

Specific Plan area potentially under the jurisdiction of these agencies are briefly discussed below. A detailed jurisdictional analysis is provided in **Appendix B, Jurisdictional Resource Report** of this report.

Federal jurisdictional waters are also subject to RWQCB jurisdiction under CWA Section 401. Under the Porter-Cologne Act, “waters of the State” also delineated as “waters of the U.S.,” but not regulated by the ACOE, may be subject to RWQCB jurisdiction.

Haun Creek is a southerly flowing perennial creek with that contains fast moving, high-gradient flow after significant storms. Haun Creek is located in the northeast portion of the Specific Plan area; it continues to flow south, paralleling the eastern property boundary, to Highway 126. Haun Creek eventually flows into the Santa Clara River after passing under Highway 126 and into a brief floodplain. The substrate of the Haun Creek is comprised of large cobbles, gravel, and silt, consistent with the Riverwash soil type identified in the Soil Conservation Service Soils Map (SCS 1981). Haun Creek contains areas under ACOE and CDFG jurisdiction.

Several small agricultural drainages with small catchment areas begin in the northern part of the site, but historically would have infiltrated into the highly porous soils of the site. Several other minor agricultural ditches, which were rarely hydrologically active, were constructed and have been modified (vegetation removal or recontouring) annually, but received limited drainage from agricultural irrigation. One such creek consist of a narrow concrete channel that channels water past a row of planted cottonwood trees, planted as a windrow alongside the concrete channel. These areas are under CDFG jurisdiction only

Santa Paula Creek, a major drainage with armored, concrete banks, is off site to the west. There are several small drainages that empty into Santa Paula Creek from the site, including one seepage area in the extreme northwest corner of the property. A bridge crossing the creek at the southern junction of the site and Santa Paula Creek will connect the site with Santa Paula Street. This will impact the creek temporarily with supporting structures for the bridge being implemented in the stream bed. Santa Paula Creek has areas under ACOE and CDFG jurisdiction.

Wildlife Movement Corridors

Wildlife corridors are pathways or habitat linkages that connect discrete areas of natural open space otherwise separated or fragmented by topography, changes in vegetation, and other natural or human-induced factors, such as urbanization. The fragmentation of natural habitat creates isolated “islands” of vegetation that may not provide sufficient area or resources to accommodate sustainable populations for a number of species and, thus, adversely affect both genetic and species diversity. Corridors often partially or largely mitigate the adverse effects of fragmentation by (1) allowing animals to move between

remaining habitats to replenish depleted populations and increase the gene pool available; (2) providing escape routes from fire, predators, and human disturbances, thus reducing the risk that catastrophic events (such as fire or disease) will result in population or species extinction; and (3) serving as travel paths for individual animals moving throughout their home range in search of food, water, mates, and other needs, or for dispersing juveniles in search of new home ranges.

Santa Paula Creek, along the western border of the site, contains a channelized bed that may facilitate the movement of wildlife from the Topatopa Mountains to the Santa Clara River. This movement corridor is marginal habitat for movement purposes in that it contains relatively low amounts of vegetation cover, has concrete, armored banks, and borders residential neighborhoods.

Haun Creek along the eastern border of the site is considered part of a landscape linkage identified by the County of Ventura and the CDFG (County of Ventura, 2006). Landscape linkages are linear landscape elements that serve as corridors between historically connected habitat and natural areas, thereby facilitating wildlife movement between these natural areas. The corridor is viable due to ease of travel, native vegetation, and because of Haun Creek's connection with the Santa Clara River. Haun Creek constitutes the western boundary of this identified landscape linkage, which connects open space east of Santa Paula with open space to the south of Highway 126, and movement along the Santa Clara River bed.

As previously described in this report, the majority of the Specific Plan area itself is not in a natural state due to past and existing agricultural uses. Similar development and land use practices occur on the south, west, and east sides of the site. Santa Paula Creek has agriculture to the east and the City of Santa Paula to the west. Agriculture occurs on both sides of Haun Creek, the County and CDFG designated landscape linkage. Though many wildlife species utilizing the creek corridors for movement have the potential to periodically forage on the Specific Plan area, the majority of the site itself (except for Haun and Santa Paula Creeks) is not considered a part of this movement corridor nor part of any core habitat (County of Ventura, 2006). The corridor serves as a path of avoidance away from the agricultural uses present within the Specific Plan area.

RELATED PLANS AND POLICIES

The following policies and regulations potentially apply to the biological resources associated with the Specific Plan area. Impacts that would conflict with these policies and regulations could be considered significant under Appendix G of the *State CEQA Guidelines* (see **Thresholds of Significance Criteria**).

Federal Regulations and Plans

Federal Endangered Species Act

Section 9 of the ESA prohibits the “take” of federally listed Threatened and Endangered species. The ESA defines take as any action that would harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect any Threatened or Endangered species. If a project may result in a take of a listed species and there is no nexus with any other federal agency, an Incidental Take Permit under Section 10(a)(1)(B) of the ESA is required; a Habitat Conservation Plan (HCP) must accompany this permit application. If there is a nexus with a federal agency, an Incidental Take Permit under Section 7 of the ESA is required.

