determination has been made an environmental impact statement is not required for the proposed work.

**Water Quality**- The applicant is required to obtain water quality certification, under Section 401 of the Clean Water Act, from the California Regional Water Quality Control Board. Section 401 requires any applicant for an individual Section 404 permit provide proof of water quality certification to the Corps of Engineers prior to permit issuance.

**Coastal Zone Management**- The applicant has certified the proposed activity would comply with and would be conducted in a manner consistent with the approved State Coastal Zone Management Program. For those projects in or affecting the coastal zone, the Federal Coastal Zone Management Act requires that prior to issuing the Corps authorization for the project, the applicant must obtain concurrence from the California Coastal Commission the project is consistent with the State's Coastal Zone Management Plan. The District Engineer hereby requests the California Coastal Commission's concurrence or non-concurrence.

**Essential Fish Habitat**- No Essential Fish Habitat (EFH), as defined by the Magnuson-Stevens Fishery Conservation and Management Act, occurs within the project area and no EFH would be affected by the proposed project.

**Cultural Resources**- The latest version of the National Register of Historic Places has been consulted and this site is not listed. This review constitutes the extent of cultural resources investigations by the District Engineer, and he is otherwise unaware of the presence of such resources.

**Endangered Species**- The project site supports suitable habitat for three federally listed endangered and threatened species: Tidewater goby (*Eucyclogobius newberryi*), western snowy plover (*Charadrius nivosus nivosus*), and California least tern (*Sternula antillarum browni*). Additionally, portions of the project area are within designated critical habitat for the western snowy plover.

Tidewater goby is likely most abundant in the beach lagoon and would be potentially impacted by vegetation and sediment removal activities associated with the widening of the lagoon and could become stranded during dewatering activities associated with the weir replacement. In addition, there is potential for impacts to tidewater goby the creation of the marsh lobe. Tidewater goby could potentially be injured by cutting and removal of emergent wetland vegetation where they may hide, particularly coastal brackish marsh habitat around the lagoon, islands, and edges of the refuge, where present in the work locations. Vibrations and noise underwater plus turbidity from the aquatic construction equipment would tend to disperse fish, including tidewater gobies, out of the work area.

The proposed activities may have both short-term and long-term effects on this species. The construction activities may require relocation of individuals. The changes at the mouth of the estuary and weir may change the salinity of the southern portion of the refuge but may also decrease siltation and increase the longevity of the freshwater portions of the estuary.

The majority of potential direct impacts to special status bird species would be avoided because construction would begin at the end of the breeding season. The timing of maintenance activities would also be timed to minimize impacts to nesting birds.

After discussion with USFWS, it is anticipated that there likely will be adverse effects to both overwintering plovers due to the removal of the wrack at the hightide line during priming activities and the subsequent decline in plover's invertebrate prey, as well as plover critical habitat due to the beach priming. However, construction would begin at the end of the breeding season following pre-construction surveys for nesting birds. Monitoring by the Onsite Environmental Coordinator (OEC) would help ensure that plovers are not directly impacted by construction. Overall, the restoration and enhancement of the estuary mouth and dune habitats would improve habitat quality for the snowy plovers over the long term. The applicant proposes to complete pre-construction nesting bird surveys. If the plover is present, the work would be delayed until the species moves a minimum of 100' outside the work area.

No direct impacts to least terns are anticipated since this species is not known nor expected to breed in this area. Additionally, this species is only expected to migrate through the central coast region. Monitoring by the OEC would help ensure that sick or injured terns are not directly impacted by construction. Overall, the restoration and enhancement of the estuary mouth and dune habitats will improve habitat quality for the terns.

The Corps will initiate consultation pursuant to Section 7 of the Endangered Species Act with the U.S. Fish and Wildlife Service (USFWS) to address effects to the Tidewater goby, western snowy plover, and California least tern.

**Public Hearing-** Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearing shall state with particularity the reasons for holding a public hearing.

### **Proposed Activity for Which a Permit is Required**

**Basic Project Purpose-** The basic project purpose comprises the fundamental, essential, or irreducible purpose of the proposed project, and is used by the Corps to determine whether the applicant's project is water dependent (i.e., requires access or proximity to or siting within the special aquatic site to fulfill its basic purpose). Because no fills are proposed within special aquatic sites, identification of the basic project purpose is not necessary.

**Overall Project Purpose-** The overall project purpose serves as the basis for the Corps' 404(b)(1) alternatives analysis and is determined by further defining the basic project purpose in a manner that more specifically describes the applicant's goals for the project, and which allows a reasonable range of alternatives to be analyzed. The overall project purpose for the proposed project is to improve wildlife habitat, water quality and aesthetics of the Andree Clark Bird Refuge, while maintaining current flood protection and passive recreation.

### **Additional Project Information**

**Baseline information-** The Andree Clark Bird Refuge was connected to Sycamore Creek (located to the west) via a lagoon on the beach. Construction of the railroad, highway, and Cabrillo Boulevard reduced the size of the Bird Refuge and restricted water flow. Except for a small remnant, the lagoon on the beach has been replaced by Cabrillo Boulevard and the East Beach volleyball courts. Under the historic configuration, there was more freshwater input (the Sycamore creek watershed is almost



four times larger than the current Bird Refuge lagoon watershed). This resulted in more frequent breaching of the beach berm during rain events, which resulted in more frequent freshwater and tidal exchange.

Historical photographs and maps indicate that the Bird Refuge was never a full tidal lagoon but was rather intermittent and tidal only during the rainy season. The beach berm would typically reestablish shortly after rain events and during the dry season would be completely cut-off to tidal exchange. In June/July, the lagoon would transition to a dry salt panne typical of Southern California salt flats such as the lower section of Devereux Slough. This would last until November or December depending on rainfall amounts.

True restoration of the Bird Refuge ecology is no longer feasible because it would require reconnection to Sycamore Creek. This is problematic due to Cabrillo Boulevard and the extremely popular recreational use of East Beach for volleyball courts. Also, the Bird Refuge currently provides important open water wetland bird habitat and, as sea level continues to rise, would allow for transition to a full tidal wetland with diverse habitat zones/elevations and areas available for migrating upland habitat.

Poor water quality conditions and strong odors at the lagoon have been problematic since the Bird Refuge was dredged and disconnected from Sycamore Creek. In the past ten years, the poor water quality (low dissolved oxygen levels, cyanobacteria blooms, poor water clarity, and strong odor) has continued to deteriorate due to the accumulation of nutrients, lack of flushing storm events, and drought conditions. Ocean going aquatic species such as mullet that used to inhabit the lagoon are no longer present. Lack of a properly functioning weir gate and permitting restrictions for management of the beach berm of the lagoon have significantly reduced water flow and habitat connection between the ocean and the beach lagoon and Bird Refuge. Without the proposed restoration Project, the habitat value and water quality conditions will continue to deteriorate.

Project description- The project activities within the Corps' regulatory jurisdiction are described more specifically below:

Removal and replacement of the weir/dam and weir gate at Cabrillo Boulevard (see pages 2-5 in Maps Document). The weir currently blocks lagoon water from flowing into the ocean (except during very large rain events) and the existing weir gate is undersized and is not operational. Removal and replacement of the weir with new water control gates and improved debris racks would allow better management of water flow between the lagoon and ocean, and improved flushing of nutrients. It would also allow for adaptive management related to sea level rise and habitat conditions within the lagoon. The construction of the weir would permanently impact 240 square feet of waters of the U.S., and temporarily impact 720 square feet of waters of the U.S. with the use of a cofferdam for up to 3 months.

Periodic breach priming of the sand berm at the mouth of the beach side lagoon (see page 5 in Maps Attachment). The breach priming would involve mechanically lowering the beach berm (using a small front-end loader) prior to rain events to allow the lagoon to fill, overtop, and flow into the ocean. Breach priming would be expected to occur approximately 3-4 times per rainy season (depending on rain events). No modifications to the beach berm would be conducted during the dry season months (May-September). The maximum amount of sand that would be moved during a priming event would be 333 cubic yards. The maximum size of the sand deposition area would be 150' long x 30' wide x 2' deep.

**Proposed Mitigation**– The proposed mitigation may change as a result of comments received in response to this public notice, the applicant's response to those comments, and/or the need for the project to comply with the 404(b)(1) Guidelines. In consideration of the above, the proposed mitigation sequence (avoidance/minimization/compensation), as applied to the proposed project is summarized below:

Avoidance: Complete avoidance of waters of the United States is not possible.

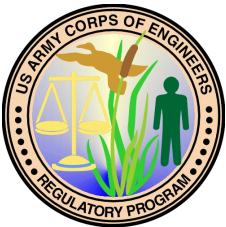
Minimization: See attached document for the applicant's proposed minimization measures.

Compensation: Because the goal of the proposed activities is to improve aquatic functions over the long-term, compensatory mitigation is not proposed at this time.

### **Proposed Special Conditions**

Special conditions will be developed in part based on the outcome of consultations with the U.S. Fish & Wildlife Service addressing avoidance and minimization of effects to federally listed endangered species.

For additional information please call Emma Ross of my staff at (805) 585-2149 or via e-mail at [Emma.B.Ross@usace.army.mil](mailto:Emma.B.Ross@usace.army.mil). This public notice is issued by the Chief, Regulatory Division.



