

# LAW OFFICE OF MARC CHYTILO, APC

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ENVIRONMENTAL LAW

March 8, 2019

Peter Imhof, Planning Director  
City of Goleta  
130 Cremona Dr. #B  
Goleta, CA 93117

*By email to [pimhof@cityofgoleta.org](mailto:pimhof@cityofgoleta.org)*

RE: Ellwood Monarch Butterfly Habitat Management Plan – Critical Plan Revisions

Dear Mr. Imhof:

This office represents the Friends of the Ellwood Monarchs (FOTEM). We submitted comments on the Draft Mitigated Negative Declaration and Revised Draft Monarch Butterfly Habitat Management Plan (MBHMP) dated 2/25/19 which raised a number of concerns regarding both the MND and Draft MBHMP. Subsequently we met with City Staff to discuss our comments and some of the constraints limiting the City's ability to conduct additional environmental review and/or make substantial revisions to the Plan (namely time vis-à-vis the Coastal Conservancy grant process). At the meeting we discussed honing our requested changes to those that we see as absolutely critical to ensuring the MBHMP provides sufficiently clear guidance for future users including State Agencies, for inclusion in an Errata document. We explained the basis for these requested changes at length in our 2/25/19 comment letter, but briefly there are two main concerns we seek to address.

First, we want to ensure that key Plan provisions will not be construed as applying solely within the aggregation sites themselves, when the eucalyptus groves and windrows within the Coverage Area are also Monarch ESHA. While it appears that the MBHMP is intended to apply to the eucalyptus groves in the coverage area generally and not only the aggregation sites, it is not entirely clear from the document. In the Comment Matrix, the second from last comment on page 25 asks "Is the treatment different for "aggregation areas," "roosts," "trees supporting seasonal monarch butterfly aggregation sites," "aggregation site buffers" or "the eucalyptus forest beyond the buffer." The response is "There is no difference in the treatments for these various areas." Our requested changes to Policy 12-1, Action 10-1.1, Policy 10-2, and Policy 10-4 clarify that these provisions apply broadly.

Second, as discussed at length at our meeting, to correct habitat deficiencies caused by death of trees or insufficient canopy or site protection, the Plan must clearly authorize the planting of eucalyptus trees when indicated to preserve habitat value. The MND expressly states "The MBHMP calls for the replacement of the removed trees and enhancement of the groves with planting of eucalyptus in the historical grove footprint only . . . gaps or reductions in the grove caused by tree die off would be replenished". (MND p. 73.) Moreover, as acknowledged in the Comment Matrix (second comment, p. 9), recommendations regarding native tree introduction in the Griffiths and Villablanca study "would not be appropriate for Southern

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Mr. Imhoff  
3/9/19  
Page 2

California since we have not evaluated data from that region and because the native conifers are not suited to that climatic region.” (Griffiths and Villablanca (2015) p. 47.) Our requested revision to Table 2/Action 12-1.2, which we vetted with Staff at our meeting and was received favorably by biologists Meade and Wells, is absolutely critical for consistency with the MND and to ensure the Plan is self mitigating, as well as to achieve the HMP’s goal to manage, preserve, maintain, and improve the eucalyptus forest that is monarch butterfly habitat. Requested revisions to Action 12-1.6 and 12-1.10 clarify circumstances where replanting with eucalyptus is called for.

We appreciate your willingness to integrate these limited changes into an Errata document for consideration at the City Council’s 3/19/19 hearing for adoption of the MBHMP, to ensure the MBHMP will be interpreted in a manner that is consistent with the Plan’s goals, other Plan provisions, the MND, and the continuation of the Ellwood eucalyptus groves for Monarch overwintering habitat.

Respectfully submitted,

LAW OFFICE OF MARC CHYTILO, APC

A handwritten signature in dark ink, appearing to read 'Ana Citrin', is written over a horizontal line.

Ana Citrin  
For FOTEM

Attachment: Requested language changes

CC: Anne Wells  
Chris Julien  
Dan Meade

FOTEM's requested language changes are indicated in ~~striketrough~~ and underline.