Federal Clean Water Act

Wetlands, drainages, and creeks may be under the jurisdiction of the ACOE under Section 404 of the Federal Clean Water Act. The ACOE has jurisdiction up to the “ordinary high water mark” of rivers, creeks, and streams that are considered “waters of the U.S.” as defined by the Clean Water Act. If adjacent wetlands occur, the limits of jurisdiction extend beyond the ordinary high water mark to the outer edge of the wetlands. Wetlands are defined by ACOE as “those areas that are inundated or saturated by surface or groundwater at a frequency or duration to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions” (ACOE 1987). The presence and extent of wetland areas are normally determined by examination of the vegetation, soils, and hydrology of a site. The ACOE definition of wetlands requires that all three wetland identification parameters be met. Any deposit of fill into “waters of the U.S.,” including wetlands, requires the acquisition of a permit from the ACOE pursuant to Section 404 of the Federal Clean Water Act. Section 401 of the Federal Clean Water Act authorizes the State of California to certify federal permits and licenses. The state is implementing regulations to conduct certifications that are codified under the *California Code of Regulations* Title 23 Waters, Sections 3830 through 3869. Projects requiring an ACOE Section 404 Permit must submit materials for review to the appropriate RWQCB and request a Section 401 Certification.

The RWQCB has also assumed Section 402 authority, pursuant to the Clean Water Act, over discharges to “waters of the State.” Land-clearing activities over 1 acre may be subject to this permit.

Migratory Bird Treaty Act

The project would also be subject to the requirements of the Migratory Bird Treaty Act (MBTA). This regulation protects all migratory birds and their nests, and makes it unlawful to take any migratory bird and their active nests.

Least Bell's Vireo Draft Recovery Plan

If an individual of the least Bell's vireo is observed on site, the project would also be subject to the requirements of the Least Bell's Vireo Draft Recovery Plan. This plan outlines goals and objectives required for the delisting, through recovery, of the least Bell's vireo.

Southwestern Willow Flycatcher Final Recovery Plan

If an individual of the Southwestern Willow Flycatcher is observed on site, the project would also be subject to the requirements of the Southwestern Willow Flycatcher Final Recovery Plan. This plan outlines goals and objectives required for the delisting, through recovery, of the Southwestern Willow Flycatcher.

State Regulations

California Endangered Species Act

Section 2080 of the CESA prohibits the take of state-listed Threatened and Endangered species. The CESA defines take as any action that would harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect any Threatened or Endangered species. If a project may result in take of a listed species, a permit pursuant to Section 2081 of CESA is required from the CDFG.

California Fish and Game Code (Sections 3503 and 3513)

The project would also be subject to the requirements of Sections 3503 and 3513 of the California Fish and Game Code. These regulations protect all native birds and their nests and make it unlawful to take any migratory bird and their active nests.

California Fish and Game Code (Sections 1602)

Streambeds are potentially subject to regulation by the CDFG under Sections 1602 of the California Fish and Game Code. A stream is defined under these regulations as a body of water that flows at least periodically or intermittently through a bed or channel having banks and that supports fish or other aquatic life. This definition includes watercourses having a surface or subsurface flow that supports or has supported riparian vegetation. CDFG generally asserts its jurisdiction to the edge of the riparian vegetation canopy associated with any stream. Any work within a streambed or the removal of associated riparian vegetation requires the acquisition of a Streambed Alteration Agreement from the CDFG.

City of Santa Paula General Plan

The City of Santa Paula General Plan contains numerous goals, objective, and policies for land development. Those that are relevant to biological resources are identified in **Project Impacts**, with an analysis of project consistency.

THRESHOLDS OF SIGNIFICANCE CRITERIA

According to Appendix G of the *State CEQA Guidelines*, a project may result in significant impact to biological resources if it would:

1. 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 CDFG or USFWS;
2. have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations or by the CDFG or USFWS;
3. have a substantial adverse effect on federally protected wetlands 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;
4. interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites;
5. conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance; and/or
6. conflict with the provisions of an adopted Habitat Conservation Plan, Natural Conservation Community Plan, or other approved local, regional, or state habitat conservation plan.

These criteria are directly related to the requirements of Section 15065(a) of the *State CEQA Guidelines*, which also states that a project may have a significant effect on the environment where it has the potential to:

- 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; or
- substantially reduce the number or restrict the range of an Endangered, Rare, or Threatened species.

These significance criteria were discussed above under the **Related Plans and Policies** heading.

PROJECT IMPACTS

Direct impacts typically represent the physical alteration (i.e., habitat degradation or loss) of biological conditions that are expected to occur within a project site as a result of project implementation. Indirect impacts are those reasonably foreseeable effects on remaining or adjacent biological resources that are expected to be caused by the project's subsequent implementation. Impacts can also be short- or long-term, depending on the duration of the effect on a given biological resource. Short-term impacts represent effects that are temporary, arising from direct impacts to biological resources during project implementation, but not after completion. Long-term impacts result in the permanent modification of a biological resource, caused by the project's subsequent implementation.

