

Comment Letter A-5



**Santa Barbara County  
Air Pollution Control District**

April 6, 2009

Dan Nemecek  
Planning and Environmental Services  
City of Goleta  
130 Cremona Drive, Suite B  
Goleta, CA 93117

**RECEIVED**

APR 06 2009

City of Goleta  
Planning & Environmental Svcs.

RE: APCD Review of Draft Supplemental EIR for Goleta General Plan/Coastal Land Use Plan Track 3 – General Plan Amendments

Dear Mr. Nemecek:

The Santa Barbara County Air Pollution Control District (APCD) appreciates the opportunity to provide comments on the Draft Supplemental Environmental Impact Report (DSEIR) for the above-referenced project. The Goleta General Plan/Coastal Land Use Plan (GP/CLUP) contains policies that guide future development in the City of Goleta. The City refers to the set of proposed General Plan Amendments contained in Case No. 07-202-GPA as "Track 3 substantive Policy Revisions." Track 3 General Plan Amendments affect the policies, tables, and maps in the Land Use, Conservation, Open Space, and Transportation Elements of the GP/CLUP, and requires a Supplemental EIR to the Final EIR certified in October 2006.

APCD staff responded to the Notice of Preparation (NOP) of the SEIR on August 27, 2008 and provided specific guidance related to air quality impacts associated with the proposed amendments to the General Plan (reference attached letter). APCD staff offers the following comments related to the air quality impact analysis that is presented in the DSEIR:

**General Comments for Air Quality Analysis:**

1. **Analysis of Vehicle Miles Traveled (VMT):** Comments 1 and 2 of the attached letter (APCD's response to the NOP) relate to the potential for an increase in vehicle trips and/or vehicle miles traveled (VMT) in the project area resulting from changes to Land Use Element 3.2 (Regional Commercial) and elimination of Land Use Element 11 and subsections (Nonresidential Growth Management). The air quality analysis in the DSEIR asserts that operational emissions for the proposed project (Alternative 2a) will be the same as for the current GP/CLUP (Alternative 1). Examples of this assertion are in the analysis for Impact 3.3-2, on Page 3.3-28, first sentence of the first paragraph, and for Impact 3.3-7, on Page 3.3-33, first sentence in the third-to-last paragraph.

A-5.1

The Santa Barbara County Association of Government (SBCAG)'s 2007 Travel Trends Report (available at [www.sbcag.org/publications.html](http://www.sbcag.org/publications.html)), Table B-4, indicates an annual increase of 6% (for years 1995-2006) in average daily trips (ADT) at the Storke Road/U.S. 101 intersection. A 6% rate of increase is much higher than for other nearby intersections, and SBCAG attributes this higher rate of increase to the opening of the Camino Real Marketplace (see footnote "d" of Table B-4), which is a "large-box" type regional commercial development. The 2007 Travel Trends Report does not evaluate whether there were increases in trip lengths associated with the Camino Real Marketplace development, but logic would indicate that a regional commercial development such as this, that draws customers from a wider geographic region, would also result in a regional increase in VMT.

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- A-5.2 The DSEIR does not include any reasoning or discussion as to why the proposed amendments to the GP/CLUP will not result in an increase in vehicle trips and/or VMT and, therefore, an increase in air quality impacts for both ozone precursor pollutants and for greenhouse gas pollutants (primarily carbon dioxide). The DSEIR should be revised to include an analysis of these potential impacts.
- A-5.3
2. **Consistency with APCD's 2007 Clean Air Plan:** APCD's 2007 Clean Air Plan (CAP) used population and other growth factors from SBCAG's Regional Growth Forecast (RGF) 2000-2030, adopted March 21, 2002. The population projection for the City of Goleta year 2030 from this document is 34,300 individuals. SBCAG's 2005-2040 RGF was not yet adopted at the time the 2007 CAP was developed and therefore could not be used. The DSEIR states that the GP/CLUP assumes a year 2030 population of 38,097 individuals. A population disparity of 3,797 individuals is clearly not consistent with the assumptions used in the 2007 CAP. In addition, the DSEIR on Page 3.3-30 and 3.3-31 presents Impact 3.3-5, Cumulative ROG and NO<sub>x</sub> Emissions, as Class I, significant and unavoidable, because cumulative projects would adversely affect "...the ability of all the various local agencies to achieve the goals and objectives of the 2007 County CAP." The City of Goleta's Air Quality Thresholds document, Section E, Page 31, states that, "By definition, consistency with the AQAP (air quality attainment plan), for the projects subject to these guidelines, means that stationary and vehicle emissions associated with the project are accounted for in the AQAP's emissions growth assumptions." Based on this information, it appears that the significance determination related to consistency with the 2007 CAP, Impact 3.3-2, should be re-evaluated.
  3. **Elimination of Land Use Element 11 and subsections – Nonresidential Growth Management:** The project description indicates that the City of Goleta proposes to remove Land Use Element 11 and subsections from the GP/CLUP, but does not propose a removal of the actual City of Goleta Growth Management Ordinance (GGMO) No. 03-04, adopted by City Council on May 23, 2003 with the purpose of establishing "interim regulations to control the rate of non-residential growth prior to completion and adoption of the City's first general plan" (reference DSEIR Page 3.8-13, 4<sup>th</sup> paragraph). Section 3.2 (Purpose) of City of Goleta Ordinance No. 03-04 presents a number of reasons for instituting a growth management ordinance that relate to minimizing transportation, air quality and greenhouse gas impacts, including:
    - o Insure an appropriate balance between the rate of development of commercial industrial space and the rate of housing growth in the City.
    - o Reduce future increases in commute trips from residential locations outside the city and county to job locations within Goleta.
    - o Reduce further deterioration in the levels of service experienced on the 101 Freeway and its interchanges.
    - o Reduce further deterioration in the levels of service on the arterial and collector street system, including key intersections, within Goleta.
    - o Reduce further significant deterioration in local ambient air quality.

The DSEIR includes numerous references to removal of the GGMO in the air quality and other sections (reference 3.1-1, 3<sup>rd</sup> paragraph, Page 3.2-1, 2<sup>nd</sup> paragraph, Page 3.3-28, 1<sup>st</sup> paragraph, Page 3.8-14, 3<sup>rd</sup>

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A-5.4 paragraph). If removal of the GGMO, City Ordinance No. 03-04 is indeed a part of the project description, as it is treated in the analysis, then it should be clearly stated as such in the project description and throughout the document. If the project description is revised to include removal of the GGMO, City Ordinance No. 03-04, then the analysis should examine the air quality impacts that would result from removal of the GGMO, considering the original purpose of the ordinance referenced in the bullet items listed above.

A-5.5 Alternatively, if the intent is to have the DSEIR provide a separate analysis that considers removal of the GGMO, City Ordinance No. 03-04, in addition to elimination of Land Use Element 11 of the General Plan, then this scenario should be presented and analyzed separately, as an additional alternative to the project.

A-5.6 4. **Climate Change and Greenhouse Gas (GHG) Emissions:** As discussed in the GHG impact analysis section of the DSEIR, there are a number of recent legislative mandates relating to global climate change and GHG emissions reduction. The Scoping Plan for Assembly Bill 32 (AB 32, *California Global Warming Solutions Act of 2006*) identifies "Regional Transportation- Related GHG Targets" and attributes a reduction of approximately 5 million metric tons CO<sub>2</sub> equivalent (MMT<sub>CO2E</sub>) by the year 2020. This assumes that local land use agencies will participate in regional transportation planning to reduce vehicle miles travelled (VMT), as further defined in Senate Bill 375 (signed into law September, 2008). Therefore, the DSEIR should consider how the proposed changes may impact the statewide goals of GHG reductions, should these changes cause an increase in VMT.

**Editorial Comments for Air Quality Analysis:**

A-5.7 5. **Executive Summary, Impact 3.3-2, GP/CLUP Growth Projections Are Not Consistent with the Clean Air Plan, Page ES-12:** Based on comment number 2 of this letter, the significance determination for this air quality impact should be reconsidered and the summary table revised accordingly.

A-5.8 6. **Section 3.3.1, Air Quality, Existing Conditions, Page 3.3-1:** The second sentence in this section should be revised as follows: "*The City of Goleta planning area lies within the South Central Coast Air Basin (Air Basin), which encompasses all of Ventura, Santa Barbara, and San Luis Obispo Counties.*"

A-5.9 7. **Table 3.3-1, Ambient Air Quality Standards, Page 3.3-4:** This table should be updated to reflect current air quality standards. Many of the standards presented in the table have been updated. For a current listing of standards, please refer to APCD's website at [www.sbcapcd.org/sbc/T1.htm](http://www.sbcapcd.org/sbc/T1.htm).

A-5.10 8. **Section 3.3.1.5, Pollutants That Violate Standards, Page 3.3-6:**  
 a. The first sentence in this section should be revised to state, "*The County currently violates the State 8-hour ozone and PM<sub>10</sub> standards.*" The second sentence in the first paragraph of this section states that, "*As of August 8, 2003, the County has been redesignated as a Federal ozone attainment area for the one-hour ozone standard.*" It should be noted that the federal 1-hour ozone standard has been revoked, and the federal 8-hour ozone standard of 0.075 ppm now applies. Santa Barbara County is currently considered in attainment of the federal 8-hour ozone standard.

