

APPENDIX A

Fish Survey Report



January 11, 2007

Mr. Greg Ainsworth
Impact Sciences, Inc.
803-A Camarillo Springs Road
Camarillo, CA 93012

Dear Mr. Ainsworth,

On December 29, 2006, Compliance Biology and Impact Sciences staff John Holson conducted on-site fish surveys in a portion of Haun Creek in Santa Paula, CA in association with the East Area One project. The attached Exhibit illustrates the approximate survey limits. The primary focus of the surveys was to determine if any special-status fish species were present; particularly arroyo chub (*Gila orcutti*), a California species of special concern.

The portion of Haun Creek surveyed totals approximately 2200 feet in length and flows in a north to south direction. Although the creek ultimately discharges to the Santa Clara River, it is not a typical tributary in that, when it is flowing, it drains to a flood plain on the north side of the river, where it fans out across the flood plain, rather than discharging directly through an open channel. At the time of the survey, there was flowing water in the northern half of the survey reach. The flows appeared to move underground in the southern half of the reach as there was no visible surface water with the exception of a few small isolated pools.

Within the survey reach, the drainage flows adjacent to agricultural orchards which have been established for over 100 years. Vegetation along the drainage varies from nearly clear to dense patches of mule fat (*Baccharis salicifolia*) and willows (*Salix* sp.). At the time of the survey there was no apparent aquatic vegetation with the exception of string algae.

Due to the narrow width of the stream, sampling equipment was limited to a D-shaped invertebrate sampling net. The length of the stream was walked and observed and random sweeps of the net were employed in an effort to capture any fish species potentially present.

No aquatic vertebrates were encountered either through visual surveys or in the net samples. The net samples were also remarkably devoid of aquatic invertebrates. In fact, only a single damselfly larvae was observed. Based on the lack of aquatic life and the relative abundance of string algae, it is apparent that the stream has been subject to several years of fertilizer and possibly pesticides from the adjacent agricultural practices. Additionally, due to the lack of direct connectivity to the Santa Clara River, it is expected that aquatic vertebrate species rarely occur, if at all in this section of the creek. Following storm events, there is some limited potential

for aquatic vertebrates to enter Haun Creek from the river. However, as connecting flows would be expected to be of high volume and velocity, very few aquatic vertebrates native to the river would be able to traverse the drainage upstream against the current. As such, any future proposed projects adjacent to this portion of Haun Creek would not be expected to result in significant impacts to aquatic vertebrate species based on the California Environmental Quality Act (CEQA) minimum thresholds of significance.

Please feel free to contact me if you have any questions regarding this information.

Sincerely,

A handwritten signature in black ink, appearing to read "Dave Crawford", with a long, sweeping horizontal stroke extending to the right.

Dave Crawford
President/Principal Biologist



Haun Creek

Boosey Rd

Hobson Rd

Willard Rd

Orcutt Canyon Rd

Orcutt Rd

Peres Ln

Padre Ln

Loop Ln

126

E Telegraph Rd

E Lemmon Rd

Whipple Rd

E Harvard Blvd

Grant Line St

E Santa Paula St

N 13TH St

N Oak St

Santa Paula

Ventura St

Richmond Rd

High St

E Orchard St

Salicy St

Gliff Dr

Sayre Rd

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APPENDIX B

Jurisdictional Delineation Report

**JURISDICTIONAL DELINEATION REPORT
FOR
EAST AREA 1 SPECIFIC PLAN**



Prepared for:

Parkstone Companies
890 Hampshire Road
Thousand Oaks, California 91361

Prepared by:

Impact Sciences, Inc.
805 Camarillo Springs Road, Suite A
Camarillo, California 93012

April 19, 2007

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JURISDICTIONAL DELINEATION REPORT FOR EAST AREA 1 SPECIFIC PLAN PROJECT AREA

EXECUTIVE SUMMARY

The 508-acre project referred to as East Area 1 is located east of Santa Paula Creek, west of Haun Creek, north of the Union Pacific railroad right-of-way, and immediately east of the City of Santa Paula, within unincorporated Ventura County, California. The current site use is undeveloped land in the steeper northern part of the site, and combined lemon and avocado orchards to the south, with employee housing and agricultural buildings in the southern central part of the site. This report summarizes the results of a November/December 2006 and March 2007 jurisdictional delineation of the extent of potential "waters of the United States," and streambeds on East Area 1. Impact Sciences, Inc. conducted the jurisdictional delineation pursuant to Army Corps of Engineers (ACOE) and California Department of Fish and Game (CDFG) procedures and guidelines. The California Water Quality Control Board uses the ACOE delineation methodology to identify "waters of the State" not regulated by ACOE but potentially subject to regulation under the California Porter-Cologne Act.

