

Review of Biotic Survey for Tentative Parcel Map No. PM-4932 (Olivo Enterprises – Lockwood Valley)

This document provides a review of the biotic survey for the above project development in Lockwood Valley conducted by Kiva Biological Consulting (Kiva) of Inyokern, California, dated 30 July 1999.

Basically, we find the biotic survey to be wanting on several aspects:

- ♣ suitable seasonal surveys were not conducted as recommended in our Initial Study of 17 November 1998;
- ♣ biotic surveys were incomplete; and
- ♣ impact assessments regarding offsite wetlands potentially affected by groundwater pumping was not addressed.

Our Initial Study recommendations of 17 November 1998 were very specific and determined as necessary to determine whether the proposed development in Lockwood Valley would likely result in significant impacts to the biological resources of the project site and surrounding area. The Kiva study failed to provide important information to make reasonable findings regarding potential project-related impacts. Each of the biotic impact issues that we determine have not been addresses satisfactorily are described below.

Seasonal Field Surveys

The reviewers (Carl Thelander and David Magney) conducted a cursory site visit of the 80-acre parcel on 12 November 1998 and recommended that botanical and wildlife surveys should be conducted during specific seasons in order to determine what plant and wildlife species occur on the 80-acre parcel. We recommended that field surveys for plants needed to be conducted during late spring and mid- to late summer in order to be able to see and/or identify the plants present onsite.

Kiva conducted only one field survey during the late spring, on 28-29 May 1999. This prevented Kiva from observing, or being able to identify, plants and wildlife that are present and/or identifiable during the early spring and summer. Many species of many genera, such as *Chrysothamnus* and *Eriogonum* do not flower until the mid- to late-summer. This is apparent in Kiva's checklist of plants observed onsite, where many taxa are not identified to species level, some of which contain rare species where identification to species is critical for project impact assessment. Without positive identifications of the species onsite, the preparers need to assume that the rare taxa are present until they can determine otherwise. Since it is now November 1999, the project applicant has missed the opportunity to conduct appropriate seasonal surveys as recommended on 15 November 1998 in our Biological Initial Study.

Incomplete Biotic Surveys of the Project Site

As stated in our Initial Study, the site could also provide habitat for special-status lichen species. Kiva did not perform a survey of the lichen flora of the project site, providing only tentative identification of one genus (“*?Letharia*”) and mentioning two other unidentified crustose-form

lichens, referring to photographs that were not included in Kiva's report. Indeed, the foliose lichen, *Letharia vulpina*, is present onsite; however, the project site also contains at least a dozen other lichen taxa. One or more of these may be rare and of concern; however, since a survey for lichens (and other nonvascular plants) was not performed as recommended, we must assume that the site does contain one or more population(s) of rare lichens, and possibly other nonvascular plant taxa.

Assessment of Offsite Impact to Wetlands

Our Initial Study found that the project would require drilling water well(s) onsite to provide the four proposed dwellings water for domestic and landscaping uses. A regionally important and significant wetland occurs approximately one mile to the northeast that is dependent on groundwater. We recommended that the applicant determine if the groundwater to be used for the proposed dwellings would draw from the same aquifer that supports the wetland meadow nearby. The Kiva survey is silent on this issue, yet makes a determination that the proposed project would not have a significant effect on wetlands. This conclusion is not supported, and we disagree, until substantiating information is provided that reasonably shows that the well(s) proposed for the project would not significantly draw down the aquifer to a point that offsite wetlands are dewatered.

An adjacent property owner claims that the groundwater aquifer he is drawing upon is barely sufficient to support his own water demands. This issue still needs to be addressed before a finding of no significant impact can be made regarding offsite dewatering of nearby wetlands.

On pages 3 and 4 of the Kiva report (last and first sentence respectively), they states that the ephemeral drainage on the project site drains into Lockwood Creek, a tributary of Piru Creek, when in fact it drains Mill Canyon, which is a tributary to Cuddy Creek, flowing through the large wet meadow at Cuddy Ranch, near the U.S. Forest Service ranger station at Chuchupate.

Other Comments

The reviewers do not understand Kiva's reference to an "environmental analysis completed by the Ventura County Resource Management Agency (RMA 1994)". Kiva should have been provided a copy of our 1998 Biological Resources Initial Study. Kiva references a number of documents it referred to under its "Methods" section which do not represent current and up-to-date information, especially regarding special-status species. Kiva used California Department of Fish and Game lists of special-status species dated 1995, which have been updated annually each year since, with updates available during both 1997 and 1998.

The Kiva study conclusions are contradictory. For example, Kiva stated in the first paragraph on its "Conclusions" on page 17 that none of the "31 species with special status...where found during our survey". However, in the very next paragraph they state that "Only one of the 31 sensitive species was found on the site, San Diego black-tailed hare." While this is likely a simple editing oversight on the part of Kiva, it, with many other errors in the Kiva report does not build confidence in the reviewers in the quality and conclusions of the Kiva report (e.g. many

misspelled or wrongly identified plants, missing or erroneous citations, lack of identity determinations for many species, missing photographs).

Of particular concern, as an example, is the lack of determination by Kiva of plant taxa such as *Lessingia* and *Layia* to species level (see page App. 1-2) since both genera have rare species known to occur in the region.

Additionally, other significant plant occurrences ignored by Kiva include that fact that the presence of *Chyrsothamnus nauseosus* ssp. *consimilis* represents an extra-limital occurrence of this taxon, which is generally known from the southern Sierra Nevada northward and eastward, but not generally known from Ventura County.

Of the 113 plant taxa listed as occurring onsite by Kiva, a full 38% are not fully identified. Proper identification is critical to determining the biological resources of the project site and for assessing project-related impacts on those biological resources.

Conclusions of Review

The reviewers generally find the Kiva biotic survey of Tentative Parcel Map No. PM-4932 to lack sufficient information to determine that the proposed project would not have a significant impact on biological resources, including special-status plant and wildlife species and offsite wetlands. Precluding seasonal field surveys and investigations as previously recommended, the County should consider impacts to biological resources would be significant, some of which may be unmitigatable.

It has been a pleasure assisting the County with this review of the biotic survey report for this project. Please call Carl Thelander at 805/646-____ if you have any questions regarding this review.

Sincerely,

Carl Thelander
Wildlife Biologist

David L. Magney
Botanist/Wetland Scientist