5.4 BIOLOGICAL RESOURCES

5.4.1 INTRODUCTION

This section describes the existing biological resources, including jurisdictional drainage features, in the East Gateway Project areas, potential environmental impacts, recommended mitigation measures to help reduce or avoid impacts to identified biological resources, and the level of significance of those impacts after mitigation. The information provided below is based upon regional biological studies, existing biological reports on the planning area, the California Natural Diversity Database (CNDDB), California Native Plant Society Electronic Inventory (CNPS), U.S. Fish & Wildlife Service (USFWS), standard biological literature, and field reconnaissance and focused surveys for sensitive biological resources conducted within the survey area.

5.4.2 EXISTING CONDITIONS

General Biological Setting

According to the Conservation and Open Space Element[1] of the City's General Plan, the natural biological environment within the City has been highly modified, although some areas still retain significant biological resource value. Much of the region surrounding the City available for expansion has not been disturbed by urban development and still supports a diversity of plant and animal life. The canyons and hillsides provide habitats that are distinct from those found in the river valley. The creeks and barrancas that traverse the City lands contribute small, partially natural spaces to urbanized neighborhoods.

The following is a description of the biological communities and species within the City of Santa Paula Planning Area of Interest, as detailed in the Conservation and Open Space Element,[2] which are considered sensitive by recognized resource agencies.

Habitats

Vegetation communities within the planning area include agriculture (primarily citrus and avocado orchards), riparian (Santa Clara River, Santa Paula Creek, and other large drainages), sage scrub (South Mountain and within canyon areas), oak woodland (scattered patches mostly on north-facing slopes at lower elevations) and grassland (primarily grazed lands).

1 Santa Paula General Plan, Conservation and Open Space Element, pp. CO-11 to 16.
2 Ibid.

Sensitive habitats that have been reported to occur or have the potential to occur within the planning area are discussed below. These habitats are considered sensitive by CNDDB due to their limited extent and potential for loss:

- southern willow scrub;
- coast live oak riparian forest;
- cottonwood-willow riparian forest; and
- southern walnut woodland.

Southern willow scrub occurs within most intermittent streams and larger drainages such as Santa Paula Creek and the Santa Clara River in locations that are frequently scoured by flood flows. Coast live oak riparian forest occurs in patches along drainages with deep soils and dependable groundwater. Cottonwood-willow riparian forest occurs within Santa Paula Creek and the Santa Clara River (and possibly other larger drainages) in areas of dependable groundwater and less frequent flood scouring. Southern walnut woodland is limited in the planning area to the north-facing slopes along State Route 150 (SR-150) near Sulfur Springs.

Wildlife

The following summary information, as presented in the Conservation and Open Space Element, is intended to indicate the general habitat preferences of sensitive species that could potentially occur in the Santa Paula vicinity, where suitable habitat is present.

Southern steelhead, a federally endangered species, are known to migrate up the Santa Clara River to spawn in Sespe Creek, north of the planning area. Santa Paula Creek historically supported a run of southern steelhead, but channelization of lower Santa Paula Creek and loss of the fish ladder at the Santa Paula diversion site has resulted in the loss of this run.

Other sensitive fish species found in the Santa Clara River include the arroyo chub, which is present throughout the Santa Clara River system, and the Santa Ana sucker, which is limited to the Santa Clara River upstream of Santa Paula. Both of these species are considered to have been introduced to the Santa Clara River system.

Several sensitive amphibian species have the potential to occur in the Santa Paula area including western spadefoot toad, arroyo southwestern toad (a federally endangered species), and the California red-legged frog (a federally threatened species). Suitable California red-legged frog habitat is generally

limited to those portions of the Santa Clara River and Santa Paula Creek with dense, shrubby or emergent riparian vegetation closely associated with deep still or slow-moving water. Adult frogs become inactive during the summer (aestivate) when stream flows cease or the creeks dry up. Aestivation habitat may include any landscape feature within 300 feet of riparian habitat, including natural riparian corridors, rocks, downed trees, thick leaf litter, under structures, and in agricultural features, such as drains, watering troughs, and spring boxes that provide cover and moisture during the dry season.

The southwestern pond turtle is an aquatic reptile that occurs in vegetated, shallow pools within the Santa Clara River and possibly Santa Paula Creek. Other sensitive reptiles include the coast horned lizard, which typically occur in open areas with sandy, loose soil and abundant ant prey. Horned lizards are most commonly found along drainages and washes.

Many birds-of-prey (raptors) have experienced population declines associated with the loss of suitable nesting habitat (large trees) due to disturbance by human activity. Because of the loss of nesting habitat and the notable decreases in population levels, many hawks are listed as sensitive species by the California Department of Fish Game (CDFG). The sharp-shinned hawk and northern harrier may forage within the planning area during the winter and during migration, but are not known to nest in Ventura County.

The loggerhead shrike is a small, predatory bird that prefers open habitats with scattered shrubs, trees, and fences for use as perches. This species feeds primarily on large insects generally found in grasslands, such as grasshoppers. The loss of grasslands and natural perches has resulted in the concentration of loggerhead shrikes along fence lines. This species may occur in the planning area in grasslands and open scrub near fence lines.

The loss of riparian habitats due to channelization for flood control, diversion of water, and conversion to other uses has caused significant declines in the populations of small perching birds that are dependent on riparian habitat for breeding and foraging. The yellow warbler and yellow-breasted chat generally breed in riparian thickets such as southern willow scrub and cottonwood-willow riparian forest. Both of these species have been reported breeding along the Santa Clara River upstream of Santa Paula, and may also breed along Santa Paula Creek, upper Orcutt Canyon, and other larger drainages.

Least Bell's vireo breeds along the Santa Clara River, maintaining about 15 to 20 breeding pairs. This species occurs in three populations within the planning area: the vicinities of Saticoy, Briggs Road, and Timber Canyon Road (Sweetwater Environmental Biologists, Inc. 1992). However, Least Bell’s vireo could be found anywhere along larger rivers and streams within the Santa Paula Area of Interest. During

the 2009 Santa Paula Creek sediment removal project, in June and July 2009 Army Corps of Engineers (ACOE) conducted protocol surveys for Least Bell's vireo (LBV) and none were found.

Throughout southern California, the conversion of open grasslands to other uses has led to a decrease in the population of the animals closely associated with this habitat. The San Diego black-tailed jackrabbit prefers open shrub and tree habitats with abundant grasses and forbs. This species could potentially occur within the City's planning area in dense grassy and brushy areas north of Santa Paula and near South Mountain.

Project Site Conditions

The East Gateway Project areas includes the existing unincorporated island located south of SR 126 and north of Lemonwood Drive, the area located to the east of the current city limits north of SR 126 and south of the East Area 1 Project, and additional land in the City's East Area 2 Planning Area located to the east of South Hallock Drive. Surrounding land uses include residential to the west, agriculture to the east and north, and natural open space in the Santa Clara River riparian corridor to the south.

Reaches of two tributaries to the Santa Clara River are present on or adjacent to the East Gateway Project areas. Santa Paula Creek, located adjacent to the western border of the East Gateway Project site, is a perennial stream characterized by a sand and gravel bed within concrete banks, with little or no riparian vegetation within the reach of the East Gateway Project areas, which has been channelized. Santa Paula Creek continues south of the East Gateway Project areas, running underneath SR 126 directly into the Santa Clara River. Haun Creek, a perennial stream, which flows parallel to and forms a portion of the eastern East Gateway Project, including the East Gateway Specific Plan, boundary, is characterized by a gravel and cobble bed with established riparian and ornamental vegetation. The confluence of Haun Creek and the Santa Clara River occurs immediately downstream and south of the East Gateway Specific Plan areas.

Drainage A (an unnamed drainage) forms part of the eastern site boundary downstream of its confluence with Haun Creek just north of the southeast corner of the East Area 1 Project site. Drainage A, a channelized, soft-bottom drainage, receives water from a culvert on the south side of SR 126.

Portions of the East Gateway Project areas are in active agricultural production. Citrus, avocado and row crops occupy portions of the East Gateway Project areas. The East Gateway Specific Plan includes approximately 21.2 acres of row crops and approximately 11.4-acre fallow land.

