

**Historic Biological Reports  
Scan Control Sheet**

**County Project Number(s):**

PM-5337

**Report Type (check one):**

- ☒ Initial Study
- ☐ Species Inventory/Survey
- ☐ Focused Study
- ☐ EIR
- ☐ Draft EIR
- ☐ EIS
- ☐ ND
- ☐ MND
- ☐ Other

**Report Date (Month/Day/Year):**

11/13/2001

**Check if the following apply to the report:**

- ☒ Wetland and/or aquatic habitat
- ☐ Within designated Coastal Zone
- ☒ Potential movement corridor for fish and/or wildlife

# COUNTY OF VENTURA

## BIOLOGICAL RESOURCES INITIAL STUDY

Date: November 13, 2001  
 Requestor: Craig Mailin  
 Project: PM 5337  
 Field Study: ☒ Yes ☐ No

Justification: Potential new construction could affect onsite riparian woodland, wetlands, coast live oak woodland, and protected trees.

### A. CHECKLIST

Biological Resources Issues	Project Impact Degree of Effect				Cumulative Impact Degree of Effect			
	N	LS	S	U	N	LS	S	U
a. endangered, threatened, or rare species	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. wetland habitat	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. coastal habitat	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. migration corridors	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. locally important species/communities	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

#### Degree of Effect Explanation

N = None

LS = Less than significant effect

S = Significant effect; MND or EIR required

U = Unknown; EIR required

### B. DISCUSSION

**Setting.** The proposed project would subdivide a 13.07-acre parcel (Assessor Parcel Number 037-012-06) into two lots of 7.54 and 5.53 acres. The western 7.54-acre parcel contains a two-story single-family residence. The eastern 5.53-acre lot contains a one-story combination garage/barn/legal nonconforming dwelling that was constructed prior to permit requirements, one oil tank, and one oil pump. The project site is located at 10924 Ojai-Santa Paula Road and fronts Sulphur Mountain Road in the Upper Ojai Valley, Ventura County, California. The project area is included within the Ojai Valley Area Plan of the Ventura County General Plan and is designated Rural Residential and zoned R-A-5a, Rural Agricultural 5 acre minimum lots. Development in the general area is sparse and is primarily scattered ranchettes.

The project site is relatively flat with a gentle slope towards the intermittent Lion Creek and its associated unnamed tributary, which cross the site in a general northwest to southeast direction. Elevations onsite range from 1,380 feet in the northeastern corner of the site to approximately 1,345 feet within the channel of Lion Creek in the northwestern corner of the site. Soils onsite are of the Ojai very fine sandy loam, 9 to 15 percent slopes, eroded series (OhC2) and the Cropley Clay, 2 to 9 percent slopes series (CyC) (USDA, 1970). No water was flowing within the drainages onsite at the time of the site visit; however, areas of ponded water were noted within Lion Creek.

Habitats onsite include Ruderal/Nonnative Annual Grassland, Riparian Woodland, Wetland, and Coast Live Oak Woodland. The majority of the vegetation onsite consists of Ruderal/Nonnative Annual Grassland within the onsite pastures and is dominated by annual grasses such as Bermuda grass (*Cynodon dactylon*) and brome (*Bromus* sp.) and herbaceous forbs such as yellow star thistle (*Centaurea* sp.), mustards (*Brassica* spp.), bindweed (*Convolvulus arvensis*), and a variety of landscape species. Other species present to a lesser degree included rabbitfoot grass (*Polypogon monspeliensis*), wild oats (*Avena* sp.), spiny cocklebur (*Xanthium spinosum*), and curly dock (*Rumex crispus*). A dense Riparian Woodland is located along Lion Creek and the unnamed tributary drainage onsite and is dominated by dense stands of willows (*Salix* spp.) and an understory of California blackberry (*Rubus ursinus*). Cottonwoods (*Populus* sp.), coast live oak (*Quercus agrifolia*), California black walnut (*Juglans californica*), eucalyptus (*Eucalyptus* sp.), and mulefat (*Baccharis salicifolia*) are also prominent. Wetlands are found onsite within Lion Creek where water ponds. Prominent vegetation in these areas include rush (*Juncus* sp.), mulefat, canary grass (*Phalaris* sp.), willow herb (*Epilobium* sp.), watercress (*Rorippa nasturtium aquaticum*), and duckweed (Lemnaceae family). Coast Live Oak Woodland onsite is highly degraded and consists of approximately a dozen mature coast live oaks primarily clustered around the western residence with an understory of landscape species.

