

**Historic Biological Reports
Scan Control Sheet**

County Project Number(s):

pmw-1105

Report Type (check one):

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

Report Date (Month/Day/Year):

12/01/2001

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: December 1, 2001

Requestor: Debbie Morriset

Project: PMW-1105

Field Study: ☐ Yes ☒ No

Justification: Lot line adjustment with house site to be located outside floodplain within existing orchard.

A. CHECKLIST

Biological Resources Issues	Project Impact Degree of Effect				Cumulative Impact Degree of Effect			
	N	LS	PS-M	PS	N	LS	PS-M	PS
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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input 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 = No effect

LS = Less than significant effect

PS-M = Potentially Significant effect; Mitigation incorporated for a ND

PS = Potentially Significant effect; EIR required

B. DISCUSSION

Project consists of the resubdivision of two illegally split lots into two legal lots of appropriate size to meet zoning. In addition, the resubdivision provides the western lot with a homesite that would be outside of the 100-year floodplain.

Based on County aerial photography (dated April 2000), the two lots contain orchards on the upper floodplain terraces of the Santa Clara River, though some orchards may have been established in the active river floodplain area. The active, flowing channel is present on the south half of the current eastern parcel, and along the southern edge of the western parcel. The Santa Clara River Enhancement and Management Plan (CH2M Hill & Psomas, March 1998) mapped important biological resources of active channel, riparian scrub, and riparian woodland at the project site, with potential for habitat enhancement and restoration within the river channel on both parcels. Differences between the mapped agricultural resources from the 1998 Enhancement and Management Plan and the 2000 aerial photograph indicate that a substantial orchard area (3-4 acres) at the current parcel line boundary was eroded in recent years.

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Several sensitive wildlife species have the potential to exist in the project site. Special status fish species potentially at the project site include federally endangered southern steelhead (*Oncorhynchus mykiss irideus*), the federally proposed threatened Santa Ana sucker (*Catostomus santaanae*), the state and federally endangered unarmored three-spine stickleback (*Gasterosteus aculeatus williamsoni*), and the federal and state species of concern arroyo chub (*Gila orcutti*). Avian species potentially in the project site include the federal and state listed endangered least Bell's vireo (LBV), state endangered willow flycatcher, the state endangered western yellow-billed cuckoo, and raptors protected by the Federal Migratory Bird Treaty Act and California Fish and Game Code. Avian species on the California Special Animals (CSA) list also likely to occur at the site include great blue heron, great egret, snowy egret and black-crowned night heron. Sensitive reptiles potentially within the project area include the federal species of concern southwestern pond turtle, coast horned lizard, and two-striped garter snake. One amphibian species, the federally threatened California red-legged frog has the potential to exist in the project area.

The trout, sucker, and arroyo chub are known to occur upstream and downstream of this site and undoubtedly move through the site when water is present. The stickleback and its critical habitat are located further upstream and the possibility of their presence is less, but still finite. It is also highly probable that least Bell's vireo breeds at the site, particularly in the riparian woodland area in the southwest corner of the site, based on prior surveys of the riverbottom (J. Grieves, personal communication, 2000). The southwestern willow flycatcher may also occur in this area. The vireo may also occur in the riparian scrub areas located along the southern property boundary and forage in the orchard and upland scrub areas within the site. Both of these migratory birds would be present at the site only during the spring and summer breeding period. It is noted that knowingly disturbing these birds or their nest sites would constitute "take" under the federal Endangered Species Act and is prohibited by that Act. The cuckoo has not been reported to breed in this area for several decades, and would likely occur only as a transitory migrant to the site. The pond turtle and two-striped garter snake are only likely within the river, and given the lack of pooling apparently present based on the aerial photograph, they most likely use the site for migratory purposes only. The coast horned lizard is possible in the open channel area and the upland scrub and disturbed areas. The red-legged frog has not been recorded in the nearby area, and the site is not within the proposed critical habitat for this species (FWS, September 2000).

The site lacks habitats that are suitable for sensitive plant species, and none would be expected at the site. However, as noted above, sensitive plant communities (riparian woodland, riparian scrub and possibly wetlands) are present.

The U.S. Army Corps of Engineers (USACE) has jurisdiction with regard to the active channel portion of the Santa Clara River. Any improvements that would occur within the southern portion of the two parcels may be within USACE jurisdiction and would be subject to permitting under Section 404 of the Clean Water Act. Permitting under Section 404 of the Clean Water Act has specific restrictions regarding impacts to wetland vegetation, and generally the local USACE office requires a 3:1 to 5:1 replacement ratio for any loss wetland vegetation. The USACE uses a three criteria approach to determining the presence of wetlands based on positive evidence of each of three parameters: hydrophytic vegetation; hydric soils; and appropriate hydrology.



The southern portion of both lots are within the jurisdiction of the California Department of Fish and Game (CDFG) under Section 1600 et. seq. of the Fish and Game Code. This code section concerns alterations of creeks, river, and streams, and the diversion of water. It is unknown if appropriate Streambed Alteration Agreements have been acquired for the site with regard to bank protection features that are visible in the eastern parcel near the active channel. In addition, any encroachment of agricultural uses into the riverine area would require a similar agreement. The CDFG has the sole authority to determine the boundaries of their jurisdiction, which per the code include the "bed, bank, and channel."

The CDFG uses the Cowardin system for delineating wetlands. This system delineates wetlands based on positive evidence of least one of three parameters: hydrophytic vegetation; hydric soils; or wetland (Cowardin et al, 1979). Using either hydrology or hydrophytic vegetation to determine the extent of wetland would indicate that a substantial amount of the southern portion of the eastern parcel may be considered wetland. In addition, the CDFG definition would indicate that a possible wetland swath is located along the southern property line of the current western parcel, ranging from 100 feet wide at the east end to 600 feet wide at the west end. As a wetland under CDFG definitions and per Section 1600, any land alteration in the Santa Clara River in this area would be subject to a Streambed Alteration Agreement.