Vegetation

On-site vegetation types are shown in **Figure 5.4-1, Vegetation Types of the East Gateway Project Area**. Vegetation on the East Gateway Project site includes disturbed vegetated areas associated with agricultural, commercial, and residential uses that have been present for many decades. Outside of these land use areas, vegetation consisting primarily of native species remains in a relatively natural state.

To identify vegetation types that would be directly affected by implementation of the East Gateway Project, the Project's boundary was evaluated and overlain on a map of the vegetation communities within the East Gateway Project areas. Total existing and affected acreage for each community is provided in **Table 5.4-1, East Gateway Project Areas - Existing Vegetation Summary**.

Table 5.4-1
East Gateway Project Areas - Existing Vegetation Summary

Plant Communities	Approximate Acres
Fallow agricultural field	11.4
Orchard	12.4
Developed	43.4
Eucalyptus windrow	0.4
Row crops	21.2
Arroyo willow-mulefat thicket	0.8
Blue gum and Peruvian pepper windrow	0.2
Santa Paula Creek	4.7
Total	**94.5**

A list of all plant species observed on site during the June 2011 survey is presented in **Appendix 5.4**.

The CDFG Biogeographic Data Branch, Vegetation Classification and Mapping Program, has developed a Natural Communities List,[3] which was used as the classification system for the semi-natural vegetation occurring on site. The most recent version of this list is based on the classification presented in the second edition of "A Manual of California Vegetation"[4] which is the California version of the National Vegetation Classification.

One of the primary purposes of the classification is to assist in the location and determination of significance and rarity of vegetation types for tracking purposes in the CNDDB. Thus, ranking of

3 Natural Communities List Arranged Alphabetically by Life Form. September 2010. http://www.dfg.ca.gov/biogeodata/vegcamp/natural_communities.asp

4 Sawyer, John, Todd Keeler-Wolf and Julie Evens. 2010. A Manual of California Vegetation, Second Edition.

vegetation types by their rarity and threat is an important aspect of the classification. This list assigns "Global" and "State" rankings, 1 through 5, using NatureServe's standard heritage program methodology.[5] Alliances given a G1 through a G3 code are considered sensitive. Alliances given a G4 or G5 code are generally considered common enough not to be of concern; however, this does not mean that certain associations contained within them are not rare, particularly within California. For some vegetation types, inadequate data are available to determine rarity, and these are listed with a "?".

Since a large portion of the East Gateway Project area is currently developed, instances where on-site vegetation types do not correspond with any appearing in the List of California Vegetation Alliances, a classification category was assigned that identifies the existing primary land use of the areas in question.

Fallow Agricultural Field

A fallow agricultural field (11.4 acres) is located in the central portion of the East Gateway Project site (APN 107-0-042-030) north of SR 126. This area supports non-native ruderal species, chiefly annual grasses including slender oat (*Avena barbata*), ripgut brome (*Bromus diandrus*), and red brome (*B. madritensis* ssp. *rubens*).

Orchard

Approximately 12.4 acres of orchards (containing citrus trees) occur on the central portion of the East Gateway Project areas (APN 107-0-042-015) north of SR 126). Disturbed tolerant native and non-native species such as tumbleweed (*Amaranthus albus*), quailbush (*Atriplex lentiformis*), Australian saltbush (*A. semibaccata*), lamb's quarters (*Chenopodium album*), Russian-thistle (*Salsola tragus*), western ragweed (*Ambrosia psilostachya*), asthmaweed (*Conyza bonariensis*), weedy cudweed (*Gnaphalium luteoalbum*), bristly ox-tongue (*Helminthotheca echioides*), prickly lettuce (*Lactuca serriola*), common groundsel (*Senecio vulgaris*), prickly sow thistle (*Sonchus asper* ssp. *asper*), common sow thistle (*Sonchus oleraceus*), and prostrate knotweed (*Polygonum aviculare* ssp. *depressum*) are present sporadically throughout the understory of the orchard.

5 Nature Serve. 2010. Nature Serve Conservation Status descriptions. Available at http://www.natureserve.org/explorer/ranking.htm#interpret.

SOURCE: Impact Sciences, 2011

FIGURE **5.4-1**

Meridian Consultants

East Gateway Project Site Vegetation Types

007-002-12

Developed

A large portion of the East Gateway Project area is developed (43.4 acres). Within the developed areas, native and non-native ornamental trees and plants occur near residential and commercial structures. These include blue elderberry (*Sambucus nigra* ssp. *caerulea*), Peruvian-pepper (*Schinus molle*), coast live oak (*Quercus agrifolia* var. *agrifolia*), river red gum (*Eucalyptus camaldulensis*), blue gum (*E. globulus*), Fremont cottonwood (*Populus fremontii* ssp. *fremontii*), date palm (*Phoenix canariensis*), and Mexican fan palm (*Washingtonia robusta*).

Row Crops

The eastern portion of the East Gateway Project area, specific the eastern portion of the East Gateway Specific Plan site (APN 107-0-043-065) site (21.2 acres) is almost entirely under row crop production. Recent crops have included cabbage, parsley and cilantro in 2011 and 2012,. Crops within this area are presumed to vary seasonally with market demand.

In addition to cultivated crops, ruderal species tolerant of the frequent disturbance associated with annual crops were also observed in this area including tumbleweed, Australian saltbush, lamb's quarters, Russian-thistle, asthmaweed, weedy cudweed, bristly ox-tongue, prickly lettuce, common groundsel, prickly sow thistle, common sow thistle, spiny cocklebur (*Xanthium spinosum*), cocklebur (*X. strumarium*), prostrate knotweed, common purslane (*Portulaca oleracea*), rescue brome (*Bromus catharticus*), western lovegrass (*Eragrostis pectinacea*), hare barley (*Hordeum murinum* ssp. *leporinum*), and dallis grass (*Paspalum dilatatum*).

Arroyo Willow – mulefat thicket

Within Haun Creek and Drainage A on the East Gateway Specific Plan area south of SR 126 (within APN 107-0-043-065), nearly continuous stands of Arroyo willow - mulefat occur . This plant community is a mixture of species that require an ample water supply. Dominant plant species observed within this community include blue elderberry, quailbush, poison hemlock (*Conium maculatum*), coyote bush (*Baccharis pilularis*), mulefat (*B. salicifolia*), castor-bean (*Ricinus communis*), fringed willow-herb (*Epilobium ciliatum* ssp. *ciliatum*), sandbar willow (*Salix exigua* var. *exigua*), arroyo willow (*S. lasiolepis*), and date palm.

Blue gum and Peruvian pepper windrows

A small windrow of either Peruvian-pepper or blue gum trees occupy 0.2 acres along Drain A with the East Gateway Specific Plan portion of site (APN 107-0-043-065), and are planted alongside the active

and fallow agricultural areas. Additional species growing in the understory of these trees include blue elderberry, Russian-thistle, coyote bush, white melilot (*Melilotus albus*), scarlet pimpernel (*Anagallis arvensis*), prostrate knotweed, date palm, nutsedge (*Cyperus eragrostis*), rescue brome, and Bermuda grass (*Cynodon dactylon*).

Santa Paula Creek

Santa Paula Creek (approximately 4.7 acres) is located immediately in the western portion of the East Gateway Project site. The portion of Santa Paula Creek within the East Gateway Project site is approximately 1,580 feet long and varies in width from approximately 120 feet to 160 feet. This reach of Santa Paula Creek is completely enclosed by vertical concrete banks; although, the stream bed consists of non-grouted sand and gravel.

Common Wildlife

On-site vegetation communities provide habitat for several common and special-status native wildlife species known to occur in the region. Due to agricultural and human disturbance within the East Gateway Project areas, the number of terrestrial animal species is expected to be relatively low compared to surrounding and nearby undisturbed areas. Common wildlife species observed, detected, or having a high potential to occur within the East Gateway Project boundary and its vicinity, including Haun Creek, are discussed below. Special status wildlife species known to occur, or having the potential to occur within or in the immediate vicinity of the East Gateway Project areas, are discussed later in this section.

