4.3 BIOLOGICAL RESOURCES

4.3.1 INTRODUCTION

This section evaluates potentially significant impacts to biological resources associated with the OASIS Project in the Orcutt Community Plan (OCP) area in northern Santa Barbara County. The analysis in this section evaluates development of the proposed OASIS meeting facility and associated site improvements. This section includes information from the Orcutt Community Plan (OCP), OCP EIR Volume I, the OCP EIR Volume II Mini-EIR for Key Site 18 (KS18)/Southpoint, a Biological Constraints Analysis (January 2016) submitted for the project, and the Storrer Environmental Services (SES) Biological Resources Assessment (November 2016). These documents are described below.

Orcutt Community Plan (OCP). The OCP and OCP EIR include information on biological resources in the Orcutt Planning Area (OPA). The Mini-EIR for KS18/Southpoint in Volume II of the OCP EIR includes additional information on biological resources associated with OCP KS18, including the OASIS project site. These and other OCP documents are available for review on the Santa Barbara County Planning & Development website or by contacting the project planner:

- https://www.countyofsb.org/plndev/policy/communityplans/orcutt.sbc
- Natasha Campbell, ncampbell@co.santa-barbara.ca.us, 805-570-4871 or 805-934-6250 (P&D North County Reception)

Stantec 2016 Biological Constraints Analysis (BCA). This report was prepared by Stantec to assist the applicant with project design. The purpose of the BCA was to establish baseline conditions, identify potential "fatal flaws" and sensitive biological resources, and to recommend focused biological studies (Stantec 2016). The BCA concluded that additional focused surveys for rare plant species, special-status semi-aquatic wildlife (e.g., California red-legged, frog, western spadefoot toad, southern western pond turtle), special-status terrestrial wildlife (e.g., silvery legless lizard, Blainville's horned lizard, burrowing owl), and protocol-level least Bell's vireo surveys should be conducted. This Stantec BCA is included in Appendix D-3.

Storrer Environmental Services (SES) 2016 Assessment. Santa Barbara County Planning and Development (County) contracted with SES to review the Stantec BCA and to prepare a Biological Resources Assessment (Assessment). In addition to reviewing the Stantec BCA, SES reviewed previous botanical and biological assessments completed in support of the OCP (e.g., Rindlaub et al. 1995), and conducted additional background research and field investigations. As recommended in the Stantec BCA, the SES Assessment included a seasonally appropriate, focused botanical survey, focused surveys for special-status semi-aquatic and terrestrial wildlife species, and protocol-level least Bell's vireo surveys. The SES Assessment identifies and describes the regional setting, botanical surveys and mapping of vegetation types, consideration of potential for special status plant and animal species (including those listed under the state and/or federal ESAs, and CNDDB query), and appropriately timed field surveys that are consistent with state, federal, and local (County) guidelines for biological assessment.

The SES Assessment did not perform field work or evaluate impacts associated with the proposed driveway improvements based on the revised preliminary grading plan (April 2019). The SES Assessment is included in Appendix D-3.

February 2019 Site Visit with California Department of Fish and Wildlife. The California Department of Fish and Wildlife (CDFW) submitted a comment letter in response to the OASIS EIR Notice of Preparation (NOP) (see Appendix A). In response to that letter, John Storrer of SES met onsite with Dan Blankenship of CDFW and Natasha Campbell of Planning & Development on February 12, 2019. The site visit included a review of the project details including project plans, the SES 2016 Biological Assessment, and the CDFW NOP comment letter. The potential for occurrence of wildlife species of special concern was discussed, including monarch butterfly; California tiger salamander; California red-legged frog; coast horned lizard; and Northern California legless lizard. (The regional and site-specific status of each of these species is discussed in the SES Biological Assessment and summarized in this EIR section). The retention basin was also discussed, specifically with regard to conveyance of water from the retention basin. Finally, the site visit was an opportunity to determine whether there were any substantial changes in biological resources since the field work for the SES Biological Assessment was completed in spring of 2016. It was determined that there were no appreciable changes since the field surveys were completed and that the conclusions of the SES Biological Assessment (2016) remain valid. The SES letter summarizing the conclusions of the site visit is included in Appendix D-3.

This discussion of biological resources which follows is largely excerpted from the November 2016 SES Assessment. The full SES Assessment is included in Appendix D-3.

4.3.2 SES ASSESSMENT METHODOLOGY

Literature Review

Prior to conducting field surveys, a literature review was performed to identify potential special-status plant and wildlife species, and sensitive natural communities with the potential to occur onsite, information regarding area soils, water bodies and weather, as well as a review of previous biological reports and documents for the project site area. This literature review included a search of the California Natural Diversity Database CNDDB (CNDDB), which provided locations of regional and local special-status plant populations, sensitive natural communities, and special-status wildlife documented within a 5-mile radius of the Project Area (SES Assessment Figures 5 and 6, CNDDB Sensitive Plant and Wildlife Occurrences, in Appendix D-3). The potential for each of those species to occur within the project area (e.g., Northern legless lizard, monarch butterfly, California tiger salamander, California red-legged frog) was evaluated in consideration of range, habitat type, and known regional occurrences and distribution (see Table 4.3-1[1]).

Field Methodology

Botanical and wildlife surveys, focused on special-status species, were conducted on April 14, 2016 by SES botanist, Jessica Peak and wildlife biologist, John Storrer. Special-status species targeted during the surveys include those that are known to occur or have the potential to occur in the vicinity of the Project Area (Table 4.3-1). Surveys were scheduled so that suitable habitats were visited during the appropriate bloom period for the special-status plant taxa with potential to occur in the Project Area. Protocol-level presence/absence least Bell's vireo surveys were also conducted along Orcutt Creek from April 14 through July 27, 2016.

[1] Table 1 of SES Assessment

Botanical Surveys

The survey took place during the appropriate season to identify special-status plant species, and was consistent with the botanical survey guidelines of the California Department of Fish and Game (now CDFW) (2009), the United States Fish and Wildlife Service (USFWS) 1996, and the California Native Plant Society (2001). The survey involved systematically searching the Project Area for special-status plants. All vascular plant species observed within the Project Area were recorded (see Appendix D-3, SES Assessment, Appendix B – Vascular Plant Inventory). Plant specimens that were not positively identified in the field were further examined using a dissecting microscope and appropriate botanical keys, including *The Jepson Manual, Second Edition* (Baldwin et al*.* 2012) and *A Flora of the Santa Barbara Region, California, Second Edition* (Smith 1998). The field survey also documented all sensitive vegetation communities (e.g., vernal pools, native grasslands, and oak woodlands) present within and adjacent to the Project Area.

Wildlife Surveys

A complete list of all wildlife species observed within the Project Area was compiled during the April 14, 2016 reconnaissance and subsequent surveys for least Bell's vireo (see Appendix D-3 SES Assessment, C – Wildlife Inventory). A general evaluation of the character and quality of wildlife habitat on-site was also made. No water was present in Orcutt Creek during the survey interval therefore no aquatic surveys were performed as part of the Assessment.

An evaluation of wildlife use of the property was made in part through field reconnaissance, but was also based on habitat suitability within the Project Area and known occurrence of various species in the Project vicinity. Habitat conditions and current status of special-status wildlife species, including California tiger salamander (*Ambystoma californiense*), Blainville's horned lizard (*Phrynosoma blainvillii*), and California red-legged frog (*Rana draytonii*), were a particular focus of the wildlife surveys. Potential for nesting, roosting, or foraging by sensitive bird species, including burrowing owl (*Athene cunicularia*) and raptors was also assessed.

Least Bell's Vireo Surveys

Protocol-level presence/absence least bell's vireo (*Vireo bellii pusillus*) surveys were also conducted by Mr. Storrer along the Orcutt Creek riparian corridor adjacent to the Project Area. Per the USFWS *Least Bell's Vireo Survey Guidelines* (USFWS 2001), all riparian and other potential vireo habitats should be surveyed at minimum of eight (8) times between April 10 and July 31, with surveys spaced at least 10 days apart. Least Bell's vireo surveys were conducted on the following dates: April 14, May 6, May 17, June 1, June 14, June 28, July 12, and July 27, 2016. Results of the protocol-level least Bell's vireo surveys are included in Appendix D-3, SES Assessment, Appendix D.

4.3.3 SETTING

Regional Setting:

The project site is located in northern Santa Barbara County, in the town of Orcutt. (Figure 2-1 Regional Location Map and Figure 2-2, Project Vicinity Map). The Town of Orcutt is in the southern portion of the Santa Maria Valley and is bounded to the south by the Solomon Hills and to the west by the Casmalia Hills. The OASIS project requests involve property that is located approximately 10 miles inland, at an elevation of approximately 325 feet above mean sea level (msl).

The Orcutt area is situated on the Orcutt Terrace, a series of wind-blown sand dunes deposited between 6,000 to at least 80,000 years ago (OCP, Sec. B, Biological Habitats). The Orcutt Terrace is exposed to warm, dry summers and cooler, wet winters, with prevailing winds from the northwest. Extensive urban and agricultural development has eliminated much of the Orcutt Terrace dune sheet. The OPA is contained within the 29,000-acre Orcutt Drainage Area (OCP, Sec. C., Flooding and Drainage). Orcutt Creek is the predominant drainage in the OPA. The creek flows southeast to northwest along its 5,000-acre drainage area before discharging into the Santa Maria River, and ultimately the Pacific Ocean, approximately 13 miles northwest of the Project Area. Orcutt Creek enters KS18 just west of Foxenwood Lane and traverses the KS18 just north of the OASIS property.

Figure 4.3-1 Aerial Photo of Key Site 18 and OASIS

PROJECT SITE SETTING

KS18 is comprised of approximately 39.73 acres of open space within Orcutt's "Central Urban Core" area. KS18 was first restricted to open space as part of the Southpoint Estates subdivision in 1979. The developed Southpoint Estates residential parcels are located immediately north of the KS18 open space. Development within KS18 is limited to a residential home site in the northeast corner near Foxenwood Lane and a County Flood Control District retention basin and Southpoint Estates common area recreational amenities (tennis courts and a picnic area) in the western portion of KS18 (Figure 4.3-1, *KS18 Aerial Photo*).

The OCP restricts most of KS18 to open space. The exceptions to this are 1) the two parcels abutting Clark Avenue, which are designated for commercial use (APNs 105-020-041 and 105-020-038), 2) the northeast corner of KS18, north of Orcutt Creek, which is designated for residential use, and 3) approximately 8.5 acres south of Orcutt Creek, including the 5.28-acre OASIS property, identified for both open space and a future public park (Figure 4.8-1, OCP KS18/Southpoint Land Uses and Zoning; Figure 2-8, the OCP Parks Recreation and Trails Map excerpt).

The OASIS property is located within OCP KS18, north of Clark Avenue and south of Orcutt Creek. This property is approximately 5.28 acres in size and includes two Assessor's Parcel Numbers (APNs 105-020-063 and 105-020-064), together one legal parcel. The proposed driveway entrance on Foxenwood Lane is located just south of Orcutt Creek.

In addition to the proposed Development Plan and Conditional Use applications for development and use of the proposed OASIS project, the project requests include a General Plan Amendment to the OCP, a Recorded Map Modification, to modify the Southpoint Estates subdivision conditions and final maps and a Government Code 65402 Consistency Finding for OASIS' acquisition of the OASIS property's development rights that are currently held by the County. The requested changes to the OCP, the Southpoint Estates project conditions/final maps, and acquisition of the development rights are required in order to remove the OASIS project area as designated open space area in the OCP and to allow for the construction and operation of the proposed OASIS facility. There is also a minor lot line adjustment application which would add the commercially zoned southern tip of the OASIS property to the adjacent corner commercial parcel (APN 105-020-041).

The discussion below provides a summary of environmental conditions in the Project Area, documented during the SES field surveys.

Soils and Hydrology

Soils within the Project Area were determined based on a review of the Web Soil Survey of Northern Santa Barbara County, California, (NRCS 2016). The primary soil unit in the area of proposed development is Corralitos loamy sand, which is a non-hydric soil formed on excessively drained flood plains and alluvial sands in nearly flat (0 to 2 percent slope) areas.

In the Project Area, the Orcutt Creek channel is shallowly incised (3 - 6 feet in height), ranging from approximately 8 - 15 feet wide. Orcutt Creek is intermittent and only supports surface flows during storm events. No water was present in the Orcutt Creek during the 2016 field surveys, but water was present during the February 12, 2019 site visit with CDFW.

Vegetation and Land Cover Types

The SES Assessment focused on resources on and adjacent to the OASIS portion of KS18. The OCP KS18 Mini-EIR includes the following description of vegetation on KS18:

- *Vegetation on the site primarily consists of non-native grasslands. Riparian vegetation is spread intermittently along Orcutt Creek, with the densest concentrations located near the eastern site boundary.*
- *Other vegetation includes a Eucalyptus windrow along the southern site boundary near the southwest corner, Italian thistle, and invasive species such as iceplant and veldt grass.*

Figure 4.3-2 View from Access Gate, Looking Northwest across OASIS Property (OASIS property is beyond red dashed line)

Source: Storrer Environmental Service photo SES Photo 4/14/16

Vegetation communities and land cover types within and adjacent to the Project Area are depicted in Figure 4.3-3 *Vegetation Communities and Land Use Map* (SES Assessment Fig 7). The composition and distribution of vegetation communities and land cover types observed during the SES surveys are consistent with those mapped in the Stantec BCA. Descriptions of vegetation communities are adapted from *A Manual of California Vegetation, Second Edition* (MV-II) (Sawyer et al. 2009) and are described below.

Figure 4.3-3 Vegetation Communities and Land Use Types (SES, 2016)

Source; Storrer Environmental Services, OASIS Biological Assessment (Nov 2016), Figure 7

Annual Brome Grassland (*Bromus diandrus, B. hordeaceus – Brachypodium distachyon)* Semi-natural Herbaceous Stands. Brome grassland habitat comprises the majority (4.85 acre) of the OASIS Project Area, which includes the proposed driveway easement to Foxenwood Lane (see Appendix D-3, SES Assessment Appendix A – Site Photographs). This habitat is dominated by non-native, ripgut brome (*Bromus diandrus*) and wild oats (*Avena barbata, A. fatua*), with common occurrences of black mustard (*Brassica nigra*), filaree (*Erodium moschatum, E. botrys, E. cicutarium*), telegraph weed (*Heterotheca grandiflora*), turkey mullein (*Croton setigerus*), hairy vetch (*Vicia villosa* ssp. *villosa*), and arroyo lupine (*Lupinus succulentus*).

Figure 4.3-4 Photo view from southwest corner of OASIS property - showing annual grassland in development area, aspect northeast.

Source: SES photo taken 04/14/16

Arroyo Willow – Narrowleaf Willow – Fremont Cottonwood Thickets (*Salix lasiolepis – Salix exigua – Populus fremontii)* Shrubland Alliance. The riparian corridor of Orcutt Creek is located to the north and east of the OASIS property. This riparian area is dominated by arroyo willow (*Salix lasiolepis*), with scattered occurrences of Fremont cottonwood on the upper banks (*Populus fremontii*) and narrowleaf willow (*Salix exigua*) along the stream channel (see Appendix D-3, SES Assessment, Appendix A – Site Photographs). Additional tree and shrub species within the riparian corridor of Orcutt Creek include coast live oak (*Quercus agrifolia*), western sycamore (*Platanus racemosa*), red willow (*Salix laevigata*), coyote brush (*Baccharis pilularis*), and mulefat (*Baccharis salicifolia*). Understory herbaceous species observed along the channel include poison hemlock (*Conium maculatum*), bull thistle (*Cirsium vulgare*), mugwort (*Artemisia douglasiana*), and petty spurge (*Euphorbia peplus*).