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- A-5.11      b. The last two sentences of the second paragraph of this section summarize the number of days the PM<sub>10</sub> state and federal standards were exceeded; these values do not agree with the values in Table 3.3-2 and should be revised. For more information, consult APCD's website at [www.sbcapcd.org/sbc/attainment.htm](http://www.sbcapcd.org/sbc/attainment.htm).
- A-5.12      9. **Table 3.3-2, Summary of Air Quality Data at Goleta and El Capitan Monitoring Stations, Page 3.3-7:** This table should include data for the state 8-hour ozone standard, which became effective in May, 2006.
- A-5.13      10. **Section 3.3.1.7, Pre-Existing Odor Issues in the Area, Page 3.3-7:** The second sentence of the first paragraph on Page 3.3-7 states that, "...according to the SBCAPCD, the frequency of H<sub>2</sub>S releases have been reduced dramatically due to the installation of gas flare stack and an assortment of other system improvements in 1999 through 2000." A reference should be provided for this information.
- A-5.14      11. **Section 3.3.2.1, Changes in Regulatory Framework, Federal and State, California Energy Efficiency Standards, Page 3.3-13:** This section should be updated to reflect more current energy efficiency standards. Title 24 standards adopted October 1, 2005 supersede the 2001 standards; more stringent 2008 standards were adopted and become effective August 1, 2009.
- A-5.15      12. **Section 3.3.2.2, Changes in Regulatory Framework, Local, Regional Clean Air Plan, Page 3.3-16:** The last paragraph of this section includes a reference to the "2006 CAP emission inventory." The 2007 CAP includes actual emissions for 2002 and emissions forecasts for future years 2010, 2015 and 2020. The data being referenced in this section and used in Table 3.3-4 are from the California Air Resources Board (CARB)'s Almanac Emission Project Data, available on the CARB website. Please revise the text to reflect the appropriate source for emissions inventory data.
- A-5.16      13. **Section 3.3.3.1, Thresholds of Significance, City of Goleta Environmental Thresholds Manual, Page 3.3-18:**
- A-5.17      a. The first paragraph includes a reference to APCD's *Scope and Content of Air Quality Sections in Environmental Documents (2002)*. This document has been updated and the most recent version is dated June, 2008.
- A-5.17      b. The second sentence in the first paragraph states that, "The EMFAC2002 computer model, developed by CARB, was used to estimate regional vehicle miles traveled emissions associated with each alternative." As discussed in comment number 1 of this letter, the DSEIR does not include an analysis of the air quality impacts associated with a change in vehicle miles traveled (VMT) for any of the project alternatives. If this type of analysis is to be done using the EMFAC program, the most recent version (currently EMFAC2007) should be used. Please update the document accordingly.
- A-5.18      c. The third paragraph in this section presents a significance threshold of 25 lb/day for ROG and NOx for either project construction or operation. This is not an accurate representation of APCD's thresholds; one of APCD's thresholds is 25 lb/day of NOx or ROG for *motor vehicle trips only*, and APCD does not have an adopted significance threshold for construction projects or activities. Regardless, the document should present the City of

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- A-5.18 cont. | Goleta's significance thresholds, as they are the thresholds used in the document for the CEQA significance determination.
- A-5.19 | d. The fifth and final paragraph in this section includes a reference to the 2004 CAP. The text should be revised to reference the 2007 CAP.
- A-5.20 | 14. **Section 3.3.3.3, Project Impacts, Class II Impacts, Impact 3.3-1, Page 3.3-23:** The fifth paragraph in this section contains a reference to the March, 2006 revision to APCD's *Scope and Content* document. This reference should be changed to the June, 2008 revision of the document.
- A-5.21 | 15. **Section 3.3.3.3, Project Impacts, Class III Impacts, Impact 3.3-2, Page 3.3-25:** This impact is titled "GP/CLUP Growth Projections Are Not Consistent with the Clean Air Plan". However, the analysis is included under Class III Impacts and includes a statement in the third paragraph on Page 3.3-26 that "...the proposed GP/CLUP plan is considered within the SBCAG regional growth forecasts and therefore consistent with the 2007 CAP." The statement of inconsistency in the title for Impact 3.3-2 does not agree with the statement of consistency in the analysis. Additionally, as stated in comment number 2 of this letter, APCD considers inconsistency with the 2007 Clean Air Plan to be a significant impact, and if one compares the year 2030 population forecast from the 2007 CAP to the forecast assumed in the GP/CLUP for year 2030, the documents are clearly inconsistent with each other. The consistency analysis should be revised and significance determinations should be updated accordingly.
- A-5.22 |
- A-5.23 | 16. **Table 3.3-6, Recommendations on Siting New Sensitive Land Uses, Page 3.3-26 and 3.3-27:** APCD staff agrees that the measures that are listed in this table will help reduce air quality impacts related to exposing sensitive receptors to toxic air contaminants. However, these measures do not relate directly to DSEIR Impact 3.3-2, which is inconsistency with the 2007 CAP due to different population growth assumptions. These measures should be moved to a more appropriate section, such as the analysis for Impact 3.3-4, Long-Term Operational Contributions to Air Pollutant Emissions as a Result of GP/CLUP Buildout.
- A-5.24 | 17. **Section 3.3.3.3, Project Impacts, Class III Impacts, Impact 3.3-2, Alternative 2a: City-Initiated Revisions, Page 3.3-28:**
- A-5.25 | a. The analysis presented in this section should relate to consistency with the 2007 CAP. The 2007 CAP does not include air quality planning strategies for greenhouse gases (GHG's). Therefore, the reference to GHG emissions at the end of the first paragraph is inappropriate for this impact analysis section.
- A-5.25 | b. Much of the analysis presented in this section relates to long-term air quality impacts and would be more appropriately presented in the analysis for Impact 3.3-4. The statement in the first sentence of this section, that, "Alternative 2a has the same potential for long-term significant adverse indirect impacts to air quality as the existing GP-CLUP (Alternative 1)" should be supported by additional analysis, including an assessment of whether removal of Land Use Elements 3.2 and 11 (and subsections) may result in increased motor vehicle trips and/or increased VMT, resulting in increased emissions of air pollutants.
- A-5.26 | 18. **Section 3.3.3.3, Project Impacts, Class III Impacts, Impact 3.3-2, Alternative 2b and Alternative 3, Page 3.3-28:** The first sentence in each of these sections state that, "Alternative 2b (and Alternative 3)

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A-5.26  
cont.

has the same potential for long-term Class II impacts as Alternative 2a." However, the impacts for all three alternatives (2a, 2b, and 3) are categorized elsewhere in the document as Class III Impacts. Please correct this discrepancy.

19. Section 3.3.3.4, Cumulative Impacts, Class II Impacts, Impact 3.3-7, Alternative 1: No Changes (No Project, Pages 3.3-31 to 3.3-33:

A-5.27

a. The analysis included in this section includes a qualitative discussion of increases in GHG emissions associated with buildout under the current GP/CLUP. The analysis should include a discussion as to why GHG emissions were presented qualitatively and were not quantified.

A-5.28

b. The analysis for Alternative 1 on Page 3.3-32, 6<sup>th</sup> and 7<sup>th</sup> paragraph, and Page 3.3-33, first paragraph, discusses impacts related to the proposed amendments to the GP/CLUP. This discussion should be moved to the appropriate section, which is Alternative 2a: City-Initiated Revisions, at the bottom of Page 3.3-33.

A-5.29

20. Section 3.3.5, Mitigation, Mitigation Measure AQ-1, Page 3.3-34: APCD staff agrees that all feasible mitigations to reduce GHG's should be applied to the subject project. Mitigation Measure AQ-1 involves the development of a GHG Reduction Plan. It is not clear whether the GHG Reduction Plan will focus on activities directly under control of the City of Goleta, or whether it will be extended to activities and projects that are subject to ministerial and/or discretionary approval by the City of Goleta. Draft changes to the CEQA Guidelines, mandated by Assembly Bill 97 and released by the California Office of Planning and Research (OPR) in January 2009, reference consistency with local General Plans and Climate Action Plans for determining CEQA significance (reference revised CEQA Guidelines Sections 15064(h)(3), 15152(i), and 15183(g)(8)). If the City of Goleta's GHG Reduction Plan is designed to extend to projects requiring ministerial and/or discretionary approval by the City, this will effectively mitigate a much greater amount of GHG emissions and streamline the CEQA process for future projects. This mitigation measure should be more specifically stated, and should clearly indicate what types of projects it will apply to.

Thank you for the opportunity to review the Draft EIR for this important policy document. Should you have any questions related to the comments contained herein, please feel free to contact me at 961-8838 ([mmp@sbcapcd.org](mailto:mmp@sbcapcd.org)).

Sincerely,



Molly Pearson  
Air Quality Specialist  
Technology and Environmental Assessment Division

cc: SBCAG, Michael Powers  
Project file  
TEA Chron File



August 27, 2008

Anne Wells, Advance Planning Manager  
City of Goleta  
130 Cremona Drive, Suite B  
Goleta, CA 93117

RE: **Notice of Preparation of the City of Goleta General Plan/Coastal Land Use Plan Track 3 Draft Supplemental EIR**

Dear Ms. Wells:

The Santa Barbara County Air Pollution Control District (APCD) appreciates the opportunity to provide input on the Notice of Preparation of a Supplemental EIR (SEIR) for the above-referenced project. The proposed Track 3 changes to the City of Goleta's General Plan/Coastal Land Use Plan (GP/CLUP) involve revisions to several of the Plan Elements (Land Use, Open Space, Conservation, and Transportation Elements).

Guidance on the scope and content of air quality analysis in environmental documents, in general, is provided on our website at <http://www.sbapcd.org/apcd/landuse.htm#scope>. The SEIR should evaluate the impacts that the proposed GP/CLUP revisions will have on air quality, and compare those impacts to the significance thresholds listed in APCD's *Scope and Content of Air Quality Sections in Environmental Documents*.

In particular, the following issues should be examined in the SEIR:

1. **Land Use Element 3.2 – Regional Commercial (C-R) [GP]:** The proposed revisions will effectively remove a limitation on the use of new sites for larger-scale ("large box") commercial uses that typically serve a broader population group (as opposed to primarily serving City of Goleta residents). The SEIR should evaluate whether the removal of this limitation may potentially increase air quality impacts due to an increase in regional motor vehicle trips and/or an increase in vehicle miles travelled.
2. **Land Use Element 11 – Nonresidential Growth Management [GP]:** This land use element offers a system whereby nonresidential (e.g., commercial, industrial, office, and other job-generating) growth is limited by the amount of residential growth that occurs within each year. Removing this growth management system introduces the possibility of excessive growth in the nonresidential sector, thereby upsetting the jobs-housing balance and potentially increasing transportation-related air quality emissions (via increases in average daily trips and/or vehicle miles traveled). The SEIR should examine the possibility of an increase in motor vehicle emissions resulting from this revision.

In addition, the proposed elimination of this nonresidential growth management system should be reviewed for consistency with the APCD's 2007 Clean Air Plan. The 2007 Clean Air Plan relies on land use and population projections provided by the Santa Barbara County Association of Governments (SBCAG) as a basis for vehicle emission forecasting.