Fish

Several common fish species have the potential to occur in Haun and Santa Paula Creeks (see **Figure 5.9-2** for the location of Haun and Santa Paula Creeks).

Haun Creek

A focused survey for special-status fish species was conducted within Haun Creek and no fish or other aquatic vertebrates were observed within the stream during the survey or present in the net samples. Based on the lack of fish observed during focused fish surveys conducted on-site, Haun Creek may not provide suitable habitat for these fish or other potential species (see **Appendix 5.4** for a detailed discussion).[6]

6 Ryan Ecological Consulting, Results of Focused Presence/Absence Surveys for the Southwestern Willow Flycatcher and Least Bell's vireo on the East Area 1 Specific Plan project, Haun Creek, Santa Paula, Ventura County, August 3, 2010.

Santa Paula Creek

As previously noted, Santa Paula Creek is located within the range of the endangered Southem Califomia Distinct Population Segment (DPS) of steelhead *(O. mykiss),* and is designated as critical habitat for this species. Santa Paula Creek has the potential for occurrence of Santa Ana sucker (*Catostomus santaanae*) and arroyo chub (*Gila orcuttii*).

The U.S. Army Corps of Engineers' (USACE) Santa Paula Creek Flood Control (SPCFC) Project consists of improvements to the lower reaches of Santa Paula Creek, including the portion located within the SPCFC project site, designed and built by the USACE to reduce the existing flood hazard. The SPCFC project is in its final phase, consisting of repairs to the fish ladder weirs at the northern end of the improved channel and clarification of the Operation & Maintenance (O&M) measures for the SPCFC project, including a refinement to the allowable sediment profile and design invert for the existing flood risk management channel (FRMC). O&M responsibilities are proposed to be transferred to the Local Sponsor, presumably the Ventura County Watershed Protection District (VCWPD), upon issuance of a Notice of Completion by the FRMC.

The SPCFC project consists of the SPCFC project inlet, the main FRMC that extends approximately 1.65 miles from the inlet downstream to the confluence of Santa Paula Creek and Santa Clara River; and the approach channel, an approximately 500-foot reach of creek and creek bed extending upstream from the inlet (see **Figure 5.9-4**).[7]

The 1995 General Reevaluation Report (GRR) recommended plan to replace the deteriorated FRMC Phase 1 facilities. Construction to incorporate the recommended improvements occurred in three phases (Reach 1, Reach 2, and Reach 3) from 1997 to 2002. The channel design included an excavated channel bottom, an allowable sediment accumulation profile, and a design sediment accumulation profile. The original flood risk management project was expected to require sediment removal every three years on average. Cleanout within the FRMC was projected to be needed if the allowable sediment profile was exceeded; the threshold estimated to be between 120,000 to 350,000 cubic yards (cu. yd.) of aggraded sediment . The original channel design anticipated that sediment would accumulate at greater rates in the upstream end of Reach 3 and become gradually less towards the downstream end of Reach 1.

In 1997, the USACE had begun construction of the current alignment of the FRMC, including removal of the cement lined channel, improvement of the channel (in two phases), modification of the Southern Pacific Railroad Bridge for increased flow conveyance capacity, construction of a fish passage structure

7 US Army Corps of Engineers, Santa Paula Creek Flood Control Project Supplemental Environmental Assessment, prepared by HDR/CDM, March 2012, p. 1-1.

at the inlet, and inlet and outlet stabilization. An informal consultation between the USACE and the National Marine Fisheries Service (NMFS) began, when the Southern California Evolutionarily Significant Unit (ESU) of steelhead (*Oncorhynchus mykiss [O mykiss]*) was listed as endangered under the federal Endangered Species Act (ESA).

The initial construction of the Phase I portion of the SPCFC project was completed in October 1998 and the USACE was in the process of turning future O&M responsibilities over to the VCWPD consistent with the agreements in the GRR. Due to concerns raised informally by NMFS, the USACE began informal re-initiation of Section 7 Consultation of the ESA with NMFS, in an attempt to resolve concerns that NMFS now had with the original design of the fish ladder. The USACE had several meetings with NMFS and CDFG to identify and receive input into the re-design of the original fish ladder concept for the SPCFC project. The design that was implemented and currently exists on-site was chosen by a consensus of the resource agencies, including NMFS and CDFG, as the best re-design that would, by comparison to other alternatives, have the best likelihood of functioning hydraulically and yet be maintained with a minimal amount of effort and at a reasonable expense and have the least impact on the movement of native fish.

In July 1999, while reviewing VCWPD's Section 404 permit for future operation and maintenance (O&M) of the Phase I portion of the SPCFC Project, NMFS expressed concern over the design of the fish ladder for the SPCFC project. The fish ladder is part of the inlet stabilization (i.e., grade control to prevent headcutting and incision) for the FRMC.[8] The headcutting that was occurring prior to construction of the inlet stabilization was producing waterfalls that would have inhibited the ability for steelhead to migrate upstream to historic spawning areas. A fish ladder was included in the inlet to facilitate steelhead migration and to mitigate for the increase in channel slope associated with the inlet relative to the slope upstream and downstream of it.

The USACE requested re-initiation of Section 7 consultation with NMFS on April 17, 2000, and submitted the Supplemental Environmental Assessment (ESA) as the Biological Assessment. The USACE received a Final Biological Opinion (BO) for the redesigned fish ladder from NMFS in September 2000. The existing fish ladder was completed in 2002.

In 2003, scour from a storm event created hydraulic conditions unfavorable to upstream migrating steelhead below the fish ladder inlet. After close coordination with NMFS and CDFG, the USACE proposed to construct and install boulder weirs across the full width of the channel in the identified problem areas to elevate downstream pool levels to facilitate upstream passage of steelhead.

8 US Army Corps of Engineers, Santa Paula Creek Flood Control Project Supplemental Environmental Assessment, prepared by HDR/CDM, March 2012, pp. 1-5 to 1-6.

Following the 2004 – 2005 storm events, sediment removal work was conducted in portions of the SPCFC project to restore the capacity of the channel. Sediment was also removed from the fish ladder and minor repairs were done to the fish ladder. These minor repairs included removing detached pieces of iron cladding designed to protect the edges of the weirs, removing exposed concrete reinforcement, and trimming and smoothing of the weir edges. Following the cleanout and minor repairs, the fish ladder was returned to a condition where it was capable of functioning as designed for fish passage. However, the steel cladding of the weirs was not replaced and the existing condition of the weir top exposed concrete remains subject to erosion and damage from storm events that mobilize and transport large grained sediment.

In 2009, the USACE received additional federal funding to remove sediment from the SPCFC project area. The USACE reinitiated consultation with NMFS for this sediment removal project. Following review by the NMFS of the administrative record and subsequent communications with the USACE, the USACE proposed additional conservation measures and monitoring elements to incorporate as part of the SPCFC project to reduce impacts to critical habitat. The USACE committed to complete additional sediment analyses and to work with NMFS to ensure that the fish ladder conveyed fish passage to mitigate impacts to southern California steelhead. The USACE agreed to prepare and initiate a monitoring program to analyze the performance of the designed low flow channel following sediment removal actions to clear the weir pools. In September 2009, NMFS issued a letter amending the original 2000 BO that identified conservation measures and monitoring elements required to implement the sediment removal.

The sediment removal began in October 2009 and was completed January 2010. Approximately 300,000 cy of material was removed from the channel. A Monitoring and Mitigation Plan was developed and implemented in 2010 consistent with the Reasonable and Prudent Measures (RPM), Terms and Conditions, and environmental commitments of the 2009 BO amendment.

The USACE began correspondence with the NMFS and CDFG to evaluate the existing fish ladder in 2009. Several meetings and letters were conducted and written, respectively, between December 2009 and March 2010 with NMFS, CDFG, USFWS, VCWPD, and the USACE and its contractors, HDR/CDM Joint Venture, to discuss potential repairs to the fish ladder that was constructed in 2002. NMFS submitted a letter to the USACE, dated January 25, 2010, with an attached Technical Memorandum (January 14, 2010) with the purpose of summarizing their overall understanding of fish passage alternatives being evaluated and the data needs/analyses that would be necessary to develop, compare, and assess preliminary conceptual designs.