All native habitats onsite are protected by federal, state, and local agencies. Drainages and the associated Riparian Woodland and Wetland areas are under the jurisdiction of the Army Corps of Engineers (Corps) as waters of the U.S. and the California Department of Fish and Game (CDFG) as waters of the state. Riparian and Oak Woodlands are protected as Locally Important Plant Communities under the Policy 1.4.2.7 of the Ojai Valley Area Plan. Mature oaks, cottonwoods, walnuts, willows, and other protected native trees are protected under Policy 1.4.2.3 of the Ojai Valley Area Plan and the Tree Protection Regulations of Section 8107-25 of the Ventura County Noncoastal Zoning Ordinance (1995).

Special-status species and communities are potentially present onsite due to presence of Lion Creek and the unnamed tributary drainage onsite and the proximity of large open space areas within the Los Padres National Forest to the north, the Sulphur Mountain area to the south and east, and the Black Mountain area to the west. A November 2001 search of the California Natural Diversity Database (CNDDB) via the RAREFIND2 software identified special-status species that could be potentially present onsite, as they are known within 10 miles of the project area. These include species found in riparian habitats such as Sanford's arrowhead (*Sagittaria sanfordii*), steelhead trout (Southern California Evolutionarily Significant Unit, *Oncorhynchus mykiss irideus*), arroyo chub (*Gila orcutti*), Santa Ana sucker (*Catostomus santaanae*), arroyo toad (*Bufo microscaphus californicus*), western yellow-billed cuckoo (*Coccyzus americanus occidentalis*), and least Bell's vireo (*Vireo bellii pusillus*). In addition, birds of prey such as the white-tailed kite (*Elanus leucurus*) and Cooper's hawk (*Accipiter cooperii*) may nest within the oak and riparian woodland areas and forage within adjacent ruderal/annual grassland areas onsite.

**Impacts.** The proposed subdivision, in and of itself, would not have any direct impacts on biological resources onsite, and would be Categorically Exempt under the California Environmental Quality Act (CEQA). Future construction onsite would be expected to require only a ministerial permit from the County of Ventura (Mailin, November 13, 2001), and such construction could include the addition of a second dwelling on each parcel, movement of the

existing oil wells onsite, or improvements to existing infrastructure. Because future development could encroach within sensitive biological resource areas onsite, the current action does not qualify for the Class 15 Categorical Exemption.

Potential future improvements to the existing road crossings over Lion Creek and the unnamed tributary drainage are anticipated to require permits/approval from the U.S. Army Corps of Engineers (Corps), California Department of Fish and Game (CDFG), and the Regional Water Quality Control Board (RWQCB). Future construction activities within or adjacent to the native habitats onsite could result in impacts to common and special-status biological resources. This could include impacts to special-status plants, birds, and habitats, areas under the jurisdiction of CDFG and Corps, and wildlife corridors, as discussed below.

Although no special-status species were observed during the site reconnaissance, two species may be present within the riparian areas and could be affected by future development on the site. Sanford's arrowhead, is listed on the California Native Plant Society's (CNPS) List 1B-plants rare, threatened, or endangered in California and elsewhere, and could be present in wetland areas within Lion Creek. Although not known to the project area, the Federal and State Endangered least Bell's vireo (*Vireo bellii pusillus*) could potentially nest in the dense riparian woodland associated with the drainages onsite. Future construction within or adjacent to riparian habitats onsite could adversely affect these special status species through direct impacts to individuals and habitats and indirect impacts to surface water quality.

Nesting raptors, such as the white-tailed kite, a California Fully Protected species, and Cooper's hawk, a California Species of Concern, may also be present onsite within the oak or riparian woodlands. If present, nesting raptors could be adversely affected by noise and activities associated with future construction. Migratory birds, and their nests and eggs, are protected under the Migratory Bird Treaty Act (U.S.C. 16(7)II) and the California Fish and Game Code.

Several special-status species are not anticipated to be onsite as the project area is outside of their identified range or critical habitat, or provides insufficient habitat. This includes the arroyo chub, a California Species of Concern, and the Santa Ana sucker, a Federally-Threatened and California Species of Concern. Neither of these fish species is known within Lion Creek or the greater Ventura River watershed (CNDDDB November 2001, USDA 1999). Steelhead trout, a Federally Endangered species, is not anticipated to migrate through Lion Creek onsite due to the distance of the site from known steelhead migration routes (USDA 1999, Federal Register February 16, 2000) and the degradation of Lion Creek both up- and downstream. Arroyo toad, a Federally Endangered and California Species of Concern, is not known within the Ventura River watershed (Federal Register, February 7, 2001). The State Endangered western yellow-billed cuckoo is also not expected due to the relatively limited extent of riparian woodland onsite.