Terence E. Dressler • Air Pollution Control Officer

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3. **Transportation Element 13.4 – Options If Traffic Mitigations Are Not Fully Funded [GP]:** The proposed revision involves a change in the wording for item (d.) from “mitigate” to “minimize.” The SEIR should evaluate whether this change in wording implies a less stringent requirement for the application of traffic mitigations, and whether this change in wording would decrease the application of these types of measures, resulting in potential long-term air quality impacts.
4. **Construction Emissions:** The SEIR should evaluate the potential for an increase in construction-related air pollutant emissions, and offer mitigations for any increases in construction emissions.
5. **Greenhouse Gas (GHG) Emissions:** Global climate change is a growing concern and a cumulative impact; a project participates in this potential impact through its incremental contribution combined with the cumulative increase of all other sources of greenhouse gases. A recent guidance document from the State of California Office of Planning and Research (OPR) states that “...GHG emissions and the effects of GHG emissions are appropriate subjects for CEQA analysis. ...Even in the absence of clearly defined thresholds for GHG emissions, the law requires that such emissions from CEQA projects must be disclosed and mitigated to the extent feasible whenever the lead agency determines that the project contributes to a significant, cumulative climate change impact.” (<http://opr.ca.gov/index.php?a=ceqa/index.html>). For all of the proposed revisions to the GP/CLUP, the SEIR should evaluate the potential for an increase in greenhouse gas (GHG) emissions from construction and operation of projects. APCD recommends reducing emissions of greenhouse gases from existing and new construction by incorporating green building technologies; increasing energy efficiency at least 20% beyond Title 24 requirements; encouraging the use of transit, bicycling and walking; and, increased recycling.

In order to minimize the project’s impact on local and regional air quality, all appropriate mitigation measures should be applied to reduce short-term and long-term air quality impacts and cumulative impacts to the maximum extent feasible. Although some mitigation measures cannot be quantified, CEQA requires that all feasible measures be applied to reduce significant impacts.

Please feel free to contact me at 961-8838 ([mmp@sbcapcd.org](mailto:mmp@sbcapcd.org)) if you have any questions.

Sincerely,



Molly Pearson  
Air Quality Specialist  
Technology and Environmental Assessment Division

cc: TEA Chron File  
Project File



**Response to Comment No. A-5.1**

The commentator observes that the proposed GP/CLUP revisions would effectively remove a limitation on the use of new sites for larger-scale commercial uses, and suggests that this may potentially increase air quality impacts due to increased regional motor vehicle trips and/or vehicle miles traveled (VMT). The commentator also suggests that removal of the City of Goleta Growth Management Ordinance (GGMO) introduces the possibility of additional non-residential growth, thereby potentially increasing transportation-related air quality emissions (via increases in average daily trips and/or VMT).

The commentator correctly acknowledges the link among air quality, transportation, and land use. However, the air quality impact discussion on p. 3.3-28 draws upon the more-detailed analytical evaluation presented in Section 3.8.3.3 on pages 3.8-13 and 14. The results of this evaluation provide supporting details regarding the impacts of the proposed GP/CLUP amendments on the amount, type, and location of non-residential growth, and in turn the number of vehicle trips, VMT, and air quality impacts associated with that growth. In sum, because the development potential within the City is limited to a small amount of vacant lands, GP/CLUP Figure 2-1 is an appropriate growth management tool. The proposed revisions to Policy LU 11 would have no new or modified impacts to population and housing, nor in turn to vehicle trips, VMT, and air quality.

**Response to Comment No. A-5.2**

See Response to Comment No. A-5.1.

**Response to Comment No. A-5.3**

The commentator correctly highlights the need to clarify the sources of population forecasts used in the discussion presented for Impact 3.3-2. SBCAG's 2002 Regional Growth Forecast (RGF) projected a 2030 population of 34,300 for the City of Goleta. This forecast was used by the Santa Barbara APCD in its 2007 CAP. In August 2007, after adoption of the City of Goleta GP/CLUP EIR but prior to issuance of the GP/CLUP Draft SEIR, SBCAG issued its 2005-2040 RGF, which projected a 2030 population of 37,300 for the City of Goleta. Since this represents the most current population forecast published by SBCAG, and will presumably be relied upon by the APCD in its 2010 CAP, the City of Goleta believes that it is the most reasonable forecast to use in determining consistency with the CAP.

In order to clarify the sources of population forecasts used in the discussion presented for Impact 3.3-2, the third and fourth paragraphs on p. 3.3-26 have been revised as follows:

SBCAG's 2002 Regional Growth Forecast (RGF), which was used in preparation of the 2007 CAP, projected a population of 34,300 for Goleta in 2030. In August 2007, after adoption of the City of Goleta GP/CLUP EIR but prior to issuance of the GP/CLUP Draft SEIR, SBCAG issued its 2005-2040 RGF, which projected a population of 37,300 for the City of Goleta in 2030. The proposed GP/CLUP projects an estimated population of 38,097 for the year 2030, which is within 2% of SBCAG's 2005-2040 RGF forecast.

Since the 2005-2040 RGF represents the most current population forecast published by SBCAG, and will presumably be relied upon by the APCD in its 2010 CAP, the City of Goleta believes that it is the most reasonable forecast to use in determining consistency with the CAP. Because the GP/CLUP buildout population forecast of 38,097 is generally

consistent with that forecasted by SBCAG, the proposed GP/CLUP plan is considered within the SBCAG regional growth forecasts and therefore consistent with the in-progress CAP (note: the APCD website advises that APCD is currently working on the 2010 CAP). It is anticipated that the proposed GP/CLUP growth projections would not hinder attainment of State or Federal air quality standards. This impact is considered a Class III, less than significant, impact.

#### **Response to Comment No. A-5.4**

The commentator correctly observes that the Draft SEIR project description indicates that the City proposes to remove Policy LU 11 and subsections from the GP/CLUP, but does not propose removal of the actual City of Goleta GGMO No. 03-04 adopted in May 2003. The reason for this approach is that the GGMO is an “ordinance” of the City referred to in the GP/CLUP, and is not a part of the GP/CLUP. By definition, the amendments proposed to the GP/CLUP cannot include revisions to City ordinances, as such actions must be initiated by the City independent of modifications to the GP/CLUP. In sum, removal of the GMO is not assumed as part of the Draft SEIR analysis, but is explicitly discussed (see pages 3.8-13 and 14) given its relevance to the proposed removal of LU 11 from the GP/CLUP.

#### **Response to Comment No. A-5.5**

See Response to Comment No. A-5.4. Removal of the GGMO cannot be proposed as an additional alternative to the project, since the GGMO is an “ordinance” rather than a part of the GP/CLUP. GP modifications are limited to the removal of Policy LU 11 and LU-IA-2, which is the Implementing Action addressing update of the GGMO.

#### **Response to Comment No. A-5.6**

Requirements associated with the AB 32 Scoping Plan and SB 375 are summarized on pages 3.3-11 and 3.3-15, respectively, of the Draft SEIR. As presented in the Draft SEIR, the proposed amendments to the GP/CLUP would not result in any new significant increases in VMT, and therefore would not adversely impact the statewide goals of greenhouse gas (GHG) reductions identified in the AB 32 Scoping Plan and SB 375.

#### **Response to Comment No. A-5.7**

See Response to Comment No. A-5.1. The Class III significance determination for Impact 3.3-2 remains as presented in the Draft SEIR; therefore, Executive Summary Table ES-1 has not been revised.

#### **Response to Comment No. A-5.8**

The revision has been made in the Final EIR, as requested.

#### **Response to Comment No. A-5.9**

The revisions to Table 3.3-1 have been made in the Final EIR, as requested.

#### **Response to Comment No. A-5.10**

The first paragraph of Section 3.3.1.5 has been revised as follows:

The County currently violates the State 8-hour ozone and PM<sub>10</sub> standards. The County is in attainment of the federal 8-hour ozone standard. The following sections discuss these pollutants.

#### **Response to Comment No. A-5.11**

The last two sentences of the second paragraph of Section 3.3.1.5 have been revised as follows:

It was estimated that the State 24-hour PM<sub>10</sub> standard was exceeded one day in 2004 and two days in 2007. It was estimated that the Federal 24-hour PM<sub>10</sub> standard was exceeded one day in 2007.

#### **Response to Comment No. A-5.12**

The following rows have been added to the Ozone data in Table 3.3-2 in the Final EIR, as requested:

Ozone (O <sub>3</sub> )	2001	2002	2003	2004	2005	2006	2007
State standard (8-hr avg. 0.07 ppm)	--	--	--	--	--	--	--
Days state 8-hr standard exceeded	3	0	3	5	0	0	1

#### **Response to Comment No. A-5.13**

The commentator requested a reference for the statement "...according to the SBAPCD, the frequency of H<sub>2</sub>S releases have been reduced dramatically due to the installation of a gas flare stack and an assortment of other system improvements in 1999 and 2000."

Chapter 8.0, References, has been updated to include the following reference

##### 3.3.2 Personal Communication

Ellenberger, Ben. Air Quality Engineer II. Santa Barbara County Air Pollution Control District (SBAPCD). June 30, 2008—Phone call and e-mail with Dan Nemechek (City of Goleta).

#### **Response to Comment No. A-5.14**

The last three sentences of the first paragraph in Section 3.3.2.1, Subsection *California Energy Efficiency Standards*, have been replaced with the following:

The current standards were adopted by the Commission in October 2005; more stringent 2008 standards were adopted and become effective August 1, 2009.

#### **Response to Comment No. A-5.15**

The fifth paragraph in Section 3.3.2.2, Subsection *Regional Clean Air Plan*, has been revised as follows:

Table 3.3-4 summarizes the estimated stationary, area-wide, and mobile source daily air emissions for Santa Barbara County in the year 2008. The County emissions inventory

is periodically updated for planning purposes to: (1) forecast future emissions inventories; (2) analyze emission control measures; and (3) use as input data for regional air quality modeling. CARB's Almanac Emission Projection Data provides annual average emissions for the County. The data in Table 3.3-4 show that the largest contributors to air pollutants are on-road vehicles and other mobile sources such as aircraft, trains, sea vessels, off-road vehicles, and farm equipment. The mobile source category account for approximately 18 percent of ROG, 73 percent of CO, 89 percent of NO<sub>x</sub>, 87 percent of SO<sub>x</sub>, and 20 percent of PM<sub>10</sub> emitted in the region.