Figure 4.3-5 Photo view of Orcutt Creek channel, north of the OASIS property, looking upstream, aspect east.

Source: SES photo taken 04/14/16

Coast Live Oak and Ornamental Tree Woodland. Approximately 0.5-acre of coast live oak and ornamental tree woodland habitat is within the Project Area. The southern boundary of the Project Area is dominated by coast live oaks and ornamental trees including Monterey pine (*Pinus radiata*) and black locust (*Robinia pseudoacacia*) (see Appendix D-3, SES Assessment Appendix A– Site Photographs). Within this habitat, the understory is dominated by sea fig and ice plant (*Carpobrotus chilensis, C. edulis*), with scattered native shrubs including coyote crush and toyon (*Heteromeles arbutifolia*). Twelve (12) mature coast live oak trees are present in this habitat (See Figure 4.3-3, Vegetation Communities and Land Use Map).

Special-Status Species and Sensitive Habitats with Potential to Occur in the Project Area. Special-status species and sensitive habitats include plant and wildlife taxa, vegetation communities, or other unique biological features that are afforded special protection by local land use policies and/or state and federal regulations. Vegetation communities may warrant special status if they are of limited distribution, support protected plants and animals, have high wildlife value, or are particularly vulnerable to disturbance. Special-status plant and animal species are those that are listed as rare, threatened, or endangered under the state and/or federal Endangered Species Acts or those that appear on various "watch lists" compiled by academic institutions, conservation organizations, and wildlife agencies. These include the CNDDB lists of "*Special Animals*" and "*Special Plants*" (CNDDB 2016), CNPS Inventory of Rare and Endangered Vascular Plants of California (CNPS 2016), "*California Bird Species of Special Concern*" (Shuford and Gardali 2008), "*Amphibian and Reptile Species of Special Concern in California*" (Jennings and Hayes 1994), and "*Mammalian Species of Special Concern in California*" (Williams 1986).

Nine (9) special-status plant species and 13 special-status wildlife species are known to occur within a 5-mile radius of the Project Area (i.e., are tracked by the CNDDB). Occurrences of sensitive plant and wildlife species are presented in SES Assessment Figures 5 and 6, respectively (Appendix D-3), and a list of potential special-status plant and wildlife species is included in Table 4.3-1. Conclusions in Table 4.3-1, as to likelihood for special-status species to occur in the Project Area, are based on habitat suitability and requirements, elevation and geographic range, soils, topography, surrounding land uses, and proximity of known occurrences in the CNDDB database to the Project Area. The likelihood for special-status species to occur within the Project Area was assessed using information from the various listed sources and the wildlife and botanical surveys.

Section 4.3, Biological Resources

Table 4.3-1. Special-Status Plant and Wildlife Species with the Potential to Occur in the Project Area

Common Name ***Scientific Name*** ***(Arranged alphabetically by scientific name)***	**Listing Status***	**Habitat Requirements**	**Suitable Habitat Present in Project Area (Y/N)**	**Likelihood for Occurrence within Project Area**
Plants[1]				
Hoover's bent grass *Agrostis hooveri*	CRPR 1B.2	Dry, sandy soils in open chaparral and oak woodland. Elevation range: 0 –2,000 feet. Blooming period: April – August.	Yes	Sandy soils and oak woodland are present within and adjacent to the Project Area. Known occurrences within 5-miles of the Project Area are from 1973 and 1987 collections from Graciosa Ridge and Vandenberg Airforce Base, respectively. This species was not observed in the Project Area during botanical surveys and *is not expected to occur*.
Sand mesa manzanita *Arctostaphylos rudis*	CRPR 1B.2	Sandy soils in maritime chaparral and coastal scrub. Elevation range: 0 – 1,300 feet. Blooming period: November – February.	No	Sandy soil present, but suitable chaparral and coastal scrub habitats are not present within the Project Area. No manzanita species were observed in the Project Area during botanical surveys and sand mesa manzanita *is not expected to occur.*
La Graciosa thistle *Cirsium scariosum* var. *loncholepis*	FE ST CRPR 1B.1	Mesic, sandy sites in coastal dunes, coastal scrub, and valley and foothill grasslands. Prefers brackish marshes and dune wetlands. Elevation range: 0 – 200 feet. Blooming period: April – September.	No	Suitable marsh and dune wetland habitats are not present in the Project Area. The type locality for La Graciosa thistle was documented near the southern border of the Project Area in 1906 (CNDDB 2016). However, this population is now extirpated. La Graciosa thistle was not observed during botanical surveys and *is not expected to occur*.

Section 4.3, Biological Resources

Common Name ***Scientific Name*** ***(Arranged alphabetically by scientific name)***	**Listing Status***	**Habitat Requirements**	**Suitable Habitat Present in Project Area (Y/N)**	**Likelihood for Occurrence within Project Area**
Gaviota tarplant *Deinandra increscens* ssp. *villosa*	FE SE CRPR 1B.1	Coastal bluffs and fields, coastal scrub. Elevation range: 0 – 200 feet. Blooming period: June – September.	No	Sandy soil present, but suitable coastal bluff and coastal scrub habitats are not present in the Project Area. The elevation of the Project Area (325 feet msl) and distance from the coast (10 miles) is outside the range of this species. The documented nearby occurrence is from a 1962 collection from an approximate location 3.5 miles northwest of Orcutt along Highway 1 (CNDDB 2016). No Gaviota tarplant was observed in the Project Area during botanical surveys and this species *is not expected to occur.*
Dune larkspur *Delphinium parryi* ssp. *blochmaniae*	CRPR 1B.2	Sandy sites in maritime chaparral, coastal dunes. Elevation range: 0 – 700 feet. Blooming period: April – May.	No	Sandy soil present, but suitable coastal dune and maritime chaparral habitats are not present in the Project Area. Nearby documented occurrences are from 1935 and 1943 collections and exact locations are unknown. No dune larkspur was observed in the Project Area during botanical surveys and this species *is not expected to occur.*
Blochman's leafy daisy *Erigeron blochmaniae*	CRPR 1B.2	Sand dunes and hills, coastal dunes, coastal scrub. Elevation range: 0 – 250 feet. Blooming period: July – October.	No	Sandy soil present, but suitable coastal dune and coastal scrub habitats are not present in the Project Area. No Blochman's leafy daisy was observed in the Project Area and this species *is not expected to occur*.
Lompoc yerba santa *Eriodictyon capitatum*	FE SR CRPR 1B.2	Sandy soils in ravines, mesas, maritime chaparral, Bishop pine woodland, coastal bluff scrub. Elevation range: 100 – 3,000 feet. Blooming period: April – July.	No	Sandy soil present, but suitable coastal bluff scrub, maritime chaparral, and Bishop pine woodland habitats are not present in the Project Area. Nearby documented occurrences are from the Orcutt Oilfield (CNDDB 2016). Lompoc yerba santa was not observed during botanical surveys and this species *is not expected to occur*.

Section 4.3, Biological Resources

Common Name ***Scientific Name*** ***(Arranged alphabetically by scientific name)***	**Listing Status***	**Habitat Requirements**	**Suitable Habitat Present in Project Area (Y/N)**	**Likelihood for Occurrence within Project Area**
Mesa horkelia *Horkelia cuneata* var. *puberula*	CRPR 1B.1	Dry, sandy coastal chaparral and coastal scrub. Elevation range: 200 - 2,900 feet. Blooming period: February – September.	No	Sandy soil present, but suitable coastal chaparral and coastal scrub habitats are not present within the Project Area. No mesa horkelia was observed within the Project Area during botanical surveys and this species *is not expected to occur*.
Southern curly-leaved monardella *Monardella sinuata* ssp. *sinuata*	CRPR 1B.2	Sandy soils in coastal strand, dune and sagebrush scrub, coastal chaparral, and oak woodland. Elevation range: 0 - 1,000 feet. Blooming period: April – September.	Yes	Sandy soil and oak woodland habitat present in the Project Area. Nearby occurrence documented from Vandenberg Airforce Base (CNDDB 2016). No monardella species were observed within the Project Area during botanical surveys and southern curly-leaved monardella *is not expected to occur*.
Invertebrates				
Vernal pool fairy shrimp *Branchinecta lynchi*	FT	Endemic to the grasslands of the central valley, central coast mountains, and south coast mountains, in astatic rain-filled pools. Inhabit small, clear-water sandstone-depression pools and grassed swale, earth slump, or basalt-flow depression pools.	No	Vernal pool habitat is not present in the Project Area and vernal pool fairy shrimp *are not expected to occur*.
Monarch butterfly *Danaus plexippus* (California overwintering population)	SA	Overwintering sites (i.e., roosts) extend from Mendocino to Baja California, Mexico and are located in wind-protected tree groves (typically eucalyptus, Monterey pine, and cypress), with nectar and water nearby.	No	Suitable protected tree groves for roosting are not present in the Project Area. Nearby documented occurrences are from Waller Park and the Santa Maria Country Club in Santa Maria in the mid-1990s (CNDDB 2016).

Section 4.3, Biological Resources

Common Name ***Scientific Name*** ***(Arranged alphabetically by scientific name)***	**Listing Status***	**Habitat Requirements**	**Suitable Habitat Present in Project Area (Y/N)**	**Likelihood for Occurrence within Project Area**
Lompoc grasshopper *Trimerotropis occulens*	SA	Open to sparsely vegetated chaparral, scrub, and grassland habitats. Often in diatomaceous earth or rocky shale soils (Arnold 2009).	No	The range of the species is described as two localities in Santa Barbara and San Luis Obispo Counties (Rentz 1996). Nearby occurrences are from Vandenberg Airforce Base (CNDDB 2016). The annual grassland onsite is too dense to be suitable habitat for this species. No grasshopper species were observed within the Project Area during wildlife surveys and this species *is not expected to occur*.
Amphibians				
California tiger salamander (CTS) *Ambystoma californiense*	FT ST SSC	Inhabits valley foothills and grasslands, savannas, and open woodlands near vernal pools or other seasonal sources of water for breeding. Require upland, underground refuges, often old California ground squirrel and Botta's pocket gopher burrows (Stebbins 2003).	No	No vernal pool or suitable breeding habitat for CTS is present in or adjacent to the Project Area. The Project Area location relative to known and potential CTS breeding ponds *is further than the maximum distance the species is known to migrate or disperse (1.37 miles).* There are substantial barriers to dispersal to and from known or potential CTS breeding ponds, primarily due to urban infrastructure (SES 2010).
California red-legged frog (CRLF) *Rana draytonii*	FT SSC	Found primarily in coastal drainages of central California, from Marin County, California, to northern Baja California, Mexico. Uses a variety of areas, including aquatic, riparian, and upland habitats. Require a breeding pond, slow-flowing stream reach, or deep pool within a stream with vegetation or other material to which egg masses may be attached. Uses both riparian and upland habitats for foraging, shelter, cover, and non-dispersal movement and will also use small mammal burrows and moist leaf litter as refugia (USFWS 2010).	Yes	No suitable breeding habitat for CRLF is present in or adjacent to the Project Area. Protocol level CRLF field surveys conducted in 2010 for a neighboring parcel to the southeast, one-quarter mile upstream from the Project Site were negative (SES 2011). Habitat for CRLF within the segment of Orcutt Creek adjacent to the Project Area is marginal. This species is known to occur in Orcutt Creek; however, this portion of Orcutt Creek is intermittent and only contains flows during and after storm events. The channel's sandy bottom lacks pools or eddies for resting or breeding and it is routinely maintained to improve conveyance of storm flows. *Upland and riparian habitat within and adjacent to the Project Area may be utilized by CRLF during dispersal events*.

Section 4.3, Biological Resources

Common Name ***Scientific Name*** ***(Arranged alphabetically by scientific name)***	**Listing Status***	**Habitat Requirements**	**Suitable Habitat Present in Project Area (Y/N)**	**Likelihood for Occurrence within Project Area**
Western spadefoot toad *Spea hammondii*	SSC	Prefers open areas with sandy or gravelly soils, in a variety of habitats including grasslands, mixed woodlands, coastal sage scrub, chaparral, sandy washes, and river floodplains. Vernal pools are essential for breeding and egg-laying (Stebbins 2003).	Yes	Suitable grassland and sandy soils are present, but no breeding habitat for western spadefoot toad is present in or adjacent to the Project Area. All known occurrences within 5-miles of the Project Area are from locations with vernal pools or stock ponds that provide breeding habitat for this species. Western spadefoot toad was not found during aquatic surveys for CRLF conducted on a neighboring parcel to the southeast, one-quarter mile upstream from the Project Area (SES 2011). *Upland and riparian habitat within and adjacent to the Project Area may be utilized by western spadefoot toad during dispersal.*
Reptiles				
Silvery legless lizard *Anniella pulchra pulchra*	SSC	Inhabits moist soil in sparsely vegetated areas of beach dunes, chaparral, pine-oak woodlands, desert scrub, sandy washes, and stream terraces with sycamores, cottonwoods, or oaks. Leaf litter under trees and bushes in sunny areas and dunes stabilized with bush lupine and mock heather often indicate suitable habitat. Often can be found under surface objects such as rocks, boards, driftwood, and logs (Stebbins 2003).	No	Suitable sandy soils are present in the Project Area. Nearest known occurrence of this species is from coastal dune scrub, with sandy soil, near the Santa Maria Airport (CNDDB 2016). Conversion to annual grassland and periodic mowing have reduced the value of upland habitat for silvery legless lizard. This species *is unlikely to occur in the Project Area.*

Section 4.3, Biological Resources

Common Name ***Scientific Name*** ***(Arranged alphabetically by scientific name)***	**Listing Status***	**Habitat Requirements**	**Suitable Habitat Present in Project Area (Y/N)**	**Likelihood for Occurrence within Project Area**
Southern western pond turtle (SWPT) *Actinemys pallida*	SSC	Inhabits permanent or nearly permanent bodies of water in many habitat types; at elevations below 6,000 feet. Require basking sites such as partially submerged logs, vegetation mats, or open mud banks. Needs suitable upland nesting sites with silty soils for egg laying (Stebbins 2003).	Yes	SWPT is known to occur in Orcutt Creek. A specimen was observed in a large retention basin on a neighboring parcel to the southeast, one-quarter mile upstream from the Project Area in 2010 (SES 2011) *SWPT may occur in the segment of Orcutt Creek bordering the Project Site on a transient basis.*
Blainville's (coast) horned lizard *Phrynosoma blainvillii*	SSC	Occur in various scrublands, grasslands, coniferous and broadleaf forests, and woodlands at elevations up to 6,000 feet. Require loose, fine soils with open areas for basking and shrubs for refugia. Often occur in sandy sites (CDFG 2000).	Yes	Suitable sandy soils, grasslands, and woodlands are present in or adjacent to the Project Area. Open areas for basking are limited to the edges of the Project Area, beneath the oak trees in southwest boundary or along the riparian corridor of Orcutt Creek. Nearest known occurrences are from southeast Orcutt in oak woodland and coastal scrub habitats with sandy soils and patches of open terrain (Rindlaub et al. 1995; CNDDB 2016). Conversion to annual grassland and periodic mowing has reduced the value of upland habitat for horned lizards. The species *is unlikely to occur but may still be present*.
Birds				
Burrowing owl *Athene cunicularia*	SSC BCC MBTA	Open, dry annual or perennial grasslands, deserts and shrublands characterized by low-growing vegetation. Subterranean nester, dependent upon burrowing mammals for harborage and nesting (Shuford and Gardali 2008).	Yes	Dense annual grassland habitat and small mammal burrows are present in the Project Area. Nearest known occurrences are from grassland habitat in western Santa Maria (CNDDB 2016). Burrowing owl *may occur in the Project Area as a rare seasonal (winter) transient*.
Cooper's hawk *Accipiter cooperii*	WL MBTA	Nests in oak, riparian, and non-native woodlands. Frequents a wide variety of habitats while hunting. .	Yes	Considered an uncommon transient and local, resident breeder in Santa Barbara County (Lehman 2016). Suitable nesting habitat is present in the Project Area. An adult Cooper's hawk was observed during a field survey on June 1, 2016. The species *is expected as an uncommon visitor and potential breeder onsite*.