Field investigations determined that portions of the study area might potentially qualify as "waters of the United States" subject to regulation by the ACOE under Section 404 of the federal Clean Water Act (CWA), and the federal implementing regulations. Portions of the study area may also comprise streambeds subject to regulation by CDFG under Section 1600, et seq. of the California Fish and Game Code and "waters of the State" subject to regulation by the Regional Water Quality Control Board (RWQCB) under Section 401 of the CWA and the California Porter-Cologne Act. A total of 6.133 acres of potential jurisdictional waters, having an ordinary high water mark (OHWM) and meeting the federal adjacency criteria were mapped. This jurisdictional delineation report (JDR) also identified and mapped 10.07 acres of streambeds and riparian habitat potentially subject to CDFG regulation.

INTRODUCTION

The East Area 1 Specific Plan area (the "site") encompasses 508 acres east of the City of Santa Paula (**Figure 1, Regional Location Map**).

The development of East Area 1 is proposed as:

- a mix of between 1,077 and 1,500 dwelling units, of which 50 to 100 may be commercial assisted-living units, and up to 70 live/work units;
- up to 156,000 square feet (sf) of retail commercial space, 113,000 sf of office space, and up to 170,000 sf of light industrial and research and development space; and
- approximately 75 acres for civic uses (e.g., high school or community college) and 170 acres of open space, active parks, and agriculture.

This report provides Parkstone Companies with the jurisdictional information required for confirmation of state and federal jurisdiction of the waters and streams by the permitting agencies. This JDR describes the results of the jurisdictional delineation study on the watercourses and riparian corridors conducted by Impact Sciences in November and December 2006 and March 2007.

REGULATORY FRAMEWORK

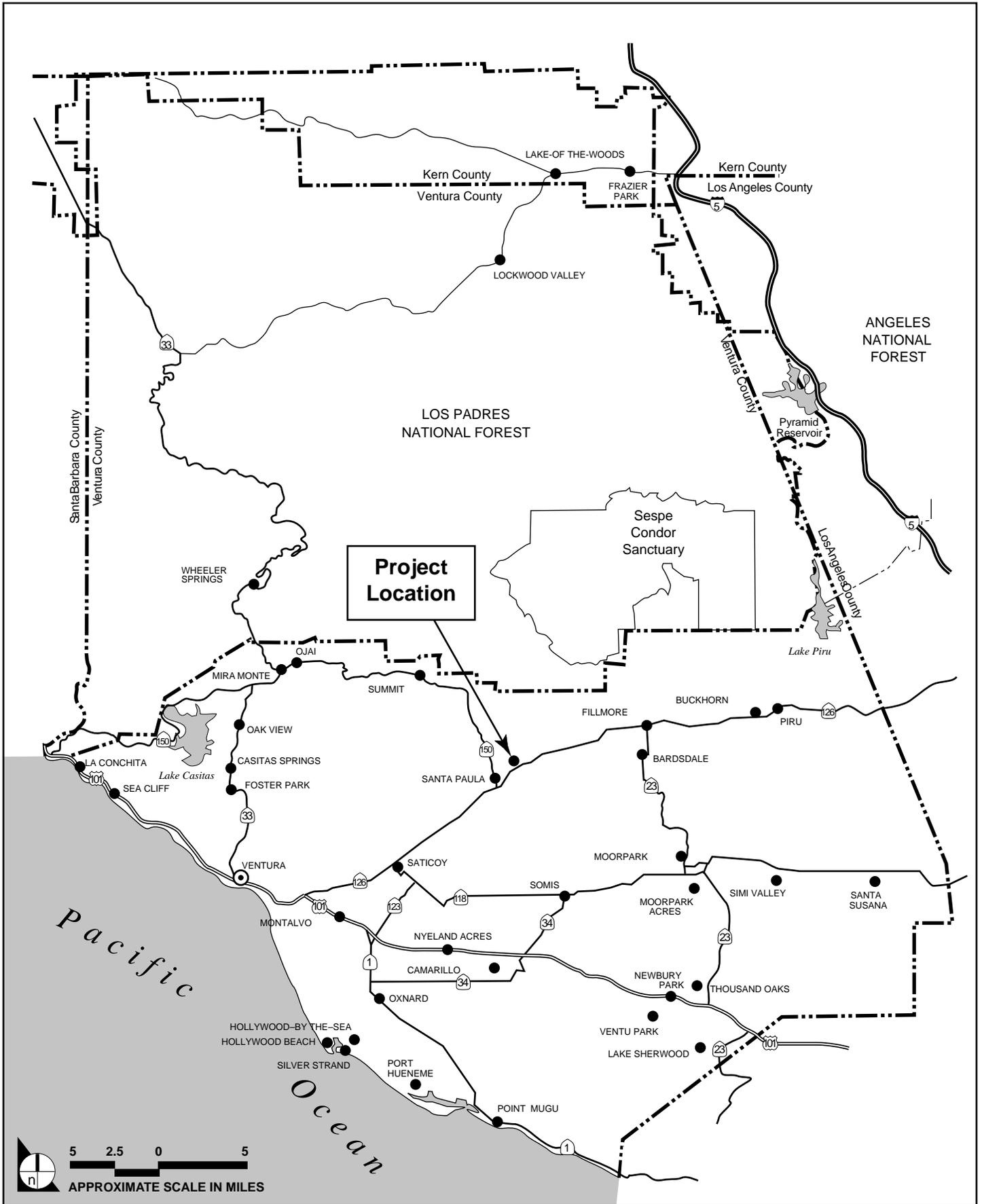
The ACOE, a federal agency, and two state agencies, the CDFG and the Los Angeles RWQCB, have jurisdictional authority over certain waters and streambeds that occur within California project areas. The following section summarizes each agency's general jurisdiction.