#### *Regulatory Program Goals:*

- To provide strong protection of the nation's aquatic environment, including wetlands.
- To ensure the Corps provides the regulated public with fair and reasonable decisions.
- To enhance the efficiency of the Corps' administration of its regulatory program.

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**DEPARTMENT OF THE ARMY  
LOS ANGELES DISTRICT, U.S. ARMY CORPS OF ENGINEERS  
[WWW.SPL.USACE.ARMY.MIL/MISSIONS/REGULATORY](http://WWW.SPL.USACE.ARMY.MIL/MISSIONS/REGULATORY)**





**AERIAL SOURCE:** ESRI basemaps 2014.  
**HORIZONTAL DATUM:** California State Plane Zone 5, NAD83, U.S. Feet.  
**VERTICAL DATUM:** Mean Lower Low Water (MLLW).

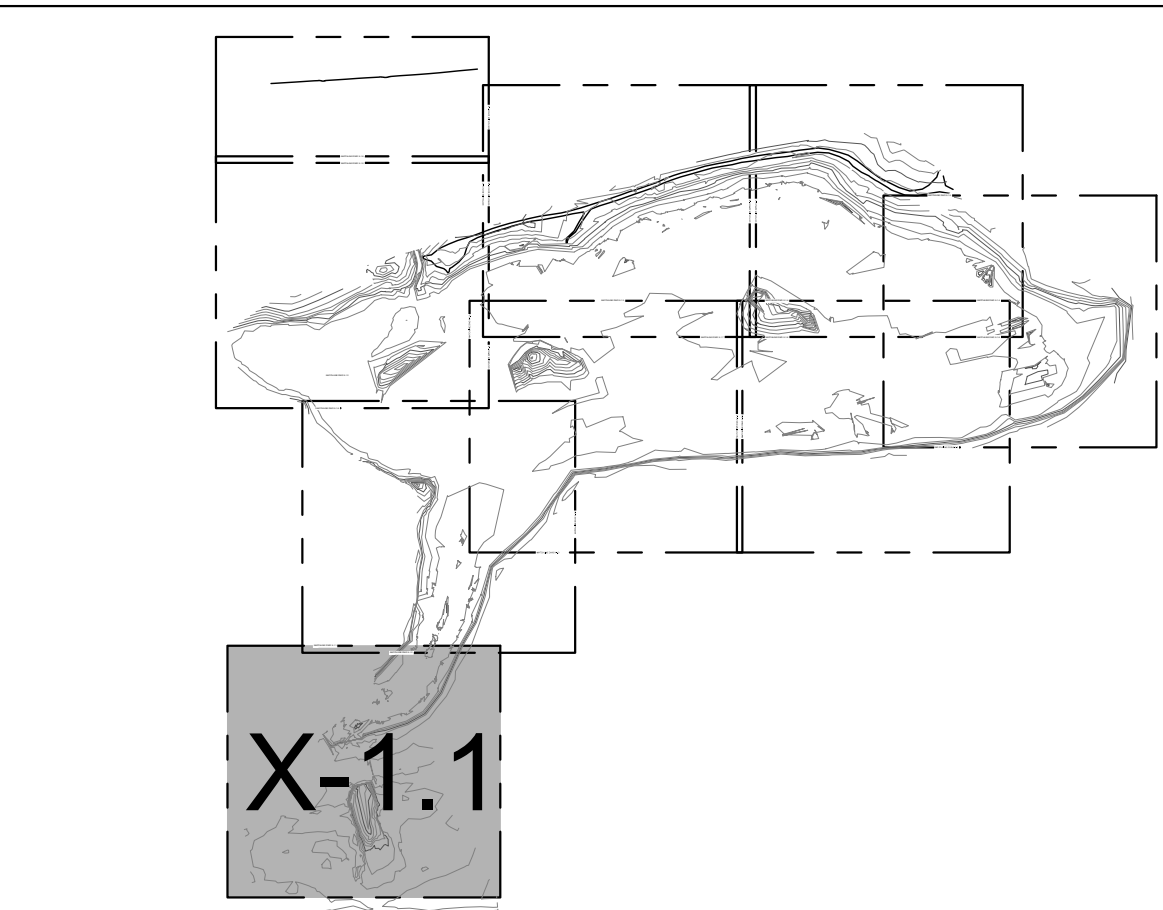
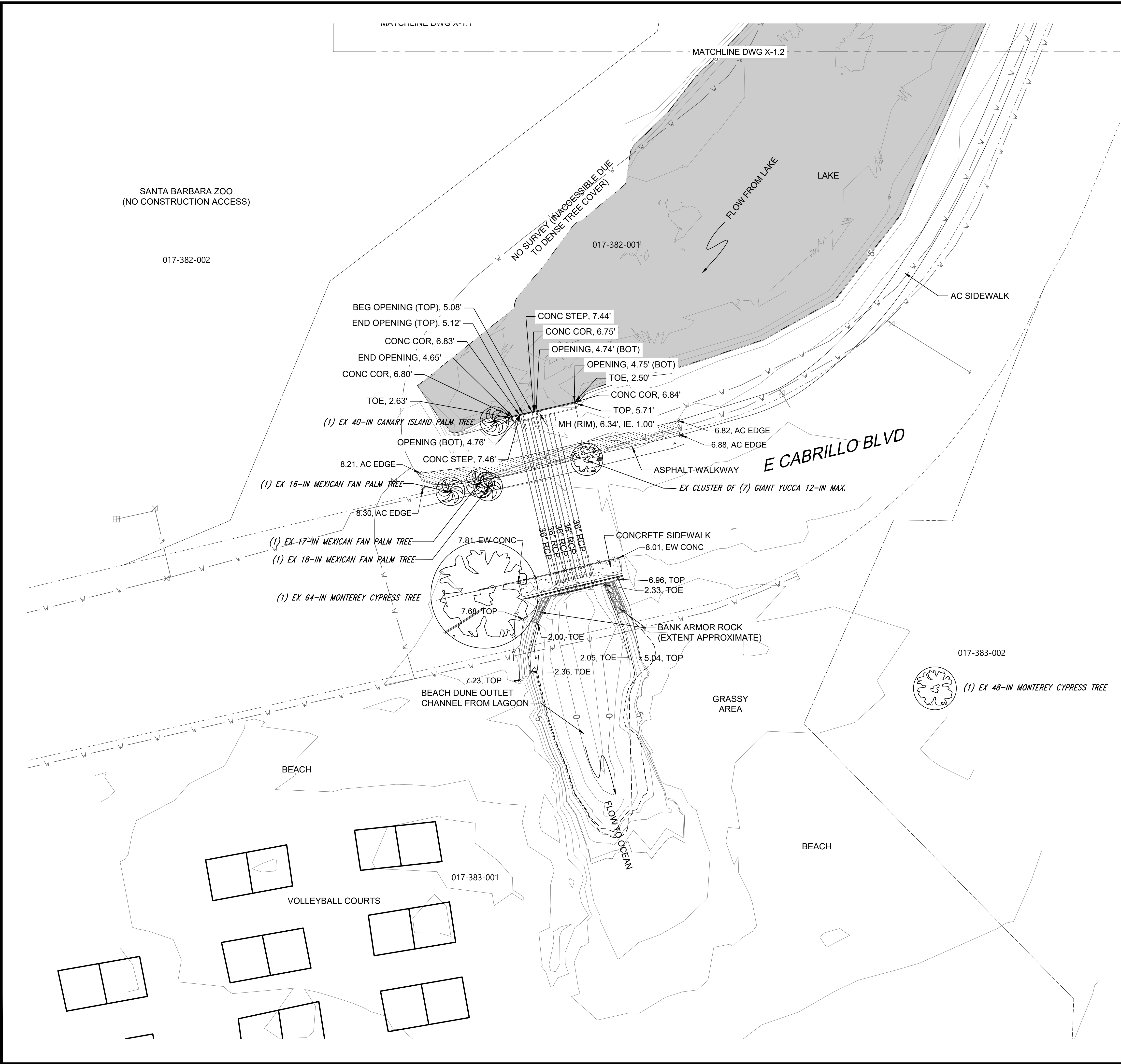
Publish Date: 2017/06/08 12:01 PM | User: epipkin  
Filepath: \\socal2\disneyland\AutoCAD Project Files\\_Projects\1214-Santa Barbara\1214-Andee Clark Bird Refuge\Sediment Char\1214-RP-005 LOCATION.dwg [Project Location](#)



**Figure 1**  
**Project Location**

Conceptual Design  
Andrée Clark Water Quality and Habitat Improvement Project





SHEET INDEX

- LEGEND**
- EXISTING CONTOURS (1' & 5' INTERVALS)
  - HIGH WATER ELEVATION (+4.88' NGVD29)
  - MHW (+2.62' NGVD29)
  - W WATER MAIN
  - RW RECYCLED WATER MAIN
  - PARCEL BOUNDARY
  - ASPHALT
  - CONCRETE
  - TREE TO BE PROTECTED IN PLACE
  - TREE TO BE REMOVED
  - SEE DRAWING G-2.0 FOR ADDITIONAL SURVEY NOTES AND LEGEND
  - TREE NOTE: NOT ALL TREES SHOWN IN PLANS. ONLY TREES TO BE REMOVED OR PROTECTED IN PLACE ARE PRESENTED.