Section 4.3, Biological Resources

Common Name ***Scientific Name*** ***(Arranged alphabetically by scientific name)***	**Listing Status***	**Habitat Requirements**	**Suitable Habitat Present in Project Area (Y/N)**	**Likelihood for Occurrence within Project Area**
American peregrine falcon *Falco peregrinus anatum*	FP BCC MBTA	Use a large variety of open habitats for foraging, often near rivers or lakes, including tundra, marshes, seacoasts, savannahs, grasslands, meadows, open woodlands, and agricultural areas. Riparian areas, as well as coastal and inland wetlands, are important year-round habitats. Requires cliffs or suitable surrogates for breeding that are close to preferred foraging areas (Zeiner et al. 1990).	Yes	The annual grassland and riparian habitat in and adjacent to the Project Area may be used by American peregrine falcon for foraging. The nearest known nesting occurrence of this species is from a coastal cliff near Point Sal Road (CNDDB 2016). The American peregrine falcon is a wide-ranging species that *could occur in the Project Area on occasion as a transien*t,
Least Bell's vireo *Vireo bellii pusillus*	FE SE	Breeds in riparian habitat in southern California, primarily along the coast and the western edge of the Mojave Desert. Nearest recent nesting records are from the upper Santa Ynez River drainage. Require dense riparian areas, dominated by willows and adjacent to freshwater streams (Peterson et al. 2004).	Yes	Dense riparian habitat, dominated by willows is present in the riparian corridor of Orcutt Creek, adjacent to the Project Area. Protocol-level presence/absence surveys for least Bell's vireo were conducted as part of this Assessment. No least Bell's vireos were observed within the Project Area during protocol surveys. This species *could occur near the Project Area in the riparian corridor of Orcutt Creek as a rare transient.*
Mammals				
Townsend's big-eared bat *Corynorhinus townsendii*	SC SSC	Found in a variety of locations including coniferous forests and woodlands, deciduous riparian woodland, semi-desert and montane shrublands. Hibernate in mines or caves in the winter months. Roost in a variety of habitats including limestone caves, lava tubes, and human-made structures (Arroyo-Cabrales et al. 2008).	No	*Townsend's big eared bat may utilize the Project Area for foraging.* No suitable roosting habitat for this species is present in or adjacent to the Project Area. All known occurrences within 5-miles of the Project Area were detected by an electronic device and may represent foraging bats or bats in transit (CNDDB 2016).

Section 4.3, Biological Resources

Common Name ***Scientific Name*** ***(Arranged alphabetically by scientific name)***	**Listing Status***	**Habitat Requirements**	**Suitable Habitat Present in Project Area (Y/N)**	**Likelihood for Occurrence within Project Area**
American badger *Taxidea taxus*	SSC	Most abundant in drier open stages of shrub, forest, and herbaceous habitats, with friable soils for burrows. Need sufficient food, open, uncultivated ground. Prey on burrowing rodents.	No	No badger burrows or signs of this species were observed in the Project Area during wildlife surveys. All known occurrences within 5-miles of the Project Area are from road kill observations from 1978 to 1991 (CNDDB 2016). Due to the Project Area's urban context and fragmented habitat, this species *is not expected to occur*.

*Listing Status Notes:

Federal: FE – Federally listed Endangered FT – Federally listed Threatened FC – Federal Candidate Species WL – USFWS Watch list BCC – USFWS Bird of Conservation Concern MTBA – Migratory Bird Treaty Act

State: SE – State listed Endangered ST – State listed Threatened SC – State Candidate Species SR – State Rare Species SA – State Special Animal FP – CDFW Fully Protected Species SSC – CDFW Species of Special Concern

CRPR: California Native Plant Society Rare Plant Rank

1B – Rare, threatened, or endangered in CA and elsewhere

California 2 – Rare, threatened, or endangered in CA but common elsewhere California

3 – Limited distribution (Watch-list)

CRPR Extensions

0.1 – Seriously endangered in

0.2 – Fairly endangered in

0.3 – Not very endangered in California

[1] – Unless otherwise noted, habitat, elevation, and blooming period for special-status plant species is from *The Jepson Manual, Second Edition* 2012 and CNPS 2016.

BOTANICAL SURVEYS

In total, 73 plant species were observed in the Project Area during the 2016 SES botanical surveys. Of the species observed, 32 (44 percent) were native and 41 (56 percent) were non-native, naturalized, or landscape species. A comprehensive list of vascular plant species observed in the Project Area is provided in Appendix D-3, SES Assessment Appendix B.

Special-Status Plant Species

No Special-Status plant species were observed in the project area during the 2016 SES field surveys.

Special-status species with moderate or high potential for occurrence based on suitable habitat, soil types, and/or nearby populations, are described in more detail below, including their habitat preferences, distribution, and key characteristics.

Hoover's bent grass (*Agrostis hooveri*) (*CRPR 1B.2*). Hoover's bent grass is a perennial grass that occurs in dry, sandy soils in open chaparral and oak woodlands at elevations below 2,000 feet. Hoover's bent grass blooms from April through August and is considered fairly endangered in California by the CNPS. It is known from 21 occurrences in San Luis Obispo and Santa Barbara Counties. Populations of Hoover's bent grass have been recorded on Graciosa Ridge and Vandenberg Airforce Base within 5-miles of the Project Area (see SES Figure 5 – CNDDB Special-status Plant Species and Sensitive Habitat Occurrences). Although suitable sandy soils and oak woodland habitat are present within the Project Area, Hoover's bent grass was not observed during 2016 botanical surveys and is not expected to occur on-site. Further, no native grass species were observed in, or adjacent to the Project Area.

Southern curly-leaved monardella (*Monardella sinuata* ssp*. sinuata*) (*CRPR 1B.2*). Southern curly-leaved monardella is an annual herb with an erect, sparingly branched growth form and wavy leaf margins. This species blooms between April and September and occurs in sandy soils in coastal strand, dune and sagebrush scrub, coastal chaparral, and oak woodland at elevations below 1,000 feet. Southern curly-leaved monardella is considered fairly endangered in California by the CNPS. It is known from 36 occurrences in San Luis Obispo and Santa Barbara Counties. Although sandy soils and oak woodland habitat are present in the Project Area, Southern curly-leaved monardella was not observed during 2016 botanical surveys and is not expected to occur.

Sensitive Vegetation Communities

One sensitive riparian vegetation community, Arroyo willow – Narrowleaf willow – Fremont cottonwood thickets, is present adjacent to the OASIS property along Orcutt Creek.

Riparian vegetation is considered sensitive by the County and is provided protection by the biological mitigation measures outlined in the OCP. Per the OCP, riparian vegetation should be preserved to the maximum extent feasible and a minimum buffer of 50 feet from the dripline of riparian vegetation should be maintained.

An additional sensitive vegetation community, Southern vernal pool, was documented by the CNDDB (2016) within 5-miles of the Project Area. Vernal pools are seasonal, shallow depressional wetlands that contain water for variable periods in winter and spring, but remain dry for most of the summer and fall. Vernal pools are typically underlain by bedrock or a hard clay layer in the soil that allows for ponding of water. No vernal pool habitat is present in, or adjacent to the Project Area.

Protected Trees

Oak woodlands and individual mature coast live oak trees (6 inches or greater diameter at breast height) are considered sensitive by the County and are provided protected by the Comprehensive Plan Conservation Element Oak Tree Protection Supplement (2009) and the biological mitigation measures outlined in the OCP. Several mature coast live oaks are present along the southern boundary of the Project Area.

Figure 4.3-6 Photo showing oaks along southern boundary/slope

Source: SES 04/14/18, Aspect: West

WILDLIFE SURVEYS

A general field reconnaissance was made in April of 2016 to assess the character and extent of wildlife habitat in and near the Project Area. Emphasis was placed on potential for occurrence of special status wildlife species (e.g., California red-legged frog, California tiger salamander, southern western pond turtle, Blainville's horned lizard, least Bell's vireo). Additional wildlife observations were made during eight subsequent surveys of the Orcutt Creek riparian corridor for least Bell's vireo. A complete list of all wildlife species observed within the Project Area is included Appendix D-3 in the, SES Assessment, Appendix C.

General Wildlife Habitat

Thirty (30) bird species were observed during nine field surveys. Species typically associated with open grassland and riparian habitats were most abundant, as expected. Examples include turkey vulture (*Carthartes aura*), red-tailed hawk (*Buteo jamaicensis*), red-shouldered hawk (*Buteo lineatus*), Nuttall's woodpecker (*Picoides nuttallii*), Anna's hummingbird (*Calypte anna*), northern mockingbird (*Mimus polyglottis*), and scrub jay (*Aphelocoma coerulescens*). Mammals consisted of California Botta's pocket gopher (*Thomomys bottae*), ground squirrel (*Spermophilus beecheyi*), striped skunk (*Mephitis mephitis*), and raccoon (*Procyon lotor*). One common herptile species, western fence lizard (*Sceloporus occidentalis*), was present in abundance.

As described earlier in this section, annual grassland is the prevailing habitat type on the OASIS property. The riparian corridor along Orcutt and the coast live oaks and non-native trees on the southern boundary of the OASIS property afford nest sites for numerous bird species.

Special-Status Wildlife Species

One special-status wildlife species, Cooper's hawk, was observed in the Project Area during the 2016 field surveys. No ephemeral pools or permanent water bodies are present on or adjacent to the OASIS property to support aquatic species (e.g., Southern steelhead) or breeding habitat for semi-aquatic species (e.g., CRLF, CTS, western spadefoot toad).

Four additional special-status wildlife species have a low-to-moderate potential to occur in the Project Area on a regular or permanent basis. This conclusion is based on presence of suitable habitat, soil types, and/or documentation of nearby occurrences. These are CRLF, western spadefoot toad, SWPT, and Blainville's horned lizard, which are described below.

California red-legged frog (CRLF) (*Rana draytonii*) (FT, SSC). The CRLF is known from downstream segments of Orcutt Creek (SES 2006). Protocol level CRLF field surveys conducted in 2010 for a neighboring parcel to the southeast, one-quarter mile upstream from the Project Site, were negative (SES 2011). The segment of Orcutt Creek adjacent to the Project Area lacks the defining habitat elements necessary to support breeding by CRLF. These include standing pools of sufficient duration (minimum of four months) for metamorphosis. The species may occur as a rare to uncommon transient during migration or dispersal to or from breeding sites. CRLF could be found in the Orcutt Creek channel during such events.

Western spadefoot toad (*Spea hammondii*) (SSC). The western spadefoot toad is known from various locations in the Santa Maria Valley (CNDDB 2016). Larvae were found in offsite, ephemeral pools in the western portion of the Orcutt Community Plan Area (Key Site 22) in 1995 (Rindlaub et al. 1995). They were not detected during aquatic surveys of a retention basin (pond) on a neighboring property in 2010 (SES 2011). Due to lack of suitable breeding habitat and fragmented nature of upland habitat in Project Area, the species has very limited potential to occur.

Southern western pond turtle (SWPT) (*Actinemys marmorata*) (SSC). The SWPT is known from a number of locations in the Santa Maria Valley including Orcutt Creek (CNDDB 2016, SES 2006). The nearest documented occurrence is from a retention basin pond on a neighboring parcel, approximately one-quarter mile to the southeast (SES 2011).

SWPT is most often found in streams, ponds, or other permanent or ephemeral water bodies. Retreat sites such as rocks, logs, and mats of emergent vegetation are used to avoid predation and for estivation. These same features are favored for basking during daytime, especially when associated with "plunge pools".

The segment of Orcutt Creek adjacent to the Project Area does not consistently support surface flow or standing pools. SWPT may be found on a transient basis during periods of dispersal, but such the potential for such occurrence is considered very low.

Blainville's Horned Lizard (*Phrynosoma coronatum*) (SSC). Blainville's (coast) horned lizard occurs in a variety of habitats including scrublands, grasslands, coniferous and broadleaf forests, and woodlands. It prefers sandy sites in which it can bury itself; these are often associated with red ant colonies. Project Area vegetation and soils may provide suitable habitat and food resources to support Blainville's horned lizard.

Blainville's (coast) horned lizard was observed at three "Key Sites" within one mile of the Project Area during surveys for the Orcutt Community Plan (Rindlaub et al. 1995). Habitat value in the Project Area has been reduced through habitat conversion and regular mowing. However, the species should be considered a possible resident.

Cooper's Hawk (*Accipiter cooperii*) (WL). The Cooper's hawk is considered an uncommon transient and local, resident breeder in Santa Barbara County (Lehman 2016). Woodlands are preferred for nesting. The Orcutt Creek riparian corridor supports suitable nesting habitat. An adult Cooper's hawk was observed during field surveys for this Assessment. The species is expected as an uncommon visitor and is a potential breeder in the Project Area.

Silvery legless lizard *(Anniella pulchra pulchra)* (SSC). Silvery legless lizard inhabits moist soil in a variety of habitats, including, but not limited to, sparsely vegetated areas of beach dunes, chaparral, pine-oak woodlands, and stream terraces. The nearest known occurrence is from coastal dune scrub, with sandy soil near the Santa Maria Airport (CNDDB 2016). Conversion to annual grassland and periodic mowing have reduced the value of upland habitat for silvery legless lizard. This species is unlikely to occur in the Project Area.

Protocol Surveys for Least Bell's Vireo

Surveys for least Bell's vireo were conducted in spring and summer of 2016 (SES 2016). No least Bell's vireos were detected. Based on these results and in consideration of documented regional occurrence it appears that this species does not presently use this portion of Orcutt Creek for breeding. Least Bell's vireo may occur as a rare transient in the Orcutt Creek riparian corridor.

JURISDICTIONAL WATERS AND WETLANDS

Orcutt Creek traverses OCP KS18 from Foxenwood Lane on the east to California Boulevard on the west. Orcutt Creek and related riparian canopy are located north of the OASIS property and north of proposed driveway. This creek is an ephemeral blue-line stream, considered likely to be jurisdictional under current federal guidance. SES measured the jurisdictional boundary of Orcutt Creek on the OASIS property, from the edge of the riparian canopy (as illustrated in Figure 4.3-3, *Vegetative Communities and Land Use Map)* and determined that no jurisdictional waters or wetland features are present on the OASIS property (APNs 105-020-063, -064). The proposed OASIS property development area is located outside of the channel and riparian corridor of Orcutt Creek.

Access would be provided from Foxenwood Lane, by an easement across the adjacent corner commercial property. The current preliminary grading plan (revised April 2019) and detail for the proposed access road grading (Figures 2-32 and 2-32a) identify grading on the slopes to the north and south of the access road, to accommodate the proposed roadway improvements, which include a Class II bikeway in each direction (within the road width) and a separated pedestrian path to the south of the road.

(See Figure 2-4 for APN locations, Figure 2-32a for grading detail north of the access road, and Figure 2-32, Preliminary Grading Plan or Figure 4.3-7 Preliminary Grading Plan Excerpt.

The topography on the north side of the proposed access road is steep (~50% slope) on APNs 105-020-041 and 105-020-053, and the eastern portion of this slope extends into the riparian canopy of Orcutt Creek. Grading on the slope north of the access driveway may trigger the requirements for permits from California Department of Fish and Wildlife, Regional Water Quality Control Board and/or the Army Corp. of Engineers.

No other jurisdictional waters or wetlands are known to exist on KS18.