U.S. Army Corps of Engineers (ACOE)

The ACOE regulates activities that affect "Waters of the United States" determined to be jurisdictional, and any fill of such waters under Section 404 of the federal CWA.

"Waters of the United States" is defined in 33 *Code of Federal Regulations* (CFR) Section 328.3(a) to include:

- (1) *All waters which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide;*
- (2) *All interstate waters including interstate wetlands;*
- (3) *All other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate or foreign commerce including any such waters;*
 - (i) *Which are or could be used by interstate or foreign travelers for recreational or other purposes; or*
 - (ii) *From which fish or shellfish are or could be taken and sold in interstate or foreign commerce; or*
 - (iii) *Which are used or could be used for industrial purpose by industries in interstate commerce;*
- (4) *All impoundments of waters otherwise defined as waters of the United States under the definition;*
- (5) *Tributaries of waters identified in paragraphs (a)(1) through (4) of this section;*
- (6) *The territorial seas;*
- (7) *Wetlands adjacent to waters (other than waters that are themselves wetlands) identified in paragraphs (a)(1) through (6) of this section."*



SOURCE: Impact Sciences, Inc. – January 2007

FIGURE 1

Regional Location Map

In non-tidal waters that are generally tributaries to navigable waters, ACOE jurisdiction typically extends to the OHWM. The OHWM for intermittent and ephemeral streams can be determined by “the fluctuations of water as indicated by physical characteristics such as clear, natural lines impressed on the bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, the presence of litter and debris, or other appropriate means that consider the characteristics of the surrounding areas” [33 CFR 328.3(e)]. In arid areas of the southwest and due to unusually high storm flows that create the appearance of an OHWM at locations above the recurrent levels, the OHWM may occur at a lower level than where typical physical indicators may be present.

The ACOE has published the *Corps of Engineers Wetland Delineation Manual* (Environmental Laboratory, 1987, referred to as the “1987 Manual”). Subsequently, additional guidance documents, notably the “Arid West Interim Regional Supplement” to the 1987 Manual (ACOE, 2006) has been issued by the ACOE, which further clarifies the use of the 1987 Manual, and is now used to determine the extent of ACOE jurisdiction in wetlands. While ACOE jurisdiction extends to wetlands, no wetlands are present on the site.

After a delineation of waters is completed, a jurisdictional determination (JD) of each water is made by the ACOE. This determination is typically valid for a period of five years after the JD is approved, unless the applicant requests a new jurisdictional determination be made or unless significant changes are documented.

