

**Historic Biological Reports  
Scan Control Sheet**

**County Project Number(s):**

CCL-0304

**Report Type (check one):**

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

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

2/12/2004

**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

## **5. MINERAL RESOURCES:**

### **Item A - Aggregate**

The proposed project is not zoned for "mineral resource protection", and will not effect current aggregate manufacturing or production "stream" nor will the project result in direct impacts through the use of mineral resources. The County of Ventura Zoning Ordinance includes Mineral Resource Protection (MRP) overlay zones for areas where important mineral resources do or may exist and the extraction of these resources may be a compatible land use. The proposed project is not located within the MRP zone. As such the project is expected to have **no adverse impacts** on aggregate resources.

### **Item B - Petroleum**

The proposed CCofC and accompanying PM will not preclude access to petroleum resources, nor create a demand for the use of additional resources. Therefore, **no impacts to petroleum resources** are expected. Oil resources are considered a worldwide, national and statewide resource, which is beyond the scope of local governments to effectively manage or control (*Resource Appendix of the General Plan*).

## **6. BIOLOGICAL RESOURCES:**

The project site is currently used for row crop agriculture and has been for over 25 years. The row crops lack significant biological value. Exhibit "7", an Aerial View of the project site illustrates the existing disturbed nature of the site. Exhibit "7" also shows the southern portion of the southernmost parcel; APN: 138-0-212-075 located adjacent to the Santa Clara River channel. The nature of the proposed project, a Conditional Certificate of Compliance (CCofC No. 0304) to legalize an illegal lot for sale, lease or finance, does not include proposed development of any kind. Therefore a biological resources report was not performed as part of the environmental review of the proposed CCofC No. 0304. A thorough survey for plant and animal species was not conducted, nor was it timely as yet, due to the environmental review of the proposed project being conducted in the winter, as opposed to the spring when such species are more easily observed. The biological review was limited to a search of the California Natural Diversity Database (CNDDDB) (February 2004) and analysis of aerial photographs by Resource Management Agency Planning Division staff biologist Elizabeth Chattin. In a memo dated February 12, 2004, Elizabeth Chattin provided the following Initial Study analysis and mitigation measures.

### **Item A. Endangered, Threatened or Rare Species:**

A search of the California Natural Diversity Database (CNDDDB) (February 2002) listed special-status biological resources within a 5-mile radius of the project vicinity that could be present within the communities' onsite. The CNDDDB record search area incorporated a large diversity of habitats and conditions (5 mile radius from the property), some of which may not occur on the property, and may preclude some species. The following special-status species and habitats were listed in the CNDDDB records have the potential to occur within 500 meters of the southern (adjacent to the river channel) boundary of the site:

- \* Western yellow-billed cuckoo (*Coccyzus americanus occidentalis*); found in Southern Riparian Scrub, a rare plant community. State endangered.
- \* Tidewater Goby (*Euclylogobius newberryi*); found in Southern Riparian Scrub, a rare plant community. Federally endangered.
- \* Western Pond Turtle (*Clemmys marmorata*) Federally Endangered.

The following sensitive plant communities and special-status species were listed in the CNDDDB records have the potential to occur within 5 miles of the site:

- \* Southern Coastal Salt Marsh, Coastal and Valley Freshwater Marsh plant communities
- \* Salt Marsh Bird's Beak (*Cordylanthus maritimus*) federal and State endangered
- \* Ventura Marsh milk-vetch (*Astragalus pycnostachyus*) federal and State endangered
- \* California least turn (*Sterna antillarum browni*) federal and State endangered
- \* Western snowy plover (*Charadrius alexandrinus*) federal and State endangered
- \* Sandy beach tiger beetle (*Cicindela hirticollis grarida*) federal and State endangered
- \* Monarch butterfly (*Dananus plexippus*) federal and State endangered
- \* Bank swallow (*Riparia riparia*) State threatened
- \* Belding's savannah sparrow (*Passeculus sandwichensis beldingi*) State endangered