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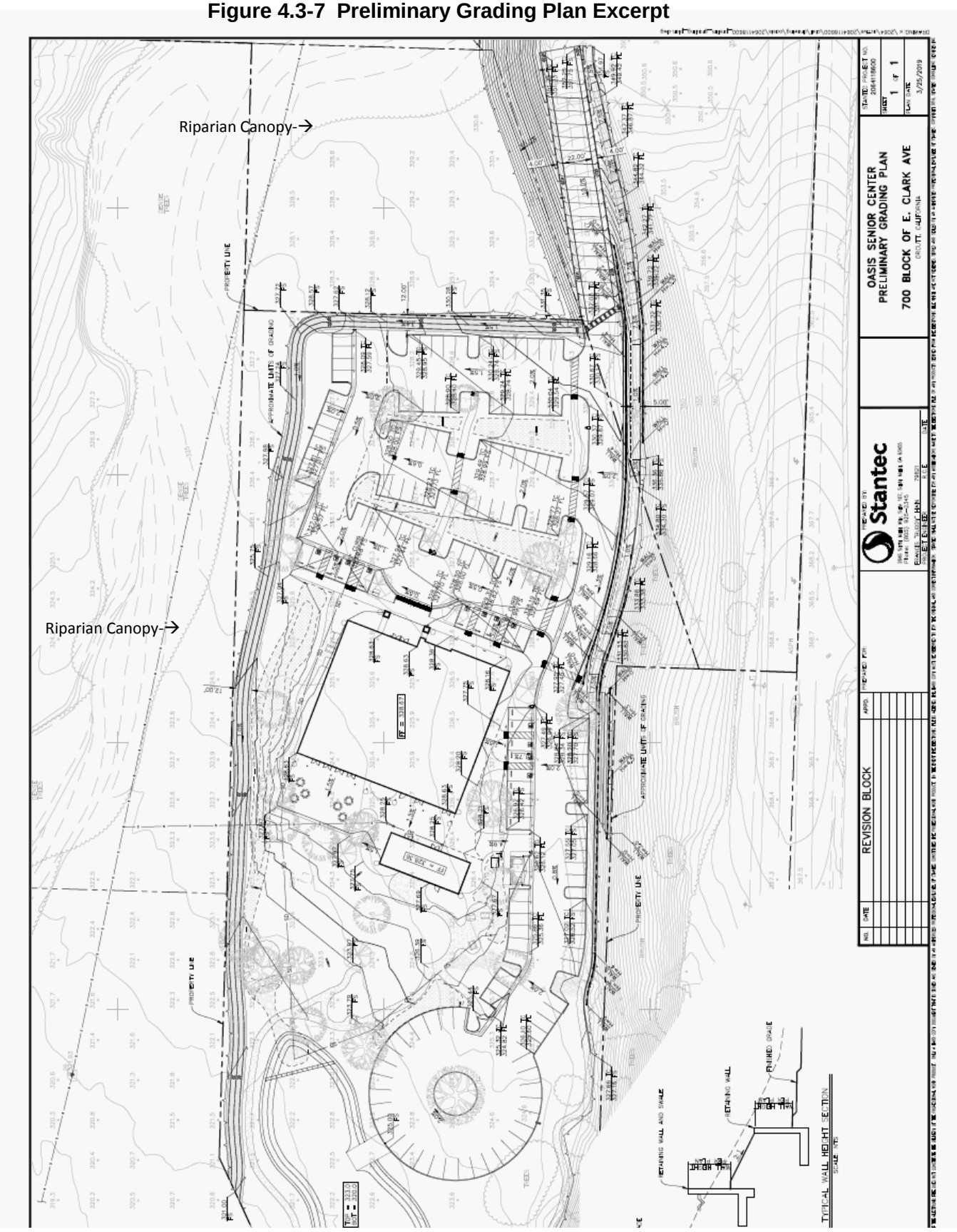
Figure 4.3-7 Preliminary Grading Plan Excerpt



Wildlife Corridors

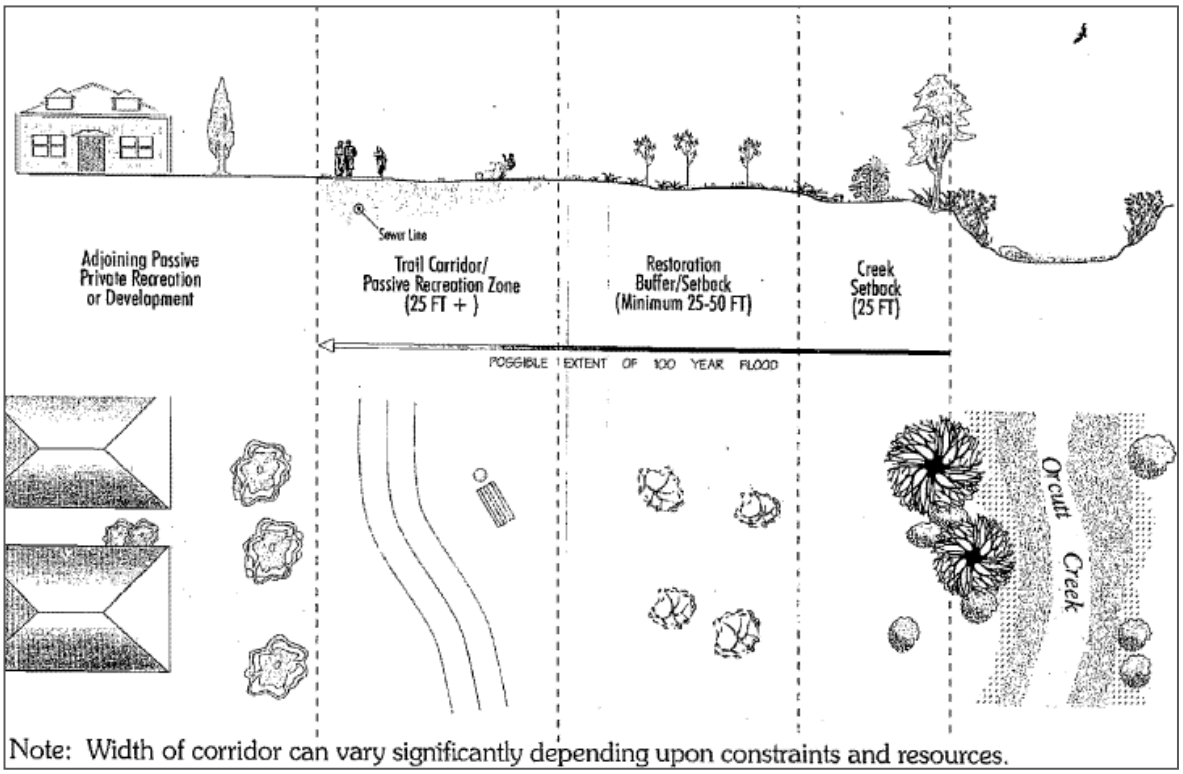
Wildlife corridors, including creek corridors allow wildlife to move within and between habitat areas. These corridors are used for foraging, migration, and to allow for genetic exchange between different wildlife populations. Wildlife movement along wildlife corridors can be inhibited by physical obstructions (roads, dams, fences, walls, structural development, etc.) and by human activities (increased noise, lighting, increased human and domestic pet presence). Fragmentation of large habitat areas into smaller, isolated segments has also been shown to generally reduce biological diversity, eliminate disturbance-sensitive species, restrict genetic flow between populations of organisms, and may eventually lead to the loss of local floral or faunal assemblages. Wildlife corridors and habitat linkages are important natural landscape elements that reduce the potential for loss of biological diversity.

Corridors usually connect one large habitat area with another, and while there is no pre-defined size limit for such areas, they are often on the scale of mountain ranges, valleys, rivers and creeks, or clearly delimited ecological situations (e.g., vernal pools).

OCP Section B (*Parks, Recreation, Trails, and Open Space)* identifies Orcutt Creek as a major wildlife corridor that traverses the Orcutt planning area and the OCP includes development standards designed to reduce impacts from new development located in proximity to open spaces, including Orcutt Creek.

OCP Figure 21 (Figure 4.3-8 below) is a schematic, which provides guidance for development along the Orcutt Creek Open Space Corridor to avoid land use conflicts and to minimize biological impacts to Orcutt Creek, including identification of restoration buffer areas between the creek and future development

Figure 4.3-8 OCP Schematic of Orcutt Creek Open Space Corridor (OCP Fig 21)



4.3.4 REGULATORY SETTING

Federal, state, and local authorities under a variety of statutes and guidelines share regulatory authority over biological resources. The primary authority under CEQA for general biological resources lies within the land use control and planning authority of local jurisdictions, which in this instance is the County of Santa Barbara. The CDFW is a trustee agency for biological resources throughout the State under the CEQA and also has direct jurisdiction under the CFGC, which includes, but is not limited to, resources protected by the State of California under the California Endangered Species Act (CESA). Below are discussions of the federal, state, and local regulations that form the regulatory basis for the impact analysis.

Sensitive biological resources, including special-status plant and wildlife species, sensitive plant communities, wildlife corridors, nesting birds, and jurisdictional waters and wetlands, are protected under various federal, state, and local laws and regulations. Below is a summary of the regulations and policies administered by resource agencies pertaining to biological resources that are known to occur, or have the potential to occur, in the vicinity of the Project Area.

FEDERAL REGULATIONS

Endangered Species Act (16 U.S.C. § 1531 et seq.) The Endangered Species Act of 1973 (ESA) provides for the protection of plant and animal species listed by the federal government as "endangered" or "threatened," and "the ecosystems upon which they depend." The USFWS and National Marine Fisheries Service (NMFS) share responsibility for administration of the federal ESA. An "endangered" species is one that is "in danger of extinction" throughout all or a significant portion of its range. A "threatened" species is one that is "likely to become endangered" within the foreseeable future. The ESA prohibits "take" of threatened or endangered species except under certain circumstances and only with authorization from the USFWS. "Take" as defined by the ESA, "means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct." This can also include the modification of a species' habitat. For plants, this statute governs removing, possessing, maliciously damaging, or destroying any listed plant on federal land and removing, cutting, digging up, damaging, or destroying any listed plant on non-federal land in knowing violation of state law (16 U.S.C. § 1538(c)).

When non-federal entities (e.g., states, counties, local governments, private landowners, etc.,) wish to conduct an otherwise lawful activity that might incidentally, but not intentionally, "take" a listed species, an incidental take permit must first be obtained via formal consultation with the USFWS using one of two methods. If a federal nexus is available, an incidental take permit must be obtained for the Project by the federal agency involved in the nexus via formal consultation with USFWS (ESA § 10(a)(1)(B)). If no federal nexus is available, then an incidental take permit must first be obtained following formal consultation with the USFWS via Section 7 of the ESA (ESA § 7).

Migratory Bird Treaty Act: The Migratory Bird Treaty Act (MTBA) of 1918 (16 USC 703-711) is also administered by the USFWS. The MTBA provides protection of nearly all species of birds, their nests, and their eggs, including all native bird species. Under the MTBA, it is unlawful to "take", kill, collect, possess, buy, sell, purchase, or barter any migratory bird listed in 50 CFR 10, including feathers or other parts, nests, eggs or products, except as allowed by implementing regulations (50 CFR 21). Certain game bird species are allowed to be hunted for specific periods determined by federal and state governments.

Clean Water Act: The Clean Water Act (CWA) is comprehensive legislation established to protect the nation's water from pollution by setting water quality standards and by limiting the discharge of effluents in the waters of the United States (U.S.). Section 404 of the CWA regulates the discharge of dredged and/or fill material into waters of the U.S., including wetlands. Section 404 of the CWA is jointly administered and enforced by the U.S. Army Corps of Engineers (USACE) and the U.S. Environmental Protection Agency (EPA). Activities in waters of the U.S. regulated under Section 404 include dredge or fill for development, water resources projects (i.e., dams and levees), infrastructure development (i.e., highways and airports), and mining projects. With the exception of certain farming and forestry activity exemptions, a Section 404 permit is required before any dredged or fill material may be discharged into waters of the U.S. The Section 404 program prohibits discharge of dredged or fill material if waters of the U.S. would be significantly degraded or a practical alternative exists that is less damaging to the aquatic environment.

STATE REGULATIONS

California Endangered Species Act (CESA), California Fish and Game Code § 2050, et seq.: Fish and wildlife resources are protected by a number of laws and programs administered by the California Department of Fish and Wildlife (CDFW), formerly the California Department of Fish and Game. CESA generally parallels the provisions of the federal ESA, and states that "all native species of fishes, amphibians, reptiles, birds, mammals, invertebrates, and plants, and their habitats, threatened with extinction and those experiencing a significant decline which, if not halted, would lead to a threatened or endangered designation, will be protected or preserved."

Under the CESA, "endangered" is defined as "a native species or subspecies of a bird, mammal, fish, amphibian, reptile, or plant which is in serious danger of becoming extinct throughout all, or a significant portion, of its range;" and "threatened" is defined as "a native species or subspecies of a bird, mammal, fish, amphibian, reptile, or plant that, although not presently threatened with extinction, is likely to become an endangered species in the foreseeable future in the absence of the special protection and management efforts." "Take" is defined as "to hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill" an individual of a species, but the definition does not include "harm" or "harass," as the ESA does. As a result, the threshold for a take under the CESA is higher than that under the federal ESA. Exceptions to the take prohibition are limited to authorization of collection for "necessary scientific research".

Consistent with the CESA, CDFW has established lists of endangered, threatened, and candidate species that may or may not also be included on a federal ESA list. CDFW also maintains a list of Species of Special Concern for those species that have declining populations, limited distribution, diminishing habitat, or unusual scientific, educational, or recreational value. In addition, CDFW manages a "watch list" of species that have been de-listed or are vulnerable. Species of Special concern and watch list species are not afforded the same legal protection as listed species.

Pursuant to California Fish and Game Code Section 2081, CESA allows for incidental take permits to otherwise lawful development projects that could result in the take of a state-listed threatened or endangered species. The application for an incidental take permit under Section 2081(b) has a number of requirements including the preparation of a conservation plan, generally referred to as a Habitat Conservation Plan. CESA emphasizes early consultation to avoid potential impacts to rare, endangered, and threatened species and to develop appropriate mitigation planning to offset project-caused losses of listed species.

Department of Fish & Wildlife, Fish and Game Code Sections 1600-1616: A Streambed Alteration Agreement is required if a project would:

- Divert or obstruct the natural flow of any river, stream, or lake
- Change the bed, channel, or bank of any river, stream, or lake
- Use material from any river, stream, or lake; or
- Deposit or dispose of material into any river, stream, or lake

Native Plant Protection Act (California Fish and Game Code §§ 1900 - 1913, § 2062 and § 2067): The CDFW also manages the California Native Plant Protection Act (NPPA), which designates and protects species eligible for state listing. Eligible species include those identified on California Native Plant Society (CNPS) Rare Plant Ranks (CRPRs) 1A, 1B, and 2 meet the definitions of Sections 1901, Chapter 10 (NPPA) or Sections 2062 and 2067 (CESA) of the California Fish and Game Code. CRPR 3 and 4 species, though not meeting the criteria for listing by CDFW, may be considered during project review by the agencies.

Porter-Cologne Water Quality Control Act: This Act establishes waste discharge standards pursuant to the Federal National Pollution Discharge Elimination System (NPDES) program for California, and the state has the authority to issue NPDES permits to individuals, businesses, and municipalities as well as to implement other aspects of the federal Clean Water Act including section 303(d) above with regard to impaired water bodies. The Regional Water Quality Control Board, Central Coast Section RWQCB) implements water quality standards and regulations in the Orcutt Area, including stormwater discharges, and has identified Orcutt Creek as an impaired water body.