**Policy 12-1.** Eucalyptus trees in the groves ~~containing monarch butterfly aggregation sites~~ within the Coverage Area shall be managed, as feasible, to ensure tree health and longevity.

**Action 12-1.2.** Table 2 should say "Planting eucalyptus trees or planting native trees" as Potential Actions/Tools for Management to "Correct habitat deficiencies" caused by death of trees or insufficient canopy or site protection. To remedy these threats there must be an option to plant eucalyptus trees when indicated to preserve habitat value.

**Action 12-1.6.** Maintain a living eucalyptus forest within the outline of pre-drought forest extent as determined with historic aerial photographs. Replant sections of the eucalyptus forest where dead zones occur due to multiple tree die-offs.

**Action 12-1.10.** Plant trees as needed to maintain grove density and improve monarch butterfly habitat. Plant in locations that improve aggregation site conditions as per the best available scientific analysis, and replant eucalyptus in areas within historic eucalyptus grove extent where gaps have occurred from drought die-back.

**Action 10-1.1.** Implement Program 12, Tree Management Program, to help facilitate the conservation of the eucalyptus groves and windrows in the Monarch Butterfly Habitat Management Plan Coverage Area ~~monarch butterfly aggregation sites~~.

**Policy 10-2.** Preservation of the eucalyptus groves and windrows ~~aggregation sites~~ on Ellwood Mesa shall be the focus of management activities, as feasible, and in coordination with Program 9, Catastrophic Event Response Program.

**Policy 10-4.** To avoid impacts on monarch butterflies while they are present at the Ellwood aggregation sites, no maintenance or restoration work shall be conducted in the eucalyptus groves and windrows at Ellwood Mesa ~~aggregation sites~~ from October 1 through March 31 of each year, unless authorized by a qualified biologist.

# LAW OFFICE OF MARC CHYTILO, APC

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## ENVIRONMENTAL LAW

March 15, 2019

Goleta City Council  
130 Cremona Dr. #B  
Goleta, CA 93117

*By email to [dlopez@cityofgoleta.org](mailto:dlopez@cityofgoleta.org)*

RE: Ellwood Monarch Butterfly Habitat Management Plan – Critical Plan Revisions

Dear Mayor Perotte and Councilmembers:

This office represents the Friends of the Ellwood Monarchs (FOTEM). We submitted comments on the Draft Mitigated Negative Declaration and Revised Draft Monarch Butterfly Habitat Management Plan (MBHMP) dated 2/25/19 which raised a number of concerns regarding both the MND and Draft MBHMP. We understand from talking with Staff that time limitations vis-à-vis- the Coastal Conservancy grant process limit the City's ability to make major changes to the MND or MBHMP, but that limited changes could be incorporated at the 3/19 Council hearing in the form of an Errata to the MBHMP.

An MND may be prepared in lieu of an EIR *only* where feasible and specific mitigation measures are so clearly effective that no substantial evidence can be produced that the revised project may still have significant environmental effects. (California Environmental Law & Land Use Practice (Matthew Bender & Co., Inc., 2013) § 21.09; Pub. Res. Code § 21080 (c)(2); Guidelines §§ 15064 (f)(2), 15070 (b).) Here, the MND relies largely on the policies and provisions of the MBHMP to self-mitigate potentially significant impacts including impacts to monarch butterflies and their habitat. As currently drafted, key provisions of the MBHMP are not so clearly effective that no substantial evidence of potentially significant impacts can be produced. In fact, the MND does not accurately describe certain Plan provisions that were revised after the draft MBHMP was circulated for public review last year (see below). In the attached, we've identified a limited number of changes that are necessary to ensure that the Plan is self-mitigating and does not result in potentially significant impacts to Monarch habitat. The changes address two deficiencies in the Plan.