In general, jurisdictional “Waters of the United States,” typically include navigable waterways and waters that have either a surface or subsurface connection with these downstream waters. Intrastate water, isolated or non-navigable waters could under certain circumstances, be subject to ACOE jurisdiction if they have a demonstrated direct or significant nexus with “Waters of the United States.” Therefore, any soil disturbances or use of heavy equipment in jurisdictional waters, including clearing of vegetation with such equipment, will require approval by ACOE, under its authority under the CWA and its implementing regulations.

Section 404 Permits

The deposition of fill into an area determined by the ACOE to be “Waters of the United States,” including wetlands, requires a permit or other approval by the ACOE Regulatory Branch pursuant to Section 404 of the CWA. Fill is broadly defined to include most materials (rock, soil, pilings, concrete, or wood) that might be discharged into a jurisdictional water or wetland.

ACOE issues Individual Permits (IPs) and General Permits (GPs), depending on the extent of fill required by a project. General Permits may be “Nationwide,” “Statewide,” or “Regional” in scope.

General Permits are typically authorized for use by public or private applicants for Section 404 permits when projects meet specific permit conditions. General Permits are issued for categories of activities that are considered to have *de minimus* impacts on the environment. According to the draft 2007 Nationwide Permits (NWP) (Federal Register, September 26, 2006), if a project's impacts from fill are greater than 0.5 acre or will impact 300 or more linear feet of any perennial, intermittent, or ephemeral stream, the project cannot qualify for coverage under any NWPs, but may be permitted under an IP.

Individual Permits may be issued for fills of jurisdictional waters that exceed the NWP thresholds. The IP process generally includes more significant project review by the ACOE, a public comment period, and an alternatives analysis that identifies the least environmentally damaging practicable alternative for the proposed fill. This differs from the CEQA alternatives in that the alternatives focus on the impact to ACOE jurisdictional waters.

Consistent with regional guidance and practice, as well as the provisions of the Arid West Interim Supplement (U.S. Army Corps of Engineers, 2006, most Section 404 permits require mitigation to address impacts to jurisdictional resources in accordance with ACOE guidance.

California Department of Fish and Game

The State of California regulates water resources under Sections 1600 - 1616 of the Fish and Game Code of California. Section 1602 of the Fish and Game Code states:

An entity may not substantially divert or obstruct the natural flow of, or substantially change or use any material from the bed, channel, or bank of, any river, stream, or lake, or deposit or dispose of debris, waste, or other material containing crumbled, flaked, or ground pavement where it may pass into any river, stream, or lake, ...[until] the department informs the entity, in writing, that the activity will not substantially adversely affect an existing fish or wildlife resource, and that the entity may commence the activity without an agreement, if the entity conducts the activity as described in the notification, including any measures in the notification that are intended to protect fish and wildlife resources.

The CDFG considers most natural drainages to be streambeds unless it is demonstrated otherwise. Streambeds are defined in the California Code of Regulations (Title 14, Chapter 1, Section 1.72) to include:

a body of water that follows at least periodically or intermittently through a bed or channel having banks and that support fish or other aquatic life. This includes watercourses having surface or subsurface flow that supports or has supported riparian vegetation.

The CDFG has jurisdiction includes ephemeral, intermittent, and perennial watercourses, and this jurisdiction is often extended to the limit of any riparian habitats located contiguous to, and that function

as part of, a watercourse system. Section 2785(e) of the Fish and Game Code defines riparian habitat as “lands which contain habitat which grows close to and which depends on soil moisture from a nearby freshwater source.”

Streambed Alteration Agreements

Projects that propose impacts to CDFG jurisdictional areas, including fills, vegetation removal, and bridging, require the completion of a CDFG Streambed Alteration Agreement (SAA). A SAA typically identifies construction, storm water, and biological resource best management practices (BMPs) to reduce impacts as much as possible. SAAs are negotiated with the CDFG and are subject to mediation if the applicant and the CDFG cannot agree on the applicable terms.

Regional Water Quality Control Board

California implements its authority to certify Section 404 permits under Section 401 of the CWA and those waters of the state not regulated by the Clean Water Act by the state’s Porter-Cologne Act under the auspices of the RWQCB.