The processing of this Conditional Certificate of Compliance No. -0304 is limited to the legalization of the lot for sale, lease and finance and does not include any development actions and therefore would have no direct impacts to endangered, threatened, or rare species located on this site. However, future grading, development, subdivision or issuance of any discretionary permits could affect any sensitive biological resources, including sensitive plants, wildlife, communities, or wetlands that may exist on site, resulting in **potentially significant impacts unless mitigations are incorporated**. Therefore, a mitigation measure requiring a survey for sensitive biological resources within the southwestern corner (Exhibit "9") of the of the southern parcel; APN 138-0-212-075, shall be required as a condition of approval and recorded as a deed restriction for this CCofC No. 0304. Exhibit "9" illustrates the area to be deed restricted.

#### **Item B. Wetland Habitat:**

The southern portion of the southern most parcel; APN 138-0-212-075 is located adjacent to the Santa Clara River channel. Based on the examination of the CNDDDB search as described above in section 6.A., and examination of an aerial view (Exhibit "7") (August, 2003) of project site, the southern portion of the project site appears to support disturbed riparian habitat, which may include wetlands. The proposed project, the processing of CCofC No. 0304, will not result in impacts to biological resources, however, **future development** of the southern parcel **may result in potentially significant impacts unless mitigation measures are incorporated to wetlands**. Therefore a mitigation measure requiring a wetlands survey of the southwestern corner (Exhibit "9") of the southern parcel; APN 138-0-212-075, shall be required as a conditional of approval and recorded as a deed restriction for this CCofC No. 0304.

#### **Item C. Coastal Habitats:**

The proposed project area is not located within the coastal zone and coastal resources do not occur within the immediate vicinity of the project area, therefore the proposed project would have **no impacts** to coastal habitat resources.

#### **Item D. Migration Corridors:**

The southern parcel of the project site, APN 138-0-212-075 is located adjacent to the Santa Clara River channel, which is the main migration corridor for a number of aquatic and terrestrial species. The proposed project, the processing of the CCofC for the legalization of the lot for sale lease or finance does not include development. Migration would be marginally affected by development.

Development within the southern portion of the project area would result in **less than significant** impacts to the migration corridor.

#### **Item E. Locally Important Species/Communities:**

The southern parcel on the project site, APN 138-0-212-075 is located adjacent to the Santa Clara River channel, which supports rare plant communities including Southern riparian scrub and a number of potentially sensitive species that have the potential to occur. If such species do occur on the site, development within this portion of the project site **may result in potentially significant impacts unless mitigation is incorporated to locally important species/communities**. If locally important species or communities exist on site, they will not be affected by this Conditional Certificate of Compliance No. -0304. However, future grading, development or subdivision may result in potentially significant impacts to locally important species. Therefore a mitigation measure requiring the identification of locally important species or communities shall be identified by the performance of a Biological Resources study (as addressed in Section 6.A. above) in the southwestern corner (Exhibit "9") of the southern parcel APN 138-0-212-075 prior to any future development actions and required as a conditional of approval and recorded as a deed restriction for this CCofC 0304.

Based on the potentially significant impacts to biological resources identified in 6.A, 6.B. and 6.E. above, the following mitigation measures are recommended. The applicant has agreed to implement the mitigation measures listed below by signing Exhibit "8", Consent Agreement for Proposed Mitigation Measures with Mitigated Negative Declaration. Exhibit "9" illustrates the geographical area where the mitigation measures apply and the area to be deed restricted.