Table 3.3-4 has been revised as follows:

**TABLE 3.3-4  
ESTIMATE OF AVERAGE DAILY EMISSIONS BY MAJOR SOURCE CATEGORY  
FOR SANTA BARBARA COUNTY—YEAR 2008**

Source Category	ROG	CO	NO <sub>x</sub>	SO <sub>x</sub>	PM <sub>10</sub>
<b>Stationary Sources</b>					
Fuel Combustion	<u>0.5</u>	<u>6.5</u>	<u>7.2</u>	<u>0.2</u>	0.4
Waste Combustion	<u>0.1</u>	<u>0.1</u>	0.0	0.0	0.0
Cleaning and Surface Coating	<u>5.0</u>	—	—	—	—
Petroleum Production & Marketing	<u>4.2</u>	0.3	0.1	<u>0.3</u>	0.0
Industrial Processes	<u>0.3</u>	<u>0.1</u>	<u>0.0</u>	<u>3.7</u>	<u>0.5</u>
Total Stationary Sources	<u>10.0</u>	<u>6.9</u>	<u>7.3</u>	<u>4.2</u>	<u>1.0</u>
<b>Areawide Sources</b>					
Solvent Evaporation	<u>6.4</u>	—	—	—	—
Miscellaneous Processes	<u>4.2</u>	<u>32.0</u>	2.1	0.0	<u>20.7</u>
Total Areawide Sources	<u>10.6</u>	<u>32.0</u>	2.1	0.0	<u>20.7</u>
<b>Mobile Sources</b>					
On-road Vehicles	<u>9.2</u>	<u>93.9</u>	<u>15.7</u>	0.1	0.6
Other Mobile Sources	<u>8.5</u>	<u>42.7</u>	<u>64.8</u>	<u>29.3</u>	<u>5.0</u>
Total Mobile Sources	<u>17.6</u>	<u>136.6</u>	<u>80.6</u>	<u>29.4</u>	<u>5.6</u>
<b>Natural Sources</b>					
Total Natural Sources	<u>61.6</u>	12.1	0.4	0.1	1.2
Santa Barbara County Total	<u>99.8</u>	<u>187.5</u>	<u>90.4</u>	<u>33.7</u>	<u>28.5</u>
Source: California Air Resources Board Almanac Emission Projection Data 2008					

### **Response to Comment No. A-5.16**

The reference on p. 3.3-18 to APCD's *Scope and Content of Air Quality Sections in Environmental Documents* has been revised to 2008, as requested.

### **Response to Comment No. A-5.17**

The EMFAC2002 computer model, developed by CARB, was used in the 2006 GP/CLUP EIR to estimate regional VMT emissions associated with each alternative. At the time of preparation of the 2006 GP/CLUP EIR, the EMFAC2007 version of the model was not yet available for use by the City of Goleta.

The air quality analysis presented in the 2009 GP/CLUP Draft SEIR relies upon a qualitative assessment of potential air quality impacts associated with proposed amendments to the

GP/CLUP. As discussed in Responses to Comment Nos. A-5.1 and A-5.6, because the development potential within the City is limited to a small amount of vacant lands, the proposed revisions to the GP/CLUP (most notably, revisions to Policy LU 11) would have no new or modified impacts to population and housing, nor in turn to vehicle trips, VMT, and air quality. Accordingly, quantitative modeling using the EMFAC2002 or EMFAC2007 computer model was considered unnecessary for the 2009 GP/CLUP Draft SEIR.

To clarify the applicability of the EMFAC computer model to both EIRs, the second sentence of the first paragraph on p. 3.3-18 has been revised as follows:

The EMFAC2002 computer model, developed by CARB, was used in the 2006 GP/CLUP EIR to estimate regional VMT emissions associated with each alternative. The air quality analysis presented in the 2009 GP/CLUP Draft SEIR relies upon a qualitative assessment of potential air quality impacts associated with proposed amendments to the GP/CLUP.

#### **Response to Comment No. A-5.18**

The Draft SEIR air quality significance determinations correctly rely upon the thresholds of significance presented in the City of Goleta Environmental Thresholds Manual. For clarification, the third paragraph on p. 3.3-18 has been revised as follows:

The project is deemed to have a significant impact on air quality if emissions (specified in pounds of pollution emitted per day) of specific pollutants related to ~~either project construction or operation~~ exceed the significance thresholds established by SBAPCD, currently at a ~~per day~~ threshold of 25 pounds/day ~~for~~ of ROG and NO<sub>x</sub> emissions ~~for~~ motor vehicle trips. Furthermore, per the Manual and due to the fact the Santa Barbara County is in nonattainment for ozone and the regional nature of this pollutant, if a project's (e.g., buildout of the GP/CLUP) total emissions of ozone precursors NO<sub>x</sub> and ROG exceed the long-term threshold of 25 pounds/day, then the project's cumulative impacts would also be considered significant.

#### **Response to Comment No. A-5.19**

The reference in the fifth paragraph on p. 3.3-18 to the 2004 CAP has been revised to 2008, as requested.

#### **Response to Comment No. A-5.20**

The reference in the fifth paragraph on p. 3.3-23 to APCD's *Scope and Content of Air Quality Sections in Environmental Documents* has been revised to June 2008, as requested.

#### **Response to Comment No. A-5.21**

The commentator correctly identifies the need to clarify the title of Impact 3.3-2 on page 3.3-25. The title has been corrected to: "*GP/CLUP Growth Projections Are Consistent with the Clean Air Plan.*" See Response to Comment No. A-5.3 for additional details regarding consistency with the CAP and SBCAG's 2005-2040 RGF.

**Response to Comment No. A-5.22**

See Responses to Comment Nos. A-5.3 and A-5.21.

**Response to Comment No. A-5.23**

The commentator correctly observes that a portion of the discussion under Impact 3.3-2, Subsection *Plans or Policies That Would Further Reduce Impact 3.3-2*, as well as Table 3.3-6, *Recommendations on Siting New Sensitive Land Uses*, should be relocated to the analysis for Impact 3.3-4. The subject text and table (now renumbered as Table 3.3-7) have been relocated as requested. The discussion for Impact 3.3-4 has been revised as follows:

***Impact 3.3-4. Long-Term Operational Contributions to Air Pollutant Emissions as a Result of GP/CLUP Buildout***

As indicated in the 2006 Final EIR, operational emissions would be created from vehicle emissions, as well as stationary sources including the use of natural gas, the use of landscape maintenance equipment, the use of consumer products such as aerosol sprays, and other emission processes. Various industrial and commercial processes (e.g., dry cleaning) allowed under the proposed GP/CLUP would also be expected to release emissions; some of which could be of a hazardous nature. These emissions are controlled at the local and regional level through permitting and would be subject to further study and health risk assessment prior to the issuance of any necessary air quality permits. Because the nature of these emissions cannot be determined at this time and these emissions are subject to further regulation and permitting, are not addressed further in this analysis.

Non-vehicular operational emissions resulting from activities associated with new residential and nonresidential development under the GP/CLUP operations would incrementally add to total air emissions. Increased operational emissions would be considered a Class III (adverse but less-than-significant) impact on air quality.

Such potential adverse stationary operational impacts would be regulated and permitted on a project-by-project basis. No other mitigation is considered feasible to address the stationary operational air quality impacts.

None of the proposed GP/CLUP amendments are provided in the 2006 Final EIR as measures to further reduce impacts. Accordingly, the proposed GP/CLUP amendments would not affect the analysis presented in Section 3.3.3.3 of the 2006 Final EIR for this impact, and no further discussion need be presented in this Supplemental EIR.

Plans or Policies That Would Further Reduce Impact 3.3-4. Adherence to the requirements of the State Implementation Plan and the provisions under the County's CAP will reduce impacts associated with GP/CLUP buildout. CARB recommends various techniques to reduce land use-related emissions associated with individual developments within the GP/CLUP. These include techniques to limit emissions of toxic air contaminant's exposure to sensitive land uses. Based on the Land Use Siting Recommendations in CARB's *Air Quality and Land Use Handbook: A Community Health Perspective*, CARB's advisory recommendations are identified in Table 3.3-7 below.

**TABLE 3.3-7  
RECOMMENDATIONS ON SITING NEW SENSITIVE LAND USES**

<u>Source Category</u>	<u>Advisory Recommendations</u>
<u>Freeways and High-Traffic Roads</u>	<u>Avoid siting new sensitive land uses within 500 feet of a freeway, urban roads with 100,000+ vehicles per day, or rural roads with 50,000+ vehicles per day.</u>
<u>Distribution Centers</u>	<u>Avoid siting new sensitive land uses within 1,000 feet of a distribution center (that accommodates more than 100 trucks per day, more than 40 trucks with operating transport refrigeration units (TRUs) per day, or where TRU units operations exceed 300 hours per week).</u> <u>Take into account the configuration of existing distribution centers and avoid locating residences and other new sensitive land uses near entry and exit points.</u>
<u>Rail Yards</u>	<u>Avoid siting new sensitive land uses within 1,000 feet of a major service and maintenance rail yard.</u> <u>Within one mile of a rail yard, consider possible siting limitations and mitigation approaches.</u>
<u>Ports</u>	<u>Avoid siting new sensitive land uses immediately downwind of ports in the most heavily impact zones. Consult with Santa Barbara County Air Pollution Control District or CARB on the status of pending analysis of health risks.</u>
<u>Refineries</u>	<u>Avoid siting new sensitive land uses immediately downwind of petroleum refineries. Consult with Santa Barbara County Air Pollution Control District to determine an appropriate separation.</u>
<u>Chrome Platers</u>	<u>Avoid siting new sensitive land uses within 1,000 feet of a chrome plater.</u>
<u>Dry Cleaners using Perchloroethylene</u>	<u>Avoid siting new sensitive land uses within 300 feet of any dry cleaning operation. For operation with two or more machines, provide 500 feet. For operations with 3 or more machines, consult with Santa Barbara County Air Pollution Control District.</u> <u>Do not site new sensitive land uses in the same building with dry cleaning operations.</u>
<u>Gasoline Dispensing Facilities</u>	<u>Avoid siting new sensitive land uses within 300 feet of a large gas station (defined as a facility with a throughput of 3.6 million gallons per year or greater). A 50-foot separation is recommended for typical gas dispensing facilities.</u>

The analysis of potential long-term operational emissions for Alternatives 2a, 2b, and 3 under Impact 3.3-4 would be similar to that presented above for Impact 3.3-2.

#### **Response to Comment No. A-5.24**

The commentator correctly observes that the subject matter of Impact 3.3-2 relates to consistency with the 2007 CAP, rather than GHG. The reference to GHG emissions at the end of the first paragraph on p. 3.3-28 has been revised as follows:

Accordingly, the proposed amendments to Policy LU 11 and LU-IA-2 could affect the distribution, but likely not the quantity, of air pollutant emissions from land uses within the City.

#### **Response to Comment No. A-5.25**

The commentator observes that the analysis presented under Impact 3.3-2 relates to long-term air quality impacts and suggests that this discussion be presented in the analysis for Impact 3.3-4.

The following sentence has been added to the end of the first paragraph under each alternative (2a, 2b, and 3) on p. 3.3-28 of the DSEIR to clarify that Impact 3.3-2 addresses consistency with the CAP. Also see Response to Comment A-5.3:

GP/CLUP population forecasts under this alternative would be similar to those assumed above for Alternative 1, would be generally consistent with SBCAG's published 2005-2040 Regional Growth Forecast, and therefore consistent with the in-progress CAP.

See Response to Comment A-5.23 for revised text to be inserted under Impact 3.3-4.