The physical alteration of habitat is not, in itself, a significant impact under CEQA. Significance is determined by comparing physical alteration of habitat against each of the significance threshold criteria defined above. For example, should the alteration of habitat result in the direct or indirect loss of or have an otherwise substantial adverse effect on a species identified as a "candidate, sensitive, or special-status species in local or regional plans, policies, or regulations or by the CDFG or USFWS," impacts would be considered significant unless a project implements available or feasible mitigation that would reduce the impact to a less than significant level.

An evaluation of whether an impact on biological resources would be substantial and, therefore, a significant impact must consider both the resource and the significance threshold criteria. For example, because of the dependence of most plant and animal species on native habitats to satisfy various life cycle requirements, a habitat-based approach that addresses the overall biological value of a particular plant community or habitat area is appropriate when determining whether alteration of that habitat will substantially affect special-status species, sensitive habitats, wetlands, and movement corridors. The relative biological value of a particular habitat area—its functions and values—can be determined by such factors as disturbance history, biological diversity, its importance to particular plant and wildlife species, its uniqueness or sensitivity status, the surrounding environment, and the presence or absence of special-status resources.

However, direct impacts with respect to specific plant and wildlife resources (e.g., active nests and individual plants and animals) are also evaluated and discussed when impacts on these resources, in and of themselves, could be considered significant or in conflict with local, state, and federal statutes or regulations. The significance of impacts with respect to direct impacts to individuals or populations of plant and animal species takes into consideration the number of individual plants or animals potentially affected; how common or uncommon the species is, both within the project site and from a regional perspective; and the sensitivity status if the species is considered of special status by resource agencies.

These factors are evaluated based on the results of on-site biological surveys and studies, results of literature and database reviews, discussions with biological experts, and established and recognized ecological and biodiversity theory and assumptions.

To identify plant communities that would be directly affected by the project’s implementation, the project’s boundary was evaluated and overlain on a map of the recently surveyed plant communities within the Specific Plan area. The plant communities occurring on site are shown in **Figure 1**. The total acreage of each plant community occurring on site was calculated within a GIS database. Total and impacted acreage of each community can be seen in **Table 3, Acreage of Plant Communities located on the East Area 1 Project Site** below.

Table 3
Approximate Acreages of Plant Communities located on the East Area 1 Project Site

Plant Community	Total Acres Present	Acres Impacted	Percent Impacted	Acres Remaining
California Sagebrush Scrub	4.1	0.0	0.0%	4.1
Coast Live Oak Woodland	2.8	0.0	0.0%	2.8
Coast Prickly Pear Succulent Scrub	9.3	0.0	0.0%	9.3
Coastal Sage Chaparral Scrub	17.8	0.0	0.0%	17.8
Coyote Brush – California Sagebrush Scrub	5.7	0.0	0.0%	5.7
Fallow Agricultural Field	11.1	11.1	100%	0.0
Mexican Elderberry Scrub	2.8	0.0	0.0%	2.8
Mulefat Scrub	1.8	0.0	0.0%	1.8
Orchards	406.0	351.0	86.5%	55.0
Ornamental Landscaping	8.6	8.6	100%	0.0
Radish Fields	8.3	8.3	100%	0.0
Southern Riparian Scrub	7.1	0.7	9.8%	6.4
Tree Windrows	8.8	6.7	76.1%	2.1
Totals	494.2	386.4	78.2%	107.8

Source: Impact Sciences Inc. 2007

Direct Impacts

Impact 1 addresses potential project impacts in relation to the following CEQA significance criterion:

Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations or by the CDFG or USFWS.

Sensitive Natural Communities: Direct Loss of Southern Riparian Scrub and Coast Prickly Pear Succulent Scrub

As shown in **Figure 1, Plant Communities of the East Area 1 Project Site**, several areas on site are characterized as Southern Riparian Scrub and Coast Prickly Pear Succulent Scrub. These two communities are considered “Rare” by the CDFG and of “high priority for inventory” (CNDDDB 2003).

Implementation of the proposed project would result in the direct loss of 0.7 acre (1%) of Southern Riparian Scrub within the on-site portion of Haun Creek in the northeast corner of the site as well as within several ephemeral drainages near the northern border of the proposed Specific Plan area. These drainages originate from the hills to the north. The Coast Prickly Pear Succulent Scrub will not be impacted, as the natural communities in the northern portion of the site are to be preserved as open space. Because of the ecological importance of Southern Riparian Scrub vegetation (including its value as nesting/foraging habitat for a variety of common and special-status species), and the sensitivity of Southern Riparian Scrub, the loss of this community would be considered a significant impact. However, with implementation of **Mitigation Measure 1a**, which facilitates the re-planting of the creek with native vegetation, the loss of 0.7 acre of this habitat on the project site will be mitigated to a less than significant level.