#### **MITIGATION MEASURES**

##### **Required for Mitigated Negative Declaration**

1. **Recordation of Deed Restriction:** Prior to the recordation of the Conditional Certificate of Compliance No. -0304 and companion Parcel Map No. 5379, the applicant and property owner of record shall sign, and have notarized, and record with the Office of the County of Ventura Recorder a *Deed Restriction* form, furnished by the Planning Division. Said deed restriction is to inform the present and future owners of the property of required mitigation measures to be implemented prior to grading, development, subdivision or the issuance of any discretionary permits in the southwestern corner (Exhibit "9") of the southern parcel, 138-0-212-075 of the property. A copy of said recorded deed restriction shall be returned to the Planning Division to be filed with, and made part of the case file. The Deed Restriction shall specifically include disclosure of the two (2) required mitigation measures addressed below, concerning a *sensitive biological resources study (to include identification of locally important species protection) and a wetlands study*.
2. **Sensitive Biological Resources Study:** Prior to grading, development, subdivision or the issuance of any discretionary permits for the southwestern corner (Exhibit "9") of the southern parcel, APN 138-0-212-075 on the property, a survey for sensitive plant and animal species should be performed. The survey should be performed during the blooming period, when species potentially onsite may be more easily observed and may be identified to species. The biological resources study shall include the identification of any locally important species that may exist on site. If sensitive species and/ or locally important species occur onsite, they should be avoided and fenced to prevent disturbance to sensitive habitats and species. If avoidance is not feasible, it should be determined whether replacement mitigation is

acceptable for the species in question and a habitat restoration plan should be prepared.

3. **Wetlands Survey:** Prior to grading, development, subdivision or the issuance of any discretionary permits for the southwestern corner (Exhibit "9") of the southern parcel, APN 138-0-212-075 on the property, a wetland survey shall be conducted to determine whether wetlands exist within the southern portion of the parcel. Grading or fill of waters of the U.S. or wetlands may result in significant impacts and may require consultation with the United States Core of Engineers and the California Department of Fish and Game.

## **REFERENCES**

California Department of Fish and Game, California Natural Diversity Database. February 2002. RAREFIND2 software.

## **7. AGRICULTURAL RESOURCES:**

### **Item A – Soils, B - Water, C - Air Quality/Micro Climate, D - Pests/Diseases, E - Land Use Compatibility**

The project site is designated "Prime" under the California Department of Conservation Farmland Mapping and Monitoring Program, *Important Farmlands Maps*. Legalization of the lot will not result in (a) the loss of agricultural soils; (b) the diversion of ground or surface water that is currently use to irrigate crops to other uses, or adverse impacts to ground or surface water quality that would affect agricultural production; (c) the generation of substantial amounts of dust or the prohibition of solar access that would adversely affect agricultural operations; (d) the introduction of pests or diseases that would be harmful to agricultural operations; and (e) the creation of land use conflicts with agricultural operations. The project, the CCofC only legalizes the lot for sale, lease or finance and does not include development of the project. Therefore, according to the criteria of the *Ventura County Initial Study Assessment Guidelines* for agricultural resources impacts (September 2000), the project would have **no adverse impacts** to agricultural soils.

## **8. VISUAL RESOURCES:**

### **Item A - Scenic Highway and Item B - Scenic Area/Feature:**

The project site is not located within visual distance of an "Eligible County Scenic Highway" nor do any known significant scenic features exist near the proposed project site. Therefore, **no adverse impacts** to visual resources are expected. Based upon the above analysis, the project is consistent with the goals and policies contained in the *Ventura County General Plan Section 1.7-Scenic Resources*.

## **9. PALEONTOLOGICAL RESOURCES:**

The proposed project is consistent with the goals and policies in the *Ventura County General Plan Section 1.8 - Paleontological and Cultural Resources*. As per the County's USGS "Paleontological Importance of Formation" maps, the project site is in an area where no paleontological resources exist. Therefore, the no impacts to paleontological resources are expected.

## **10. CULTURAL RESOURCES:**

### **Item A – Archaeological Resources and Item B – Historical Resources**

As noted above, in Item 8, the project site is not located in an area known for paleontological resources. Additionally, the proposed project, the legalization of an illegally created lot does not