#### **Response to Comment No. A-5.26**

The commentator correctly observes that the subject matter of Alternatives 2b and 3 under Impact 3.3-2 on p. 3.3-28 relate to the potential for Class III impacts, rather than to Class II impacts. The first sentence for each of those alternatives has been revised to reference Class III impacts.

#### **Response to Comment No. A-5.27**

The Commentator requests an explanation of why the GHG emissions analysis is presented qualitatively, rather than quantitatively. As noted under Impact 3.3-7 on page 3.3-31, the study of climate change analyses continues to evolve. The City of Goleta has not formalized GHG thresholds within its *Environmental Thresholds and Guidelines Manual*, and has proposed Mitigation Measure AQ-1: Add a Policy That Requires Development of a Greenhouse Gas Reduction Plan, to address GHG consistent with current and future federal and state legislation.

The latest guidance provided by the State of California is consistent with the GHG emissions analysis presented in the Draft SEIR. On April 13, 2009, the State Office of Planning and Research (OPR) passed off the proposed CEQA Guidelines amendments for GHG analysis to the Natural Resources Agency. The Agency will initiate a formal rulemaking process to bring these proposed changes into the CEQA Guidelines, with adoption targeted for January 1, 2010. Section 15064.4 of the proposed CEQA Guidelines amendments reads as follows:

#### **15064.4 Determining the Significance of Impacts from Greenhouse Gas Emissions.**

This section provides that a lead agency "should make a good-faith effort, based on available information, to describe, calculate, or estimate the amount of greenhouse gas emissions resulting from a project." The lead agency has the discretion to decide whether to use an appropriate model or methodology to quantify the emissions, or to rely on a qualitative analysis or performance-based standards.

Given the programmatic nature of the GP/CLUP, existing best practices, and the State's proposed guidance discussed above, the City believes that the qualitative approach presented in the SEIR is the appropriate method for discussing GHG impacts.

#### **Response to Comment No. A-5.28**

The commentator correctly observes that the 6<sup>th</sup> and 7<sup>th</sup> paragraphs under Alternative 1 on page 3.3-32 relate to proposed amendments to the GP/CLUP. The discussion has been moved to the discussion under Alternative 2a, as requested.



**Response to Comment No. A-5.29**

The GHG Reduction Plan is intended to address City activities, as well as activities and projects subject to ministerial and/or discretionary approval by the City. The text of Mitigation Measure AQ-1 on page 3.3-34 of the Draft SEIR has been revised to include the following sentence:

***Mitigation Measure AQ-1: Add a Policy that Requires Development of a Greenhouse Gas Reduction Plan***

Within 24 months of the adoption of the General Plan Amendments, the City of Goleta will develop a GHG Reduction Plan with implementation to commence 12 months thereafter. The Plan is intended to address City activities, as well as activities and projects subject to ministerial and/or discretionary approval by the City.

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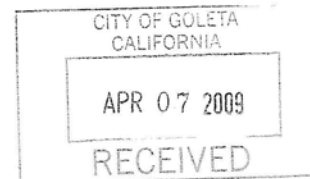
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Comment Letter A-6



California Natural Resources Agency  
**DEPARTMENT OF FISH AND GAME**  
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**ARNOLD SCHWARZENEGGER, Governor**  
**DONALD KOCH, Director**



April 6, 2009

Mr. Dan Nemechek  
 City of Goleta  
 130 Cremona Drive, Ste. B  
 Goleta, CA 93117  
 Fax #: (805) 685-2635

**Subject: Draft Supplemental Environmental Impact Report for the Goleta General Plan/Coastal Land Use Plan, Track 3  
 General Plan Amendments, SCH # 2005031151, Santa Barbara County**

Dear Mr. Nemechek:

The Department of Fish and Game (Department), has reviewed the Draft Supplemental Environmental Impact Report (DSEIR) for impacts to biological resources. In October, 2006, the City of Goleta (City) adopted a General Plan and Coastal Land Use Plan (Plan) to govern land use and physical development within the approximately 7.9 square miles within the City limits (plus five areas of potential growth). The project proposed in the DSEIR would change and amend many of the Conservation and Open Space Element policies contained in the approved Plan. Included in the proposal is preparation of a Citywide Habitat Management Plan (HMP) that would contain guidelines and criteria for compatible uses in Environmentally Sensitive Habitat Areas (ESHA), ESHA buffers, and other such protected biological resources.

Habitat types with the potential to be impacted by implementation of the revised Plan include coastal sage scrub, eucalyptus woodland, oak woodland, monarch butterfly aggregation and winter roost sites, saltwater and freshwater marsh, lakes and ponds, riparian, native and non-native grassland, and coastal dunes. Most of these habitats were designated (ESHAs) in the Plan. Wildlife with the potential to be impacted by the proposed project includes 43 species of threatened, endangered, and other special status plants and animals. Measures proposed to mitigate impacts to habitats and species primarily involve the protection of ESHAs covered in the 36-page Conservation Element section of the Plan and the proposed preparation of the HMP. Two alternatives to the proposed project (Alt 2b and Alt 3) are presented in addition to the no-project alternative.

According to the DSEIR, the changes and amendments potentially would result in:

- biological resources receiving less protection and at a greater risk of threat;
- an increase in impacts to special status species and their habitat;
- activities occurring in and near designated ESHAs;
- a greater amount of ESHA affected than under the existing Plan;
- smaller buffers surrounding wetlands creating a greater risk of direct, indirect and secondary impacts from adjacent uses;
- habitats with the potential to support special status species receiving less protection and at greater risk, and;
- creeks previously having a minimum buffer of 100 feet being at a greater risk of direct, indirect and secondary impacts from adjacent activities.

*Conserving California's Wildlife Since 1870*

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The following statements and comments have been prepared pursuant to the Department's authority as Trustee Agency with jurisdiction over natural resources affected by the project (CEQA Guidelines §15386(a)) and pursuant to our authority as a Responsible Agency (CEQA Guidelines §15381) over those aspects of the proposed project that come under the purview of the Fish and Game Code Section 1600 et seq. As trustee for the State's fish and wildlife resources, the Department has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species.

#### California Wildlife Action Plan

The California Wildlife Action Plan, a recent Department guidance document, identified the following stressors affecting wildlife and habitats within the project area: 1) growth and development; 2) water management conflicts and degradation of aquatic ecosystems; 3) invasive species; 4) altered fire regimes; and 5) recreational pressures. A recommended Statewide Conservation Action which addresses these stressors is:

"Wherever possible, infrastructure development projects should be sited near existing urban areas and development corridors and away from areas that are relatively undeveloped or with significant biological resources."

The Department looks forward to working with the City to minimize impacts to fish and wildlife resources with a focus on these stressors.

#### General Comments

- A-6.1 | The Department is very concerned that the proposed changes to the Plan's Conservation Elements (CE) and Open Space Elements (OS) would severely weaken protections for the wildlife and wildlife habitats occurring in the City and described in the Plan. The proposed reduction in buffer zones for stream and wetland ESHAs is of concern when considering the potential for de-classifying ESHAs as part of the proposed ESHA re-evaluation procedures.
- A-6.2 | The Department recommends that current ESHA acreage be retained with the assumption that any acreage not qualifying as ESHA would serve as ESHA buffer, rather than re-evaluate and possibly de-classify ESHA habitats.

#### Specific Comments

- A-6.3 | Proposed Citywide Habitat Management Plan – The HMP is proposed to replace definitions, development standards, and mitigation measures contained in the Plan for coastal sage scrub and chaparral habitats (CE 5.3), protections for habitat areas (CE 8.2), monarch butterfly ESHA buffers and development standards (CE 4.5 and 4.6), and native oak woodland buffers (CE 9.3). No description, details, or timelines for implementation of the HMP are presented in the DSEIR. The Department is concerned that no provisions are proposed for protection of these resources in the interim between approval of the DSEIR and preparation of the HMP. We therefore recommend all provisions contained in the policies listed above be retained until such time as an HMP is adopted and implemented.
- A-6.4 |

The HMP should address the following topics/issues:

- A-6.5 |
- the development of a Monitoring Plan
  - the development of an Adaptive Management Plan to ensure the areas protected are maintained or improved

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- A-6.5 cont.
- plant and animal monitoring, with emphasis on special status species
  - exotic species monitoring and control
  - enhancement of habitat values
  - a mechanism or trigger to require mitigation when impacts occur to ESHA habitat and wildlife species (directly, indirectly or by secondary impacts).

- A-6.6 Mitigation measures should first emphasize avoidance and minimization measures, with appropriate compensation for those impacts which result in a reduction to ESHA acreage.
- A-6.7 Compensation should include a replacement acreage component with in-kind habitats and/or a restoration component. Replacement acreage should be at a ratio which would fully mitigate for the habitat lost. Restoration should be designed to re-create the habitats being reduced and should include performance standards to ensure the long-term viability of the restored habitat.
- A-6.8
- A-6.9

- A-6.10 CEQA requires a lead agency to consider the whole of the action when analyzing a project's environmental impacts (CEQA Guidelines §15063(a) (1), §15378). The preparation and circulation of separate CEQA documents for actions that are parts of the same project (commonly referred to as "piece-mealing") is therefore not allowed by CEQA. The DSEIR states, in Table 3.4-8, "Subsequent CEQA review would be required of the details of the habitat management plan." The Department would consider the approval of the DSEIR by the City prior to preparation and circulation of a CEQA document for the HMP to be piece-mealing the project.

- A-6.11 In addition, CEQA does not support the deferral of mitigation. CEQA Guidelines §15126.4(a) (1) (B) states "Formulation of mitigation measures should not be deferred until some future time." The proposed development of an HMP, which would contain mitigation measures for significant impacts to protected habitats, would be considered deferred mitigation.

The Department therefore recommends the City prepare the HMP and include it in a revised and recirculated DSEIR, so that all aspects of the proposed Plan changes can be thoroughly and completely evaluated, and the whole of the action can be considered and reviewed.

#### Changes and Amendments

The following refer to specific changes and amendments proposed for Plan policies. Underlined and strikeout passages represent proposed changes.

- A-6.12 *OS 1.10 - b. "Temporary special events shall minimize impacts to public access and recreation along the shoreline. ~~Coastal Development Permits shall be required for any temporary event that proposes to use a sandy beach area and involves a charge for admission or participation.~~"* The Department is concerned with the proposed deletion of the language requiring temporary special events to obtain a permit(s) for such events which may impact beach areas. Beach areas are habitat for the Federally Threatened and State Special Concern Species western snowy plover (*Charadrius alexandrinus nivosus*) and other special status species listed in the DSEIR in Table 3.4-2. The Department is concerned that these species would be at greater risk of significant adverse impacts with the proposed change. The requirement for a permit also represents a controlled method of access which is a standard presented in current Plan policy (OS 1.10 - c). The Department requests an explanation for the proposed removal of this requirement.