First, to correct habitat deficiencies caused by death of trees or insufficient canopy or site protection, the Plan must clearly authorize the planting of eucalyptus trees when indicated to preserve habitat value. The MND relies on tree replacement identified in the MBHMP to conclude the Project would not result in potentially significant impacts to monarch habitat, stating: "The MBHMP calls for the replacement of the removed trees and enhancement of the groves with planting of eucalyptus in the historical grove footprint only . . . gaps or reductions in the grove caused by tree die off would be replenished". (MND p. 73.) However, as currently drafted, the revised MBHMP does not clearly call for the replacement of dead or dying eucalyptus trees with other eucalyptus trees. Our requested revision to Table 2/Action 12-1.2 is absolutely critical, as without it the MND is not accurate, and impacts to Monarch habitat are not

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adequately mitigated. Requested revisions to Action 12-1.6 and 12-1.10 add needed clarity around the circumstances where replanting with eucalyptus is called for.

Second, certain Plan provisions appear to apply only within the aggregation sites themselves, when the eucalyptus groves and windrows within the Coverage Area are also Monarch ESHA. It appears that the MBHMP was intended to apply to the eucalyptus groves in the coverage area generally and not only the aggregation sites. For example, in the Comment Matrix, the second from last comment on page 25 asks “Is the treatment different for “aggregation areas,” “roosts,” “trees supporting seasonal monarch butterfly aggregation sites,” “aggregation site buffers” or “the eucalyptus forest beyond the buffer.” The response is “There is no difference in the treatments for these various areas.” Our requested changes to Policy 12-1, Action 10-1.1, Policy 10-2, and Policy 10-4 clarify that these provisions apply broadly, and ensure that eucalyptus groves that have important habitat functions for the Monarchs are not compromised, and thereby avoiding potentially significant impacts.

To ensure the MND is accurate, and that the MBHMP will not result in potentially significant impacts to Monarch habitat, we respectfully request that Council include the specific changes enumerated below in your approval of the MBHMP.

Respectfully submitted,

LAW OFFICE OF MARC CHYTILO, APC

A handwritten signature in black ink, appearing to read 'Ana Citrin', written over a horizontal line.

Ana Citrin  
For FOTEM

Attachment: FOTEM requested language changes

FOTEM requested language changes to the 1/19 MBHMP, indicated in ~~strike through~~ and underline.

**Policy 12-1.** Eucalyptus trees in the groves ~~containing monarch butterfly aggregation sites~~ within the Coverage Area shall be managed, as feasible, to ensure tree health and longevity.

**Action 12-1.2.** Table 2 should say “Planting eucalyptus trees or planting native trees” as Potential Actions/Tools for Management to “Correct habitat deficiencies” caused by death of trees or insufficient canopy or site protection. To remedy these threats there must be an option to plant eucalyptus trees when indicated to preserve habitat value.

**Action 12-1.6.** Maintain a living eucalyptus forest within the outline of pre-drought forest extent as determined with historic aerial photographs. Replant sections of the eucalyptus forest where dead zones occur due to multiple tree die-offs.

**Action 12-1.10.** Plant trees as needed to maintain grove density and improve monarch butterfly habitat. Plant in locations that improve aggregation site conditions as per the best available scientific analysis, and replant eucalyptus in areas within historic eucalyptus grove extent where gaps have occurred from drought die-back.

**Action 10-1.1.** Implement Program 12, Tree Management Program, to help facilitate the conservation of the eucalyptus groves and windrows in the Monarch Butterfly Habitat Management Plan Coverage Area ~~monarch butterfly aggregation sites~~.

**Policy 10-2.** Preservation of the eucalyptus groves and windrows ~~aggregation sites~~ on Ellwood Mesa shall be the focus of management activities, as feasible, and in coordination with Program 9, Catastrophic Event Response Program.

**Policy 10-4.** To avoid impacts on monarch butterflies while they are present at the Ellwood aggregation sites, no maintenance or restoration work shall be conducted in the eucalyptus groves and windrows at Ellwood Mesa ~~aggregation sites~~ from October 1 through March 31 of each year, unless authorized by a qualified biologist.