Regional Water Quality Control Board (RWQCB): The RWQCB implements water quality standards and regulations in the Orcutt area, including NPDES permits. RWQCB has identified Orcutt Creek as an impaired waterbody due to exceedance of Total Maximum Daily Loads (TMDL) for fecal indicator bacteria, toxicity and nutrients.

SANTA BARBARA COUNTY

Requirements for the protection of biological resources in the unincorporated areas of the County are provided in Community Plans (such as the OCP), the Comprehensive Plan Conservation Element, Environmental Resource Management Element (ERME), Land Use Element, and the County Code, including the Land Use and Development Code zoning ordinance. These provide a framework of policies and standards designed to protect special-status species and sensitive habitats.

County of Santa Barbara Orcutt Community Plan: Orcutt is an unincorporated community and, therefore, is subject to regulations set forth by the County of Santa Barbara (County). The County adopted the OCP in 1997 (most recently updated in 2013) to guide development within the Orcutt area. The OCP EIR identified biological impacts for a variety of properties within Orcutt, including KS18. Mitigation measures prescribed for these impacts were outlined in the OCP EIR, in both Volume I, the main body of the EIR and in the Volume II Mini-EIR for KS18/Southpoint. Mitigation measures were incorporated into the Final OCP as policies and development standards. In addition to the OCP, the County's Comprehensive Plan Conservation Element and ERME identify sensitive habitats, plant and wildlife species and provide direction regarding protection of these resources through the development review permitting process.

The following OCP policies and development standards, derived from OCP EIR mitigation measures, would apply to the proposed project.

- *DevStd BIO-0-1.1: Development shall be sited and designed to avoid disruption and fragmentation of significant natural resources within and adjacent to designated undeveloped natural open space areas, minimize removal of significant native vegetation and trees, preserve wildlife corridors and provide reasonable levels of habitat restoration. Where possible, significant natural resources, such as specimen trees, adjacent to designated, natural undeveloped open space corridors should be preserved. (Implements OCP EIR Mitigation Measure BIO-20)*

- *DevStd BIO-O-1.7: … Structures shall be sited a minimum of 100 feet from the edge of designated open space areas in the rural area and along the urban/rural corridors (e.g., Orcutt Creek). This setback may be adjusted downward to retain open space vegetation and allow reasonable use of a property. Firefighting equipment access shall be allowed within this setback and landscaping within this area should not impede the use of such equipment. Paved roads and trails may be allowed within the setback area. (Implements OCP EIR Mitigation Measure BIO-15)*

- *DevStd BIO·O-1.5: The edges of designated undeveloped natural open space areas shall be clearly delineated and fenced where necessary to protect resources both during construction and, when appropriate, over the life of the project. Long term fencing shall be designed to accommodate wildlife passage where appropriate.*

- *DevStd BIO-O-2.1: Development shall include: a minimum setback of 50 feet from the outside edge of riparian vegetation or the top of creek bank (whichever is further) which may be adjusted upward depending on slopes, biological resources and erosion potential; hooding and directing lights away from the creek; drainage plans shall direct polluting drainage away from the creek or include appropriate filters; and erosion and sedimentation control plans shall be implemented during construction. (Implements OCP EIR Mitigation Measure BIO-24)*

- *DevStd BIO-O-2.3: Setbacks shall be sufficient to allow and maintain natural stream channel processes (e.g. erosion, meanders) and to protect all new structures and development from such processes. Hardbank protection (including riprap, boulders, concrete) shall be prohibited unless necessary to protect an existing structure or facilities of a public works nature, whether existing or proposed (e.g., energy dissipators, upstream fact of retention basins, high flow diversion structures, bridges, roads, trails, necessary private access, etc.), subject to Public Works and Planning and Development Department review.*

- *Policy BIO-O-3: Established native trees in designated open space areas shall be protected. Established native trees in developable areas shall be incorporated into the site landscaping plan to the greatest degree , feasible except where it would interfere with reasonable development of a property. Native trees shall be considered established if they are six feet in height.*

- *DevStd BIO-O-3.1: To the maximum extent feasible, development shall be designed to avoid damage to established native trees (e.g., oaks) by incorporating setbacks, clustering, or other appropriate methods. Areas protected from grading, paving, and other disturbances shall include the area 6 feet outside of established native tree driplines, unless this distance would interfere with reasonable development of a property. Where native trees are removed, they shall be replaced in a manner consistent with County standards. (Implements OCP EIR Mitigation Measure BIO-26)*

- *DevStd BIO-O-1.3: Landscaping for development on the edge of designated natural undeveloped open space areas shall include native trees and shrubs, with habitat restoration efforts focused on buffers. Planting of highly invasive weedy plants (e.g., iceplant, pampas grass, veldt grass, Monterey pine, eucalyptus, spiny clotbur, and Australian fireweed) shall be prohibited within 500 feet of natural undeveloped open space areas as designated on the Open Space map. (Implements OCP EIR Mitigation Measure BIO-28)*

- *Policy BIO-O-5: New facilities in Orcutt, including roads, bikepaths/trails, sewer lines and retention basins, shall to the maximum extent feasible be sited and designed to avoid disruption of significant natural resources within designated natural undeveloped open space areas, minimize removal of significant native vegetation and trees and provide for reasonable levels of habitat restoration for significant habitats disrupted by construction.*

- *DevStd BIO-O-5.1: Road construction shall minimize filling within creeks, stream corridors and wetlands and avoid or minimize removal of riparian vegetation. ... Road projects should also preserve the hydrologic connectivity between wetlands, and between wetlands and upland areas. (Implements OCP EIR Mitigation Measure BIO-1)*

- *DevStd BIO-O-5.3: Multi-use trail construction should avoid removal of riparian vegetation to the maximum extent feasible. The Orcutt Creek multi-use trail shall be set back a minimum of 50 feet from the outside edge of riparian vegetation or the top-of-bank (whichever is further), unless this would make the multi-use trail link infeasible. Trail construction shall include riparian restoration between the edge of existing native vegetation and the bicycle path. Trail lighting should be directed away from the creek.*

- *DevStd BIO-O-5.4: Trails should follow existing dirt road and trail alignments and utilize existing bridges where feasible. Where this is not possible, prior to final trail alignment proposed trail routes should be surveyed and rerouted where necessary to avoid sensitive species, subject to final approval by P&D and the Park Department. All trails shall be sited and designed to avoid or minimize impacts to sensitive resources, areas of steep slopes and/or highly erosive/sandy soils, where feasible. Developers shall fund sign installation along certain trails (as identified in the Multi Use Trail Guidelines) providing educational and interpretive information and advising dog owners to keep their dogs out of sensitive habitats.*

- *DevStd BIO-O-5.6: Excavated fill for retention basin construction shall not be placed within important natural resource areas. Areas adjacent to or within habitats which are disturbed during construction shall be revegetated with appropriate native species. All sensitive habitat areas adjacent to proposed retention basins shall be fenced before grading begins to prevent disturbance and stockpiling in these areas. (Implements a portion of OCP EIR Mitigation Measure BIO-13)*

- *Policy KS18-1**:** Key Site 18 is designated Residential 0-3.3 and zoned DR-3.3 on APNs 105-020-018 and -022; designated General Commercial and zoned OT-GC along Clark Avenue (APNs 105-020-038 and - 041 and the southernmost one-third acre of APN 105-020-063); and designated Open Space and zoned REC on the remaining parcels, as shown on Figure KS18-1. Any proposed development on Key Site 18 shall comply with the following development standards.*

- *DevStd KS18-1**:** The entire site, with exception of the residential and commercial areas noted in Policy KS18-1 above, shall remain in natural, undeveloped open space. On APN 105-020-022, the open space shall include the area extending 50 feet from the top of the northern bank of Orcutt Creek. No development other than the proposed park, retention basin, and Class I bike path/multi-use trail shall be permitted within the open space.*

- *DevStd KS18-4: The route for the multi-use public trail/bike path shall be sited south of Orcutt Creek and designed to minimize the loss of significant vegetation. The northern side of the path should be revegetated with appropriate riparian vegetation and the southern side shall be planted with oaks throughout the segment which crosses the proposed park.*

Standard Conditions and Mitigation Measures (County 2011): The County's standard conditions/mitigation measures require that ground disturbance (e.g., trenching, grading), construction activities and structural development occur beyond six feet of the dripline of oak trees. Mitigation for impacted oak trees requires posting of a performance security and tree replacement at a 10:1 ratio, preferably on-site.

County Wetland Definition: For the purpose of determining potentially significant effect to wetland habitat, the County uses the following wetland definition that has been adopted by most resource protection agencies (e.g., USFWS, CDFW, and California Coastal Commission):

"*For purposes of this classification wetlands must have one or more of the following three attributes:*

a) At least periodically, the land supports predominantly hydrophytes, that is plants adapted to moist areas.
b) The substrate is predominantly un-drained hydric soil, and
c) 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. (Cowardin 1979)"

Also see Section 4.8 discussion of the project's consistency with applicable biological resource protection policies.

4.3.5 PREVIOUS ENVIRONMENTAL REVIEW

OCP EIR. Section 5.2 (*Biological Resources*) of the OCP EIR examined the biological resources of the project region and the potential impacts resulting from development which could occur under the OCP. Volume II of the OCP EIR additionally includes a number of Mini-EIRs for various Key Sites, including for KS18/Southpoint. The KS18 Mini-EIR identifies KS18-specific impacts and mitigation measures applicable to OCP buildout assumptions for KS18.

The KS18 Mini-EIR assumed the OASIS portion of KS18 would be used for open space, a segment of the Orcutt Creek Trail, and part of a proposed 8.5-acre future park. The Mini-EIR did not evaluate a specific park plan, but assumed the following for a future park:

> *The County has identified the eastern portion of the REC zoned parcels south of Orcutt Creek (approximately 8.5 acres) as a potential park site. The County also proposes to construct a Class 1 bikepath with a separated pedestrian/equestrian path between Foxenwood Lane and California Boulevard along the south side of the creek.* (OCP EIR Volume II, p. 18-2)
>
> *This park could include picnic areas, informal recreational facilities, tot-lots and potentially some active recreational facilities such as a volleyball court or outdoor basketball court. It is also possible that a small public rest-room facility may be provided within the park. Vehicle access to the park could be provided through the commercial development along Clark Avenue. Pedestrian and Bicycle access would be provided by a proposed 2,560 foot segment of Class I bikepath across the site. The bikepath would provide access between California Boulevard on the west and Foxenwood Lane on the east and would run along the southern boundary of the retention basin, and would parallel the southern bank of Orcutt Creek, at a distance of approximately 30 feet from the top of the bank (this would allow for avoidance of riparian vegetation.). A hiking/equestrian path would parallel the bikepath across the site.* (OCP EIR Volume II, p. 18-5)

OCP EIR Volume I identified potentially significant impacts to environmentally sensitive habitats, foraging areas, and nesting and breeding areas; fragmentation of habitat areas; substantially diminished populations of at least three species which are candidates for federal listing as "endangered"; and potentially significant impacts due to reduction in diversity of plant life, animal species, loss of wetland, and stream degradation from urbanization of the Orcutt area. The Mini EIR for KS18 in OCP EIR Volume II further concluded that development of KS18 (assuming park and open space uses for the OASIS property area) would result in the following potentially significant biological impacts:

- Trail construction and use
- Paved Bicycle Paths
- Creek Maintenance and Emergency Work
- Removal of oak trees
- Weed Invasion
- Reduction in Habitat
- Loss of Significant Vegetation
- Impacts to Wildlife

The OCP EIR identified 33 measures to reduce impacts from buildout, and 32 of these mitigation measures were incorporated into the OCP. The remaining mitigation measure, BIO-29, was found to be covered through the operation of federal and state laws protecting endangered species. The Board of Supervisors found that the EIR's specific mitigation measures were addressed as follows:

- Mitigation Measure BIO-1 is addressed by Development Standard BIO-O-5.1;
- BIO-2 by Development Standard BIO-O-5.3;
- BIO-3 by Development Standard BIO-O-1.2;
- BIO-3.1 by Program BIO-O-1.6; BIO-3.2 by Development Standard BIO-O-1.2;
- BIO-4 & -8 by Development Standards KS22-10 & -21;
- BIO-5 & -6 by Development Standard BIO-O-5.2;
- BIO-7 by Development Standards BIO-O-5.1 and KS22-10 & -21;
- BIO-9 by Development Standard BIO-O-5.5;
- BIO-10 & -11 by Development Standard BIO-O-5.6;
- BIO-12 by Action BIO-O-5.8;
- BIO-13 by Policy BIO-O-5 & Development Standard BIO-O-5.7;
- BIO-14 by Development Standard BIO-O-2.1 and application of the Open Space Map;
- BIO-15 by Development Standard BIO-O-1.7;
- BIO-16 by Program FIRE-O-2.4, Policy FIRE-O-3, DevStds BIO-O-1.7, FIRE-O-3.1, &-3.2;
- BIO-17a & -17b by Action BIO-O-6.1;
- BIO-17c by Actions FLD-O-4.1, FSCL-O-2.1, OS-O-8.1, -8.2 & -8.3, and Development Standards FSCL-O-2.2 & -2.3 and VIS-O-4.1;
- BIO-18 & -19 by Development Standard KS22-11 and application of the Open Space Map;
- BIO-20 by Policy OS-O-4 and Development Standards BIO-O-1.1 and OS-O-4.1;
- BIO-21 by Action BIO-O-6.2;
- BIO-22 by Policy GEO-3 and through application of the Open Space Map and by the minimization of urban designations/zoning on Key Site 33 east of Hwy. 101;
- BIO-23 by Policy BIO-O-1 and Development Standard BIO-O-1.1;
- BIO-24 by Development Standard BIO-O-2.1;
- BIO-25 by Development Standard BIO-O-1.4;
- BIO-26 by Development Standard BIO-O-3.1;
- BIO-27 by Development Standard BIO-O-4.1 and Policies BIO-O-4, -5 & -6; and,
- BIO-28 by Development Standards BIO-O-1.3 and GEO-O-2.5.

The findings for adoption of the OCP conclude that the OCP's Policies, Program, Actions, and Development Standards regarding Biological Resources and measures in other sections of the OCP, especially Open Space, help to reduce impacts to biological resources. The partial mitigation of impacts to biological resources was determined to be assisted broadly by Policies OS-O-1 & -5 through -7, Actions OS-O-1.1 & -3.1, and Development Standards FLD-O-3.1 & -3.3, GEO-O-2.3, and OS-O-5.2. Except for Class II biological impacts identified in the next paragraph, residual impacts to biological resources were determined to be significant and unavoidable.

The identified potentially significant impacts from removal of rare plants and disturbance to wildlife due to the construction of over fifteen miles of trails and bike paths and impacts related to weed invasion were determined to be mitigated to less than significant levels by the following:

- Biological impacts related to trails are mitigated by Development Standards BIO-O-1.2 & -5.5 and by Program BIO-O-1.6; and
- Impacts related to weed invasion are mitigated by Development Standard BIO-O-1.3.

The Mini-EIR for KS18 is included in Appendix C and is incorporated herein by reference. Other previous environmental documents, which address KS18, include the two EIRs for the Southpoint Estates project:

1. 79-EIR-1, the "Orcutt 13" EIR, evaluated the impacts of 13 development projects in the Orcutt area, including the first Southpoint Estates Tentative Tract Map (TM 12,679) and the accompanying rezone 78-RZ-19 (Rezone Ordinance 3106); and
2. 82-EIR-18, "Southpoint Estates" evaluated the impacts of the second Southpoint Estates Tentative Tract Map (TM 13,345). TM 13,345 addressed the last three units (final maps) for Southpoint Estates.