The USACE considered NMFS concerns and commissioned further study to evaluate the existing fish ladder relative to other fish passage facility designs. Updated analysis is presented in the USACE's

document titled, *Santa Paula Creek Flood Control Project Phase II: Alternatives Evaluation and Conceptual Design for Fish Passage Improvement at the Santa Paula Creek Flood Control Channel Inlet (Field Change Report)*.[9] This document compares potential fish ladder designs, including the existing fish ladder, and their expected performance to design parameters published by NMFS and CDFG. Further analysis on sedimentation and hydraulics and hydrology were also conducted and are documented in the *Hydrology, Hydraulics, and Sedimentation Appendix (HHS Appendix) of the Design Documentation Report (DDR)*.[10] The USACE evaluated all of the information presented in the Field Change Report, the information obtained during the meetings of 2009 and 2010, the HHS Appendix, monitoring reports, and past documents as well as the current and foreseeable funding climate. After careful evaluation of potential fish ladder design alternatives the USACE determined the existing fish ladder is capable of functioning as well, or better overall, than any of the other alternatives that were being proposed as described in detail in the Biological Assessment prepared for the SPCFC project. The USACE presented this position to NMFS on February 14, 2012 to discuss the SPCFC project detailed in a Supplemental Environmental Assessment.[11] Coordination with NMFS is currently ongoing relative to the SPCFC project.

Since its construction, the foundation and base of the weirs have remained structurally intact even after being subjected to what was essentially the design flow event during the winter of 2004 – 2005. The metal cladding and corner protection along the tops of the weirs were damaged, which exposed the concrete tops of the weirs to chipping and erosion. However, overall the structural integrity of the weirs and pools was unaffected.

Amphibians

Although Santa Paula Creek provides a perennial water source, it does not provide habitat for most amphibian species known to occur in the region. The on-site reach of Santa Paula Creek is relatively devoid of riparian vegetation, and consists of a gravel bed and concrete-lined channel. Haun Creek contains very little aquatic life, as observed in the focused fish studies and few amphibians are expected to regularly occur in association with this creek (see **Appendix 5.4**). However, some species are tolerant of suburban and agricultural settings and could occur in low numbers within on-site reaches of the two creeks and in greater numbers within the Santa Clara River riparian corridor to the south. These include

9 US Army Corps of Engineers, Santa Paula Creek Flood Control Project Phase II: Alternatives Evaluation and Conceptual Design for Fish Passage Improvement at the Santa Paula Creek Flood Control Channel Inlet (Field Change Report), April 9, 2010.

10 Ibid, Santa Paula Creek Flood Control Project, Hydrology, Hydraulics, and Sedimentation (HHS) Appendix, prepared by HDR/CDM, March 2012.

11 Ibid.

California toad (*Anaxyrus boreas halophilus*), Baja California chorus frog (*Pseudacris hypochondriaca*), African clawed frog (*Xenopus laevis*), and bullfrog (*Rana catesbeiana*).

Reptiles

Reptiles observed on-site during the June 2011 survey include San Diego alligator lizard (*Elgaria multicarinata webbii*), Great Basin fence lizard (*Sceloporus occidentalis longipes*), and California side-blotched lizard (*Uta stansburiana elegans*).

Birds

Results of bird surveys conducted in 2010 within the survey area documented 77 bird species.[12] Breeding was confirmed for at least 30 species and possibly nesting for an additional eight species. No least Bell's vireos or southwestern willow flycatchers were observed during any of the surveys.

Agricultural and semi-naturally vegetated areas have the potential to provide quality foraging and roosting habitat for a variety of bird species. Direct observations of bird species during site surveys include California quail (*Callipepla californica*), mourning dove (*Zenaida macroura*), acorn woodpecker (*Melanerpes formicivorus*), Nuttall's woodpecker (*Picoides nuttallii*), northern flicker (*Colaptes auratus*), black phoebe (*Sayornis nigricans*), Say's phoebe (*S. saya*), western kingbird (*Tyrannus verticalis*), western scrub-jay (*Aphelocoma californica*), American crow (*Corvus brachyrhynchos*), common raven (*C. corax*), bushtit (*Psaltriparus minimus*), Bewick's wren (*Thryomanes bewickii*), northern mockingbird (*Mimus polyglottos*), spotted towhee (*Pipilo maculatus*), California towhee (*Melozone crissalis*), Brewer's blackbird (*Euphagus cyanocephalus*), hooded oriole (*Icterus cucullatus*), house finch (*Carpodacus mexicanus*), and lesser goldfinch (*Spinus psaltria*).

Raptors are another group of bird species expected to periodically utilize the site. Fallow agricultural field and other open areas within the site provide a forage base for many raptor species occurring in the region. Cooper's hawk (*Accipiter cooperii*), red-tailed hawk (*Buteo jamaicensis*), and American kestrel (*Falco sparverius*) were observed soaring and foraging over and near the site during field surveys. Other raptor species including white-tailed kite (*Elanus leucurus*), red-shouldered hawk (*Buteo lineatus*), barn owl (*Tyto alba*), and great horned owl (*Bubo virginianus*) are also expected to occur in the area.

White-tailed kite, Cooper's hawk, and Nuttall's woodpecker are special-status species and are discussed in more detail below.

12 Ryan Ecological Consulting, Results of Focused Presence/Absence Surveys for the Southwestern Willow Flycatcher and Least Bell's vireo on the East Area 1 Specific Plan project, Haun Creek, Santa Paula, Ventura County, August 3, 2010.

Mammals

A variety of mammal species are likely to occur in the vicinity of the East Gateway Project site. Common mammals either directly observed or for which diagnostic sign was detected during surveys within the East Gateway Project site include coyote (*Canis latrans*), desert cottontail (*Sylvilagus audubonii*), Botta's pocket gopher (*Thomomys bottae*), California vole (*Microtus californicus*), dusky-footed woodrat (*Neotoma fuscipes*), and California ground squirrel (*Spermophilus beecheyi*). Additional mammals that may potentially occur on-site include bobcat (*Lynx rufus*), striped skunk (*Mephitis mephitis*), long-tailed weasel (*Mustela frenata*), northern raccoon (*Procyon lotor*), Virginia opossum (*Didelphis virginiana*), ornate shrew (*Sorex ornatus*), broad-footed mole (*Scapanus latimanus*), brush mouse (*Peromyscus boylii*), California mouse (*P. californicus*), and deermouse (*P. maniculatus*).

Non-native mammal species including house mouse (*Mus musculus*), Norway rat (*Rattus norvegicus*), and black rat (*R. rattus*) commonly occur near agricultural and other areas subject to regular human disturbance and may also occur on-site.

Common bat species with a potential to forage and temporarily roost on-site include Brazilian free-tailed bat (*Tadarida brasiliensis*), big brown bat (*Eptesicus fuscus*), California myotis (*Myotis californicus*), and western pipistrelle (*Pipistrellus hesperus*). Two special-status bat species potentially occur in the vicinity and are discussed below in more detail.

Special-Status Biological Resources

The following section provides a discussion of special-status plant and animal species observed and potentially present within the East Gateway Project Areas. Results and conclusions are based on habitat types present on the East Gateway Project site, a review of the CNDDB and CNPS databases and other pertinent literature, known geographic ranges of these species, and data collected during general and focused field surveys. Also included in this section is a discussion of vegetation communities on the East Gateway Project site that are considered unique, of relatively limited distribution, under the jurisdiction of federal or state resource agencies, or of particular value to wildlife.

Special-status plant and animal species include those appearing on the Special Vascular Plants, Bryophytes, and Lichens List[13] and the special Animals List,[14] both compiled by CDFG and published July 2011, and January 2011, respectively.

13 California Department of Fish and Game, Natural Diversity Database. July 2011. Special Vascular Plants, Bryophytes, and Lichens List. Quarterly publication. 71 pp.