Section 401 Certifications

Under Section 401 of the federal CWA, the State of California is authorized to certify federal permits and licenses. The state’s implementing regulations to conduct Section 401 certifications are codified under the California Code of Regulations, Title 23, Sections 3830 through 3869. Under Section 401 of the CWA, the RWQCB’s review and approval of a project’s proposed impacts, avoidance, and mitigation measures is a required element of the ACOE Section 404 process. The ACOE will not issue a Section 404 permit until the Section 401 certification is complete.

Waste Discharge Reports

In response to certain federal court decisions that limited ACOE jurisdiction, the State of California issued several directives to the RWQCBs regarding the regulation of isolated waters no longer regulated by the ACOE. At present, the RWQCBs are to:

- continue issuing Section 401 certifications for federal permits;
- issue Waste Discharge Requirements (WDRs) for dredge or fill discharges to waters deemed by the ACOE as not subject to federal jurisdiction, referencing the same regulatory considerations that are used to issue general WDRs.

A Section 401 certification and a WDR application may be prepared on the same form. However, the State Board has issued a model letter for submittal with the WDR application to clarify that the WDRs are

intended to cover those “Waters of the State” not covered by the Section 401 certification, and not subject to the ACOE regulations.

LITERATURE SEARCH

Prior to the field work, the following references were examined to determine the locations of known or potential areas of jurisdiction:

- U.S. Geological Survey (USGS) 7.5-minute Santa Paula and Santa Paula Peak California quadrangle maps;
- U.S. Fish and Wildlife Service (USFWS), National Wetlands Inventory maps, Santa Paula and Santa Paula Peak quadrangles;
- Current digital (2-foot pixels) aerial photograph with USGS topographic overlay; and
- Soil Survey of Ventura Area, California (U.S. Department of Agriculture 1970).

DELINEATION METHODOLOGY

The jurisdictional waters and streambeds of the site were delineated using methods and directives approved by the permitting agencies. Methods used included the identification of the OHWM for ACOE “non-wetland waters,” as well as the streambed and riparian limits for CDFG jurisdiction.

Non-Wetland Waters/Streams located between Ordinary High Water Marks (OHWMs)

Potential ACOE jurisdictional features include those drainages exhibiting a bed and defined bank (a defined channel) and connecting, by either defined channel or culvert to other “Waters of the U.S.” To conduct a delineation of these features and determination of length of each feature, in November and December 2006 and March 2007, Impact Sciences used a combination of:

- evaluation of topographic maps, aerials, and Geographic Information System (GIS) measurements;
- walking the course of each potentially-jurisdictional drainage and estimating and recording the width of the boundaries of the distance between OHWMs, and
- using a mapping-grade (sub-meter accuracy) Trimble Global Positioning System (GPS) to locate the OHWMs of selected areas, including the banks of Haun Creek.

Streambeds and Riparian Corridors

CDFG streambed jurisdiction includes ephemeral, intermittent, and perennial watercourses, and a stream’s bed, channel, or bank (at a minimum), extending to the adjacent limit of the riparian habitat, or

to the outside canopy edge of plants that both occur contiguous to the watercourse and depend on soil moisture from the stream to survive. Where a vegetated riparian corridor is lacking, the bed and channel may constitute CDFG jurisdiction.

In November and December 2006 and March 2007, the delineation of waters potentially under CDFG jurisdiction was conducted by Impact Sciences using a combination of:

- walking the course of each potentially-jurisdictional drainage and field-checking for the presence of a channel and any associated riparian vegetation; and
- using a mapping-grade (sub-meter accuracy) Trimble GPS, measurement of the width of the CDFG boundaries at regular intervals in the field. In the case of constructed drainages, point GIS data were taken at representative locations and later connected to show the drainages.

For each jurisdictional resource, the location of the stream or drainage segments and the average width of each were plotted onto the aerial photograph with the topography overlaid using GIS. This process involved taking electronic positions of the boundaries of OHWMs, and associated riparian vegetation, or in the absence of riparian vegetation, the tops of stream banks. In some locations with vertical banks, the boundaries of each potential jurisdiction were overlaid or identical.

Segment lengths, widths, and areas were derived from GIS and field measurements. Final calculations integrated the area with GIS data and feature locations determined by GPS.