- NOTES:**
- HORIZONTAL DATUM: CALIFORNIA STATE PLANE ZONE V, NORTH AMERICAN DATUM (NAD83), U.S. SURVEY FEET
  - VERTICAL DATUM: NATIONAL GEODETIC VERTICAL DATUM OF 1929, FEET.
  - SEE DRAWING G-2 FOR ADDITIONAL SURVEY NOTES AND LEGEND.



Know what's below.  
Call before you dig.

PROPERTY LINES  
ARE APPROXIMATE

0 0.5 1  
SCALE: 1"=30'

PROJECT ENGINEER

DATE



PUBLIC WORKS  
DEPARTMENT  
ENGINEERING DIVISION

APPROVED: \_\_\_\_\_ DATE \_\_\_\_\_  
CITY ENGINEER ORIGINAL SIGNED DATE \_\_\_\_\_

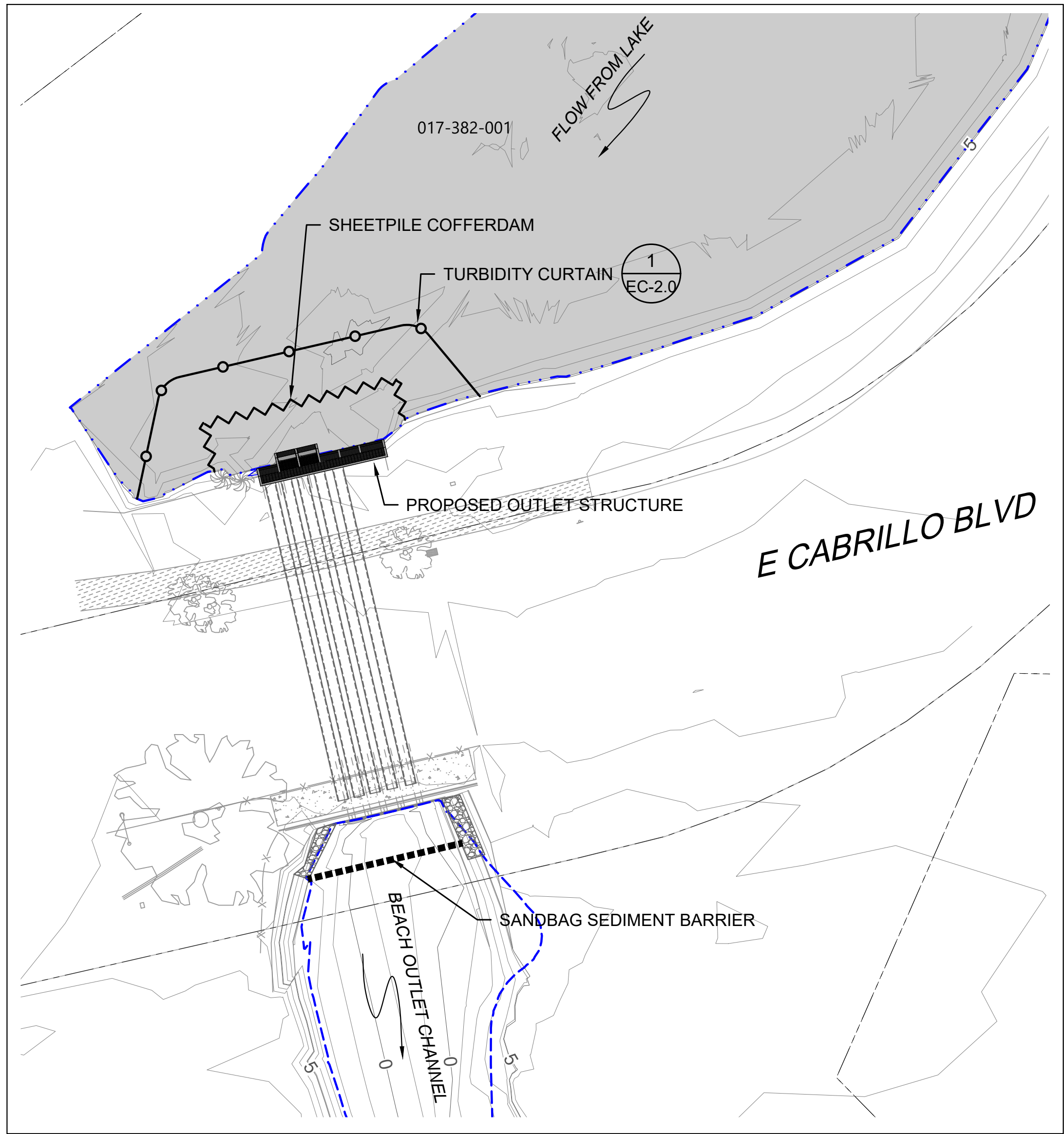
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65 %  
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NO.	DATE	APPROVED	REVISIONS