Impacts to a Southern California Steelhead Stream will consist of temporary framework during the construction of a bridge crossing Santa Paula Creek. These impacts will be short-term, with construction taking place during the non-rainy season, from April 15 - October 15. In addition, with the implementation of **Mitigation Measure 3a**, which facilitates preventing the loss of any individuals of the Southern California steelhead, impacts are less than significant.

Impact 2 addresses potential project impacts in relation to the following CEQA significance criterion:

Substantially reduce the habitat of a fish or wildlife species.

Loss of Foraging and Nesting Habitat for Common Wildlife Species

The plant communities within the project site provide foraging and breeding habitat for a number of small mammals, reptiles, amphibians, and invertebrates that, in turn, provide a source of prey for a variety of common and special-status birds (including passerines and both local and wintering raptors) and mammal species. The development of the site would remove approximately 351.0 acres of orchard habitat, 11 acres of fallow agricultural field, 8.6 acres of ornamental landscaping, 8.3 acres of radish fields, 6.7 acres of tree windrows, and 0.7 acre of Southern Riparian Scrub within Haun Creek. Although the agricultural habitats provide foraging and nesting opportunities for common reptile, mammal, and bird

species, the loss of this non-native vegetation would not substantially reduce the populations of native wildlife or their habitats. Existing foraging habitat consists of undeveloped land with native vegetation occurs to the north, with similar agricultural habitats adjacent to the east; therefore, this loss would not be considered a significant impact.

Approximately 0.7 acre of Southern Riparian Scrub, a sensitive natural community within Haun creek, will be impacted; however, with the implementation of **Mitigation Measure 1a**, which facilitates the re-planting of the creek with native vegetation, it will be mitigated to a less than significant impact. This is discussed above in **Impact 1. Sensitive Natural Communities: Direct Loss of Southern Riparian Scrub and Coastal Prickly Pear Succulent Scrub**. Short-term impacts resulting from the vegetation removal could result in the loss of an active nest by a native bird species, which would constitute a significant impact. However, with implementation of **Mitigation Measures 2a–b**, which provides for the avoidance of any active nests found on the site prior to grading and construction, impacts are less than significant. The loss of habitat for special-status plant and wildlife species is addressed below.

Impacts to a Santa Paula Creek will consist of temporary framework during the construction of a bridge crossing the creek bed. Project construction would deter a limited number of wildlife from utilizing the project site as a foraging site. The presence of humans and equipment on the site would likely directly impact or scare away animals that would otherwise use the site to access the creek and vice versa. However, construction in Santa Paula Creek would be unlikely to result in significant impacts to foraging habitat within Santa Paula Creek, as most wildlife movement (with the exception of the movement of many bird species) occurs primarily in the evening, when no construction would occur. These impacts will be short-term, with construction taking place during the day, as well as during the non-rainy season, from April 15 - October 15. Therefore, impacts to foraging and nesting habitat associated with construction activities in Santa Paula Creek would be considered less than significant.

Impact 3 addresses potential project impacts in relation to the following CEQA significance criterion:

Cause a fish or wildlife population to drop below self-sustaining levels.

Direct Loss of Common Wildlife

The loss of habitat, and construction and grading activities associated with the proposed project would directly disturb wildlife on the project site. Most species are expected to be displaced to adjacent areas, provided that suitable habitat is available at the onset of construction activity. However, wildlife that emigrates from the site is vulnerable to mortality by predation and unsuccessful competition for food and territory. Species of low mobility (particularly burrowing mammals, amphibians, and reptiles) could be eliminated during site preparation and construction.

Because of the disturbed, agricultural nature of the habitat within the majority of the development area, wildlife species diversity is expected to be relatively low. Total numbers of animals are also expected to be low, as the orchard habitats do not provide sufficient resources to support large populations. In addition, any animals that may be inadvertently lost as a result of grading activities are likely to be quite common species within the region. As such, project implementation would not reduce local or regional populations to below self-sustaining levels or otherwise substantially affect common fish or wildlife species populations on or adjacent to the project site. Consequently, no significant impacts to common wildlife species are expected to occur as a result of project implementation.

However, several common bird species, including raptors, have the potential to nest within the proposed development area on the project site. Construction activities could result in the direct loss of active nests of common bird species or the abandonment of active nests by adult birds. The MBTA and the California Fish and Game Code consider the loss of active nests (nests with eggs or young) of all native bird species as unlawful. Consequently, the loss or abandonment of nests of common bird species as a result of construction-related activities is considered a potentially significant impact and would conflict with state and federal laws. However, with implementation of **Mitigation Measure 2a-b**, which provides for the avoidance of any active nests found on the site prior to grading and construction, impacts are considered less than significant.

Impacts to a Santa Paula Creek will consist of temporary framework during the construction of a bridge crossing the creek bed. These impacts will be short-term, with construction taking place during the non-rainy season, from April 15 - October 15. In addition, with the implementation of **Mitigation Measure 3a**, which facilitates preventing the loss of any individuals of local fish species, impacts are less than significant.

Impacts 4 through **6** address potential project impacts in relation to the following CEQA significance criteria:

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 CDFG or USFWS.

Substantially reduce the number or restrict the range of an Endangered, Rare, or Threatened species.