*CE 1.1 - Definition of Environmentally Sensitive Habitat Areas "ESHAs shall include... c. Any area that has been previously designated as an ESHA by the California Coastal Commission."*

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the California Department of Fish and Game, City of Goleta, County of Santa Barbara, or other agency with jurisdiction over the designated area...."

- A-6.13 CE 1.2 – "Naturally occurring habitats which may be considered to be ESHAs in Goleta ...may be...designated after a formal determination has been made by the City based upon site specific environmental studies." This proposed change would apply to the habitats listed above, and has potential to result in a reduction in ESHA acreage. The Department questions the necessity for this change. Please describe the purpose that would be served by the City in re-evaluating ESHA habitat when such action currently is required in policy CE 1.3 for proposed development in an ESHA. This change also appears to conflict with the change proposed in CE 1.1, above, in which ESHAs that were previously designated by the City in the current Plan would be ESHA by definition, and therefore not subject to re-evaluation.
- A-6.14 CE 1.3 – "Any area not designated on the ESHA map in Figure 4-1 that meets the ESHA criteria for the resources specified in CE 1.1 may shall-be granted the same protections as if the area was shown on the map." Please provide examples of when an area defined as an ESHA by CE 1.1 would not receive the same protections as an ESHA.
- A-6.15 CE 8.1 ESHA Designation – "These habitats include, but are not limited to, the species listed in Table 4-1..." This sentence is confusing because Table 4-1 does not list habitats. The Department suggests the following wording to make the sentence more congruent: "These habitats include, but are not limited to, habitats which support the species listed in Table 4-1..." "The second reference to Table 4-1 in the proposed change also should be corrected to Table 4-2.
- A-6.16 CE 8.4 Buffer Areas for Raptor Species. "Development shall be designed to provide a 100-foot buffer around active and-historical nest sites for protected species of raptors when feasible." The Department recommends against deleting reference to historical nest sites. Raptors often return to previously used nests and nest sites, but may not do so every year. Failure to use a suitable buffer to protect a historical but inactive nest site may result in the inability of those birds to successfully nest and rear young if and when they return. We can, however, support the language contained in Alt 3 for this policy: "Protection afforded to historic nest sites shall be evaluated on a case-by-case basis by a qualified biologist."
- A-6.17 CE 2.2 Streamside Protection Areas. "A streamside protection area (SPA) is hereby established along both sides of the creeks identified in Figure 4-1." In areas that have not been fully developed... "the SPA shall not be less than 50 400 feet outward on both sides of the creek, measured from the top of the bank or the outer limit of associated wetlands and/or riparian vegetation, whichever is greater." The Department is concerned with the proposed reduction of SPAs. Several aquatic special status species listed in the DSEIR in Table 3.4-2 rely on upland habitats for parts of their life cycles. These include the Federally Threatened and State Special Concern Species California red-legged frog (*Rana aurora draytonii*) and the State Special Concern Species southwestern pond turtle (*Clemmys marmorata pallida*) and two-striped garter snake (*Thamnophis hammondi*). The southwestern pond turtle over-winters in uplands up to 500 meters from water, and may lay eggs up to 400 meters from water (Holland, 1994). The California red-legged frog may use uplands for dispersal and aestivation during dry conditions up to 1,000 feet from pond habitat (U.S. Fish and Wildlife Service, 2002). These species can be found in upland habitats greater than 50 feet from a stream, and potentially would be impacted by development occurring less than 100 feet from the top of bank. The Department does not recommend the proposed changes to this policy. A reduction in SPAs
- A-6.18
- A-6.19

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A-6.19 | from 100 feet to 50 feet would increase the potential for significant adverse impacts to special  
 cont. | status species.

A-6.20 | *CE 3.4 Protection of Wetlands in the Coastal Zone. "Generally the required buffer shall be 100  
 feet, but in no case shall wetland buffers be less than 50 400 feet." The Department is  
 concerned with the reduction in minimum wetland buffer proposed. The U.S. Environmental  
 Protection Agency (U.S. EPA) considers nitrogen one of the top stressors in aquatic eco-  
 systems. Recent studies indicate the minimum buffer width for wetlands in order to effectively  
 reduce 75% of the nitrogen transport into wetlands is 25 meters or approximately 75 feet  
 (Mayer, et. al, 2006). Nitrogen transport is reduced further with increasing buffer width.  
 Nitrogen removal is reduced to about 50% at a buffer width of 50 feet. We therefore  
 recommend against this proposed change to policy CE 3.4.*

A-6.21 | *CE 3.5 Protection of Wetlands Outside the Coastal Zone. "The biological productivity and the  
 quality of inland wetlands shall ~~shall~~ should be protected and, where feasible, restored. The filling of  
 wetlands outside the Coastal Zone is prohibited unless it can be demonstrated that...c.  
 Mitigation measures will ~~will~~ may be provided to minimize adverse environmental effects, including  
 restoration or enhancement of habitat values of wetlands at another location on the site or at  
 another appropriate offsite location within the City. A wetland buffer of a sufficient size to  
 ensure the biological integrity and preservation of the wetland ~~shall~~ should be required.  
 Generally a wetland buffer ~~shall~~ should be 100 feet, but in no case shall should a wetland buffer  
 be less than 50 feet. The buffer areas ~~shall~~ should serve as transitional habitat with native  
 vegetation and ~~shall~~ should provide physical barriers to human intrusion." The Department is  
 concerned that changes in wording and reductions in buffers for inland wetlands will severely  
 reduce protections and has potential to severely impact or reduce this resource. Inland  
 wetlands in Goleta and throughout the State have been drastically reduced; so much so that the  
 Fish & Game Commission has adopted a "no net loss" policy (attached). The dilemma is  
 exacerbated by the unavailability of suitable wetland habitat to compensate for losses (see  
 below). We therefore recommend against the proposed changes to this policy.*

A-6.22 | *CE-IA-4 Preparation of a Tree Protection Ordinance. "Time period: 2008." The Department  
 notes this deadline should be amended.*

#### Impacts to Wetlands

A-6.23 | The Department does not agree with the determination on page 3.4-25 in the DSEIR that Class  
 II (significant but mitigable) impacts to wetlands can be mitigated to a level of insignificance.  
 We refer to our letter to the City dated July 28, 2006 commenting on the City's Draft EIR for the  
 Plan, in which we question the ability of the City to identify "...viable wetland mitigation areas  
 within the City's sphere of influence or within the Goleta and Devereux Slough watersheds in  
 which the City lies." We therefore restate our position that impacts to this ESHA type be  
 minimized or completely avoided.

A-6.24 | In conclusion, we believe the proposed actions represent a serious deviation from the Plan's  
 Conservation Element Guiding Principle and Goal #1; to "Protect, maintain, and enhance  
 natural ecosystem processes and functions in Goleta and its environs in order to maintain their  
 natural ecological diversity." In proposing a reduction in buffers, the City is moving in a direction  
 away from the recommended Statewide Conservation Action described above. The Department  
 therefore recommends against the proposed changes.

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Mr. Dan Nemecek  
April 6, 2009  
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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, Environmental Scientist, at (805) 640-3677.

Sincerely,

*for*   
Edmund J. Pert  
Regional Manager  
South Coast Region

References:

Holland, Dan C. 1994. The Western Pond Turtle: Habitat and History. Final Report. Portland, OR: U.S. Department of Energy, Bonneville Power Administration.

Mayer, P.M., S.K. Reynolds, M.D. McCutchen, and T.J. Canfield. 2006. Riparian buffer width, vegetative cover and nitrogen removal effectiveness: A review of current science and regulations. EPA/600/R-05/118. Cincinnati, OH, U.S. Environmental Protection Agency.

U.S. Fish and Wildlife Service. 2002. Recovery Plan for the California Red-legged Frog (*Rana aurora draytonii*). U.S. Fish and Wildlife Service, Portland, Oregon. viii + 173 pp.

Attachment

cc: Ms. Helen Birss, DFG, Los Alamitos  
Ms. Betty Courtney, DFG, Newhall  
Mr. Sean Carlson, DFG La Verne  
Mr. Martin Potter, DFG, Ojai  
Ms. Natasha Lohmus DFG, Santa Barbara  
Ms. Jenny Phillips, U.S. Fish and Wildlife Service, Ventura  
Mr. Scott Morgan, State Clearinghouse, Sacramento

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Comment Letter A-6  
Attachment

**DEPARTMENT OF FISH AND GAME RECOMMENDED WETLAND DEFINITION,  
MITIGATION STRATEGIES, AND HABITAT VALUE ASSESSMENT  
METHODOLOGY**

INTRODUCTION

At the March 9, 1987 Fish and Game Commission hearing during which the Commission adopted a wetlands policy, the Commission assigned the Department two tasks. These tasks were: 1) to recommend a wetland definition for use in the implementation of the Commission's adopted policy, and 2) to recommend a means by which retention of wetland habitat values may be assured when it becomes necessary to compensate for the loss of wetland acreage and/or wetland habitat values resulting from the implementation of projects or other activities. This report is intended to respond to the Commission's request.

The Commission's wetland policy is not a regulatory program. The Department and the Commission possess only limited regulatory authority over potential uses within remaining wetlands not currently owned by the Department. Our role in wetland protection, as we have explained in our March 9, 1987 report to the Commission, is primarily advisory in nature. Therefore, this report identifies a wetland definition and an implementable procedure by which wetland acreage and habitat values will be retained when it has been determined that projects, plans or other activities will occupy or otherwise adversely impact wetlands.

WETLAND DEFINITION

It is apparent that the adequacy of the Commission's wetland policy is directly related to the adequacy of the wetland definition to which the policy relates. As we indicated in our previous report to the Commission, the Department has found the U.S. Fish and Wildlife Service (USFWS) wetland definition and classification system to be the most biologically valid of those definitions and classification systems presently utilized in California.

The USFWS definition utilizes hydric soils<sup>2</sup>, saturation or inundation, and vegetative criteria, and requires the presence of at least one of these criteria (rather than all three) in order to classify an area as a wetland. The USFWS definition has been employed in project review nationwide for over 8 years. It has been well tested and proven to be adequate. Further, because it requires the application of the same array of biological and physical parameters, it exhibits a degree of consistency and uniformity which is advantageous to biological and developmental planners alike. The Department's use of the USFWS wetland definition as the principal means of wetland identification, combined with on-site inspections to establish actual wetland acreage and habitat values, will substantially increase the consistency of our wetland determinations. This improved level of consistency should subsequently alleviate the past uncertainties and frustrations experienced by the development community. Lastly, and as will be explained in greater detail later, if a wetland compensation site is to be located within or adjacent to the project site, assurances regarding the establishment and long-term retention of fish and wildlife habitat values must be provided.