The mature oaks, cottonwoods, willows, and California black walnuts onsite are protected by the County of Ventura under the Ventura County Tree Protection Regulations and under Policy 1.4.2.2 of the Ojai Valley Area Plan. Future construction onsite could adversely affect protected trees through direct removal, encroachment into the protected zone of trees (15 feet from trunk or 5 feet outside of canopy, whichever is greater), or unpermitted tree trimming.

Lion Creek and the associated unnamed drainage onsite are within the jurisdiction of the U.S. Army Corps of Engineers as waters of the U.S. and within the jurisdiction of CDFG as waters of the state. Any disturbance within these areas requires permitting through the Corps, CDFG, and the Regional Water Quality Control Board (RWQCB). Mitigation to reduce impacts associated with future activities would normally be required as part of the permit process.

The area is not located within a coastal zone. As a result, no impacts to coastal resources are anticipated.

Lion Creek is anticipated to serve as a migration corridor for wildlife between open space areas associated with Black Mountain to the west and Sulphur Mountain to the south and east. In the event future development impacts the riparian vegetation associated with Lion Creek, animal movement along this corridor could be adversely affected.

### C. MANDATORY FINDINGS OF SIGNIFICANCE

	<u>Yes/Maybe</u>	<u>No</u>
1. Does the project have the potential to significantly degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Does the project have the potential to achieve short-term, to the disadvantage of long-term, environmental goals?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Does the project have impacts, which are individually limited, but cumulatively considerable?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### D. MITIGATION MEASURES

Recommended ☐ Required for Negative Declaration ☒

The following mitigation measures are recommended to reduce potential impacts onsite in the event of future construction near sensitive biological resources is proposed.

- A deed restriction limiting future development within 50 feet of the top of drainage bank onsite is recommended to avoid potential impacts to the common and special-status vegetation, habitats, and wildlife associated with these riparian areas.
- Septic systems should not be installed within 100 feet of the drainages.
- In the event a deed restriction is considered infeasible, any development requiring a building or grading permit within 50 feet (or 100 feet for septic systems) of the drainages onsite should conduct a biological assessment for Sanford's arrowhead, least Bell's vireo, and other special-status resources. If least Bell's vireo is identified onsite, the U.S. Fish and Wildlife Service (USFWS), CDFG, and County of Ventura should be formally notified and consulted regarding the presence of this species and the need for a "take" permit under the State and Federal Endangered Species Acts.

- Future improvements to either road crossing spanning the drainages onsite would require approval from the Corps, CDFG, and the RWQCB. Requirements of these approvals should be implemented and are anticipated to include mitigation for impacts to the drainage channels and associated riparian habitats via revegetation, and the use of Best Management Practices (BMPs) during construction to protect water quality. The County of Ventura should receive a copy of any required USFWS, Corps, CDFG, and RWQCB approvals.
- The County of Ventura should require replacement of all affected riparian and oak woodland vegetation at a ratio of 1:1 (one acre replaced for every one acre removed) as discussed under Policy 1.4.2.7 of the Ojai Valley Area Plan.
- In the event that future construction requiring a building or grading permit would remove or trim onsite trees during the raptor nesting season (February through October), a search for active nests in affected trees should be conducted by a qualified biologist. If active nests are found, impacts to the trees hosting nests shall be postponed until the adults and young are no longer dependant upon the nest site.
- Future development requiring a building or grading permit should avoid the protected zone of mature oaks, cottonwoods, California black walnuts, willows, and other protected trees onsite as discussed in Policy 1.4.2.3 of the Ojai Valley Area Plan. Any encroachment, removal, or substantial trimming of protected trees would require a permit under the County's Tree Protection Ordinance.

#### **E. DETERMINATION OF ENVIRONMENTAL DOCUMENT FROM A BIOLOGICAL PERSPECTIVE**

Negative Declaration ☐ Mitigated Negative Declaration ☒ EIR Required ☐

Reviewer: \_\_\_\_\_

Date: November 13, 2001

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#### **F. REFERENCES**

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