14 Ibid. Special Animals List.

Special-status plants are species, subspecies, or varieties that fall into one or more of the following categories:[15]

- officially listed by California or the federal government as endangered, threatened, or rare;
- a candidate for state or federal listing as endangered, threatened, or rare;
- taxa which meet the criteria for listing, even if not currently included on any list, as described in Section 15380 of the *CEQA Guidelines*; table entries for these taxa may indicate "none" under listing status, but note that all CNPS List 1 and 2 and some List 3 plants may fall under Section 15380 of the *State CEQA Guidelines*;
- a Bureau of Land Management, USFWS, or U.S. Forest Service Sensitive Species;
- taxa listed in the California Native Plant Society's Inventory of Rare and Endangered Plants of California;
- taxa that are biologically rare, very restricted in distribution, or declining throughout their range but not currently threatened with extirpation;
- populations in California that may be peripheral to the major portion of a taxon's range but are threatened with extirpation in California; and
- taxa closely associated with a habitat that is declining at a significant rate in California (*e.g.*, wetlands, riparian, vernal pools, old growth forests, desert aquatic systems, native grasslands, valley shrubland habitats, *etc.*).

Special-status animals are taxa that fall into one or more of the following categories:[16]

- officially listed or proposed for listing under the CESA or federal ESA;
- state or federal candidate for possible listing;
- taxa that meet the criteria for listing, even if not currently included on any list, as described in Section 15380 of the *State CEQA Guidelines*;
- taxa considered by the Department to be a Species of Special Concern (SSC);

15 California Department of Fish and Game. Special Vascular Plants, Bryophytes, and Lichens List. Quarterly publication. 71 pp.

16 California Department of Fish and Game, Natural Diversity Database. January 2011. Special Animals List.

- taxa that are biologically rare, very restricted in distribution, declining throughout their range, or have a critical, vulnerable stage in their life cycle that warrants monitoring;

- populations that may be on the periphery of a taxon's range, but are threatened with extirpation in California;

- taxa closely associated with a habitat that is declining at an alarming rate in California (*e.g.*, wetlands, riparian, old growth forests, desert aquatic systems, native grasslands, vernal pools, *etc.*); and

- taxa designated as a special-status, sensitive, or declining species by other state or federal agencies, or non-governmental organizations (NGOs).

Special-Status Plant Species

Review of the CNDDB[17] and the CNPS[18] databases included all recorded special-status species occurrences within the 7.5-minute United States Geological Survey (USGS) quadrangle map for the East Gateway Project site (Santa Paula) and the adjacent quadrangle maps (Camarillo, Oxnard, Fillmore, Moorpark, Newbury Park, Santa Paula Peak, Ojai, and Saticoy). Based on this search, a total of 27 special-status plant species have been documented in the region. **Table 5.4-2, Special-status Plant Species Reported from the East Gateway Project's Region** provides a list of special-status plant species and vegetation types in the vicinity and their potential to occur within the East Gateway Project site.

Natural vegetation is generally lacking within the East Gateway Project Areas, with a small amount present in the eastern portion of the East Gateway Project area which is generally disturbed. Nonetheless, the East Gateway Planning areas may provide potential habitat for six special-status plant species. These include southern tarplant (*Centromadia parryi* ssp. *australis*), umbrella larkspur (*Delphinium umbraculorum*), Coulter's goldfields (*Lasthenia glabrata* ssp. *coulteri*), white rabbit-tobacco (*Pseudognaphalium leucocephalum*), chaparral ragwort (*Senecio aphanactis*), and vernal barley (*Hordeum intercedens*).

Special-Status Wildlife Species

Review of the CNDDB database for the Santa Paula quadrangle and the surrounding eight quadrangles identified 35 special-status wildlife species that have been documented in the region. These species were evaluated for their potential to occur within the East Gateway Project site and are identified in **Table 5.4-**

17 California Department of Fish and Game, Natural Diversity Database. January 2011. Special Animals List.

18 California Native Plant Society, Inventory of Rare and Endangered Plants, 8th Edition. Online: http://www.rareplants.cnps.org/. Update July 5, 2011.

3, Special-status Animal Species Reported from the East Gateway Project's Region, along with their regulatory status, and habitat requirements.. Two additional special-status wildlife species that were not identified in the CNDDB search, but have been observed on the East Gateway Project site are also identified in **Table 5.4-3**.

Based on the presence of suitable habitat and known occurrences in the East Gateway Project site vicinity, a total of 17 special-status wildlife species have the potential to occur on, or otherwise utilize, the area (**Table 5.4-3)**. These species include Santa Ana sucker (*C. santaanae*), arroyo chub (*G. orcuttii*), southern steelhead (*O. mykiss irideus*), silvery legless lizard (*Anniella pulchra pulchra*), coastal whiptail (*Aspidoscelis tigris stejnegeri*), coast horned lizard (*Phrynosoma blainvillii*), two-striped garter snake (*Thamnophis hammondii*), south coast garter snake (*T. sirtalis* ssp.), Cooper's hawk (*A. cooperii*), burrowing owl (*Athene cunicularia*), white-tailed kite (*E. leucurus*), California horned lark (*Eremophila alpestris actia*), Nuttall's woodpecker (*P. nuttallii*), least Bell's vireo (*V. bellii pusillus*), pallid bat (*Antrozous pallidus*), hoary bat (*Lasiurus cinereus*), and American badger (*Taxidea taxus*).

For the reasons discussed in **Table 5.4-3**, sandy beach tiger beetle (*Cicindela hirticollis gravida*), globose dune beetle (*Coelus globosus*), monarch butterfly (*Danaus plexippus*), Santa Monica grasshopper (*Trimerotropis occidentiloides*), tidewater goby (*Eucyclogobius newberryi*), unarmored threespine stickleback (*Gasterosteus aculeatus williamsoni*), foothill yellow-legged frog (*Rana boylii*), western spadefoot (*Spea hammondii*), western pond turtle (*Emys marmorata*), golden eagle (*Aquila chrysaetos*), western snowy plover (*Charadrius alexandrinus nivosus*), western yellow-billed cuckoo (*Coccyzus americanus occidentalis*), southwestern willow flycatcher (*Empidonax traillii extimus*), California condor (*Gymnogyps californianus*), Belding's savannah sparrow (*Passerculus sandwichensis beldingi*), coastal California gnatcatcher (*Polioptila californica californica*), bank swallow (*Riparia riparia*), California least tern (*Sternula antillarum browni*), Dulzura pocket mouse (*Chaetodipus californicus femoralis*), and San Diego desert woodrat (*Neotoma lepida intermedia*) are not expected to occur within the East Gateway Project site.

Table 5.4-2
Special-status Plant Species Reported from the East Gateway Project's Region[19]

Common name *Scientific name*	Federal status	State status	CNPS List	Habitat	Growth form Blooming period*	Potential to occur on site
Lichens						
Woven-spored lichen *Texosporium sancti-jacobi*	—	CDFG Special Plants List	1B.2	Arid to semi-arid shrub-steppe, grassland or savannah communities up to 1,000 m asl. Requires natural openings in arid vegetation that are not maintained by fire, sparsely vegetated with native forbs and bunchgrasses, free of weeds and supporting well developed biological crusts on non-saline and non-calcareous soils. Intolerant of disturbed sites.	Lichen N/A	**None—**soil crusts are not present and on-site communities are too disturbed to provide suitable habitat for this species.
Dicots						
Chaparral sand-verbena *Abronia villosa* var. *aurita*	—	—	1B.1	Sandy soils in chaparral, coastal scrub, and desert dune communities between 80 and 1,600 m asl.	Annual herb January – September	**None—**appropriate wind-blown sandy soil accumulations are not present on site.
Abrams' oxytheca *Acanthoscyphus parishii* var. *abramsii*[20]	—	—	1B.2	Sandy or shale habitats in chaparral communities between 1,143 and 2,057 m asl	Annual herb June – August	**None—**chaparral communities overlying sand or shale-derived substrates are not present on site.
Miles' milk-vetch *Astragalus didymocarpus* var. *milesianus*	—	—	1B.2	Clay soils in coastal scrub communities between 20 and 90 m asl.	Annual herb March – June	**None—**clay soils are not present on site.
Ventura marsh milk-vetch *Astragalus pycnostachyus* var. *lanosissimus*	FE	SE	1B.1	Coastal dunes, coastal scrub, and edges of coastal salt and brackish marsh and swamp communities between 1 and 35 m asl.	Perennial herb June – October	**None—**appropriate communities within or adjacent to saline wetland habitats are not present on-site.