The USFWS definition is as follows:



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"Wetlands are lands transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water. For purposes of this classification, wetlands must have one or more of the following three attributes: (1) at least periodically, the land supports predominantly hydrophytes<sup>3</sup>; (2) the substrate is predominantly undrained hydric soil; and (3) the substrate is non-soil and is saturated with water or covered by shallow water at some time during the growing season of each year." (Classification of Wetlands and Deepwater Habitats of the United States; FWS/OBS 79/31; December 1979).

The USFWS wetland classification publication also describes the upper (landward) and lower (waterward) limits of wetlands. These limits are described as follows:

"The upland limit of wetland is designated as (1) the boundary between land with predominantly hydrophytic cover and land with predominantly mesophytic or xerophytic cover; (2) the boundary between soil that is predominantly hydric and soil that is predominantly non-hydric; or (3) in the case of wetlands without vegetation or soil, the boundary between land that is flooded or saturated at some time each year and land that is not." (Ibid, page 4).

The lower limit of wetlands in estuarine or marine areas (i.e., those wetlands which are subject to the ebb and flow of the tide) is established as coincident with the extreme low spring tide.

The lower limit of wetlands in an inland setting (i.e., those wetlands associated with lakes, rivers, ponds, vernal pools, etc.) is established at a depth of two meters (6.6 feet) below low water; however, if emergents, shrubs, or trees grow beyond this depth at any time, then the deepwater edge of such vegetation is the boundary.

The USFWS definition includes, swamps; freshwater, brackish water, and saltwater marshes; bogs; vernal pools; periodically inundated saltflats; intertidal mudflats; wet meadows; wet pastures; springs and seeps; portions of lakes, ponds, rivers and streams; and all other areas which are periodically or permanently covered by shallow water; or dominated by hydrophytic vegetation, or in which the soils are predominantly hydric in nature. Therefore, for all of the reasons set forth above, the Department recommends the USFWS definition as its principal means of wetland identification in conjunction with on-site inspections for implementation of the Fish and Game Commission's policy.

#### RETENTION OF WETLAND ACREAGE AND HABITAT VALUES

The Commission's wetland policy contains essentially two considerations for offsetting adverse impacts to wetland resources. The policy stresses the need to compensate for the loss of wetland habitat on an acre-for-acre basis. That is, for every acre of wetland lost, no less than an acre of wetland must be created from non-wetland habitat. Compensation for the loss of wetland habitat values to fish and wildlife resources requires the creation of habitat values at the compensation site which at least duplicates those habitat values which are lost to project implementation. Requisite assurance that habitat values will, in fact, be at least retained shall be the subject of the remainder of this discussion.

Mitigation for habitat values lost to the implementation of a project may be accomplished

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in four ways taking into consideration mitigation site location and wetland type to be created. The term "out-of-kind" as used in mitigation scenarios 3 and 4 refers to different types of wetlands and does not include the replacement of wetland habitat with non-wetland habitat. These mitigation alternatives, in descending order of general acceptability are:

- I. "In-kind, On-site": This form of mitigation would seek to duplicate the physical nature of the wetland area to be negatively impacted within or adjacent to a project site. This mitigation technique, if properly applied, would tend to assure that the habitat derived from wetland creation is essentially identical to that which was lost to development; would concentrate on benefiting those fish and wildlife species and local populations adversely impacted by development; and would tend to provide a greater degree of certainty that the benefits provided by the impacted wetland to associated plant and animal communities in the project vicinity are retained.
- II. "In-kind, Off-site": This form of mitigation would be selected when "in-kind, on-site" mitigation would result in the creation of wetlands of demonstrably inferior quality to those which could be created elsewhere. In general, "in-kind, off-site" mitigation should be located as near to the impact site as is feasible. The advantage of "in-kind, off-site" mitigation is that it would, through duplication of the physical nature of the wetland area to be negatively impacted, tend to benefit those fish and wildlife species which would be adversely impacted at the project site and would also tend to maintain their population levels. This form of mitigation does not necessarily assure retention of the local fish and wildlife populations affected by the project.
- III. "Out-of-kind, On-site": It is conceivable that situations could exist where fish and wildlife resources would be better served from a regional standpoint if creation of wetlands of a different type than those adversely impacted through development were selected as mitigation. For example, it could be that, from a management perspective, a freshwater marsh is more valuable to fish and wildlife resources in a given region than an equivalent area of saltmarsh. In such a situation, the Department believes that an alternative to mandatory in-kind replacement of habitat values can be desirable. However, out-of-kind mitigation is generally inferior to in-kind mitigation, since it does little to provide assured benefit to those species which would be negatively impacted as a result of development. Therefore, only if a compelling biologically-based rationale exists for acceptance of out-of-kind mitigation should such a form of mitigation be employed. Application of out-of-kind compensation on-site would generally provide values which relate geographically to those values lost through development, and would generally result in benefitting that ecosystem, or collection of communities, with which the developed wetland was associated.
- IV. "Out-of-kind, Off-site": This form of mitigation would not result in the maintenance of those fish and wildlife values lost through development nor would it necessarily have any bearing upon the ecosystem involved at the project site. For these reasons, "out-of-kind, off-site" mitigation is a less acceptable means of compensating for adverse impacts to wetlands. However, if mitigation approaches 1, 2, and 3 cannot be employed, and if the choice is retention of wetland acreage through "out-of-kind, off-site" compensation or a net loss of wetland acreage, then, and only

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then, would the Department accept "out-of-kind, off-site" compensation.

For the reasons explained above, the Department will normally seek to compensate for adverse impacts to wetland through in-kind compensation. The controlling assumptions involved in this mitigation approach are: (1) Given duplication of the physical features associated with wetlands to be impacted, the vegetative component of the wetland to be impacted can also be duplicated either through a planting program or through natural colonization; and (2) If the physical feature and the vegetational components of the impacted area are duplicated, then fish and wildlife resources should become established at the mitigation site at levels which compensate for losses sustained at the project site. Physical features include substrate contours, water depth, duration of inundation, periodicity of inundations, salinity, and soil type.

When dealing with in-kind compensation, it is essential to consider each of the representative species or species groups present at a project site and to assure that those representative species or species groups will not be negatively affected. This can be accomplished by taking into consideration existing values provided at the project site and comparing those to the values which would be provided at the compensation site. A habitat evaluation procedure, such as that used by the USFWS, could be used to assure no reduction in habitat value for any of the representative species or species groups present at the project site, provided that such a procedure presumes that there shall be no net loss of wetland acreage. When dealing with out-of-kind compensation, it is neither desirable nor reasonable to attempt to show equivalency between values foregone at the project site and those different values to be generated at the compensation site. As we have previously indicated, the rationale for acceptance of out-of-kind compensation shall be based upon a biological determination that, from a regional perspective, out-of-kind compensation is demonstrably superior to in-kind compensation.

Buffers between existing or proposed development and existing wetlands or wetland compensation sites should be included as an integral component of all mitigation plans in order to assure the attainment and maintenance of habitat values sufficient to compensate for project impacts. Buffers should be of sufficient width and should be designed to eliminate potential disturbance of fish and wildlife resources from noise, human activity, feral animal intrusion, and any other potential sources of disturbance. The size and character of buffers shall ultimately be determined by the requirements of the affected species most sensitive to such disturbances. When feasible, buffers should be designed in a manner which complements the habitat values associated with adjacent wetland. For example, a buffer located near freshwater ponds could be planted with those grasses and forages known to support high density nesting by waterfowl. In no case shall such buffers be credited as wetland acreage necessary to achieve compliance with the requirements of the Commission's policy regarding retention of wetland acreage.

The loss of wetland acreage and habitat values to project implementation is permanent. Therefore, it is necessary to maintain the mitigation area in perpetuity in order to compensate for the permanent effects of development. It follows then that the project sponsor and his successor(s) must be responsible for the acquisition, development, and permanent maintenance of the compensation site in a manner which fully mitigates the projects impacts to fish and wildlife resources. For this reason, the Department recommends that permanent maintenance of compensation sites be required as a condition of the granting of any permits which might be required for project construction.

As was pointed out by several public speakers at the Commission's March 9, 1987

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hearing, the art of wetland creation and enhancement is not yet a science. The Department is confident that wetlands can be created in such a manner as to duplicate or exceed the acreage and those habitat values associated with wetland areas which may, in the future, be developed. However, we are also aware of the possibility that wetland creation sites may not develop all of those fish and wildlife values which were projected at their inception. Therefore, the Department recommends the universal application of requirements that fish and wildlife values at compensation sites shall be thoroughly assessed after their construction pursuant to appropriate permit conditions; that these values be compared to the values which were lost through project development; and that the project sponsor or his successor(s) be required to take such actions as may be necessary to offset any habitat value shortfall which may be discovered as a result of follow-up studies.

The foregoing discussion relates primarily to individual project review, and provides a framework for assuring retention of wetland habitat values lost through project implementation. However, a related, but somewhat less obvious, problem threatens the preservation of wetland habitat values on a statewide basis. This problem involves the direct impacts of large-scale urban expansion upon upland plant communities, and the indirect impact of such upland development upon wetland habitat values. The problem revolves around the fact that wetlands generally exist as biologically valuable components of larger aggregations of biological communities including a variety of upland communities. Wetlands and associated uplands complement one another. Numerous animals found in wetland areas are, nevertheless, at least partially dependent upon associated uplands. For example, waterfowl, which rest and forage in wetlands, are also, at times, dependent upon associated upland areas for nesting. If, in this example, we protected the wetland but lost the associated upland to development, then the wetland would provide reduced habitat values for waterfowl. So it is with many animals. In spite of the fact that elimination of the ecological bond between wetlands and associated uplands often reduces the value of wetlands to fish and wildlife resources, relatively little regulatory authority exists for dealing with this issue on a project review, or permit review, basis. It seems that the most effective means of addressing this ongoing problem is to place increased emphasis upon the future review of county general plans in an attempt to steer unavoidable future urban expansion into patterns which provide for retention of upland/wetland relationships. Failure to retain this ecological bond between wetland and associated uplands will result in the creation of isolated wetland enclaves scattered throughout highly urbanized areas, and will result in indirect loss of wetland habitat values. The Commission should be aware that no universal regulatory framework exists for effectively dealing with this issue. Nevertheless, the Department shall attempt to address this issue through county general plan review and the review of other long-range planning documents and actions by local, state, and federal agencies.