Appendix B includes background information on the Southpoint Estates project and the Southpoint Estates EIRs are available for review online on the OASIS project webpage at http://www.countyofsb.org/plndev/projects/oasiscenter.sbc . These documents can also be reviewed at the Planning & Development office at 624 W. Foster Road in Santa Maria. To ensure the documents will be available, please contact the project planner in advance at ncampbell@co.santa-barbara.ca.us, 805-570-4871 or 805-934-6250 (North County P&D Reception).

4.3.6 IMPACT ANALYSIS

METHODOLOGY AND THRESHOLDS OF SIGNIFICANCE

Appendix G of the State CEQA Guidelines considers a project to have a significant impact on biological resources if the project would:

- *Substantially, adversely impact, either directly or through habitat modifications, any endangered, rare, or threatened species, as listed in Title 14 of the California Code of Regulations (§670.2 or 670.5) or in Title 50, Code of Federal Regulations (§17.11 or 17.12);*
- *Have a substantial adverse impact, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service;*
- *Have a substantial adverse impact on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service;*
- *Adversely impact federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) either individually or in combination with the known or probable impacts of other activities through direct removal, filling, hydrological interruption, or other means;*
- *Interfere substantially with the movement of any resident or migratory fish or wildlife species or with established resident or migratory wildlife corridors, or impede the use of wildlife nursery sites;*
- *Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance; or*
- *Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Conservation Community Plan, or other approved local, regional, or state habitat conservation plan.*

The *County of Santa Barbara Environmental Thresholds and Guidelines Manual* (2008) and the Santa Barbara County *A Planner's Guide to Conditions of Approval and Mitigation Measures* (2005) include thresholds and guidance for evaluating biological impacts.
Determination of significance for disturbance to habitats or species within the County is based on the following criteria:

- *Conflict with adopted environmental plans and goals of the community where it is located;*
- *Substantially affect a rare or endangered species of animal, plant or the habitat of the species;*
- *Interfere substantially with the movement of any resident or migratory fish or wildlife species; or*
- *Substantially diminish habitat for fish, wildlife, or plants.*

The thresholds manual also states that environmental impact analysis and mitigation needs to include federal and state biological resource regulations (i.e., the federal and state Endangered Species Acts, National Environmental Policy Act, Clean Water Act Section 404, Bald Eagle Protection Act, Migratory Bird Treaty Act, Executive Order 11990 [wetlands protection], Rivers and Harbors Act Section 10, Marine Protection, Sanctuary and Research Act, Marine Mammal Protection Act, and Section 1601 and 1603 Stream Alteration Agreements). Regulations applicable to the project requests are described in Section 4.3.4.

The evaluation of project impacts as detailed in the thresholds manual calls for an assessment of both short- and long-term impacts. Significant impacts to species or habitats are those which substantially impact significant resources in the following ways:

a. Substantially reduce or eliminate species diversity or abundance;
b. Substantially reduce or eliminate quantity or quality of nesting areas;
c. Substantially limit reproductive capacity through losses of individuals or habitat;
d. Substantially fragment, eliminate, or otherwise disrupt foraging areas and/or access to food sources;
e. Substantially limit or fragment range and movement (geographic distribution or animals and/or seed dispersal routes); or
f. Substantially interfere with natural processes, such as fire or flooding, upon which the habitat depends.

Instances in which project impacts would be less than significant include:

a. Small acreages of non-native grassland if wildlife values are low;
b. Individuals or stands of non-native trees if not used by important animal species such as raptors or monarch butterflies;
c. Areas of historical disturbance such as intensive agriculture;
d. Small pockets of habitats already significantly fragmented or isolated, and degraded or disturbed; or
e. Areas of primarily ruderal species resulting from pre-existing man-made disturbance.

Additional County guidelines are provided for specific biological communities. These are used in conjunction with the general impact assessment guidelines described above.

Wetlands. Based on the County guidelines, the following types of project-created impacts may be considered significant:

a. Projects that result in a net loss of important wetland area or wetland habitat value, either through direct or indirect impacts to wetland vegetation, degradation of water quality, or would threaten the continuity of wetland-dependent animal or plant species are considered to have a potentially significant effect on the environment;
b. Wildlife access, use, and dispersal in wetland habitats are key components of their ecosystem value. Projects that substantially interrupt wildlife access, use and dispersal in wetland areas, would typically be considered to have potentially significant impacts; and
c. The hydrology of wetlands systems must be maintained if their function and values are to be preserved. Therefore, maintenance of hydrological conditions, such as the quantity and quality of runoff, must be assessed in project review.

Riparian Habitats. Based on the County guidelines, the following types of project-related impacts may be considered significant:

a. *Direct removal of riparian vegetation;*
b. *Disruption of riparian wildlife habitat, particularly animal dispersal corridors and or understory vegetation;*
c. *Intrusion within the upland edge of the riparian canopy (generally within 50 feet in urban areas, within 100 feet in rural areas, and within 200 feet of major rivers), leading to potential disruption of animal migration, breeding, etc. through increased noise, light and glare, and human or domestic animal intrusion;*
d. *Disruption of a substantial amount of adjacent upland vegetation where such vegetation plays a critical role in supporting riparian-dependent wildlife species (e.g., amphibians), or where such vegetation aids in stabilizing steep slopes adjacent to the riparian corridor, which reduces erosion and sedimentation potential; and*
e. *Construction activity that disrupts critical time periods (nesting, breeding) for fish and other wildlife species.*

Individual Native Trees. Based on the County guidelines, the following types of project-related impacts may be considered significant:

a. *Impacts to native specimen trees, regardless of size. Specimen trees are defined as mature trees that are healthy and structurally sound and have grown into the natural stature particular to the species;*
b. *Impacts to rare native trees, which are very low in number or isolated in distribution; or*
c. *In general, the loss of 10% or more of the trees of biological value on a project site.*

PROJECT IMPACTS

The project would result in temporary and permanent impacts to vegetation communities. These impacts are identified in the SES Assessment and are summarized in Table 4.3-2 below. Table 4.3-2 includes the temporary and permanent impacts within the brome grassland where the structures would be located and within the 50-foot buffer from the Orcutt Creek riparian corridor north of the proposed development area. Table 4.3-2 does not quantify footprint impacts of the Class I Bikeway/Orcutt Creek Trail segment or the access road.

Table 4.3-2 Temporary and Permanent Impacts to Existing Vegetation

Vegetation Community	Temporary Impacts		Permanent Impacts	
	Square feet	Acres	Square feet	Acres
Annual brome grassland	26,200	0.59	98,583	2.26
50-foot riparian buffer (comprised of annual brome grassland)	440	0.01	1,700	0.03
Riparian habitat (Arroyo willow – Narrowleaf willow – Fremont cottonwood thickets)	0	0	0	0
Oak woodland habitat (Coast live oak trees)	0	0	0	0

Source: SES Assessment

*Table 4.3-2 does not quantify footprint impacts of the Class I Bikeway/Orcutt Creek Trail segment or access road.

All structures, pervious and impervious surfaces (e.g., parking lots, roads, BBQ area), and the project's private, decomposed granite walking trails are considered permanent impacts. Temporary impacts include ground disturbance for installation of the sewer lateral line, water line and gas line and construction of the subsurface "French drain" and the retention/detention basin. The subsurface French drain and retention/detention basin is proposed to be revegetated with native plant species. Approximately 0.6-acres of temporary impacts to annual brome grassland would occur from construction of the "French drain", retention/detention basin, and installation of utility lines.

With the exception of earthwork for access road improvements, vegetation clearing and ground disturbance related to development of the OASIS facility is proposed to be confined to annual brome grassland habitat, resulting in 2.26 acres of permanent direct impacts to annual brome grassland.

The project's private decomposed granite walking trail on the north side of the development would result in permanent encroachment on approximately 0.03-acres of the 50-foot buffer from the riparian corridor of Orcutt Creek. This private trail (separate from the Class I Bikeway/Orcutt Creek Trail segment) would be located within the OASIS development area.

A segment of the OCP Class I Bikeway and a parallel Orcutt Creek Trail segment are required to be constructed as part of the OASIS project. Between Foxenwood Lane and the eastern property line of the OASIS property, a Class II Bikeway would be provided within the paved width on both sides of the driveway, and a separated pedestrian path would be located south of the driveway. The pedestrian path south of the driveway is proposed to serve as the pedestrian component of the Orcutt Creek Trail along the driveway between Foxenwood Lane and OASIS' eastern property line.

At OASIS' eastern property line, the driveway's Class II bikeway and adjacent pedestrian trail would merge and become the Orcutt Creek Trail//Class I Bikeway, running north, generally along the eastern property line and then west, south of Orcutt Creek, generally following OASIS' northern property line. The bikeway/trail would remain outside of the riparian canopy and riparian buffer.. (see Figure 4.3-7 *Preliminary Grading Plan Excerpt* and Figure 2-17 *Overall Site Plan*).

The current preliminary grading plan (Figure 4.3-7 *Preliminary Grading Plan Excerpt*) identifies grading (and resulting vegetation removal) on the slope north of the access road. Grading would extend into the riparian canopy, just west of Foxenwood Lane, which is expected to include removal of riparian vegetation, and potentially including native trees. In addition to grading on the OASIS property, grading for the access road is identified on APN 105-020-041 (S. LeBard), within the Foxenwood Lane right of way, on APN 105-020-053 (S. LeBard), extending to the tip of APN 105-020-018 (not a part, owner V. Lee).

Impact BIO-1: **Special Status Vegetation -The project would not result in significant impacts to unique, rare, or threatened plant species or non-native vegetation with significant habitat value. (Class III)**

No unique, rare, threatened, or endangered plant species were observed within the Project Area during appropriately timed surveys performed onsite, and the project site does not include non-native vegetation with significant habitat value that would be significantly impacted by project development or long-term operations. Therefore, project grading, construction and long-term operations are not proposed to directly remove or damage sensitive (rare, threatened or endangered) plant species. Therefore, the project would not result in significant impacts to unique, rare, or threatened plant species or non-native vegetation with significant habitat value. (See Impact BIO-2 regarding grading of the access road).

Impact BIO-2: Sensitive Habitat and Oak Trees - The project would result in potentially significant direct (e.g., vegetation removal) and indirect/secondary impacts (e.g., erosion, degraded water quality) to sensitive habitat on Key Site 18, including the Orcutt Creek riparian corridor as well as impacts to individual oak trees. This includes potentially significant impacts if OCP resource protective measures and restoration requirements are not adhered to, including during the construction period, post-construction restoration, and long-term use of the OASIS facility and Class I Bikeway/Orcutt Creek Trail segment. **(Class II)**

Grading for the access road would result in potentially significant impacts from removal of riparian vegetation, potentially including native trees on the north slope, and erosion/sedimentation/water quality impacts within Orcutt Creek riparian habitat.

If resource protective measures identified in the Orcutt Community Plan are not adhered to, grading, construction activities, and long-term impacts for the proposed OASIS facility in this existing undeveloped open space have the potential to result in significant impacts to sensitive habitats (Orcutt Creek riparian habitat) and direct removal and grading/paving within the critical root zone of native trees. In addition, if grading or construction activities, vehicle/equipment parking, building/paving materials storage, equipment wash-off areas, site runoff or inadvertent vegetation removal were to occur in (or runoff were to drain to) areas beyond the proposed development footprint, the project would result in potentially significant impacts to Orcutt Creek riparian habitat and native oak trees, due to the potential for removal, disturbance, or a reduction in the extent or quality of native plants and habitat.

Although the oak trees north of Clark Avenue, along the southern perimeter of the OASIS property, are not proposed for removal, the project would result in potentially significant impacts to these trees where grading for the internal roadway would encroach within six feet or less of the driplines of these existing oak trees south and west of the proposed development.

See discussion of Wildlife Corridor impacts under Impact BIO-5 and Class I Bikeway/Orcutt Creek Trail impacts under Impact BIO-6.

Mitigation measures to address project impacts to sensitive habitats on KS18 are identified in Section 4.3.5.

Impact BIO-3: Special Status Wildlife - Direct and indirect impacts to unique, rare, threatened or endangered wildlife have the potential to occur as a result of the Project. Impacts would potentially occur from grading/ground disturbance, increased human presence (noise, lighting) and activities. (Class II)

One special status bird species, Cooper's hawk, was observed during fieldwork. Four special-status wildlife species, CRLF, western spadefoot toad, SWPT, Blainville's horned lizard, also have limited potential to occur in the Project Area. Although occurrence is not considered to be highly likely, reptile and amphibian species could be impacted during initial clearing and grading, if present within the limits of excavation. Potential impacts to special status wildlife species can be avoided by implementation of mitigation identified later in this section, including pre-construction wildlife surveys, required biological monitoring during development activities, and a nesting bird pre-construction survey. (Also see Impact BIO-5 and BIO-7)

Impact BIO-4: Nesting Birds - Potentially significant impacts to nesting birds could result if construction occurs during the breeding season (February 1 through August 31) and nests are present. (Class II)

Direct impacts could occur through inadvertent removal of vegetation supporting active nests. Noise, dust, and general activity associated with construction could result in nest abandonment. With implementation of required mitigation requiring a pre-construction bird survey and establishment of buffers or setbacks from construction activity, impacts to nesting birds can be reduced to less than significant levels. (Also see Impact BIO-5)

Impact BIO-5: Increased Development/Activity in an Open Space/ Wildlife Corridor - The project would introduce development and human activities into one of the few large urban open spaces/wildlife corridors in the central urban core of Orcutt. (Class I)

The site is currently part of an approximately 35-acre, undeveloped open space. The OCP identifies the OASIS portion of KS18 for future park/recreation/open space uses including picnic areas, tot lots, passive open space, sport courts, and possibly a small restroom building. As discussed earlier in this section, the existing setting onsite is undeveloped open space with biological resources including Orcutt Creek and its associated riparian corridor, grassland habitat, and a variety of native trees, including oaks. The project does not propose development within the Orcutt Creek riparian corridor, although grading for the new access road would extend into the riparian canopy just west of Foxenwood Lane. The project would result in potentially significant impacts to the existing undeveloped biological setting, from the addition of development and long-term operations, which would fragment the existing, contiguous, approximately 40-acre open space, in proximity to Orcutt Creek. The project would substantially increase human activities on a property that has historically been vacant with limited human activity.

Other impacts would be associated with the application and transport of fertilizer/herbicides/pesticides used on landscaping, potential planting of invasive plant species which may impact native species, potential increases in non-native animals onsite (e.g., dogs accompanying their owners) and increased human presence, noise, and night-lighting that may inhibit the numbers, movement and normal activities of wildlife, including disrupting use of Orcutt Creek as a wildlife corridor and reducing wildlife access to adjacent upland habitat.

These impacts would be similar but greater than impacts from developing the site as a public park as envisioned in the OCP. This is because the OASIS project involves more development and resulting ability to support more intensive human activities and uses compared to the park parameters identified in the OCP (e.g., the OCP description for the future Orcutt Creek Park onsite limits structural development to a possible small restroom building). Development of the site as a park also assumed over two acres of creek restoration within the riparian corridor north of the 8.5-acre park site. In addition, the type of park identified for KS18 in the OCP would close at dusk, (C. Garciacelay, County Parks phone call), whereas the OASIS facility is proposed to be available for rentals and OASIS activities until 9:30 P.M. Closure at dusk would reduce impacts associated with human activity, noise, and lighting to wildlife that use the adjacent Orcutt Creek wildlife corridor to forage within the riparian habitat and adjacent upland areas and to move between this and other open spaces. Impacts could be reduced with implementation of mitigation measures identified below in Section 4.3.5, but would remain Class I.