19 For the purposes of database querying, the project region is considered to be the USGS 15-munute quadrangle in which the project site is located (Santa Paula) and the surrounding 8 quadrangles (Camarillo, Oxnard, Fillmore, Moorpark, Newbury Park, Santa Paula Peak, Ojai, and Saticoy).

20 Treated as Oxytheca parishii var. abramsii in the 1993 edition of The Jepson Manual.

Common name *Scientific name*	Federal status	State status	CNPS List	Habitat	Growth form Blooming period*	Potential to occur on site
Davidson's saltscale *Atriplex serenana* var. *davidsonii*	—	—	1B.2	Alkaline soils in coastal bluff scrub and coastal scrub habitats between 10 and 200 m asl.	Annual herb April – October	**None—**appropriate communities within or adjacent to saline wetland habitats are not present on site.
southern tarplant *Centromadia parryi* ssp. *australis*	—	—	1B.1	Vernally mesic, often alkaline, habitats in marshes and swamp margins, valley and foothill grassland, and vernal pool communities between 0 and 427 m asl.	Annual herb May – November	**Low—**suitable habitat may be present within seasonally wetted areas associated with drainages on-site. The species was not observed during the 2010 or 2011 surveys.
Salt marsh bird's-beak *Chloropyron maritimum* ssp. *maritimum*	FE	SE	1B.2	Coastal dunes, marshes and swamps between 0 and 30 m asl.	Annual herb (hemiparasitic) May – October	**None—**appropriate near-shore communities within or adjacent to saline wetland habitats are not present on-site.
Dune larkspur *Delphinium parryi* ssp. *blochmaniae*	—	—	1B.2	Maritime chaparral and coastal dunes between 0 and 200 m asl.	Perennial herb April – May	**None—**appropriate near-shore communities are not present on-site.
Umbrella larkspur *Delphinium umbraculorum*	—	—	1B.3	Mesic cismontane woodland communities between 400 and 1,600 m asl.	Perennial herb April – June	**Low—**suitable habitat may be present within mulefat scrub communities on-site. The species was not observed during the 2010 or 2011 surveys.
Blochman's dudleya *Dudleya blochmaniae* ssp. *blochmaniae*	—	—	1B.1	Rocky, clay or serpentinite substrates in coastal bluff scrub, chaparral, coastal scrub, and valley and foothill grassland communities between 5 and 450 m asl.	Perennial herb April – June	**None—**rocky habitats are not present on-site.
Marcescent dudleya *Dudleya cymosa* ssp. *marcescens*	FT	Rare	1B.2	Rocky, volcanic substrates in chaparral communities between 150 and 520 m asl.	Perennial herb April – June	**None—**rocky habitats are not present on-site.
Conejo dudleya *Dudleya parva*[21]	FT	—	1B.2	Clay or volcanic substrates in coastal scrub and valley and foothill grassland communities between 60 and 450 m asl.	Perennial herb May – June	**None—**rocky habitats are not present on-site.
Verity's dudleya *Dudleya verityi*	FT	—	1B.2	Volcanic outcrops in chaparral, cismontane woodland, and coastal scrub communities between 60 and 120 m asl.	Perennial herb May – June	**None—**rocky habitats are not present on-site.
Conejo buckwheat *Eriogonum crocatum*	—	Rare	1B.2	Conejo volcanic outcrops in chaparral, coastal scrub, valley and foothill grassland communities between 50 and 580 m asl.	Perennial herb April – July	**None—**rocky habitats are not present on-site.

21 Federally-listed as Dudleya abramsii ssp. parva; see this name in the 1993 edition of The Jepson Manual.

Common name *Scientific name*	Federal status	State status	CNPS List	Habitat	Growth form Blooming period*	Potential to occur on site
Mesa horkelia *Horkelia cuneata* ssp. *puberula*	—	—	1B.1	Sandy or gravelly sites in chaparral, cismontane woodland, and coastal scrub communities between 70 and 810 m asl.	Perennial herb February – July (September)	**None—**suitable soils may be present within the fallow field in the central portion of the site, however, the prolonged period of agricultural activity within this area precludes any reasonable expectation of presence for this species.
Coulter's goldfields *Lasthenia glabrata* ssp. *coulteri*	—	—	1B.1	Alkaline soils in coastal salt marshes and swamps, playas, and vernal pools between 1 and 1,220 m asl.	Annual herb February – June	**Low—**suitable habitat may be present within seasonally wetted areas associated with drainages on-site. The species was not observed during the 2010 or 2011 surveys.
Ross's pitcher sage *Lepechinia rossii*	—	—	1B.2	Soils derived from fine-grained, reddish sedimentary rock in chaparral communities between 305 and 790 m asl.	Perennial shrub May – September	**None—**the site lies outside the known range of the species and suitable habitat is not present.
Mexican malacothrix *Malacothrix similis*[22]	—	—	1A	Presumed extinct. Coastal dunes between 0 and 40 m asl.	Annual herb April – May	**None—**suitable near-shore dune habitat is not present on site.
Ojai navarretia *Navarretia ojaiensis*[23]	—	—	1B.1	Openings in chaparral, coastal scrub, and valley and foothill grassland communities between 275 and 620 m asl.	Annual herb May – July	**None—**suitable openings do not exist within undisturbed portions of the site.
Lyon's pentachaeta *Pentachaeta lyonii*	FE	SE	1B.1	Hambright series rocky and clay soils in openings within chaparral, coastal scrub, and valley and foothill grassland communities between 30 and 630 m asl.	Annual herb March – August	**None—**suitable soils are not present and the site lies outside of the geographic range of the species.
White rabbit-tobacco *Pseudognaphalium leucocephalum*[24]	—	—	2.2	Sandy or gravelly soils in chaparral, cismontane woodland, coastal scrub, and riparian woodland habitats between 0 and 2,100 m asl.	Perennial herb (July) August – November (December)	**Low—**suitable habitat may be present within Santa Paula Creek. This species has not been observed on-site.
Chaparral ragwort *Senecio aphanactis*	—	—	2.2	Drying alkaline flats in chaparral, cismontane woodland, and coastal scrub habitats between 15 and 800 m asl.	Annual herb January – April	**Low—**suitable habitat may be present within seasonally wetted areas associated with drainages on-site. The species was not observed during the 2010 or 2011 surveys.

22 A synonym of Malacothrix stebbinsii in the 1993 edition of The Jepson Manual.
23 Not in the 1993 edition of The Jepson Manual
24 Treated in the 1993 edition of The Jepson Manual as Gnaphalium leucocephalum.

Common name *Scientific name*	Federal status	State status	CNPS List	Habitat	Growth form Blooming period*	Potential to occur on site
Monocots						
Late-flowered mariposa lily *Calochortus fimbriatus*	—	—	1B.2	Often on serpentinite substrates in chaparral, cismontane woodland, and riparian woodland communities between 275 and 1905 m asl.	Bulbiferous herb June – August	**None—**suitable soils are not present and the site lies outside the known geographic range of the species.
Plummer's mariposa lily *Calochortus plummerae*	—	—	1B.2	Rocky and sandy sites, usually of granitic or alluvial material in coastal scrub, chaparral, valley and foothill grassland, cismontane woodland, and lower montane coniferous forest communities between 100 and 1,700 m asl.	Bulbiferous herb May – July	**None—**suitable habitat is not present within undisturbed portions of the site.
Ojai fritillary *Fritillaria ojaiensis*	—	—	1B.2	Mesic, rocky habitats in broad-leafed upland forest, chaparral, lower montane coniferous forest communities between 300 and 998 m asl.	Bulbiferous herb February – May	**None—**suitable rocky habitat is not present on-site.
Vernal barley *Hordeum intercedens*	—	—	3.2	Saline flats and depressions in coastal dune, coastal scrub, valley and foothill grassland and vernal pool communities between 5 and 1,000 m asl.	Annual herb March – June	**Low—**suitable habitat may be present within seasonally wetted areas associated with drainages on-site. The species was not observed during the 2010 or 2011 surveys.