ANDRÉE CLARK BIRD REFUGE  
**COASTAL RESTORATION  
EXISTING CONDITIONS PLAN (1 OF 9)**

PBW. NO. \_\_\_\_\_  
BID. NO. \_\_\_\_\_ SHT. DES. \_\_\_\_\_  
V-1.1  
DWG. NO. \_\_\_\_\_  
SHT. 7 OF 53

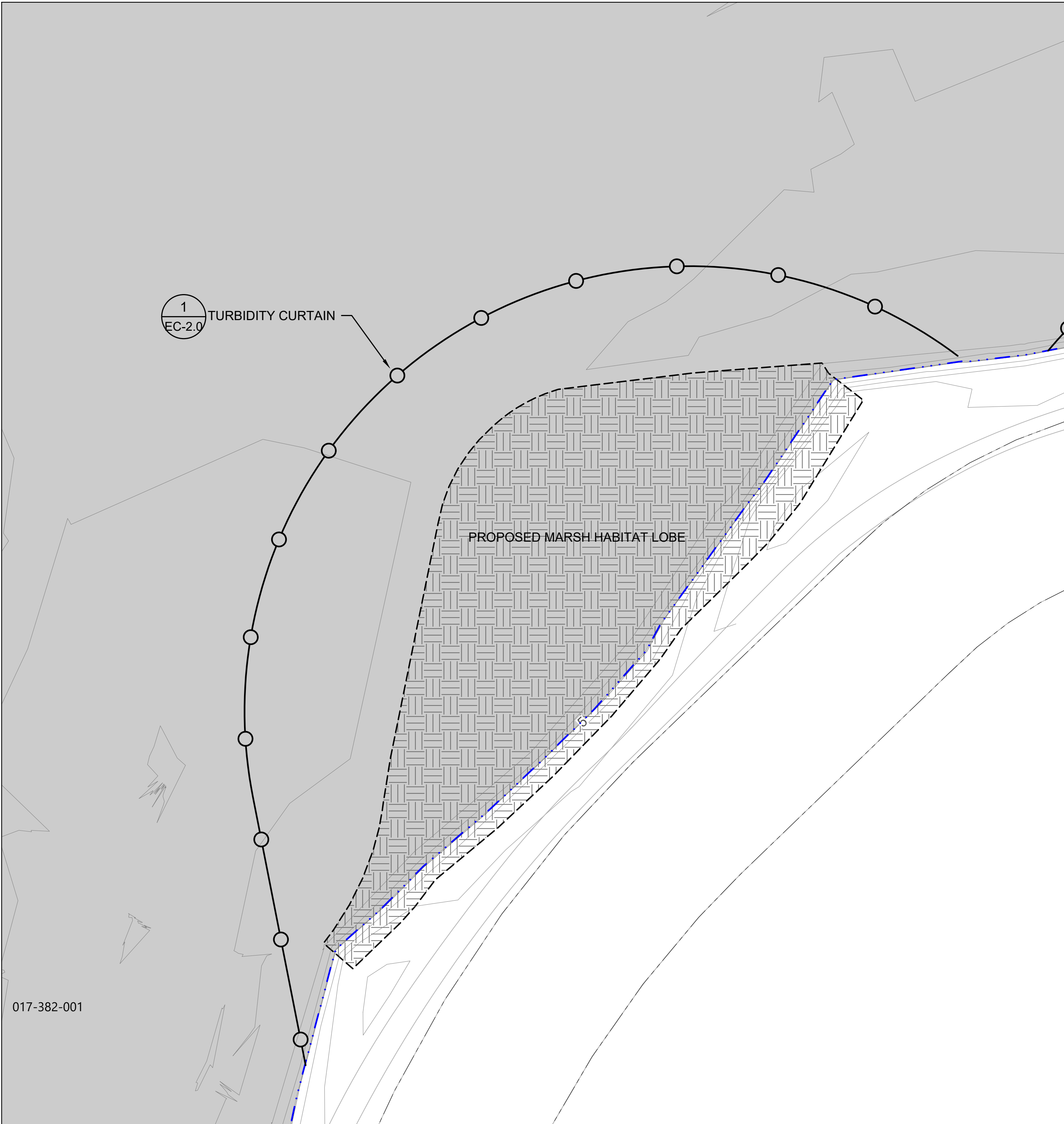




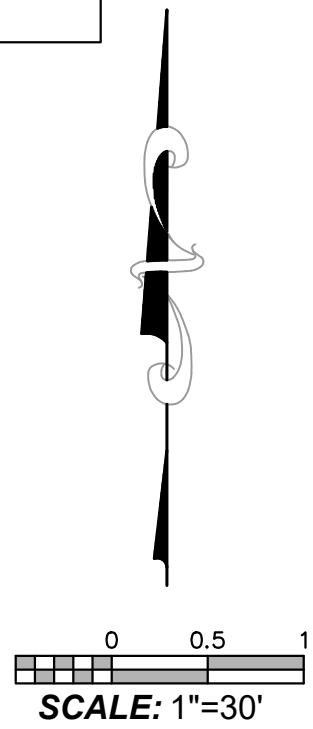
OUTLET STRUCTURE

LEGEND

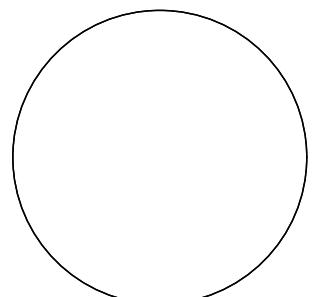
- EXISTING CONTOURS (1' & 5' INTERVALS)
- ELEV AT OR BELOW PROPOSED WEIR CREST ELEV
- PROPOSED ELEMENT GRADING EXTENT
- MHHW
- PARCEL BOUNDARY
- TURBIDITY CURTAIN
- SHEETPILE
- SANDBAG SEDIMENT BARRIER



SOUTHWEST HABITAT LOBE



PROPERTY LINES ARE APPROXIMATE



PROJECT ENGINEER DATE



PUBLIC WORKS DEPARTMENT  
ENGINEERING DIVISION

APPROVED: \_\_\_\_\_  
CITY ENGINEER ORIGINAL SIGNED DATE \_\_\_\_\_

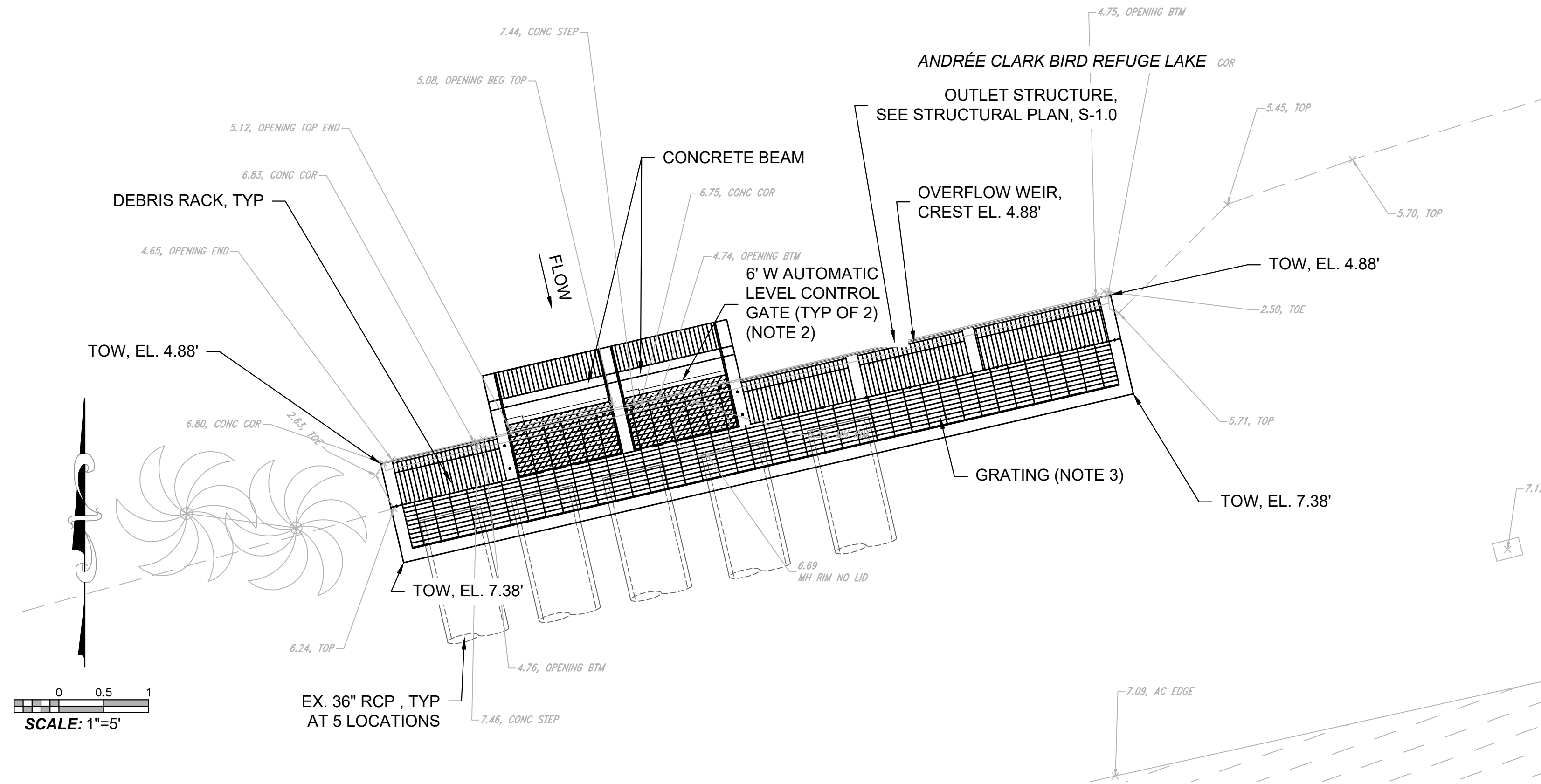
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NO.	DATE	APPROVED	REVISIONS