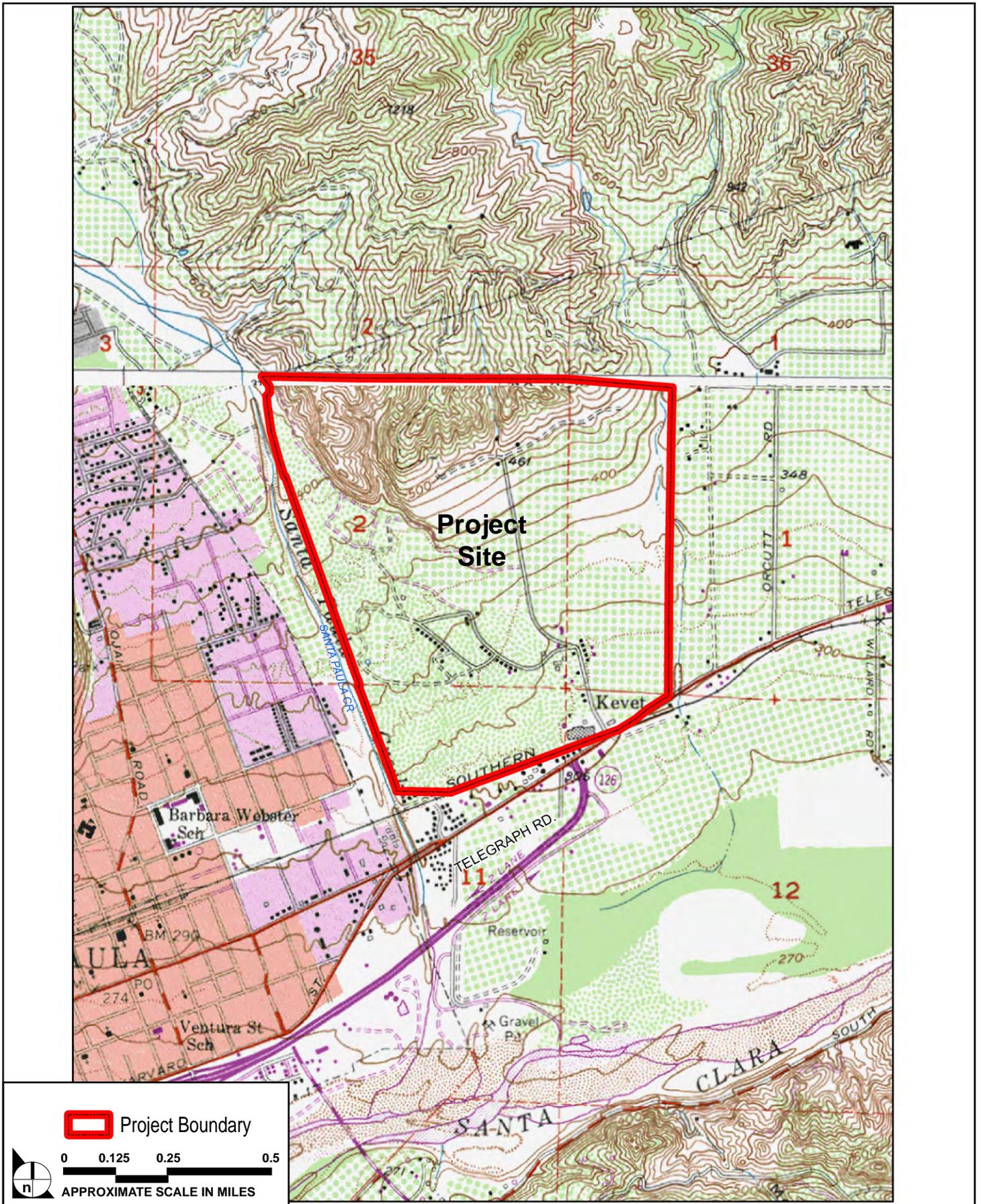
ENVIRONMENTAL SETTING

Topography

The site topography consists of a gently sloping to relatively flat area (the orchards) as well as hilly terrain typified by steep slopes and drainages. Elevation on site ranges from 300 to 600 feet above mean sea level (msl). Some areas have near-vertical slopes in excess of a 100 percent gradient (**Figure 2, Topographic Map of East Area 1**).

Hydrology

The site is in the lower portion of the watershed; the upper portion of the watershed extends to the north of the site. Surface and subsurface runoff from the upper watershed flows onto the site. Santa Paula and Haun Creeks conduct storm waters generally past the site; small, ephemeral constructed drainages conduct storm water and subsurface waters through the site. The dominant and ongoing hydrology of this site, however, is maintained by irrigation to support lemon and avocado orchard operations.