March 15<sup>th</sup>, 2019

Mayor Paula Perotte and City Council  
City of Goleta  
130 Cremona Dr. #B  
Goleta, CA 93117

Dear Mayor Paula Perotte and City Council members,

We are writing to you to express our support of the Ellwood Mesa/Sperling Preserve Open Space Monarch Butterfly Habitat Management Plan: January 2019.<sup>1</sup>

We support the swift approval of the proposed habitat management plan by the City Council at their meeting on March 19<sup>th</sup>, 2019. Implementation of this plan—in particular, replanting of trees to replace the trees which were removed from the grove and additional restoration plantings, is time sensitive. Replacement tree planting is critical so that the microclimatic conditions that monarchs require can be restored as soon as possible. We support planting a mix of appropriate eucalyptus species and native tree species known to be utilized by overwintering monarchs. While native species are generally preferable for vegetation restoration projects, in the case of monarch overwintering sites, eucalyptus species also need to be part of the toolbox. Eucalyptus are especially important at a site that is already dominated by eucalyptus and is in as poor of condition as the Ellwood Complex is currently.

The proposed tree planting, as well as other activities such as implementing an irrigation plan, assessing the grove for hazard trees, and monitoring monarch's use of the grove align with the Xerces Society's approach to monarch butterfly overwintering site restoration which is summarized in our guide for land managers: *Protecting California's Butterfly Groves: Management Guidelines for Monarch Butterfly Overwintering Habitat*.<sup>2</sup>

Western monarchs overwintering in coastal California have declined more than 99% from its historic size and winter of 2018-2019 was an all-time low for the population.<sup>3</sup> The migratory population faces a high risk of extinction.<sup>4</sup> The Ellwood Main overwintering site is among the most important western monarch habitat – of the hundreds of sites in California where monarchs spend the winter, Ellwood Main is ranked as the fourth highest priority to conserve, based on the historic monarch population and overall degree of population decline.<sup>5</sup> Thus, management decisions at the Ellwood complex have a greater potential to help – or harm – the overall western monarch population than management activities at most other western monarch overwintering sites.

We also recognize the incredible expertise that Dan Meade of Althouse and Meade and Charis van der Heide of Rincon Consultants bring to monarch butterfly habitat conservation, and encourage you to continue consulting with both parties to quickly implement the habitat management plan for this site, and to address hazards posed by dead trees with minimal disruption to the monarch butterflies. In addition, the Xerces Society is deeply invested in monarch butterfly conservation, and we would be happy to provide further input on the management and restoration of monarch butterfly overwintering habitat within the Ellwood Complex.

Sincerely,



Emma Pelton  
Endangered Species Conservation Biologist  
The Xerces Society for Invertebrate Conservation

References Cited:

1. Draft Ellwood Mesa/Sperling Preserve Open Space Monarch Butterfly Habitat Management Plan: January 2019. City of Goleta. Accessed March 13<sup>th</sup>, 2019 at <https://www.cityofgoleta.org/home/showdocument?id=21579>.
2. The Xerces Society. 2017. *Protecting California's Butterfly Groves: Management Guidelines for Monarch Butterfly Overwintering Habitat*. 32+vi pp. Portland, OR: The Xerces Society for Invertebrate Conservation.
3. The Xerces Society. 2019. Blog *Record Low Number of Overwintering Monarch Butterflies in California—They Need Your Help!* Available online at <https://xerces.org/2019/01/17/record-low-overwintering-monarchs-in-california/>.
4. Schultz, C. B., L. M. Brown, E. Pelton, and E. E. Crone. 2017. Citizen science monitoring demonstrates dramatic declines of monarch butterflies in western North America. Biological Conservation DOI 10.1016/j.biocon.2017.08.019.
5. Pelton, E., S. Jepsen, C. Schultz, C. Fallon, and S. H. Black. 2016. *State of the Monarch Butterfly Overwintering Sites in California*. 4+vi pp. Portland, OR: The Xerces Society for Invertebrate Conservation. Available online at <https://xerces.org/state-of-the-monarch-butterfly-overwintering-sites-in-california/>.