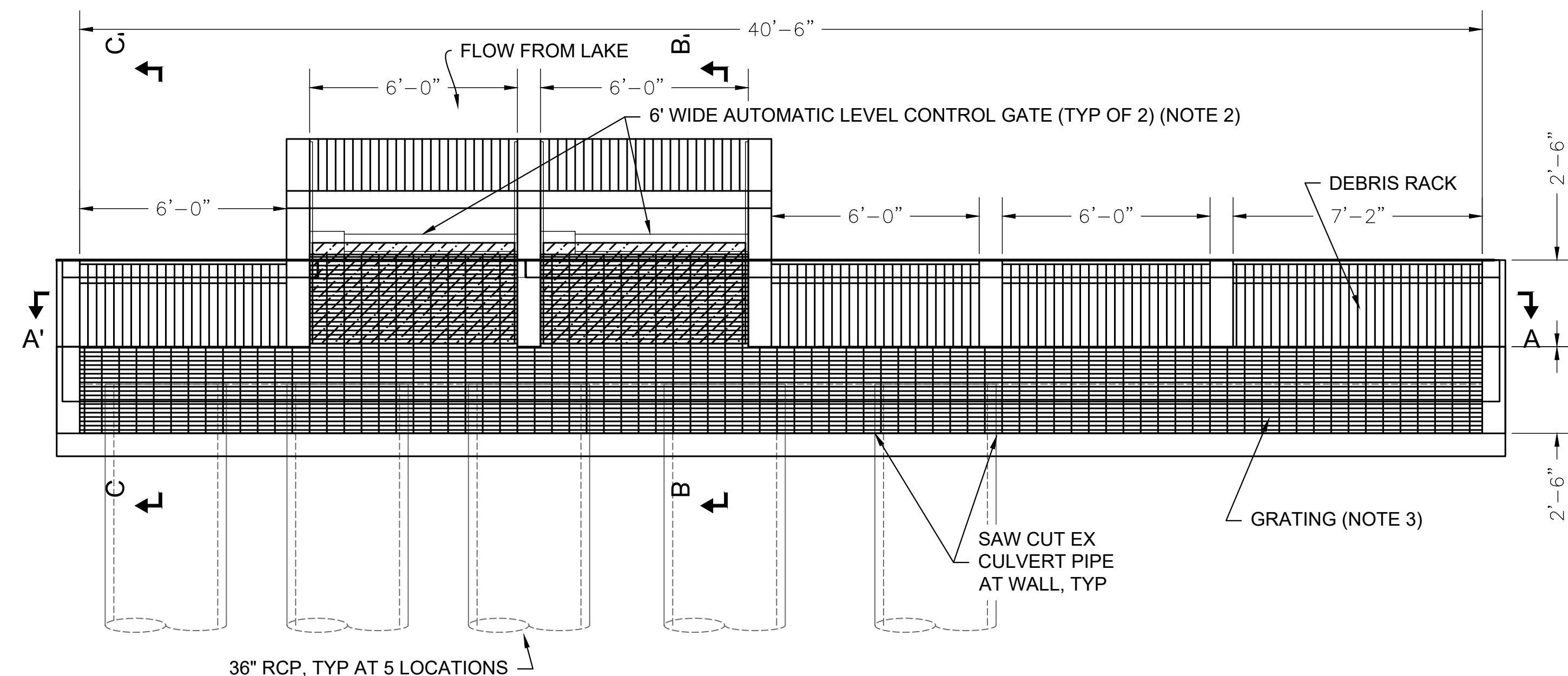
ANDRÉE CLARK BIRD REFUGE  
COASTAL RESTORATION  
TESC PLAN

PBW. NO. \_\_\_\_\_  
BID. NO. \_\_\_\_\_ SHT. DES. \_\_\_\_\_  
EC-1.0  
DWG. NO. \_\_\_\_\_  
SHT. 17 OF 53

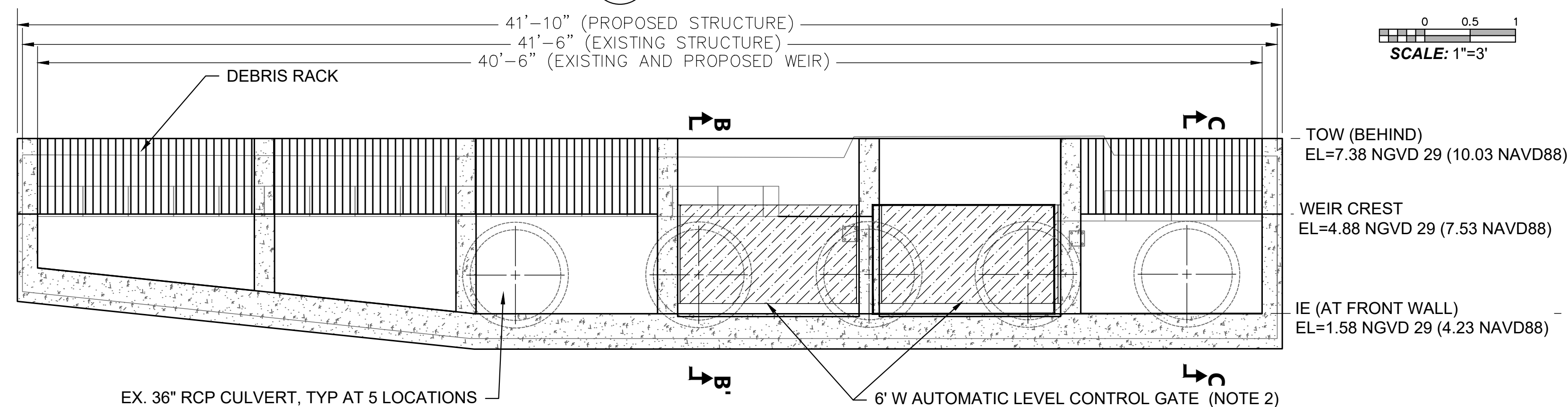




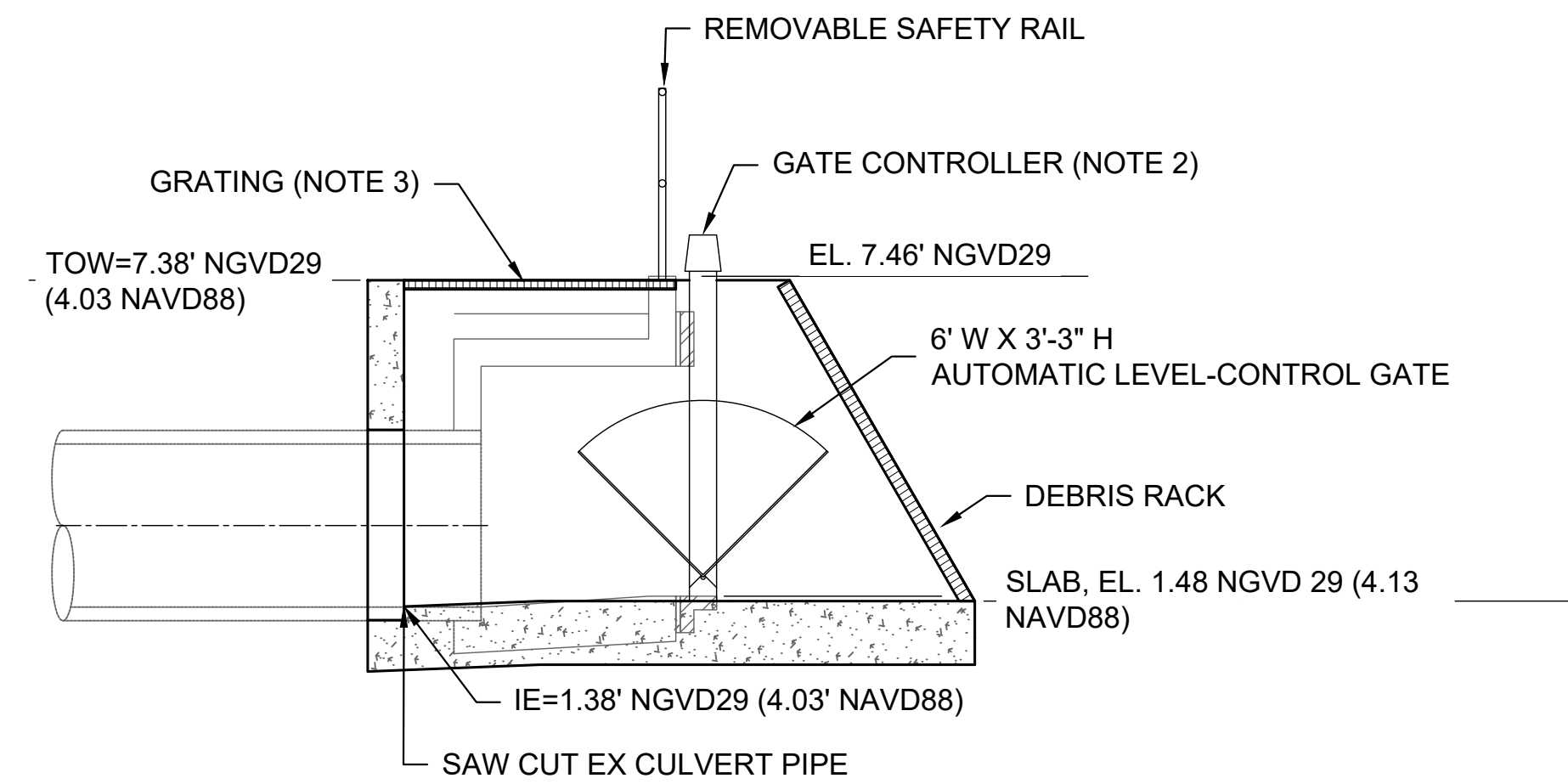
1 OUTLET WEIR PLAN  
C-1.1 SCALE: 1" = 5'



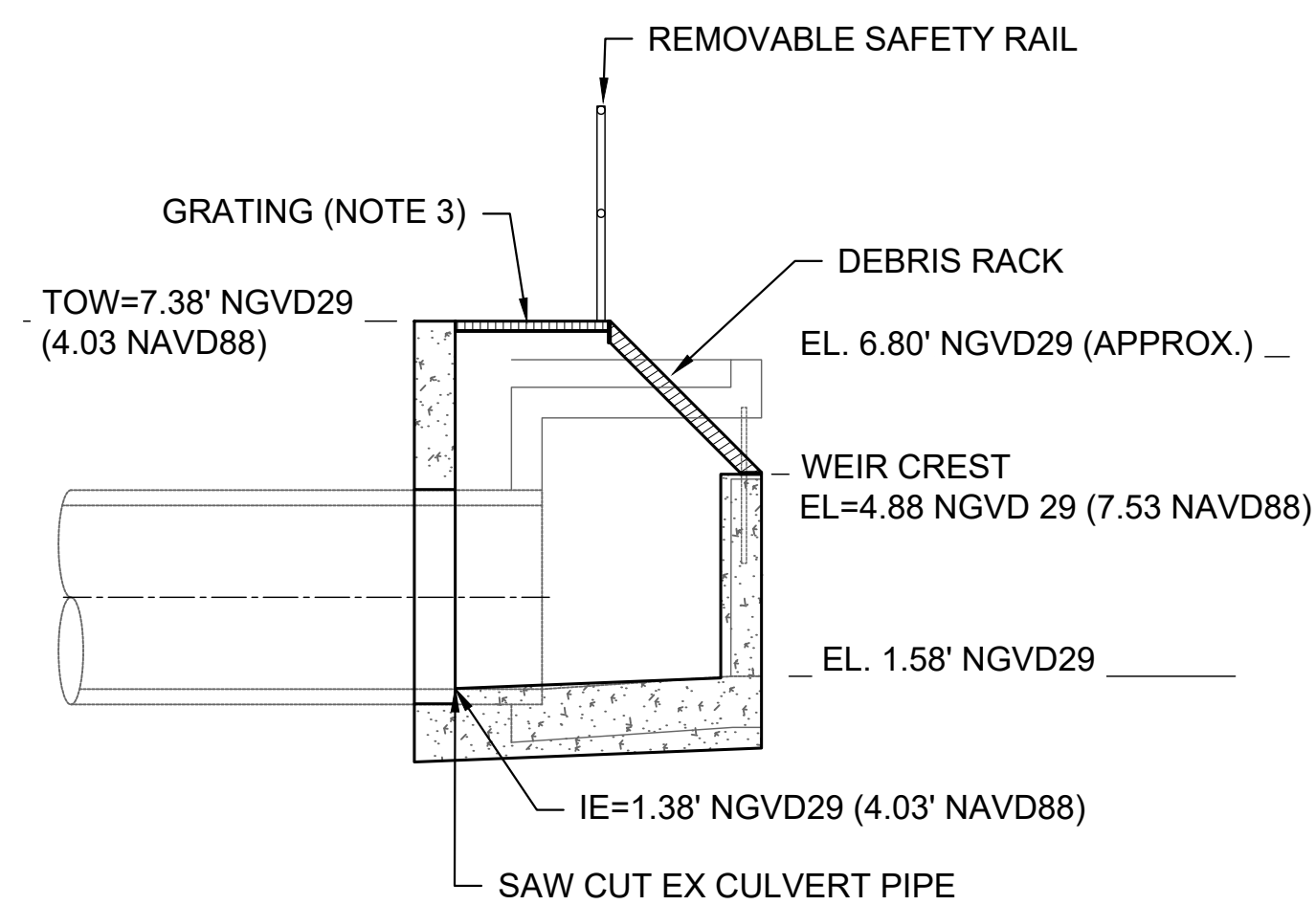
2 OUTLET WEIR EQUIPMENT PLAN  
SCALE: 1" = 3'