SOURCE: Impact Sciences, Inc. – January 2007

FIGURE 2



Topographic Map of East Area 1

All runoff from the site eventually flows southward through culverts into the Santa Clara River via Santa Paula or Haun Creeks.

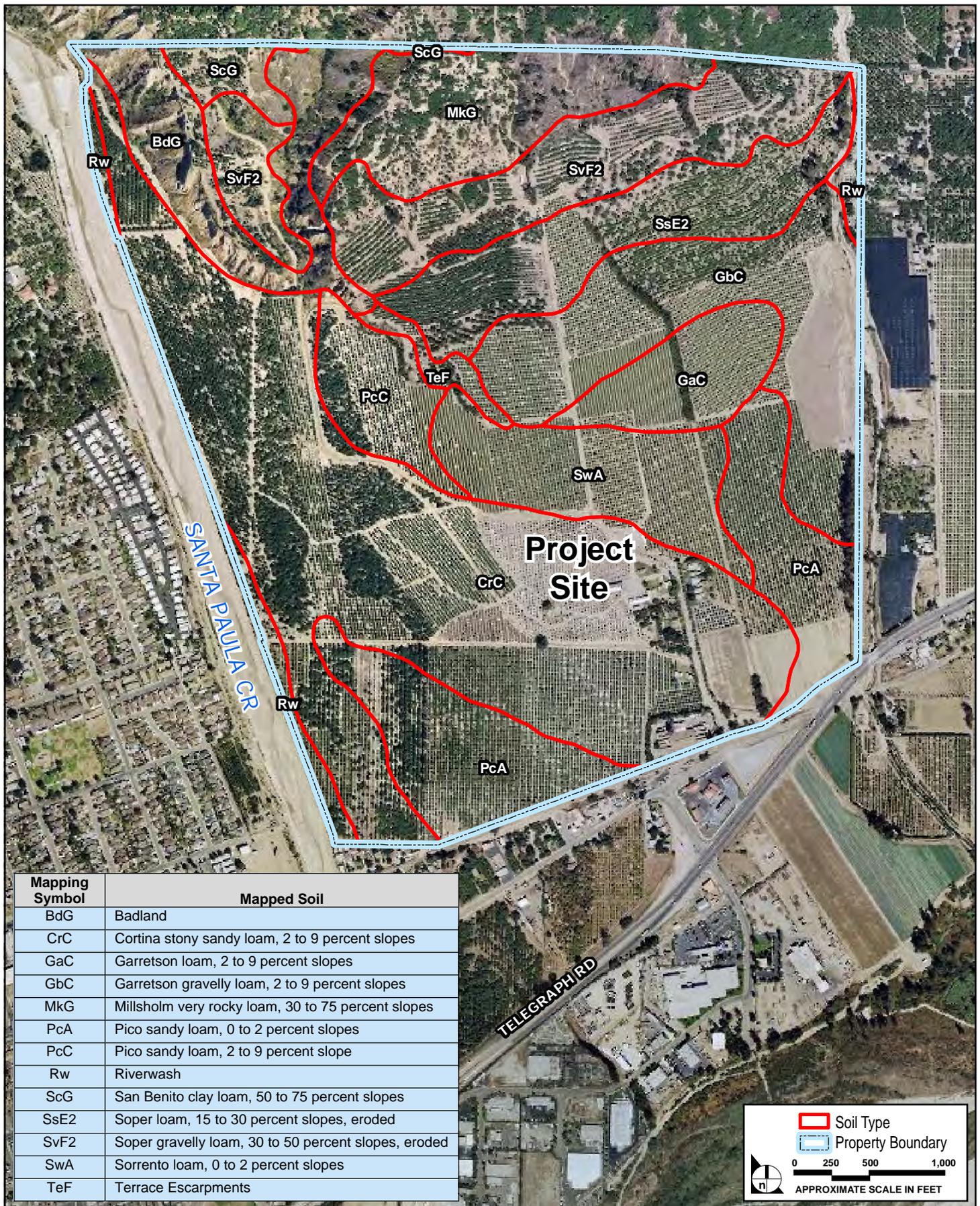
Soils

Table 1, On-Site Soils and Their Hydrological Characteristics, contains a list of the soil types mapped by the SCS (SCS 1970) on the site (**Figure 3, Soils Map of East Area 1**). None of the soils mapped are classified as hydric by the Natural Resource Conservation Service (USDA 2006).