Direct Loss of Special Status Plant Species

The potential for special-status plant species to exist on site occurs in the northern, native portion of the Specific Plan area (see **Figure 1, Plant Communities of the East Area 1 Project Site**). This part of the site is outside the proposed development area, and will not be directly impacted by construction or grading

activities. No special-status plant species have the potential to be within the impacted Fallow Agricultural Field, Orchard, Ornamental Landscaping, Radish Field, Southern Riparian Scrub, and Tree Windrow communities, or within Santa Paula Creek. Therefore, no direct loss of special-status plant species by habitat removal is expected to occur.

Indirect impacts resulting from increased human activity could cause the direct loss of potential special-status plant species within the open space areas. Impacts may result from the trampling of ground-dwelling flora through recreational or maintenance activities; compaction of soils; increased amount of refuse, pollutants, and non-native species in the area; or an increase in the chance of accidental fire occurrence. However, with the implementation of **Mitigation Measures 1b, 7a, and 8a**, impacts to potential special-status plant species within the proposed open space areas are less than significant.

Direct Loss of Special Status Wildlife Species

Monarch butterfly (*Danaus plexippus*): The monarch butterfly winters in Eucalyptus groves throughout coastal California. The wintering roost sites of these butterflies are protected by the CDFG. Several monarch butterflies were observed in and around the Eucalyptus windrows on site in October of 2006. However, the Eucalyptus windrows do not provide suitable wintering habitat for monarch colonies, as they are too exposed and do not afford enough wind and cold protection. In addition, no colonies have been observed on site during the months of November and December. Therefore, no direct loss of special-status insect species is expected to occur and as such, no impacts would result.

Arroyo chub (*Gila orcuttii*), Santa Ana sucker (*Catostomus santaanae*) and Southern California steelhead (*Oncorhynchus mykiss irideus*): The arroyo chub, Santa Ana sucker, and Southern California steelhead have known occurrences within Santa Paula Creek (CNDDDB 2007). The section of Santa Paula Creek adjacent to the project site is considered critical habitat for the Southern California steelhead (USFWS 2007). Impacts to Santa Paula Creek will be temporary, consisting of falsework within the creek channel for the construction of a bridge. Although no permanent habitat loss will occur with the installation of the bridge, the loss of an individual of arroyo chub, Santa Ana sucker, or Southern California steelhead would be considered a significant impact under CEQA. With the implementation of **Mitigation Measure 3a**, impacts to special-status fish within Santa Paula Creek are less than significant.

From the occurrences in Santa Paula Creek it was determined that Haun Creek has the potential for the arroyo chub and Santa Ana sucker to occur. Suitable habitat for the Southern California steelhead was not observed within Haun Creek. A focused survey conducted by Compliance Biology determined that these species do not occur within Haun Creek. Therefore, no direct loss of special-status fish species is

expected to occur within Haun Creek and as such, no impacts would result. The results and methods of the focused survey are included in **Appendix A, Fish Survey Report**.

Silvery legless lizard (*Anniella pulchra pulchra*) and coast (San Diego) horned lizard (*Phrynosoma coronatum*): The suitable habitat for the silvery legless lizard exists within the Coast Live Oak Woodland on site. The lizards would most likely occur within the oak duff or upper layer of soil, which contains appropriate amounts of soil moisture and gas exchange for this species to survive. The sandy soils on site also provide suitable habitat for the coast horned lizard, which has potential to be found in open areas within the coastal scrub habitats on site, such as Coastal Sage Chaparral Scrub and Coastal Prickly Pear Succulent Scrub. The area that these species could potentially occur in, that is the Coast Live Oak Woodland, California Sagebrush Scrub, Coastal Sage Chaparral Scrub, Coast Prickly Pear Succulent Scrub, and Coyote Brush–California Sagebrush Scrub communities, are outside the proposed development area and will not be directly impacted by the project. No loss of these two species is expected to occur; therefore no impacts would occur.

Two-striped garter snake (*Thamnophis hammondi*): The section of Santa Paula Creek found adjacent to the project site consists of a concrete bed with a gravel channel, void of vegetation. For these reasons Santa Paula Creek is not suitable habitat for the two-striped garter snake. However, the two-striped garter snake could potentially be found near water within Haun Creek, in which there are appropriate amounts of riparian vegetation for this species. Suitable habitat should also contain the two-striped garter snake's primary food source, fish. However, no fish species were observed within Haun Creek during focused surveys performed in 2006 (**Appendix A, Fish Survey Report**). This report also states that no aquatic vertebrates are expected to occur within Haun Creek. The two-striped garter snake is not expected to occur on site, and no loss of this species is expected to occur; therefore no impacts to this species would occur.