1 OUTLET WEIR SECTION  
SCALE: 1" = 3'



B OUTLET WEIR SECTION  
SCALE: 1" = 3'



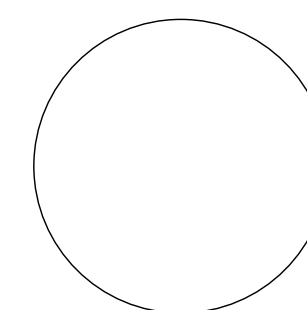
C OUTLET WEIR SECTION  
SCALE: 1" = 3'

#### OUTLET WEIR NOTES:

1. OUTLET STRUCTURE: FOR STRUCTURAL PLAN AND SECTIONS WITH REINFORCING DETAILS, SEE DRAWINGS S-2.0 AND S-3.0.
2. AUTOMATIC LEVEL CONTROL GATES: RUBICON FLUME GATE WITH LEVEL SENSORS, CONTROL PANEL, AND MANUAL OVERRIDE, OR APPROVED EQUAL.
3. GRATING: GALVANIZED STEEL GRATING WITH SERRATED SURFACE.
4. TOW = TOP OF WALL
5. IE = INVERT ELEVATION



PROPERTY LINES ARE APPROXIMATE



PROJECT ENGINEER

DATE



PUBLIC WORKS  
DEPARTMENT  
ENGINEERING DIVISION

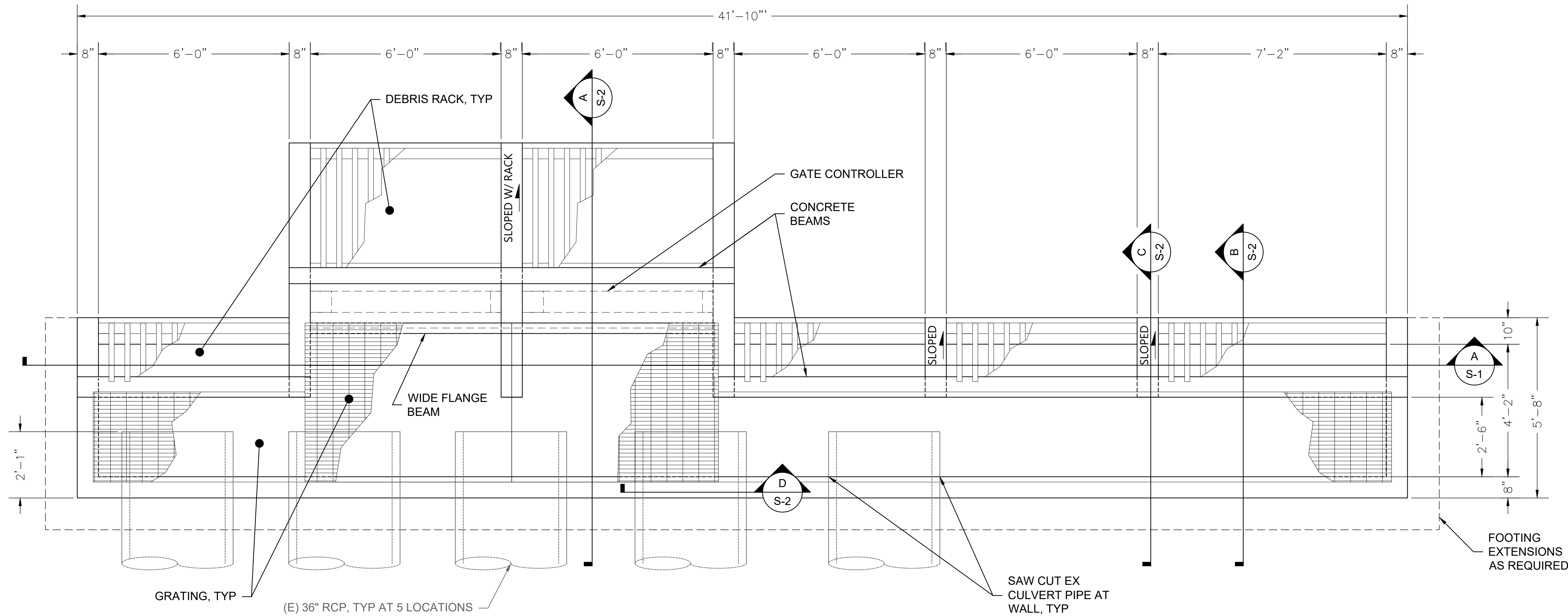
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DATE APPROVED

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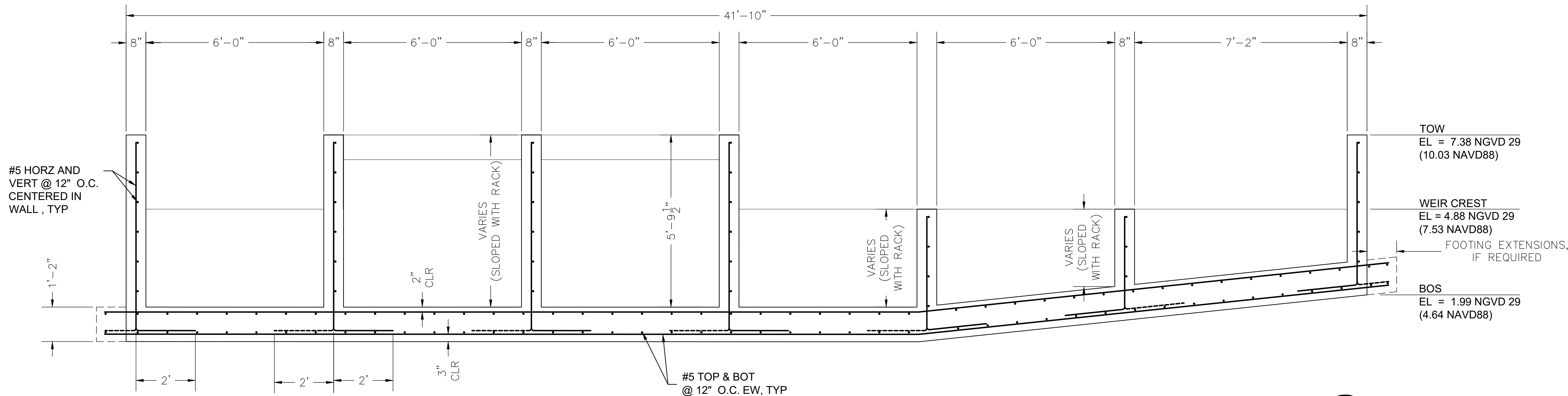
## ANDRÉE CLARK BIRD REFUGE COASTAL RESTORATION OUTLET WEIR LAYOUT AND SECTIONS

PBW. NO. \_\_\_\_\_  
BID. NO. \_\_\_\_\_ SHT. DES. \_\_\_\_\_  
C-2.3  
DWG. NO. \_\_\_\_\_  
SHT. 33 OF 53



- NOTES:
1. WIER GATE AND ATTACHMENT NOT SHOWN FOR STRUCTURAL CLARITY.
  2. RAILINGS NOT SHOWN FOR CLARITY. TO BE COMPOSED OF BOTH FIXED AND REMOVABLE SEGMENTS, WHERE MAINTENANCE IS REQUIRED.