The project site is not located within the coastal zone, and would have no direct effect on coastal resources. Erosional and depositional actions associated with the Santa Clara River does affect downstream coastal resources, but given the limited size of the site in relationship to the river, activities at the site would not be expected to cause significant direct effects. However, cumulative effects associated with activities throughout the entire Santa Clara River watershed have caused alterations to the dynamics of the Santa Clara River estuary and nearshore environment. These effects are in part the subject of ongoing studies regarding the river, as reflected in the 1998 Enhancement and Management Plan. Measures to improve conditions within the Santa Clara River would need to occur on a watershed basis by those with appropriate regulatory control, such as Fish and Game and the Corps of Engineers.

The Santa Clara River is a migration corridor for several fish and wildlife species. Both water and vegetation are present in the project area and serve as wildlife corridors. Vegetative cover in and along the Santa Clara River provides cover, an essential component in migration corridors. The river is also a source of water and food for migrating wildlife species and the actual movement corridor for aquatic species. Movement is up and down the river corridor and some wildlife movement is also expected to occur up O'Leary Creek, which lies near to the eastern property line. The river corridor also facilitates movement through adjacent habitats along the river, particularly the riparian woodland area.

The limited nature of the proposed action (adjustment of lot lines) does not in itself cause biological effects; rather, biological effects stem from subsequent actions that may be made as a consequence of the parcel map. The subdivision of the land through the parcel map would allow the construction of one additional primary residence at a location subject to the requirements of the building code. Because of the floodprone nature of the property, the construction of another residence would be limited to the northeastern corner of the newly proposed western lot in an area of existing orchard trees that contains no significant biological

resources. An additional secondary residence could also be constructed on each parcel subject to zoning clearance, which given the flood constraints, would also be located outside of sensitive habitats. A particular concern with respect to the Parcel Map is that an expansion of agricultural activity into areas of sensitive habitat could occur without the requisite permits and agreements of regulatory agencies. The attached figure illustrates the area of sensitive biological resources. Given the sensitive animals and communities, including wetlands, that are present at the site, potentially significant biological impacts could occur if additional agricultural activity occurs within the sensitive area.

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 that are individually limited, but cumulatively considerable?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

D. MITIGATION MEASURES

Recommended ☐

Required for Negative Declaration ☒

The following mitigation measures are required to reduce the potential for significant impacts to the riparian and wetland areas of the Santa Clara River and the associated listed species. These measures are based on the jurisdictional authority of the responsible agencies.

1. The applicant shall provide to the County a signed Streambed Alteration Agreement from the California Department of Fish and Game regarding all activities conducted within their jurisdiction, including any past fill. If after consultation with Fish and Game and a field visit by a Fish and Game representative it is determined that no Agreement is required, then the applicant shall provide a letter from Fish and Game acknowledging such.

2. The applicant shall consult with the Army Corps of Engineers regarding their jurisdictional requirements and provide to the County a signed copy of any Section 404 permit that may be required. If it is determined that no Section 404 permit is required, then the applicant shall provide documentation to the County that illustrates this.

It is noted that prior to obtaining the above agreements it may be necessary for the applicant to have specific biological surveys prepared, in particular, a species specific protocol survey for the least Bell's vireo may need to be performed during its spring and summer breeding period. It is also noted that portions of the site have been previously identified as being suitable for

riparian restoration activities. It is possible that the applicant may wish to pursue such restoration as an effective use of the land through the creation and selling of mitigation credits.

E. DETERMINATION OF ENVIRONMENTAL DOCUMENT FROM A BIOLOGICAL PERSPECTIVE

Negative Declaration ☐ Mitigated Negative Declaration ☒ EIR Required ☐

Reviewer: 
Rincon Consultants, Inc.

Date: 12/03/07

Phone: 641-1000

F. REFERENCES

California Department of Fish and Game (July 2001a). *State and Federally Listed Endangered, Threatened, and Rare Plants of California*. 16 pgs. Natural Heritage Division, Plant Conservation Program

California Department of Fish and Game (July 2001b). *State and Federally Listed Endangered and Threatened Animals of California*. 10 pgs. Natural Heritage Division, Natural Diversity Data Base.

California Department of Fish and Game (July 2001c). *Special Vascular Plants, Bryophytes, and Lichens List*. 141 pgs. Natural Heritage Division, Natural Diversity Data Base.

California Department of Fish and Game (July 2001d). *Special Animals*. 59 pgs.

County of Ventura (August 3, 1999). *Administrative Supplement to State CEQA Guidelines for the Implementation of California Environmental Quality Act*. 72 pgs.

Holland, Robert F. (October 1986). *Preliminary Descriptions of the Terrestrial Natural Communities of California*. California Department of Fish and Game, Nongame Heritage Program. 156 pgs.

United States Fish and Wildlife Service (November 30, 1998). *Endangered and Threatened Wildlife and Plants*. Special Reprint, Code of Federal Regulations, Title 50, Part 17, Subpart B.

Zeiner, D., W.F. Laudenslayer, Jr., and K.E. Mayer (May 1988). *California's Wildlife*. California Statewide Wildlife Habitat Relationship System, Volumes I, II, & III. California Department of Fish and Game.

Jim Grieves, personal communication regarding location of least Bell's vireo nests, 2000.

U.S. Fish and Wildlife Service. (September 11, 2000). "Endangered and Threatened Wildlife and Plants: Proposed Designation of Critical Habitat for the California Red-Legged Frog (*Rana aurora draytonii*); Proposed Rule. Federal Register, Volume 65(176): 54893-54931