

California Environmental Quality Act Environmental Checklist Form  
 Biological Resources  
 County of Ventura, Planning Division



<b>PROJECT REFERENCE NO.:</b> PMW-1038 (DMEC PN 00-0011-5)	<b>PROJECT PLANNER:</b> Debbie Morrisset
<b>DATE:</b> 8 September 2000, field survey on 7 September 2000	<b>PROJECT BIOLOGIST:</b> David L. Magney, David Magney Environmental Consulting

**PROJECT LOCATION:** near 20089 South Mountain Road/Santa Clara River, Santa Paula (APN 046-0-270-030 and 040), between 12<sup>th</sup> Street in Santa Paula and SR23 in Fillmore.

**PROJECT ADDRESS:** near 20089 South Mountain Road, Santa Paula, California, Tract 1 of the Rancho Sespe

**DESCRIPTION OF PROJECT:** Legalize one 40.13-acre parcel to transfer ownership of parcel to either a state resource agency or a nonprofit conservation organization to habitat conservation purposes.

**ENVIRONMENTAL SETTING:** The parcel is located in the floodplain and floodway of the Santa Clara River between the cities of Santa Paula and Fillmore. Access to the parcel is from South Mountain Road, east of Balcom Canyon Road. The property has two distinct landforms, the active river channel and the floodplain terrace, which floods irregularly. Vegetation on the parcel is diverse and changes dramatically as a result of periodic winter flooding.

The active river channel portion of the parcel contains a range of natural fluvial and riparian habitats from riverine cobble channel to Willow-Cottonwood Riparian Forest.

The floodplain terrace portion of the parcel contains a range of natural habitats, ranging from Willow Riparian Woodland and Scrub, Freshwater Marsh, and annual and perennial grassland.

Several special-status species are known or expected to occur in habitats present on the parcel. Least Bell's Vireo (*Vireo bellii pusillus*), Southwestern Willow Flycatcher (*Empidonax trillii extimus*), Southern Steelhead Trout (*Oncorhynchus mykiss*), all federally listed species, are known to occur onsite. Special-status species Southwestern Pond Turtle (*Clemmys marmorata pallida*) and Spiny Rush (*Juncus acutus* ssp. *leopoldii*) are also known to occur onsite. Several plant species of local concern (Magney 2000<sup>1</sup>) are known or likely to occur onsite, including Yerba Mansa (*Anemopsis californica*).

Report does not provide info as outlined in CEQA,  
 need breakdown into checklist items  
 INFO NOT PROVIDED BY BIOLOGIST

<sup>1</sup> Magney, D.L. 2000. Ventura County Plant Species of Local Concern, Draft. California Native Plant Society, Channel Islands Chapter, Ventura, California.

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IV. BIOLOGICAL RESOURCES:	PROJECT IMPACT DEGREE OF EFFECT <sup>2</sup>				CUMULATIVE IMPACT DEGREE OF EFFECT			
	N	LS	PS-M	PS	N	LS	PS-M	PS
<b>What level of impact will the proposal have on:</b>								
A. Endangered, Threatened, or Rare Species			<u>X</u>				<u>X</u>	
B. Wetland Habitat			<u>X</u>				<u>X</u>	
C. Coastal Habitat	<u>X</u>				<u>X</u>			
D. Migration Corridors			<u>X</u>				<u>X</u>	
E. Locally Important Species/Communities			<u>X</u>				<u>X</u>	
<b>Will the proposal:</b>								
a) Have a substantial adverse effect, 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?			<u>X</u>				<u>X</u>	
b) Have a substantial adverse effect 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 U.S. Fish and Wildlife Service?			<u>X</u>				<u>X</u>	
c) Have a substantial adverse effect on federally protected wetland as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?			<u>X</u>				<u>X</u>	
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?			<u>X</u>				<u>X</u>	
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<u>X</u>				<u>X</u>			
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<u>X</u>				<u>X</u>			

**Additional comments or explanations:**

Legalization of the 40.13-acre parcel in itself will not result in direct significant impacts to the biological resources of the parcel; however, depending on unknown actions of future landowners,

<sup>2</sup> N = No Impact; LS = Less Than Significant; PS-M = Potentially Significant Impact Unless Mitigation Incorporated; PS = Potentially Significant Impact.

adverse changes could occur to the legalized parcel that may adversely affect sensitive biological resources on the parcel.

**Recommendations:**

Since the parcel is known to provide habitat for special-status plant and wildlife species, as well as wetlands, conditions on future development of the parcel are warranted, since some activities may be considered ministerial and not require further review under CEQA. To prevent impacts to sensitive biological resources from nondiscretionary or unregulated development of the parcel that results in changes in land use of the legalized parcel, an assessment of the biological and wetland resources of the parcel should be conducted during appropriate seasons to allow biologists to properly observe and document the presence of the plants and wildlife onsite.

Other restrictions in land use of the legalized parcel could include a deed restriction, conservation easement, or other similar vehicle to ensure future landowners are aware of the importance of the biological and wetland resources present onsite. The regulatory constraints on certain development activities should be noted and included in disclosure documents to any and all future owners of the parcel.

Permits from the U.S. Army Corps of Engineers (Corps) and the Los Angeles Regional Water Quality Control Board (RWQCB) may be required pursuant to Sections 404 and 401 of the Clean Water Act, respectively, if any modifications to waters of the U.S., including wetlands, are performed onsite. This would include the intended habitat restoration activities of the parcel in the future. A Streambed Alteration Agreement from the California Department of Fish and Game may also need to be obtained pursuant to Section 1600 et seq. of the California Fish and Game Code.

Any activities that may harm, harass, or take federally listed wildlife species, such as the Least Bell's Vireo or Willow Flycatcher will need a permit from the U.S. Fish and Wildlife Service, or a permit from the National Marine Fisheries Service for impacting habitat or taking of Southern Steelhead Trout, pursuant to Section 10 or Section 7 of the Endangered Species Act.



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<b>D. <u>MANDATORY FINDINGS OF SIGNIFICANCE</u></b>	<b><u>Yes/Maybe</u></b>	<b><u>No</u></b>
Based on the information contained with Section B6:		
1. Does the project have the potential to 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, or eliminate important examples of major periods of California's history or prehistory?	X	
2. Does the project have the potential to achieve short-term, to the disadvantage of long-term, environmental goals? (A short-term impact on the environment is one that occurs in a relatively brief, definitive period of time while long-term impacts will endure well into the future.)		X
3. Does the project have impacts that are individually limited, but cumulatively considerable? "Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effect of other current projects, and the effect of probable future projects. (Several projects may have relatively small individual impacts on two or more resources, but that total of those impacts on the environment is significant.)	X	
4. Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?		X

<b>E. <u>DETERMINATION OF ENVIRONMENTAL DOCUMENT:</u></b>	
On the basis of this initial evaluation:	
<input type="checkbox"/>	I find the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION should be prepared.
<input checked="" type="checkbox"/>	I find that although the proposed project could have a significant effect on the environmental, there would not be a significant effect in this case because the mitigation measure(s) described in section C of the Initial Study will be applied to the project, A MITIGATED NEGATIVE DECLARATION should be prepared.
<input type="checkbox"/>	I find the proposed project, individually and/or cumulatively, MAY have a significant effect on the environmental, and an ENVIRONMENTAL IMPACT REPORT is required.
<input type="checkbox"/>	I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environmental, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
<input type="checkbox"/>	I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

David L. Biological Resources Initial Study Preparer

8 September 2000  
Date