Table 1
On-Site Soils and Their Hydrological Characteristics

Mapping Symbol	Mapped Soil	Soil Characteristics <i>Descriptive terms are defined in SCS soil surveys.</i>	Hydric (NRCS)
BdG	Badland	<ul style="list-style-type: none"> • Very steep, severely eroded areas formed in mountainous uplands and broken by numerous, deeply entrenched drainage channels; • Runoff is very rapid • Erosion hazard is very severe; • Permeability varies. 	No
CrC	Cortina stony sandy loam, 2 to 9 percent slopes	<ul style="list-style-type: none"> • Deep, excessively-drained soils formed in alluvial fans and valley floors and derived predominantly from sedimentary rocks • Runoff is slow; • Erosion hazard is slight; • Permeability is rapid. 	No
GaC	Garretson loam, 2 to 9 percent slopes	<ul style="list-style-type: none"> • Deep, well-drained, formed in alluvial fans and plains, and derived predominantly from sedimentary rocks; • Runoff is slow to medium; • Erosion hazard is slight to moderate; • Permeability is moderate. 	No
GbC	Garretson gravelly loam, 2 to 9 percent slopes	<ul style="list-style-type: none"> • Well-drained calcareous variant formed on alluvial fans and plains, in alluvium derived from sedimentary rocks • Runoff is slow to medium; • Erosion hazard is slight; • Permeability is moderate. 	No
MkG	Millsholm very rocky loam, 30 to 75 percent slopes	<ul style="list-style-type: none"> • Steep to very steep soil of mountainous uplands; • Runoff is rapid to very rapid; • Erosion hazard is severe to very severe; • Permeability is moderately slow. 	No

Mapping Symbol	Mapped Soil	Soil Characteristics <i>Descriptive terms are defined in SCS soil surveys.</i>	Hydric (NRCS)
PcA	Pico sandy loam, 0 to 2 percent slopes	<ul style="list-style-type: none"> • Well-drained and somewhat excessively-drained calcareous soils formed on alluvial fans and plains, in alluvium derived from sedimentary rocks; • Runoff is slow; • No erosion hazard; • Permeability is moderately rapid. 	No
PcC	Pico sandy loam, 2 to 9 percent slope	<ul style="list-style-type: none"> • Well-drained and somewhat excessively-drained calcareous soils formed on alluvial fans and plains, in alluvium derived from sedimentary rocks; • Surface runoff is slow to medium; • Erosion hazard is slight; • Permeability is moderately rapid. 	No
Rw	Riverwash	<ul style="list-style-type: none"> • Highly-stratified stony and gravelly excessively-drained sand in and along channels of perennial and intermittent streams; • Runoff is rapid; • Erosion hazard is severe; • Permeability is very rapid. 	No
ScG	San Benito clay loam, 50 to 75 percent slopes	<ul style="list-style-type: none"> • Deep, well-drained soils formed in upland areas, over softly-consolidated sediments, sandstone, and shale; • Runoff is very rapid; • Erosion hazard is very severe; • Permeability is moderately slow. 	No
SsE2	Soper loam, 15 to 30 percent slopes, eroded	<ul style="list-style-type: none"> • Deep, well-drained soils formed in upland areas, in weakly-consolidated conglomerate and sandstone; • Runoff is medium; • Erosion potential is moderate; • Permeability is moderately slow. 	No
SvF2	Soper gravelly loam, 30 to 50 percent slopes, eroded	<ul style="list-style-type: none"> • Deep, well-drained soils formed in upland areas, in weakly-consolidated conglomerate and sandstone; • Runoff is rapid; • Erosion potential is moderate; • Permeability is moderately slow. 	No
SwA	Sorrento loam, 0 to 2 percent slopes	<ul style="list-style-type: none"> • Moderately deep, well-drained and steep soils formed in mountainous uplands; • Runoff is rapid; • Erosion hazard is severe; • Permeability is moderately slow. 	No
TeF	Terrace Escarpments	<ul style="list-style-type: none"> • Steep, relatively-smooth descending slopes at the ends of terraces, varying considerably within short distances • Runoff is rapid; • Erosion hazard is severe; • Permeability varies. 	No



SOURCE: Impact Sciences, Inc. – January 2007

FIGURE 3

Soils Map of East Area 1