Cooper's hawk (*Accipiter cooperii*) and white-tailed kite (*Elanus leucurus*): Both of these raptor species have the potential to nest in several areas on site. The tree windrows and oak woodland on site provide suitable nesting locations for these species, which prefer large trees in isolated stands, generally surrounded by foraging habitat. A Cooper's hawk was observed foraging over the project site in December 2006. Construction-related activities could result in the direct loss of an active nest or the abandonment of an active nest by adult birds during that year's nesting season. Depending on the number and extent of nests within the project site that may be destroyed or removed, if any, the loss or abandonment of an active white-tailed kite or Cooper's hawk nest would be a significant impact. However, with implementation of **Mitigation Measures 2a-b**, which provides for the avoidance of any active nests found on the site prior to grading and construction, impacts are less than significant.

Southern California rufous-crowned sparrow (*Aimophila ruficeps canescens*), Bell's sage sparrow (*Amphispiza belli belli*), coastal cactus wren (*Campylorhynchus brunneicapillus sandiegensis*), and coastal California gnatcatcher (*Polioptila californica californica*): The coastal scrub habitats located on site, especially the California Sagebrush Scrub and Coast Prickly Pear Succulent Scrub, contain suitable nesting habitat for the Southern California rufous-crowned sparrow, Bell's sage sparrow, coastal cactus wren, and coastal California gnatcatcher. The area in which these species could potentially occur, the California Sagebrush Scrub, Coastal Sage Chaparral Scrub, Coast Prickly Pear Succulent Scrub and Coyote Brush–California Sagebrush Scrub communities, are outside the proposed development area and will not be directly impacted by the project. Therefore, no loss of these four species is expected to occur, and no impact would result.

Western burrowing owl (*Athene cunicularia*): Marginal burrowing owl habitat occurs in the eastern area of the site, in a fallow agricultural field. Adjacent habitat includes citrus orchards to the west and south; avocado orchards to the north; and Haun Creek to the east; all of which are not suitable habitat for the species. Several ground squirrels were observed within this fallow agricultural field, as well as several burrows that could potentially be used by burrowing owls. While no burrowing owls were observed during the habitat assessment surveys conducted in 2006 (or during any other biological survey conducted at the project site during 2006), owls could move onto the site and nest within the known suitable burrows or within any new burrows that could have been constructed by ground squirrels on the sites since the 2006 surveys. In addition, burrowing owls could use on-site ground-squirrel (or other similar sized burrows) burrows for shelter during the non-breeding season. Should breeding or non-breeding burrowing owls occur, construction-related activities could result in the loss of individual owls that may be residing in on-site burrows. The potential loss of individual burrowing owls and/or active nests would be a significant impact. However, with the implementation of **Mitigation Measure 3b**, which specifies measures to be taken to avoid the direct loss of any individual owls or active owl nests within potential burrow sites, the potential direct loss of burrowing owls would be reduced to a less than significant level.

Yellow warbler (*Dendroica petechia brewsteri*) and yellow-breasted chat (*Icteria virens*): The yellow warbler and yellow-breasted chat are found in woodlands and thickets in riparian habitats. Habitat for these two species occurs in the Southern Riparian Scrub community on site, which is located in several of the drainages in the northern, uncultivated portion of the Specific Plan area as well as in Haun Creek. Santa Paula Creek does contain appropriate amounts of riparian vegetation for this species, and therefore does not support suitable habitat. Grading and construction activities are proposed to impact Haun Creek, and any construction-related activities could result in the direct loss of an active nest or the abandonment of an active nest by adult birds during that year's nesting season. Depending on the number and extent of

nests, if any, that may be destroyed or removed, the loss or abandonment of an active yellow warbler or yellow-breasted chat nest would be a significant impact. However, with implementation of **Mitigation Measures 2a-b**, which provides for the avoidance of any active nests found on the site prior to grading/construction, impacts are less than significant.

Least Bell's vireo (*Vireo bellii pusillus*): Areas containing willow trees and riparian vegetation, such as Haun Creek, could potentially be used as nesting habitat by the least Bell's vireo, a species which has been observed within the nearby Santa Clara River. Santa Paula Creek does contain appropriate amounts of riparian vegetation for this species, and therefore does not support suitable habitat. The applicant has retained a qualified biologist to conduct presence/absence surveys in accordance with the Least Bell's Vireo Survey Guidelines published by the USFWS (USFWS 2001). Presence/absence surveys are being conducted within the Specific Plan area, in Haun Creek specifically. The survey guidelines require eight visits during the period from April 10 to July 31. Site visits must be ten days apart, and conducted between dawn and 11:00 AM. All vireo detections are to be recorded and subsequently plotted to estimate the location and extent of habitats utilized. Surveys for the least Bell's vireo began on April 17, 2007, with six surveys performed to date. In these surveys, least Bell's vireo has not been observed. The subsequent report detailing the findings of this survey will be submitted as a supplement to this study.

Grading and construction activities are proposed to impact Haun Creek in two small sections. Most of the flow contributing to Haun Creek is the drainage area north of the project site. Starting in the Topatopa foothills and mountains, velocity flows are greatly increased prior to intercepting Haun Creek. This flow would be mitigated by detention basins with weirs. Both weirs will be broad-crested and made of reinforced pre-cast concrete, Armorflex, or other permanent hard surfaces. The weirs will consist of a low embankment built parallel and on the stream bank to divert some of the creek's flow. The creek would then flow within a trapezoidal channel, then over another weir and finally into an engineered detention basin. Once in this basin, it is drained through a storm drain pipe that restricts the outflow velocity.