Impact BIO-6 <u>Orcutt Creek Trail/Class I Bikeway</u>: As identified in the OCP EIR, installation and long-term use of the Orcutt Creek Trail/Class I Bikeway would result in potentially significant biological impacts. (Class II)

The project includes installation of a segment of the Orcutt Creek Multi-Use Trail, which includes a paved bikeway (the paved bikeway component is also consistent with the Class I Bikeway shown in this location on the OCP Bikeways Map). The Orcutt Creek Trail requirements, impacts and mitigation are discussed in the Biological Resources and Recreation sections of the OCP EIR Volume I and the Volume II Mini-EIR for KS18, incorporated herein by reference[2]. OCP EIR general Impacts Bio-8 and Bio-9 identify impacts from the Orcutt Creek Trail/Class I Bikeway. Mitigation measures to address these impacts were incorporated into the OCP, including as Policy BIO-O-5, DevStd BIO-O-5.3 and BIO-O-5.4. The OCP Multi-Use Trail Plan and Trail Siting Guidelines also provide direction regarding trail design.

The OCP EIR identifies impacts from installation and use of the Orcutt Creek Trail. These impacts include introduction of exotic and invasive weed seeds from bicycle tires and footwear, disruption of animal breeding and foraging behaviors and movement through human disturbance and the presence of artificial light, and habitat degradation due to accumulation of litter and trampling of native habitat. Potential direct mortality to wildlife may also occur with increased presence of domestic animals, particularly dogs, and removal of native riparian vegetation. The above-noted policy, development standards, and guidelines would apply and would minimize the removal of riparian vegetation associated with the construction of the multi-use trail and help limit indirect impacts from increased recreational use and access through interpretive signage. However if the OCP resource protective measures applicable to the trail (minimize vegetation removal, incorporate plantings on both sides of the trail to buffer human, pet activity, ensure lighting is minimized/directed away from the creek corridor, etc.) are not adhered to during installation and long-term use, and if

[2] These documents are available online at the County's website, sbcountyplanning.org and at Planning & Development offices at 624 W. Foster Road in Santa Maria and 123 E. Anapamu Street in Santa Barbara. Links to these documents are also available on the OASIS project webpage http://www.countyofsb.org/plndev/projects/oasiscenter.sbc .

there is not adequate monitoring for compliance during installation, impacts related to the development and use of the trail would be potentially significant.

The proposed bikeway/trail location and design do not accommodate space for riparian restoration plantings to serve as a buffer between the edge of existing native vegetation and the bicycle path/trail, as identified in the OCP. In addition, the final location of the trail/bikeway is subject to change, subject to mitigation identified in Section 4.11 (Recreation and Open Space). Biological impacts associated with the trail/bikeway would be potentially significant but mitigable with implementation of mitigation identified in Section 4.3.5 (Class II).

CUMULATIVE IMPACTS

As discussed in Section 4.3.3 (Previous Environmental Review), the findings for adoption of the OCP (Appendix C) conclude that buildout of the OCP would result in significant unavoidable impacts to biological resources. This includes impacts from conversion of open space to urban uses, and loss, fragmentation and degradation of habitat areas from urbanization of the Orcutt area. The findings also identify that the OCP's policies, programs, actions, and development standards regarding biological resources and measures in other sections of the OCP, especially Open Space, provide partial mitigation of significant impacts to biological resources. The proposed project would result in development of an area specifically set aside for open space and low intensity recreation. This area was set aside, in part, to reduce identified impacts to biological resources by preserving and protecting a contiguous band of open space. This open space runs along Orcutt Creek, which serves as a wildlife corridor, providing connections between habitat areas across the Orcutt planning area. The proposed development would increase habitat fragmentation of the KS18 open space, compared to the open space and potential public park envisioned for the property in the OCP, without provision of offsetting open space land with biological resources elsewhere in the planning area. Therefore, the project would exacerbate and contribute considerably to the previously identified significant impacts to biological resources from OCP buildout. (Class I)

Other Permit Requests

Approval of the General Plan Amendment components, Recorded Map Modifications and Government Code 65402 Consistency request for OASIS to acquire the development rights to the property from the County may encourage similar requests for the other Southpoint Estates (KS18) open space parcels, as well as for other designated open space parcels in the Orcutt area or elsewhere in the County. Approval of such requests would increase the development potential of additional open space areas, which were set aside as part of past land use decisions for the purpose of preserving resources and offsetting various environmental impacts of development projects, including impacts to biological resources. The amount and types of increased development that could result from similar requests throughout the County's unincorporated area are not specifically known. However, increased conversion of designated open space lands to development could result in increased biological impacts, including direct and indirect impacts and further fragmentation of sensitive habitats. Such impacts could result from a variety of development related activities, including, but not limited to tree removal, construction of bridges, increased human activity/disturbance to wildlife species, vegetation management for fire clearance from new structures in areas with sensitive plant species, etc.). The potential for impacts to biological resources would depend on the project details (type, size, location, etc.), the specific resources in the area to be converted, as well as biological resources present on adjoining lands, which could be impacted by the development. (Also see Section 6.1, Growth Inducing Effects).

4.3.5 MITIGATION MEASURES

The following mitigation measures are required to reduce potentially significant biological impacts.

BIO-1 Special – General Bio Protection: The following measures shall be implemented to minimize impacts to biological resources**. PLAN REQUIREMENTS AND TIMING:** These measures shall be adhered to during site preparation and construction activities:

a) All construction equipment shall be limited to the use of designated access roads, staging areas, and/or previously identified work areas shown on the project plans.
b) Exclusionary fencing shall be erected at the boundaries of the Project limits of work (all earth disturbance and construction activities) to avoid equipment and human intrusion into adjacent native habitats (i.e., oak trees and the riparian corridor of Orcutt Creek). The fencing shall remain in place throughout the duration of construction activities.
c) All motorized equipment used at the Project Area shall be maintained in proper working condition and shall be free of drips and leaks of coolant, hydraulic, and petroleum products. No equipment shall be used in the Project Area unless such equipment is free of leaks and drips.
d) A spill prevention and clean-up kit (including socks, absorbent pads, kitty litter, broom, dustpan, shovel, and container for dirty absorbent material) shall be available on-site for immediate use in case of an accidental spill. Any equipment or vehicles driven and/or operated adjacent to Orcutt Creek shall be checked and maintained daily to prevent leaks of materials that if introduced to water could be deleterious to aquatic life. Service and refueling activities shall not occur within 100 feet of Orcutt Creek.
e) Dust generated by the development activities shall be kept to a minimum with a goal of retaining dust on the site. Water trucks or sprinkler systems shall be used to prevent dust from leaving the site and to create a crust after each day's activities cease unless mandatory drought restrictions limit use of water for this purpose The construction area shall be wet down after work is completed for the day and whenever wind exceeds 15 mph.
f) Erosion control measures (e.g., which may include silt fencing, jute netting, straw bales) shall be used throughout all phases of construction where sediment runoff from exposed soils could enter Orcutt Creek
g) Construction material shall be stockpiled in upland habitat at least 100 feet from Orcutt Creek. BMPs (e.g., silt fencing, straw wattles) shall be installed between the work area and the riparian corridor of Orcutt Creek to ensure sediment runoff from the work area does not enter the creek. Unattended soil stockpiles shall be covered.
h) Trash and food items shall be kept in closed containers and removed daily.
i) Open excavations shall be covered at the end of each work day. If this is not feasible, escape ramps shall be installed in the pits to ensure no entrapment of animals occur.

MONITORING: P&D shall site inspect for compliance during the grading and construction period and shall respond to complaints.

BIO-2 Special- Special Status Species Survey: A County-qualified biologist shall conduct a pre-construction survey of the Project Area for CRLF, western spadefoot toad, Blainville's horned lizard, and SWPT. **PLAN REQUIREMENTS AND TIMING**: The survey shall be performed 7-10 days prior to the onset of grubbing and grading. No state or federally listed species shall be handled without the approval of the USFWS and/or CDFW. Any specimens found (with the exception of CRLF) shall be captured and relocated to suitable habitat within KS18 (per USFWS and/or CDFW direction). If CRLF is present with the work area, (considered highly unlikely) the USFWS and CDFW shall be consulted regarding any necessary avoidance measures (e.g. morning inspections of the work area, installation of exclusion barriers around active work zones). **MONITORING**: P&D Compliance staff shall ensure proof of pre-construction survey and any actions necessary based on the results of the survey.

BIO-3 Special – Worker Orientation: Worker Orientation regarding biological protection measures during site preparation and construction shall be required. **PLAN REQUIREMENTS AND TIMING**: Prior to the start of work, a County-approved biologist shall oversee worker orientation for all construction contractors (including site supervisors, equipment operators, and laborers) which emphasizes the presence of special-status species within or adjacent to the Project Area, identification of those species, their habitat requirements, applicable regulatory policies and provisions regarding their protection, measures being implemented to avoid and/or minimize impacts, and penalties for noncompliance shall be conducted. This orientation may be done as part of the standard pre-construction meeting. If new members of the crew arrive after the initial orientation meeting, they shall attend a subsequent training prior to working on the job. No staging of equipment or construction supplies shall occur prior to orientation. **MONITORING**: P&D Compliance staff shall confirm with applicant implementation of worker orientation prior to commencement of construction.

BIO-4 Special- Biological Monitor: A County-approved biological monitor shall monitor earthwork activities (e.g., grading, trenching) during all grading on the slope north of the access road and for the sewer line extension to the Laguna County Sanitation District manhole. The monitor shall also monitor other grading and construction activities, as necessary, throughout the construction period to ensure compliance site-wide with the biological protection mitigation measures listed in this section (4.3.5). Work shall be stopped if necessary to protect wildlife and other biological resources, or if violations of laws or permit conditions are observed. Duties include the responsibility to ensure all aspects of the approved biological mitigation measures are carried out per County requirements and that USFWS and/or CDFW are notified of the presence of any listed species. To the extent practical, common wildlife species entering the construction zone shall be captured and relocated to suitable habitat. Any special-status wildlife species observed in the Project Area shall not be physically relocated without permission from the CDFW or the USFWS, as appropriate. **PLAN REQUIREMENTS AND TIMING**: The applicant shall fund the biological monitor prior to zoning clearance. The biological monitor, in consultation with P&D, shall determine necessary frequency and duration of onsite monitoring (except for required monitoring for all grading/construction activities on the slope north of the access road and for trenching of the sewer line extension near Orcutt Creek). The County-approved biological monitor shall oversee and survey the work areas prior to activities commencing and shall maintain notes regarding monitoring activities, which shall be available to P&D compliance staff upon request.

MONITORING: P&D compliance monitoring staff shall ensure compliance prior to and throughout construction.

BIO-5 Tree Protection without a Tree Protection Plan *(BIO-1).* All grading, trenching, ground disturbance, construction activities and structural development shall occur beyond six feet of the dripline of all native trees, unless otherwise identified on the approved Development Plan exhibits.

a) Prior to zoning clearance for grading or construction, all native trees proposed for retention as shown on the project plans shall be fenced at least six feet beyond the dripline as shown on the approved Development Plan exhibits. If six feet cannot be accommodated the fencing shall be placed as far away as possible from the tree trunk. If earthwork will impact more than 20% of the tree canopy, the restoration/landscape plan shall incorporate 10:1 replacement of the tree. Fencing shall be at least three feet in height of chain link or other material acceptable to P&D and shall be staked every six feet. The Owner/Applicant shall place signs stating "tree protection area" at 15 foot intervals on the fence. Fencing and signs shall remain in place throughout all grading and construction activities.

b) Tree removal and grading within the critical root zone of any native trees shall be limited to removal/critical root zone disturbance identified on the approved plans. No other tree removal or grading is authorized by this permit. However, any unanticipated damage to trees or sensitive habitats from construction activities shall be mitigated in a manner approved by P&D. This mitigation shall include but is not limited to posting of a performance security, tree replacement on a 10:1 ratio and hiring of an outside consulting biologist or arborist to assess damage and recommend mitigation. The required mitigation shall be done under the direction of P&D prior to any further work occurring onsite. Any performance securities required for installation and maintenance of replacement trees will be released by P&D after its inspection and confirmation of such installation and maintenance.

c) To help ensure the long term survival of native trees, no permanent irrigation systems are permitted within six feet of the dripline of native trees unless the trees were not naturally occurring (were planted and have been irrigated as landscape trees). Any landscaping must be of compatible species requiring minimal irrigation. Drainage plans shall be designed so that tree trunk areas are properly drained to avoid ponding.

PLAN REQUIREMENTS: Fencing shall be graphically depicted on project plans. **TIMING**: This condition shall be printed on project plans submitted for zoning approval, and installed prior to Grading or Building Permit issuance. **MONITORING**: P&D compliance monitoring staff shall review plans and confirm fence installation. P&D compliance monitoring staff shall ensure compliance prior to and throughout construction.

BIO-6 Special -Nesting Birds Preconstruction Surveys. For construction activities occurring during the nesting season (generally February 1 - September 15), surveys for nesting birds covered by the California Fish and Game Code and the Migratory Bird Treaty Act shall be conducted by a qualified biologist no more than 30 days prior to vegetation removal. The survey area for all nesting bird and raptor species shall include the disturbance footprint plus a 300-foot buffer. If active nests (nests with eggs or chicks) are located, the qualified biologist shall establish an appropriate avoidance buffer ranging from 50 to 300 feet based on the species biology and the current and anticipated disturbance levels occurring in vicinity of the nest. The objective of the buffer shall be to reduce disturbance of nesting birds. All buffers shall be marked using high- visibility flagging or fencing acceptable to P&D, and, unless approved by the qualified biologist, no construction activities shall be allowed within the buffers until the young have fledged from the nest or the nest fails.

PLAN REQUIREMENTS and TIMING: The Owner/Applicant shall submit survey(s) and identification of buffer areas, if determined necessary (on plans and marked in field) for P&D review and approval prior to commencement of construction. Any required flagging/fencing shall remain in place until applicable construction activities are complete. **MONITORING:** The Owner/Applicant shall demonstrate to P&D compliance monitoring staff (and/or County-contracted biological monitor) that any necessary buffer areas are protected (flagging/fencing acceptable to P&D) before initiation of grading/construction through project completion/final sign-off.

BIO-7 Tree Planting and Maintenance *(Bio-5).* The Owner/Applicant shall plant 10 oak trees obtained from locally occurring saplings or seed stock for every oak tree removed, relocated or damaged. The trees shall be planted, gopher fenced and irrigated (drip irrigation on a time) as part of the creek riparian area restoration plan for a five year maintenance period**. PLAN REQUIREMENTS:** This requirement shall be shown on the creek riparian restoration plan and landscape plan if applicable to be reviewed and approved by P&D. **TIMING:** A performance security shall be required prior to zoning clearance. Prior to final inspection, trees shall be planted, fenced and irrigated. **MONITORING**: P&D compliance monitoring staff shall ensure tree installation and maintenance. Performance security release requires P&D staff sign-off.

BIO-8 Bio-07 Habitat Setback *(Bio-7).* With the exception of Orcutt Creek Trail/Class I Bikeway installation/use and restoration activities, all ground disturbances, vegetation removal, landscaping, parking, development, OASIS programs and activities, and rentals/special events shall be restricted to the areas identified on the approved Development Plan exhibits. The final grading plan shall minimize grading on the slope north of the access road to the greatest degree feasible. Earth disturbance associated with the proposed access road improvements shall be restricted to the Foxenwood Lane right of way and APNs 105-020-063, -041, and -053. Restoration plantings shall be required to offset vegetation removal or grading (proposed or unintentional) within 50 feet of the edge of riparian habitat. The exception to this is grading within the area covered by the existing dirt access road.