Notes:
** – Months given in parentheses indicate dates on which unusually early or late flowering records have been reported*
Status abbreviations

Federal
FE: federally listed as Endangered
FT: federally listed as Threatened

State
SE: state listed as Endangered

CNPS lists
1A: presumed extinct in California
1B: rare, threatened, or endangered in California and elsewhere
2: rare, threatened, or endangered in California, but more common elsewhere
3: more information needed to determine rarity

CNPS threat ranks
0.1: seriously threatened in California
0.2: fairly threatened in California
0.3: not very threatened in California

Table 5.4-3
Special-status Animal Species Reported from the East Gateway Project's Region[25]

Common name *Scientific name*	Federal status	State status	Other lists	Habitat	Potential to occur on site
Insects					
Sandy beach tiger beetle *Cicindela hirticollis gravid*	—	—	CDFG Special Animals List	Inhabits areas adjacent to non-brackish water along the coast of California from San Francisco Bay to northern Mexico. Clean, dry, light-colored sand in the upper zone. Subterranean larvae prefer moist sand not affected by wave action.	**None—**suitable beach or coastal strand habitat is not present.
Globose dune beetle *Coelus globosus*	—	—	CDFG Special Animals List	Inhabitant of coastal sand dune habitats from Bodega Head in Sonoma County to Ensenada, Mexico. Inhabits foredunes and sand hummocks. Burrows beneath the sand surface and is most common beneath dune vegetation.	**None—**suitable beach or coastal strand habitat is not present.
Monarch butterfly (wintering sites) *Danaus plexippus*	—	—	CDFG Special Animals List	Roosts located in wind-protected tree groves (especially eucalyptus and Monterey cypress), with nectar and water sources nearby. Winter roost sites extend along the coast from northern Mendocino County to Baja California, Mexico.	**None—**the site does not support extensive eucalyptus or other large tree groves suitable to provide winter roost habitat for this species.
Santa Monica grasshopper *Trimerotropis occidentiloides*	—	—	CDFG Special Animals List	Known only from the Santa Monica Mountains. Found on bare hillsides and along dirt trails in chaparral.	**None—**suitable chaparral habitat is not present on-site.
Fish					
Santa Ana sucker *Catostomus santaanae*	FT, FSS	SSC	—	Habitat generalist, but prefers sand, rubble, or boulder bottoms, in cool, clear water with algae to graze.	**Moderate—**may be present seasonally within Santa Paula Creek.
Tidewater goby *Eucyclogobius newberryi*	FE	SSC	AFS: Endangered	Brackish water habitats along the California coast from Agua Hedionda Lagoon, San Diego County to the mouth of the Smith River. Found in shallow lagoons and lower stream reaches, they need fairly still but not stagnant water and high oxygen levels.	**None—**brackish water habitats are not present on-site.

25 For the purposes of database querying, the project region is considered to be the USGS 15-munute quadrangle in which the project site is located (Santa Paula) and the surrounding 8 quadrangles (Camarillo, Oxnard, Fillmore, Moorpark, Newbury Park, Santa Paula Peak, Ojai, and Saticoy).

Common name *Scientific name*	Federal status	State status	Other lists	Habitat	Potential to occur on site
Unarmored threespine stickleback *Gasterosteus aculeatus williamsoni*	FE, FSS	SE, CDFG Fully Protected	—	Cool, clear water with abundant vegetation in weedy pools, backwaters and among emergent vegetation at the stream edge in small southern California streams.	**Not expected—**suitable habitat is present, but this species is not known from below Piru Creek.
Arroyo chub *Gila orcuttii*	FSS	SSC	—	Slow water stream sections with mud or sand bottoms. Feeds heavily on aquatic vegetation and associated invertebrates.	**Moderate—**may be present seasonally within Santa Paula and Haun creeks.
southern steelhead—southern California DPS *Oncorhynchus mykiss irideus*	FT	SSC	—	Federal listing refers to populations from the Santa Maria River south to the southern extent of the species range (San Mateo Creek in San Diego County). Southern steelhead likely has greater physiological tolerance of warmer water and more variable conditions than northern subspecies.	**Moderate—**may be present seasonally within Santa Paula Creek.
Amphibians					
Foothill yellow-legged frog *Rana boylii*	BLMS, FSS	SSC	—	Partly-shaded, shallow streams and riffles with a rocky substrate in a variety of habitats. Need at least some cobble-sized substrate for egg-laying, and at least 15 weeks to attain metamorphosis.	**None—**perennial surface water habitat suitable for this species is not present on-site.
Western spadefoot *Spea hammondii*	BLMS	SSC	—	Vernal pools and other areas of seasonally ponded water, primarily in grasslands habitats, but can be found in valley-foothill hardwood woodlands.	**Not expected—**all areas of the site subject to seasonal ponding are either in highly disturbed contexts (*e.g.* active agricultural) or else isolated from any likely source populations or suitable aestivation habitat (*e.g.* fallow field or channelized portion of Santa Paula Creek).
Reptiles					
Silvery legless lizard *Anniella pulchra pulchra*	FSS	SSC	—	Leaf litter associates with sandy or loose loamy soil of high moisture content under sparse vegetation.	**Low—**suitable habitat may be present along drainages in the eastern portion of the East Gateway Project site.
Coastal whiptail *Aspidoscelis tigris stejnegeri*	—	—	CDFG Special Animals List	Various habitats in firm, sandy or rocky soils within sparse vegetation, open areas, woodlands and riparian communities of deserts and semi-arid areas.	**Moderate—**suitable habitat is present within most portions of the site lacking paved surfaces, including row crop, fallow field and orchard vegetation types.

Common name *Scientific name*	Federal status	State status	Other lists	Habitat	Potential to occur on site
Western pond turtle *Emys marmorata*	BLMS, FSS	SSC	—	Requires basking sites such as partially submerged logs, vegetation mats or open mud banks and needs suitable nesting sites in permanent or near permanent bodies of water in many habitat types below 2,000 m asl.	**Not expected—**the site may be within range of potential nesting sites (if ponds are present within 2-km of the site along the Santa Clara River) but aestivation habitat (uplands with suitable burrows) does not appear to be present on-site.
Coast horned lizard *Phrynosoma blainvillii*	BLMS, FSS	SSC	—	Occurs in relatively open areas of coastal sage scrub, annual grassland, chaparral, oak woodland, riparian woodland, and coniferous forest habitat on sandy soils, often in association with harvester ants.	**Low—**suitable habitat is present along margins of the row crop area and within the fallow agricultural field.
Two-striped garter snake *Thamnophis hammondii*	BLMS, FSS	SSC	—	Perennial and intermittent streams having rocky or sandy beds and artificially created aquatic habitats (man-made lakes and stock ponds); requires dense riparian vegetation. From sea level to 2,400 m (8,000 ft.).	**Moderate—**may be seasonally present within on-site reaches of Santa Paula and Haun Creeks, and on the riparian margin of the Santa Clara River at the southern t boundary of the east Gateway Project.
South coast garter snake *Thamnophis sirtalis* ssp.	—	SSC	—	Marsh and upland habitats near permanent water with well-developed strips of riparian vegetation on the southern California coastal plain from Ventura County to San Diego County and from sea level to approximately 850 m asl.	**Moderate—**may be seasonally present within on-site reaches of Santa Paula and Haun creeks, and on the riparian margin of the Santa Clara River at the southern boundary of the east Gateway Project.
Birds					
Cooper's hawk (nesting) *Accipiter cooperii*	—	CDFG Watch List	—	Nests in open forests, groves, or trees along rivers, or low scrub of treeless areas. The wooded area is often near the edge of a field or water opening.	**High—**observed within riparian habitats of the Santa Clara River, immediately adjacent to the site. Suitable nesting habitat is present along the southern site boundary and within large trees on site.
Golden eagle (nesting and wintering) *Aquila chrysaetos*	BCC, BLMS	CDFG Watch List, CDFG Fully Protected, CDF	—	Open terrain in deserts, mountains, slopes, and valleys. Nest mainly on cliffs, also in large trees (such as oaks), and rarely on artificial structures or the ground.	**None—**suitable nesting and wintering habitat is not present on-site.
Burrowing owl (burrow sites) *Athene cunicularia*	BCC, BLMS	SSC	—	Open, dry grassland and desert habitats throughout California, or scrublands characterized by low-growing, widely spaced vegetation. Dependent upon burrowing mammals, especially California ground squirrels.	**Low—**suitable habitat is present within the fallow agricultural field. Not observed in 2010 or 2011.