Construction-related activities could result in the direct loss of an active nest or the abandonment of an active nest by adult birds during that year's nesting season. Depending on the number and extent of nests within the project site that may be destroyed or removed, if any, the loss or abandonment of an active least Bell's vireo nest would be a significant impact. However, with implementation of **Mitigation Measures 2a-b**, which provides for the avoidance of any active nests found on the site prior to grading and construction, impacts are less than significant.

Southwestern willow flycatcher (*Empidonax traillii extimus*): Areas containing willow trees and riparian vegetation, such as Haun Creek, could potentially be used as nesting habitat by the southwestern willow

flycatcher, a species which has been observed within the nearby Santa Clara River. Santa Paula Creek does contain appropriate amounts of riparian vegetation for this species, and therefore does not support suitable habitat. The applicant has retained a qualified biologist to conduct presence/absence surveys in accordance with the Southwestern Willow Flycatcher Protocol published by the USFWS (USFWS 2000). Presence/absence surveys are being conducted within the Specific Plan area, in Haun Creek specifically. Surveys for the southwestern willow flycatcher began on May 15, 2007 and are currently being conducted. The survey guidelines require one more visit during the period from June 1 to June 21, and three more visits during the period from June 22 to July 17. Site visits must be five days apart, and conducted between dawn and 11:00 AM, weather permitting. All southwestern willow flycatcher detections are to be recorded and subsequently plotted to estimate the location and extent of habitats utilized. Surveys will occur in potential habitat within Haun Creek, from the bridge at State Route 126 to the northern property boundary, approximately one linear mile. Three surveys for southwestern willow flycatcher have occurred; in these surveys no southwestern willow flycatchers have been detected. The subsequent report detailing the findings of this survey will be submitted as a supplement to this study.

Grading and construction activities are proposed to impact Haun Creek in two small sections. Most of the flow contributing to Haun Creek is the drainage area north of the project site. Starting in the Topatopa foothills and mountains, velocity flows are greatly increased prior to intercepting Haun Creek. This flow would be mitigated by detention basins with weirs. Both weirs will be broad-crested and made of reinforced pre-cast concrete, Armorflex, or other permanent hard surfaces. The weirs will consist of a low embankment built parallel and on the stream bank to divert some of the creek's flow. The creek would then flow within a trapezoidal channel, then over another weir and finally into an engineered detention basin. Once in this basin, it is drained through a storm drain pipe that restricts the outflow velocity. Focused surveys conducted for this species did not indicate presence within Hahn Creek.

Construction-related activities could result in the direct loss of an active nest or the abandonment of an active nest by adult birds during that year's nesting season. Depending on the number and extent of nests within the project site that may be destroyed or removed, if any, the loss or abandonment of an active southwestern willow flycatcher nest would be a significant impact. However, with implementation of **Mitigation Measures 2a-b**, which provides for the avoidance of any active nests found on the site prior to grading and construction, impacts are less than significant.

California horned lark (*Eremophila alpestris actia*): The fallow agricultural field along Haun Creek in the eastern portion of the site is suitable nesting for the California horned lark. This species prefers open ground and grassland habitats, and will nest in a slight depression on bare ground. Construction-related activities could result in the direct loss of an active nest or the abandonment of an active nest by adult birds during that year's nesting season. Depending on the number and extent of nests within the project

site that may be destroyed or removed, if any, the loss or abandonment of an active California horned lark nest would be a significant impact. However, with implementation of **Mitigation Measures 2a-b**, which provides for the avoidance of any active nests found on the site prior to grading and construction, impacts are less than significant.

Loggerhead shrike (*Lanius ludovicianus*): Suitable nesting habitat for the loggerhead shrike occurs in the orchards adjacent to open land, in this case radish fields as well as a fallow agricultural field. Individual shrikes could be lost if grading or construction activities occur during the nesting season of this species. Therefore, depending on the number and extent of individuals or active nests present at the time of grading, impacts could be considered significant. However, with the implementation of **Mitigation Measures 2a-b**, which provides for the avoidance of any active nests found on the site prior to grading and construction, impacts are less than significant.

Dulzura pocket mouse (*Chaetodipus californicus femoralis*), San Diego desert woodrat (*Neotoma lepida intermedia*), and pallid bat (*Antrozous pallidus*): Suitable habitat for the Dulzura pocket mouse and San Diego desert woodrat species occurs in the Coastal Sage Chaparral Scrub habitats on site, and the pallid bat potentially occurs in the on-site Coast Live Oak Woodland. The areas in which these species could potentially occur are outside the proposed development area and will not be directly impacted by the project. Therefore, no loss of these three species is expected to occur and no impacts would result.