The Department believes that a concerted effort to protect California's remaining wetlands can result in achieving compliance with the Commission's wetland policy. In order to retain and to expand California's wetland acreage and wetland habitat values, it will be necessary, in light of the non-regulatory nature of the Commission's policy, to work closely with the development community and various local, state, and federal governmental entities. Given a mutual commitment on the part of all concerned parties, maintenance of wetland acreage and attendant fish and wildlife values is possible. Through a combination of such cooperation and a continuation of ongoing wetland acquisition, enhancement, and creation activities by local, state, and federal agencies as well as similar efforts by various sportsmen's groups and other

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conservation organizations, the Department is optimistic that expansion of California's wetland acreage and considerable increases in attendant wetland habitat values are both achievable.

The Department wishes to thank the Commission for the opportunity to recommend a comprehensive wetland definition and identification process, and to recommend the means by which the Commission's wetland policy may be implemented.

NOTES:

<sup>2</sup> Hydric soils are those soils identified as such by the U.S. Soil Conservation Service criteria.

<sup>3</sup> Pursuant to the USFWS document List of Plant Species That Occur in Wetlands Region O. (Region O is California.)

**Response to Comments Nos. A-6.1 and A-6.2**

The commentator is concerned that proposed changes to CE and OS policies will weaken the protection of wildlife and habitats in the City, and opposes the potential re-evaluation and declassification of areas already designated as ESHAs in the GP/CLUP. The commentator recommends that ESHAs designated in the existing GP/CLUP be retained with the assumption that any area not classified as ESHA would serve as ESHA buffer. Comments are noted.

Regarding the recommendation regarding ESHA buffers, the existing GP/CLUP prescribes buffers for various ESHA types but does not treat all non-ESHA areas as ESHA buffers. Alternatives 2a and 2b propose a different way to designate ESHAs but do not alter the definition of resources that qualify as ESHAs as provided in existing GP/CLUP CE 1.1 and GP/CLUP Tables 4-1 and 4-2. Because what constitutes an ESHA is not changed by Alternative 2a and 2b, it is reasonable to assume that areas with such resources would be designated as ESHAs regardless of whether they are currently shown on GP/CLUP Figure 4-1. The assumption that areas with sensitive resources would not be designated as ESHAs if the decisions were made based on project-level analyses or an HMP disregards the City's project review procedures and CEQA requirements that apply to projects and the City's decisions.

**Response to Comments Nos. A-6.3 through A-6.11**

The commentator is concerned that the Citywide Habitat Management Plan (HMP) proposed under Alternative 2b is not presented in adequate detail, provides recommendations for the content and CEQA review of the HMP, and recommends that existing policies be retained until the HMP is completed and approved. The commentator also recommends that the City prepare the HMP and include it in a revised and recirculated Draft SEIR.

Regarding the recommendations regarding the content and review of the HCP, the comments are noted. Regarding interim policies prior to completion of the HMP, the SEIR indicates that retaining existing policies during the planning process would offset the potentially significant impacts associated with adopting Alternative 2b. Regarding preparation of the HMP at this time and inclusion of it in a revised recirculated Draft SEIR, the recommended action is not necessary for the City to consider preparation of an HMP as an alternative way to guide conservation decisions under the GP/CLUP. Provided that existing policies (or policies under Alternatives 2a or 3) are kept in place while the HMP is being prepared, selection of Alternative 2b would not result in significant impacts that were not considered in the SEIR. Further, as the commentator notes, adoption of the HMP would be subject to CEQA review. Selecting Alternative 2b would not pre-approve or otherwise authorize any impacts to special status species and habitats that might occur under the HMP.

**Response to Comment No. A-6.12**

The commentator requests an explanation of why Alternatives 2a, 2b, and 3 propose to delete the requirement for a Coastal Development Permit from subsection b of OS 1.10. The commentator also expresses concern that the change would increase risks to listed species.

The change is proposed because only some activities require Coastal Development Permits and the City cannot impose such a requirement on activities that do not require such a permit. It also should be noted that Alternatives 2a, 2b, and 3 do not alter subsection c of OS 1.10, which covers impacts to special status resources:

- c. Where sensitive habitat resources are present, limited or controlled methods of access and/or mitigation designed to eliminate or reduce impacts to ESHAs shall be implemented.

#### **Response to Comment No. A-6.13**

The commentator is concerned that the proposed modifications to CE 1.2 have the potential to result in a reduction of ESHA acreage and questions the necessity for the change.

The adopted Subpolicy CE 1.2 provides a list of ESHA that is definitive, without flexibility to alter the list based on new information such as the identification of new resources or the removal of recovered resources and related habitats. The proposed amendments are intended to provide flexibility in the designation of ESHA to address this policy limitation. Alternative 3 builds upon Alternative 2a but retains the directive that ESHAs shown in Figure 4-1 and listed in Table 4-2 are examples of ESHAs, similar to the adopted policy, but clarifies that it is not an exhaustive representation of ESHA in the City of Goleta.

The proposed policy modification also has the potential to increase the acreage as the “not limited to” language expands the ESHA list to other resources that are not currently known, which would be identified in the site specific survey.

#### **Response to Comment No. A-6.14**

The commentator expresses concern that the proposed changes to CE 1.3 appear to conflict with proposed changes to CE 1.1.

None of the proposed amendment alternatives would alter the definition of ESHA in CE 1.1 and consequently, areas that meet the definition would be designated ESHAs regardless of whether the area previously was mapped as ESHA on GP/CLUP Figure 4-1. The change in Subpolicy CE 1.1(c) is intended to indicate that the City respects and acknowledges ESHA designations made by other agencies with jurisdiction over the designated area such as the CDFG. This is not in conflict with CE 1.2.

#### **Response to Comment No. A-6.15**

The commentator requested examples of when an area defined as an ESHA by CE 1.1 would not receive the same protection as ESHA.

The proposed wording change to CE 1.3 in Alternative 2a is intended to indicate that areas not shown as ESHAs on GP/CLUP Figure 4-1 may qualify as ESHA and would be protected as ESHA as they are. The wording is not intended to mean that actual ESHAs might not receive the protections provided under the CE. Note that Alternative 3, the SEIR recommended alternative, does not propose changes to this subpolicy.

#### **Response to Comment No. A-6.16**

The commentator expresses concern that the proposed text modification to CE 8.1 is confusing and suggests corrections.

The recommended correction will be made to Alternative 2a for Policy CE 8.1 (see Table 2-1, page 4; and Appendix B, page B1-15), as follows:

These habitats include, but are not limited to, habitats which support the species listed in Table 4-1, Potentially Occurring Special Status Species, and habitats listed in Table 4-2, Summary of Environmentally Sensitive Habitats.

### **Response to Comment No. A-6.17**

The commentator recommends adoption of Alternative 3 for the proposed change to CE 8.4 (raptor nest sites) and recommends against deleting protection of historic nest sites as proposed under Alternative 2a because of the importance of such sites to raptor populations.

Comments noted. The SEIR acknowledges that historic nest sites can serve an important function for raptors. As noted, Alternative 3 provides an option for including such sites.

### **Response to Comments Nos. A-6.18 and A-6.19**

The commentator opposes reducing the SPA minimum buffer to 50 feet minimum and is concerned about the effects of such a change on red-legged frog, southwestern pond turtle, and two-striped garter snake.

Regarding potential impacts to special status species, Alternatives 2a, 2b, and 3 do not alter GP/CLUP requirements to designate ESHAs and ESHA buffers for such species and their habitats. Regardless of whether the SPA is a minimum of 50 or 100 feet, any area with the resources identified in the comments would be designated as an ESHA and would require an ESHA buffer under the GP/CLUP. Further, the proposed changes do not preclude the City from requiring a wider SPA based on site species considerations. It also should be noted that there are a limited number of vacant parcels in the City in locations where an SPA would be required. The total area of vacant parcels within 100 feet of streams is 19.8 acres. The total area of vacant parcels within 50 feet of streams is 9.8 acres. In contrast to potential SPAs, there are approximately 564 acres of ESHA types within the City.

A detailed response to comments on proposed changes to CE 2.2 is provided in Attachment A. It also should be noted that the City adopted an amended version of CE 2.2 in May 2009 (see Attachment A).

### **Response to Comments Nos. A-6.20 and A-6.21**

The commentator opposes the proposed changes to CE 3.4 and 3.5 (wetland buffers) under Alternatives 2a and 3. The commentator notes that allowing a 50 foot minimum width for wetland buffers is counter to what is known about the transport of nitrogen (a major stressor of aquatic habitats). The commentator also is concerned that changing "shall" to "should" in CE 3.5 will result in less protection of wetlands.

The SEIR indicates that the proposed changes could result in potentially significant impacts. However, the proposed changes do not preclude the City from requiring greater than 50 buffers based on site specific considerations. The changes also do not alter ESHA and ESHA buffer requirements that apply to areas regardless of whether they are within 50 or 100 feet of the wetland edge.



**Response to Comment No. A-6.22**

The commentator recommends correcting the time period cited in CE-IA-4. The correction will be made.

**Response to Comment No. A-6.23**

The commentator contends that there are not adequate sites for wetland restoration within the City and that the Draft SEIR incorrectly concludes that wetland impacts can be mitigated to a less than significant level. The commentator also indicates that a request was made in comments of the 2006 EIR for the GP/CLUP to identify possible mitigation sites.

The existing policies and proposed changes require projects to mitigate impacts to wetlands as a condition of being approved by the City. While the commentator is correct in noting that possible mitigation sites are not been identified in the GP/CLUP or alternatives, it does not follow that the GP/CLUP policies or alternatives would result in unmitigated or unmitigatable significant impacts to wetlands because such options have not been identified. It also should be noted that the attachment to the comment letter indicates that in certain circumstances the California Department of Fish and Game will consider and accept out of kind, offsite mitigation for wetlands impacts.

**Response to Comment No. A-6.24**

The commentator contends that, except as noted in the letter, proposed reductions to buffers under the alternatives are inconsistent with the State Wildlife Action Plan and CE guiding principle and goal #1: Protect, maintain, and enhance natural ecosystem processes and functions in Goleta and its environs in order to maintain their natural ecological diversity.

Comments noted. The alternatives propose different measures than the existing GP/CLUP regarding the minimum width of certain buffers. However, the alternatives do not eliminate buffer requirements or change the intended function of the buffers as part of the conservation and protection of resources. Therefore the alternatives are not inconsistent with the statewide conservation policies and CE guiding principles and goals.