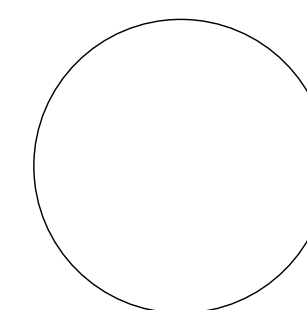
SCALE: 1"=2'



SCALE: 1"=2'



PROPERTY LINES ARE APPROXIMATE



PUBLIC WORKS DEPARTMENT  
ENGINEERING DIVISION

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CITY ENGINEER  
ORIGINAL SIGNED DATE \_\_\_\_\_

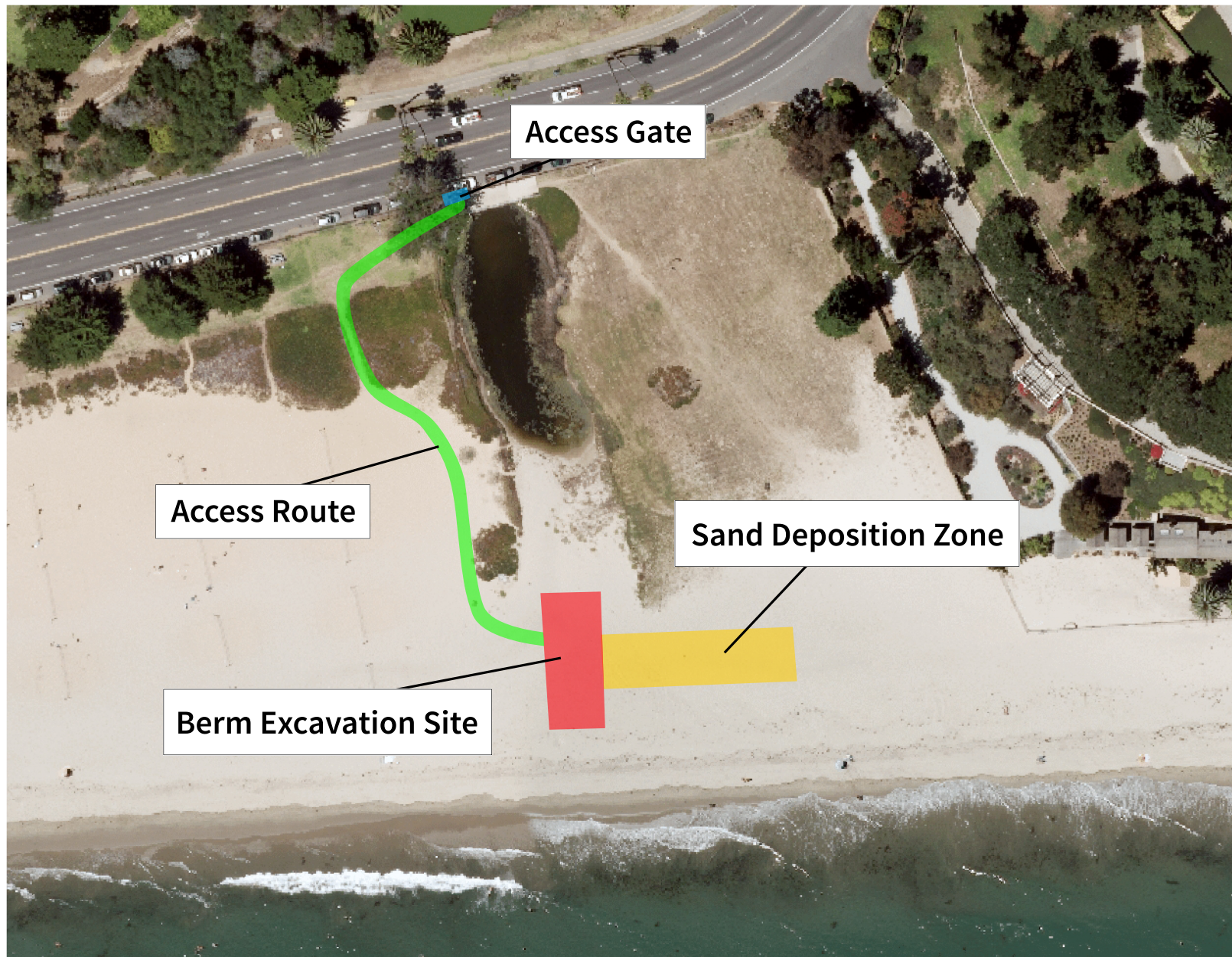
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NO.	DATE	APPROVED	REVISIONS

# ANDRÉE CLARK BIRD REFUGE COASTAL RESTORATION OUTLET STRUCT. PLAN AND SECTION

PBW. NO. \_\_\_\_\_  
SHT. DES. \_\_\_\_\_  
S-1.0  
DWG. NO. \_\_\_\_\_  
SHT. 35 OF 53









**CITY OF SANTA BARBARA  
COMMUNITY DEVELOPMENT DEPARTMENT  
FINAL MITIGATED NEGATIVE DECLARATION – PLN2019-00425  
SCH #2020100594**

Pursuant to the State of California Public Resources Code and the "Guidelines for Implementation of the California Environmental Quality Act of 1970," as amended to date, this Final Mitigated Negative Declaration has been prepared for the following project:

**PROJECT LOCATION:** 1100 E. Cabrillo and 1414 Park Place; Andrée Clark Bird Refuge, East Beach, and Municipal Tennis Court Center

**PROJECT PROPONENT:** George Johnson, Creek Supervisor

**PROJECT DESCRIPTION:** The project proposes to improve water quality and restore habitat for aquatic and avian wildlife through the replacement of the Andrée Clark Bird Refuge Lagoon weir and weir gate, removal of approximately 74 non-native trees, recontouring portions of the lagoon shoreline, recontouring the mouth of the lagoon on the beach side (adjacent to the volleyball courts), seasonal lowering of the sand berm at the mouth of the lagoon on the beach side, and installation of native plants and rock clusters along the margin of the lake, islands and mouth of the lagoon. Construction of a bio-retention basin would also occur at the Municipal Tennis Center property, located at 1414 Park Place. The properties are zoned P-R/S-D-3, with a Coastal Land Use Plan designation of Parks and Open Space.

**IDENTIFIED MITIGATION:**

- BIO-1      Ensure that all coconut matting and other erosion control material used for the project does not contain plastic netting. Materials shall be all-natural fiber. Biodegradable plastic is not acceptable.
- BIO-2      Impacts to nesting birds shall be avoided by conducting a pre-construction and/or pre-maintenance activity nesting bird survey. If any native nesting birds are located within 100 feet of the active work site, project construction shall be delayed until the birds have fledged.
- BIO-3      Impacts to common and special-status wildlife species shall be minimized by over-sight by the Onsite Environmental Coordinator (OEC) who shall monitor all project construction and maintenance activities. If wildlife species are encountered or is otherwise exposed to risk, the OEC shall implement measures to reduce exposure risk, including halting work, fencing, or wildlife removals. The OEC or designee shall attempt to move the animal outside the construction site in a manner consistent with regulatory requirements. At the OEC's discretion, construction can resume even if the animal has not been relocated (e.g. animal cannot be caught

safely, animal cannot be located, etc.). Non-native wildlife shall be removed from the site to the extent feasible.

- BIO-4 Impacts to globous dune beetles shall be avoided by conducting a preconstruction and/or pre-maintenance activity beetle survey. If any globous dune beetles are found, they shall be relocated to a safe area on-site or to the closest suitable habitat.
- BIO-5 A preconstruction survey within the work zone for tidewater gobies shall be conducted within approximately one week prior to the commencement of vegetation/sediment removal activities, or dewatering. If gobies are present, a U.S. Fish and Wildlife Service-approved biologist shall conduct fish rescue and relocation where feasible prior to the start of work in order to clear work areas of tidewater goby. It should be noted that it may not be feasible in some areas to conduct a fish survey or rescue if the water is too deep or the bottom is too muddy to be able to conduct seining. If this is the case at the weir location, the area may first need to be set up for dewatering and water levels reduced until seining can be conducted to relocate fish out of the work zone. In areas that shall not be dewatered but seining is not feasible then attempts shall be made to flush fish out of the area prior to working with heavy equipment.
- BIO-6 A U.S. Fish and Wildlife Service-approved biologist shall capture, handle, and relocate tidewater gobies from the work area using ¼-inch seine and dip nets and aerated buckets of water from the refuge to a designated relocation area outside the work area. The relocation area shall be located within suitable habitat and the shortest distance from the disturbance area. Areas with brackish water, emergent vegetation, and sandy substrate shall be the preferred relocation areas. Relocation areas should be upstream of the weir construction or may be downstream once the weir construction is complete.
- BIO-7 In work areas that shall not be dewatered such as the islands, marsh lobes, and lagoon that may contain water, fish should be moved from the area using seine and dip nets where feasible, or flushed by walking or using vibrations/noise from construction equipment. Then a silt curtain shall be deployed as feasible by securing with t-posts and zip ties and fastening weights to the bottom at approximately a 5-foot buffer from the construction boundary to reduce turbidity when working in the water. If turbidity is not an issue, block nets with ¼-inch mesh, weights tied to the bottom and secured with t-posts and zip ties may be used instead of silt curtains to keep fish out of work areas where feasible.
- BIO-8 A U.S. Fish and Wildlife Service-approved biologist shall conduct a worker environmental awareness training for all project personnel prior to the start of project activities. The training shall include a description of tidewater goby and its habitat including a photograph of the species. It shall describe the ESA and penalties if provisions of the Act are violated. It shall outline the project boundaries and minimization and mitigation measures that all construction personnel must follow to avoid impacts to and protect the species.
- BIO-9 A U.S. Fish and Wildlife Service-approved biologist shall monitor the dewatering efforts for the weir construction to minimize impacts to tidewater gobies. If sheet piles are used for the dewatering, it is assumed that the vibrations and noise would flush fish out of the area. However, as the area is dewatered, sufficient time shall be allowed for the U.S. Fish and Wildlife Service-approved biologists to capture and relocate any tidewater gobies that may be trapped within the dewatering area prior to continuing work activities. Once the area is cleared of tidewater goby the qualified biologist shall conduct periodic inspections of the area and be present when the dewatering system is removed.
- BIO-10 The results of any tidewater goby preconstruction survey or relocation shall be documented and

submitted in a report to the regulatory agencies.