Western Red Bat (*Lasiurus blossevillei*): One special-status bat species, the western red bat, has the potential to occur on site. This species roosts in the branches of broad-leafed tree species such as oaks, cottonwoods, and lemon trees. The orchards, windrows, and coast live oak woodland provide suitable habitat for this species. Individual bats could be lost when grading or construction activities occur. Therefore, depending on the number and extent of individuals present at the time of grading, impacts could be considered significant. However, with the implementation of **Mitigation Measure 3c**, which provides for the avoidance of any roosting bats found on the site prior to grading and construction, impacts are less than significant.

American Badger (*Taxidea taxus*): The fallow agricultural field on site contains suitable habitat for the American badger. Individuals could be lost when grading or construction activities occur. Therefore, depending on the number and extent of individuals present at the time of grading, impacts could be considered significant. However, with the implementation of **Mitigation Measure 3d**, which provides for the avoidance of any badgers found on the site prior to grading and construction, impacts would be less than significant.

Impact 6 addresses potential project impacts in relation to the following CEQA significance criterion:

Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.

Protected Tree Resources

150-200 blue gum, cottonwood, Canary Island date palm, and oak trees that will be under the jurisdiction of the City of Santa Paula occur in several different places on the site. These trees are generally within the Tree Windrow habitats on site, as well as within the Ornamental Landscaping near the existing residential structures. If grading or construction activities occur within the “protected zone” of a protected tree, impacts could be considered significant. However, with the implementation of **Mitigation Measures 4a**; impacts to protected trees would be mitigated to a less than significant impact. There are also jurisdictional trees located within the on-site Coast Live Oak Woodland and the northernmost tree windrow; however, these trees will not be impacted by the project, as this area is to be preserved as open space in the proposed Specific Plan.

Impact 7 addresses potential project impacts in relation to the following CEQA significance criterion:

Have a substantial adverse effect on federally protected wetlands 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.

Jurisdictional Resources

ACOE review and certification of the Jurisdictional Delineation is required to confirm the findings of the report and to verify ACOE jurisdictional area on the project site. Fill in areas determined by the ACOE to fall under its jurisdiction will require a Clean Water Act Section 404 Nationwide Permit (NWP). Additionally, areas determined to be federally protected by the ACOE will also fall under the jurisdiction of the RWQCB, and a Clean Water Act Section 401 Water Quality Certification (401 Certification) will be required from the RWQCB for impacts to those areas. No impacts will occur within the ACOE jurisdiction of Haun Creek.

Impacts could occur to areas of ACOE jurisdiction within Santa Paula Creek, which has been identified as “waters of the United States” by the ACOE (ACOE 2007). Impacts to ACOE jurisdictions in Santa Paula Creek could result from temporary framework during the construction of a bridge crossing the creek bed. Falsework will take place within ACOE jurisdiction, outside of the Santa Paula Creek bottom, but below the ordinary high water mark. These impacts would be short-term, with construction taking place during the non-rainy season, from April 15 - October 15. With the implementation of **Mitigation Measure 5b**, which requires a NWP, 401 certification, and an Endangered Species Act Section 7 Biological Consultation before work can be conducted within the creek, impacts are less than significant.

Alteration of state-protected waters and associated riparian vegetation will require the acquisition of a Fish and Game Code Section 1600 Streambed Alteration Agreement (SAA) from the CDFG. Due to the high habitat value that drainages and swales are known to provide for wildlife and because these areas are under the jurisdiction of the CDFG, the proposed removal of these waters is considered a significant impact. Impacts to areas that are under the jurisdiction of the CDFG will occur within Santa Paula and Haun Creeks, as well as in several drainages that originate in the Topatopa Foothills and Mountains just north of the site.

Impacts to CDFG jurisdictions in Santa Paula Creek will consist of temporary framework during the construction of a bridge crossing the creek bed, as well as the actual bridge itself. Falsework will take place within CDFG jurisdiction, outside of the Santa Paula Creek bottom. The bridge will cover areas if CDFG jurisdiction; therefore the area of the bridge surface over CDFG jurisdictional areas will require mitigation. These impacts will be taking place during the non-rainy season, from April 15 - October 15. With the implementation of Mitigation Measure 5a, which requires a SAA before work can be conducted within the creek, impacts are less than significant.

The majority of flow contributing to Haun Creek is the drainage area north of our site. Starting in the Topatopa Foothills and Mountains, velocity flows are greatly increased prior to intercepting Haun Creek. This flow shall be mitigated by detention basins with weirs. Both weirs will be broad-crested and made of reinforced PCC, Armorflex, or other permanent hard surfaces. The weirs will consist of a low dam built parallel and on the stream bank to divert some of the creek's flow. The creek will then flow within a trapezoidal channel, then over another weir and finally into an engineered detention basin. Once in this basin, it is drained through a storm drain pipe that restricts the outflow velocity. The proposed weirs, drainages basins, and their locations on site can be seen in **Figure 3, Impacts to Jurisdictional Resources**. The proposed weirs will be approximately 230 feet wide, and will be built adjacent to the existing streambank. The upper weir impacts 0.12 acre of jurisdictional acreage, with the lower weir impacting 0.19 acre of jurisdictional acreage. Total Impacts to CDFG areas in Haun Creek will consist of 0.31 acre.