## Deborah Lopez

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**From:** George Relles <grelles@cox.net>  
**Sent:** Saturday, March 16, 2019 10:35 AM  
**To:** Roger Aceves; James Kyriaco; Kasdin, Stuart; Perotte, Paula; Kyle Richards; Deborah Lopez; Michelle Greene  
**Subject:** The Goodland Coalition Comments re: Monarch Butterfly Habitat Management Plan Adoption



Goleta City Council

By email to City Council & City Clerk

130 Cremona Drive, Suite B

Goleta, CA 93117

Re: Ellwood Mesa/Sperling Preserve Monarch Butterfly Habitat Management Plan Adoption

Dear Mayor Perotte and Councilmembers,

The Goodland Coalition is a group of Goleta residents dedicated to defending the quality of life in Goleta by advocating policies that protect, preserve, and improve Goleta's unique character – its diverse neighborhoods and architecture, open spaces and views, ease of circulation, valued environment, local agriculture and businesses. A crown jewel of our valued environment is the Ellwood Complex, one of the most important overwintering sites for the Western monarch butterfly.

Adoption of the Monarch Butterfly Habitat Management Plan (MBHMP) is an important step to ensure long-term viability of the monarch butterfly population, consistent with General Plan policy direction. However, to successfully guide future protection and management of the Ellwood eucalyptus groves for the monarch butterfly, the MBHMP's policies and action items must be clear and not subject to differing interpretations.

We share the concerns raised by Friends of the Ellwood Monarchs (FOTEM) that the Plan as currently drafted is not sufficiently clear regarding tree replacement in the historic groves and the scope of protections that apply outside the aggregation sites. To mitigate impacts to monarch habitat the Plan needs to clearly authorize planting eucalyptus trees when indicated to preserve habitat value, and protections need to apply to the eucalyptus groves that the General Plan identifies as protected monarch habitat and not solely the aggregation sites themselves. Accordingly, we support the limited changes to the wording of 3 Policies and 4 Actions that FOTEM has proposed, and ask that the Council incorporate them and approve the MBHMP.

Sincerely,

George Relles

Convener of The Goodland Coalition

**From:** Charlene Marie [mailto:char4n6@gmail.com]

**Sent:** Monday, March 18, 2019 4:07 PM

**To:** Roger Aceves <raceves@cityofgoleta.org>; James Kyriaco <jkyriaco@cityofgoleta.org>; skasdin1@gmail.com; Stuart Kasdin <skasdin@cityofgoleta.org>; Paula Perotte <ppperotte@cityofgoleta.org>; paulaperotte@cox.net; Kyle Richards <krichards@cityofgoleta.org>; Deborah Lopez <dlopez@cityofgoleta.org>; Michelle Greene <mgreene@cityofgoleta.org>

**Cc:** John DiBenedetto <jdbsurfdog@cox.net>; Cynthia Brock <cjbrockca@cs.com>

**Subject:** Monarch butterfly habitat management plan

**Please include eucalyptus planting / replanting and care in the plan.**

As you consider adopting the plan at Tuesday's meeting, please make sure to include eucalyptus trees in the list of trees considered for planting / replanting. Diversifying what we plant will help the overall health of the mesa but I want to make sure we don't overlook the importance of the eucalyptus. I request specifically that you alter the following:

**Policy 12-1** to read:

Eucalyptus trees within the Coverage Area shall be managed, as feasible, to ensure tree health and longevity.

**Policy 12-1.2; Table 2** should include eucalyptus trees as well as native trees.

**We can be better caretakers.** During the next drought let's find a way to provide water / maintenance for the trees on the mesa.

Thank you very much for your consideration. I appreciate all the hard work you do for us and the care and attention you give to this community.

best regards,

Charlene Marie

398 Coronado Dr, Goleta, CA 93117