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a) Construction Period Fencing (type and location acceptable to P&D) shall be shown on grading plans and shall be installed prior to any earth movement to ensure excavation work within or adjacent to sensitive habitats including native trees and riparian habitat shall be avoided to the maximum extent feasible. Where excavation must be performed within sensitive areas (as determined by P&D), the biological monitor shall be present. In addition, the work shall be performed with hand tools only. If the use of hand tools is deemed infeasible by P&D, excavation work may be authorized by P&D to be completed with rubber-tired construction equipment weighing five tons or less. If significant large rocks are present, or if spoil placement will impact surrounding trees, then a small tracked excavator (i.e., 215 or smaller track hoe) may be used as determined by P&D staff.

b) Long-Term: The boundaries of the OASIS development and parking areas shall be visually delineated with a combination of fencing, vegetation, and/or other features (e.g., rock) acceptable to P&D before final sign-off/occupancy clearance to facilitate compliance with this condition.

MONITORING: P&D compliance monitoring staff shall ensure compliance throughout construction and shall respond to any complaints during operational phase.

BIO-9 Storm Water BMPs *(Bio-10).* To minimize pollutants impacting downstream waterbodies or habitat, the parking area, driveway, and paved bikeway shall be designed to minimize degradation of storm water quality. Best Management Practices (BMPs) such as landscaped areas for infiltration (vegetated filter strips, bioswales, or bioretention areas), designed in accordance with the California Stormwater BMP Handbook for New Development and Redevelopment (California Stormwater Quality Association) or other County approved method shall be installed to intercept and remove pollutants prior to discharging to the storm drain system. The BMPs selected shall be maintained in working order. The landowner is responsible for the maintenance and operation of all improvements and shall maintain annual maintenance records. A maintenance program shall be specified in an inspection and maintenance plan and include maintenance inspections at least once a year. Long term maintenance shall be the responsibility of the landowner. The landowner shall submit the plans and a copy of the long-term maintenance program document to P&D and Public Works, Water Resources Division staff for review and approval prior to approval of zoning clearance. The long term maintenance program shall be recorded. BMP maintenance is required for the life of the project and transfer of this responsibility is required for any subsequent sale of the property. The condition of transfer shall include a provision that the property owners conduct maintenance inspection at least once a year and retain proof of inspections. **PLAN REQUIREMENTS**: The BMPs shall be described and detailed on the site, grading and drainage and landscape plans, and depicted graphically. The location and type of BMP shall be shown on the site, building and grading plans. **TIMING**: The plans and maintenance program shall be submitted to P&D for approval prior to zoning clearance.

MONITORING: P&D compliance monitoring staff shall ensure compliance prior to and throughout construction and shall inspect for installation prior to Final Building Inspection. The landowner shall make annual maintenance records available for review by P&D upon request.

BIO-10 Compliance with Mitigation Measure VIS-7 (Landscape/Irrigation/Restoration Plan).

BIO-11 Eliminated.

BIO-12 Habitat Restoration *(Bio-12).* The Owner/Applicant shall submit for P&D approval of a Creek Riparian Area Buffer Restoration Plan prepared by a P&D-approved biologist and designed to provide a buffer for increased development and activities adjacent to Orcutt Creek, consistent with the Orcutt Community Plan (OCP), including direction regarding creek buffer plantings in the OCP Biological Resources and Parks, Recreation and Trails sections. The restoration plantings shall take into consideration the proposed location of the future Orcutt Creek Multi- Use Trail and the tentative trail location shall be included on the restoration plans. The applicant may choose to combine the Restoration Plan with the Landscape Plan and/or plans for the portion of the Orcutt Creek Trail that crosses the project parcels. If combined with the Landscape Plan, the installation security shall only need to cover the Restoration component of the plan. The Restoration Plan shall include the following components:

a) Plantings shall be with compatible native riparian species.
b) Species shall be from locally obtained plants and seed stock.
c) The new plantings shall be irrigated with drip irrigation on a timer, and shall be weaned off of irrigation over a period of two to three years.
d) The creek area shall be fenced (or other method acceptable to P&D) at the limits of disturbance during grading and construction activities and shall be protected to the extent necessary (as determined by P&D and the plan biologist during restoration activities to ensure success of the restoration plan).
e) If it becomes necessary (as authorized by P&D) to disturb or remove any plants w/in the habitat area, a P&D-approved biologist shall monitor and direct the work. Where feasible, specimens shall be boxed and replanted. If a P&D-approved biologist certifies that it is not feasible to replant, plants shall be replaced at a minimum using the standards of P&D's standard Habitat Restoration Plan and under the direction of the P&D-approved biologist.
f) A plan shall be included for removal of non-native invasive species in the buffer area between the project development and the creek.

Plan Requirements: Include applicable components of the plan in the Landscape and Irrigation Plans if not proposed as a combined Landscape/Restoration Plan. **Timing**: Plans shall be submitted for review and approval by P&D prior to zoning clearance and the Owner/Applicant shall post a performance security to ensure installation prior to Final Building Inspection and maintenance for three years. The landowner shall maintain the plants and irrigation for three years following Final Building Inspection. **MONITORING**: The Owner/Applicant shall demonstrate to P&D compliance monitoring staff that all required components of the approved plan(s) are in place as required prior to Final Inspection Clearance. P&D compliance monitoring staff signature is required to release the installation security for the restoration plantings upon satisfactory installation of all items in approved plans and maintenance security upon successful implementation of this plan.

BIO-13 Use Natives *(Bio-12).* Landscaping between Orcutt Creek and the project development, within the parking areas, and along the access road shall be with native plants. Plantings within 100 feet of Orcutt Creek shall be plants or seed stocks from locally obtained sources. Compatible, non-invasive drought tolerant plant species may be used in the lawn area to the west of the proposed buildings and adjacent to structures. **PLAN REQUIREMENTS**: The Owner/Applicant shall incorporate this requirement into a landscape plan to be prepared by a P&D approved landscape architect or arborist. The landscape plan can be combined with the restoration plan, although the restoration plan is subject to additional requirements. **TIMING**: The landscape plan shall be reviewed and approved by P&D prior to zoning clearance. Landscaping shall be installed prior to Final Building Inspection. **MONITORING**: The landscape architect or arborist shall verify to P&D compliance monitoring staff, in writing, using receipts, etc., the use of native seed stock on the property prior to release of performance security

BIO-14 Equipment Washout-Construction *(Bio-20a).* The Owner/Applicant shall designate one or more washout areas for the washing of concrete trucks, paint, equipment, or similar activities to prevent wash water from discharging to the storm drains, street, drainage ditches, creeks, or wetlands. Note that polluted water and materials shall be contained in these areas and removed from the site at intervals sufficient to ensure adequate capacity is maintained onsite. The areas shall be located at least 100 feet from any storm drain, waterbody or sensitive biological resources. **PLAN REQUIREMENTS**: The Owner/Applicant shall designate the P&D approved location on all grading and building permits. **TIMING**: The Owner/Applicant shall install the area prior to commencement of construction. **MONITORING**: P&D compliance monitoring staff shall ensure compliance prior to and throughout construction.

BIO-15 Special- Trails. Design of the Orcutt Creek Trail (including Class I Bikeway) shall be designed to minimize removal of native vegetation. In addition either the trail or the project layout shall be revised to accommodate restoration plantings between the trail/bikeway and Orcutt Creek consistent with OCP DevStd BIO-O-5.3 and DevStd KS 18-4. Prior to approving the final trail alignment, the proposed trail route shall be surveyed by a qualified botanist. The botanist, in consultation with P&D, shall reroute the trail alignment to avoid sensitive species where feasible. The final trail alignment shall be approved by P&D, Public Works (Bikeway component), Flood Control and the Community Services, Parks Division prior to issuance of Zoning Clearance. Signage shall be included in the trail design, providing educational and interpretive information. (The trail location shall also be consistent with the requirements of Mitigation Rec-1 in Section 4.11.5). **PLAN REQUIREMENTS**: The Owner/Applicant shall submit the proposed trail/bikeway plan for County review and approval prior to zoning clearance. The Owner/Applicant shall coordinate with P&D prior to finalizing the proposed trail/bikeway design to ensure coordination with botanist reviewing trail route and other County departments (Flood Control, Public Works, Parks). The proposed restoration/buffer plantings on both sides of the trail/bikeway shall be included with the proposed trail/bikeway plans. **TIMING**: The Owner/Applicant shall install the trail/bikeway and associated restoration/buffer plantings concurrent with development and prior to final occupancy inspection. Financial sureties for installation of the trail/bikeway and restoration plantings and a 5-year maintenance period shall be required prior to zoning clearance. The restoration component may be combined with the landscape plan or other project related restoration plan (e.g., north slope of access road).

MONITORING: P&D compliance staff shall ensure compliance prior to and throughout construction and trail installation.

BIO-16 Fence Design *(Bio-3d).* Project fencing for accessory components (i.e. roads, trail, etc.) shall be designed to minimize impacts to wildlife. Fencing shall not block wildlife movement. Where fencing is required for public safety concerns, the fence shall be designed to permit wildlife movement by incorporating design features such as:

a) A minimum 18 inches between the ground and the bottom of the fence to provide clearance for small animals;
b) A minimum 12 inches between the top two wires, or top the fence with a wooden rail, mesh, or chain link instead of wire to prevent animals from becoming entangled; and
c) If privacy fencing is required near open space areas, openings at the bottom of the fence measure at least 16 inches in diameter shall be installed at reasonable intervals to allow wildlife movement.

Plan Requirements and Timing. Grading and building plans shall include the above measures and shall be submitted to P&D for review and approval prior to issuance of land use clearance for grading and subdivision improvements. The information brochure shall be submitted to P&D for review and approval prior to zoning clearance for the first residence.
Monitoring: P&D shall site inspect upon completion of construction.

BIO-17 Lighting Plan (Bio-3e, *modification of OCP EIR Mitigation Measure KS3- BIO-6*)**.** The applicant shall develop a lighting plan for the entire development that shall minimize visibility of night-lighting and light pollution outside of the immediate development and parking areas, especially within 100 feet of open space areas. All exterior lighting features shall include installation of hoods and special attention shall be given to "spill-over" into adjacent habitat areas. Night lighting of public areas shall be kept at the minimum necessary for safety purposes. Excessive night lighting, shall not be permitted within 100 feet of open space areas. No lighting shall be included along the multi-use trail along Orcutt Creek unless required by the County for safety purposes. Use of high-intensity lights, including but not limited to floodlights, shall be prohibited onsite. **Plan Requirements and Timing.** The applicant shall submit the Lighting Plan to Planning and Development (P&D) for review and approval prior to Zoning Clearance. **Monitoring.** P&D shall site inspect all exterior light fixtures after installation and shall respond to complaints to ensure compliance.

BIO-18 Fish and Wildlife *(Bio-08).* No alteration to stream channels or banks shall be permitted (no Zoning Clearance shall be issued) until the Owner/Applicant demonstrates receipt of all authorizations from the California Department of Fish and Wildlife, Regional Water Quality Control Board and/or federal agencies for any planned alteration to stream channels or banks, (e.g., the slope north of the proposed access drive).

BIO-19 Threatened and Endangered Species Approvals *(Bio-9a):* The permittee shall obtain all necessary approvals from the California Department of Fish and Wildlife, the U.S. Fish and Wildlife Service, and/or National Marine Fisheries Service, including an Incidental Take Permit and/or Habitat Conservation Plan for Cooper's Hawk, California red-legged frog, western spadefoot toad, southwestern pond turtle, and Blainville's horned lizard, if required, prior to Zoning Clearance. **TIMING** Permittee shall provide to P&D copies of approvals obtained from CDFW, FWS and/or NMFS or confirmation that no permit is required prior to issuance of Zoning Clearance. **MONITORING:** Permittee shall provide to P&D copies of approvals from CDFW, FWS and/or NMFS. P&D staff shall confirm receipt of any necessary approvals prior to issuance of Zoning Clearance.

SIGNIFICANCE AFTER MITIGATION

Impact BIO-1: Special Status Vegetation -The project would not result in significant impacts to unique, rare, or threatened plant species or non-native vegetation with significant habitat value. (Class III)

No mitigation is required to reduce impacts to less than significant levels (Class III).

Impact BIO-2: Sensitive Habitat and Oak Trees - The project would result in potentially significant direct (e.g., vegetation removal) and indirect/secondary impacts (e.g., erosion, degraded water quality) to sensitive habitat on Key Site 18, including the Orcutt Creek riparian corridor as well as impacts to individual oak trees. This includes potentially significant impacts if OCP resource protective measures and restoration requirements are not adhered to, including during the construction period, post-construction restoration, and long-term use of the OASIS facility and Class I Bikeway/Orcutt Creek Trail segment. (Class II)

Impact BIO-2 would be mitigated to a less than significant level by implementation of Mitigation Measures BIO-1, BIO-3 through BIO-19 (Class II).

Impact BIO-3: Special Status Wildlife - Direct and indirect impacts to unique, rare, threatened or endangered wildlife have the potential to occur as a result of the Project. Impacts would potentially occur from grading/ground disturbance, increased human presence (noise, lighting) and activities. (Class II)

Impact BIO-4: **Nesting Birds - Potentially significant impacts to nesting birds could result if construction occurs during the breeding season (February 1 through August 31) and nests are present. (Class II)**

Impacts BIO-3 and BIO-4 would be mitigated to less than significant levels by implementation of Mitigation Measures BIO-2, BIO-4, BIO-6, which require pre-construction wildlife and nesting bird surveys and biological monitoring and BIO-18 to BIO-19 which require permits (or confirmation that no permits are needed), from resource agencies with jurisdiction over protection of special status wildlife (Class II)

Impact BIO-5: **Increased Development/Activity in an Open Space/ Wildlife Corridor - The project would introduce development and human activities into one of the few large urban open spaces/wildlife corridors in the central urban core of Orcutt. (Class I)**

Impact BIO-5 would be partially reduced by implementation of Mitigation Measures BIO-1 and BIO-3 through BIO-19. The project would convert OCP designated open space/park land and increase and intensify allowable development and activities on the OASIS portion of KS18, which was designated for open space/park land to mitigate impacts from loss of open space to cumulative development. In addition, the project would not restore over two acres of Orcutt Creek, which is assumed in the OCP as part of developing a future park onsite, to improve the buffer between the Orcutt Creek riparian habitat/wildlife corridor and increased human activity from a park and the OCP identified trail/bikeway (as well as the proposed OASIS development). Therefore, impacts would be partially mitigated but would remain significant and unavoidable unless offsetting open space land, funds for offsetting open space land or a restoration plan is incorporated into the project, which includes the two acres assumed in the OCP plus additional restoration area to offset impacts from increased development/activities associated with the OASIS project. (Class I)

Impact BIO-6 Orcutt Creek Trail/Class I Bikeway: As identified in the OCP EIR, installation and long-term use of the Orcutt Creek Trail/Class I Bikeway would result in potentially significant biological impacts. (Class II)

Impact BIO-6 would be mitigated to a less than significant level by implementation of Mitigation Measures BIO-1 through BIO-19. (Class II)

Cumulative Biological Impacts: The project would develop an area set aside, in part, to reduce identified impacts to biological resources by preserving and protecting a contiguous band of open space. The project would increase habitat fragmentation of the KS18 open space, compared to the open space and potential public park envisioned for the property in the OCP, without provision of offsetting open space land with biological resources elsewhere in the planning area. Therefore, the project would exacerbate the previously identified significant impacts to biological resources from OCP buildout. (Class I)

Cumulative Impact: Mitigation measures BIO-1 through BIO-19 above would reduce projects impacts to biological resources. However, the project would convert a part of the contiguous KS18 open space, which was restricted from development as part of the OCP Open Space Plan, in part, to partially mitigate significant and unavoidable biological impacts from OCP buildout. The project would convert a portion of this contiguous open space to development, further fragmenting remaining open space and habitat along the Orcutt Creek corridor. Therefore, the project would exacerbate the Class I biological impacts identified in the OCP from OCP buildout.