- BIO-11 Impacts to tidewater goby shall be minimized from oversight by the Onsite Environmental Coordinator (OEC) who shall monitor project construction. If special status wildlife species are encountered, the OEC or designee shall stop work until the animal has moved outside the construction site. The OEC shall contact a local expert if assistance is needed.
- BIO-12 Clearly define work limits, keep equipment within work zone, and keep work zone to a minimum within the water.
- BIO-13 Water-based sediment and vegetation removal activities associated with recontouring the islands, marsh lobes, and lagoon, shall be limited to August 1 through November 1, to avoid prime breeding season of tidewater goby, and take advantage of low water levels in the lagoon and minimize work within the water.
- BIO-14 Conduct a preconstruction survey of the refuge in areas of preferred tidewater goby habitat for which to compare with post-construction monitoring for tidewater goby. Monitoring would also include sampling of water quality to ensure brackish water habitat has not been reduced from pre-project conditions. The results would be submitted in a minimum of three annual reports to the regulatory agencies (preconstruction and at least two years following construction).
- BIO-15 Impacts to legless lizards shall be minimized by Onsite Environmental Coordinator monitoring of soil disturbance within the sandy dune habitat. If any legless lizards are detected, they shall be captured by a qualified biologist and either relocated to a safe location and released immediately or secured in a 5-gallon buck half-filled with sand until a safe location is available (not to exceed five days).
- BIO-16 Impacts to pond turtles shall be minimized by Onsite Environmental Coordinator monitoring of vegetation removal especially within the northeastern and northwestern portions of the Bird Refuge. Pond turtles shall be relocated out of work areas and promptly released back into the open water (ideally in the northwestern portion of the refuge). Any red-eared sliders captured during construction activities shall not be released.
- BIO-17 Impacts to pond turtles shall be minimized by the installation of “reversed” silt fencing along the edges just outside the water. The silt fence shall be set to allow turtles to push under to exit work areas but stop them from entering the work areas. The “reverse” silt fencing shall be set with the loose tail of the silt fencing toward the water loosely anchored which allows wildlife to push under; animals approaching from the outside (water side) shall be blocked by the silt fence and rarely would figure out how to push under the loose tail portion of the silt fence. The silt fence shall be installed only in areas where turtles are anticipated, namely the northwestern portion and on the islands. If block nets and/or silt curtains are already employed, the Onsite Environmental Coordinator shall determine if “reverse” silt fence is needed.
- BIO-18 A U.S. Fish and Wildlife Service-approved biologist or Onsite Environmental Coordinator monitor shall conduct a worker environmental awareness training for all project personnel prior to the start of project activities. The training shall include a description of the pond turtle and red-eared slider including a photograph of each species. It shall outline the project boundaries and minimization and mitigation measures that all construction personnel must follow to avoid impacts to and protect the pond turtles.
- BIO-19 If a California brown pelican is found within the work area, the Onsite Environmental Coordinator (OEC) shall slowly approach the bird to determine if it is ill or injured. If ill or injured, an effort shall be made to contact the Santa Barbara Wildlife Care Network or other

appropriate wildlife care organization to capture and treat the bird. The OEC should not try to capture the bird unless directed by an appropriate organization. If healthy, the OEC should slowly approach the bird until it leaves the work zone.

- BIO-20 All construction within the water or directly adjacent to the water shall be conducted during the dry season, to minimize work in the open water and potential for erosion.
- BIO-21 Temporary construction fencing shall be placed, as feasible, in areas of wetland vegetation adjacent to the construction footprint to minimize impacts to existing native wetland plants on site.
- BIO-22 During construction, silt fencing shall be installed in areas where grading is near open water to prevent sediment from entering the refuge/lagoon.
- BIO-23 All equipment shall be stored, maintained, and fueled a minimum of 50 feet from open water.
- BIO-24 After construction is completed, all areas of disturbance on the edges of the weir shall be covered with coconut fiber matting and planted with native plants; the banks near the outflow shall be stabilized using a layer of un-grouted rip-rap boulders and strategic plantings to reduce erosion. Coconut fiber matting shall be placed on slopes greater than 3:1 above the Mean Higher-High Water elevations to control erosion.
- BIO-25 Trimming of native trees to be retained shall be conducted by a certified arborist.
- BIO-26 The Onsite Environmental Coordinator shall monitor construction activities in wetland areas to keep the disturbance area within the project footprint and ensure the erosion control measures are functioning.
- BIO-27 Willow trees removed may be used by taking cuttings to propagate for revegetation. Native understory plant species impacted shall be salvaged by collecting plant materials and soil for use in restoration to the extent feasible.
- BIO-28 Implement an adaptive management vegetation monitoring program to track wetland vegetation response to the changes in water dynamics to ensure there is no net loss of wetlands.
- BIO-29 If unanticipated impacts to coast live oaks occur during construction, the owner shall plant 10 coast live oak trees obtained from acorns collected from the South Coast between Rincon Creek and Gaviota Creek for every oak tree removed, relocated or damaged with a diameter at breast height (DBH) of four inches or greater. The trees shall be planted in one-gallon size containers or equivalent, gopher fenced and irrigated (drip irrigation on a timer) for a five-year maintenance period.
- BIO-30 Any encroachment within the critical root zone of native trees shall adhere to the following standards (tree is considered damaged if more than 20% encroachment into the critical root zone):
- i. Any paving shall be of pervious material (gravel, brick without mortar or turf block).
  - ii. Any trenching required within the critical root zone of a protected tree shall be done by hand.
  - iii. Any roots one inch in diameter or greater encountered during grading or trenching shall be cleanly cut and sealed.
- BIO-31 Five trees or shrubs obtained from material collected from the South Coast between Rincon

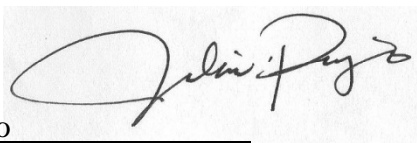
Creek and Gaviota Creek shall be planted for every native tree or large shrub removed, relocated or damaged with a diameter at breast height (DBH) of four inches or greater. They shall be in one-gallon size containers or equivalent, gopher caged and irrigated (drip irrigation on a timer) for a five-year maintenance period.

- BIO-32 One native tree obtained from material collected from the South Coast between Rincon Creek and Gaviota Creek shall be planted for every non-native tree removed, relocated or damaged with a diameter at breast height (DBH) of four inches or greater. They shall be in one-gallon size containers or equivalent, and irrigated (drip irrigation on a timer) for a five-year maintenance period.
- BIO-33 Prior to construction, a rare plant survey should be conducted in the spring season during the blooming period of potential special status species to determine whether or not the special status species with potential to occur on site are present within the work zone or 10-foot buffer area. If special status plant species are found on site they shall be avoided, if feasible, by clearly marking the area around the plants and the Onsite Environmental Coordinator shall monitor construction crews to ensure the plants are protected. If the plants cannot be avoided, they shall be replaced by collecting seeds and/or cuttings from the plants and/or relocation on site as appropriate, propagating in one gallon size container plants in a nursery, and outplanting in the restoration areas. If special status plants are installed, they shall be incorporated into the restoration monitoring plan to ensure survival.
- BIO-34 (Recommended) Include native narrow-leaf milkweed (*Asclepias fascicularis*) in the habitat restoration plant pallet to help mitigate for indirect impacts to monarch butterflies. Where appropriate, the City should include native narrow-leaf milkweed and educational signage talking about monarchs, their life cycle, and the importance of milkweed to this species.
- BIO-35 Temporary construction fencing shall be placed, as feasible, in areas of riparian vegetation adjacent to the construction footprint to minimize impacts to existing riparian habitats on site.
- BIO-36 Cuttings shall be taken from willows needing trimming or removal. Cuttings shall be installed either directly to restoration areas that have supplemental irrigation or shall be propagated in a nursery for future outplanting in the restoration areas.
- BIO-37 If feasible, protect existing native dune habitat areas by fencing these areas during construction. If the areas must be graded, then the plant materials and/or seeds of the native vegetation present should be salvaged/collected for use in the dune restoration efforts.

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**MITIGATED NEGATIVE DECLARATION FINDING:**

Based on the attached Initial Study prepared for the proposed project and the mitigation measures identified, it has been determined that the proposed project will not have a significant effect on the environment after the above revisions are made to the project and are agreed to by the project proponent.



Julia Pujo  
Environmental Analyst

December 10, 2020  
Date