Common name ***Scientific name***	**Federal status**	**State status**	**Other lists**	**Habitat**	**Potential to occur on site**
Western snowy plover *Charadrius alexandrinus nivosus*	FT, BCC	SSC	ABC, AWL, USBC	Nests, feeds, and takes cover on sandy or gravelly beaches along the coast, on estuarine salt ponds, alkali lakes, and at the Salton Sea. Requires a sandy, gravelly or friable soil substrate for nesting.	**None—**suitable near-shore beach or strand habitat is not present on site.
Western yellow-billed cuckoo (nesting) *Coccyzus americanus occidentalis*	FC, BCC, FSS	SE	—	Nests in riparian jungles of willow, often mixed with cottonwood with an understory of blackberry, nettles or wild grape.	**None—**suitable nesting habitat is present nearby within the Santa Clara River and individuals may occasionally traverse or forage along the margins of the site; however, nesting would not occur on-site.
White-tailed kite (nesting) *Elanus leucurus*	—	CDFG Fully Protected	—	Rolling foothills and valley margins with scattered oaks and river bottomlands or marshes next to deciduous woodland. Open grasslands, meadows or marshes for foraging close to close to isolated, dense-topped trees for nesting and perching.	**Moderate—**may nest in eucalyptus windrows on and immediately adjacent to the site.
Southwestern willow flycatcher (nesting) *Empidonax traillii extimus*	FE, FSS (full species)	SE (full species)	USBC, AWL, ABC (all include full species)	Dense willow thickets are required for nesting and roosting. Nesting site usually near languid streams, standing water, or seeps. Most numerous where extensive thickets of low, dense willows edge on wet meadows, ponds, or backwaters.	**None—**suitable nesting habitat is present nearby within the Santa Clara River and individuals may occasionally traverse or forage along the margins of the site; however, nesting would not occur on-site.
California horned lark *Eremophila alpestris actia*	—	CDFG Watch List	—	Inhabits coastal regions from Sonoma County to San Diego County. Also, known from the main part of the San Joaquin valley east to the foothills. Inhabitant of short-grass prairie, “bald” hills, mountain meadows, open coastal plains, fallow grain fields, and alkali flats. Requires open areas with short vegetation, sparse brush, and a preponderance of bare ground.	**Moderate—**suitable habitat is present within the fallow agricultural field.
California condor *Gymnogyps californianus*	FE	SE, CDF, CDFG Fully Protected	USBC, AWL, ABC	Nets in deep canyons containing clefts in rocky walls of mountain ranges of moderate altitude. Forages up to 100 miles from nest sites over vast expanses of open savanna, grasslands and foothill habitats.	**None—**suitable nesting habitat is not present on-site.
Belding’s savannah sparrow *Passerculus sandwichensis beldingi*	—	SE	—	Very local breeder on the southern coast from Santa Barbara to San Diego County. Nests in *Salicornia* on and about margins of tidal flats.	**None—**suitable saltmarsh habitat is not present on-site.

Common name *Scientific name*	Federal status	State status	Other lists	Habitat	Potential to occur on site
Nuttall's woodpecker *Picoides nuttallii*	BCC	—	ABC	Tree cavities and foliage provide cover. Excavates nesting cavity from 0.6 to 18 m (2 – 60 ft.) above ground. Nest located mostly in riparian habitat in dead (occasionally live) trunk or limb of willow, sycamore, cottonwood, or alder; rarely in oaks.	**Moderate—**observed within riparian habitats of the Santa Clara River, immediately adjacent to the site. Suitable nesting habitat is present along the southern site boundary.
Coastal California gnatcatcher *Polioptila californica californica*	FT	SSC	USBC, AWL, ABC	Obligate permanent resident of coastal sage and alluvial scrub habitats below 800 m asl in southern California.	**None—**suitable coastal sage scrub habitat is not present on-site.
Bank swallow (nesting) *Riparia riparia*	—	ST	—	Colonial nester; nests primarily in riparian and other lowland habitats west of the desert. Requires vertical banks/cliffs with fine-textured/sandy soils near streams, rivers, lakes, or ocean to dig nesting hole.	**None—**suitable vertical stream bank habitat is not present on-site.
California least tern *Sternula antillarum browni*	FE	SE, CDFG Fully Protected	USBC, ABC (both listings include full species)	Nests along the coast from San Francisco Bay south to northern Baja California. Colonial breeder on bare or sparsely vegetated, flat substrates: sand beaches, alkali flats, landfills, or paved areas.	**None—**suitable near-shore habitat is not present on-site.
Least Bell's vireo *Vireo bellii pusillus*	FE, BCC	SE	USBC, AWL, ABC	Resident below about 600 m (2,000 ft.) in willows and other low, dense valley foothill riparian habitat. Thickets of willow and other low shrubs afford nesting and roosting cover. May inhabit thickets along dry, intermittent streams.	**Low—**suitable habitat is present within arroyo willow – mulefat thicket vegetation in the eastern portion of the site.
Mammals					
Pallid bat *Antrozous pallidus*	FSS, BLMS	SSC	WBWG High	Day roosts are in caves, crevices, mines, and occasionally in hollow trees and buildings. Night roosts may be in more open sites, such as porches and open buildings.	**Low—**suitable cavities may be present within trees and buildings on and adjacent to the site.
Dulzura pocket mouse *Chaetodipus californicus femoralis*	—	—	SSC	Inhabits a variety of habitats year-round, including coastal scrub, chamise-redshank and montane chaparral, sagebrush, annual grassland, valley foothill hardwood, valley foothill hardwood-conifer, and montane hardwood habitats. Ranges in elevation from sea level to 2,400 m (7,900 ft.).	**None—**suitable scrub and chaparral communities are not present on-site.
Hoary bat *Lasiurus cinereus*	—	—	WBWG Medium	Habitats suitable for bearing young include all woodlands and forests with medium- to large-size trees and dense foliage. Generally roosts in dense foliage of medium to large trees.	**Moderate—**suitable habitat may be present within orchards and windrows on and adjacent to the site.

Common name ***Scientific name***	**Federal status**	**State status**	**Other lists**	**Habitat**	**Potential to occur on site**
San Diego desert woodrat *Neotoma lepida intermedia*	—	SSC	—	Moderate to dense canopies in coastal scrub of southern California from San Diego County to San Luis Obispo County. Particularly abundant in rock outcrops, rocky cliffs and slopes.	**Not expected—**scrub and chaparral habitats are not present on-site. Arroyo willow – mulefat thickets on-site are more suited for use by dusky-footed woodrats (*N. fuscipes*).
American badger *Taxidea taxus*	—	SSC	—	Drier, open stages of most shrub, forest, and herbaceous habitats with friable soils.	**Low—**may occasionally traverse open portions of the site, but not expected to den on-site.

Status abbreviations

Federal
FE: Federally listed as Endangered
FT: Federally listed as Threatened
FC: Federal Candidate species
BLMS: Bureau of Land Management Sensitive Species Sensitive Species
FSS: USDA Forest Service Sensitive Species
BCC: Fish and Wildlife Service Birds of Low priority

State
SE: State-listed as Endangered
ST: State-listed as Threatened
CDF: California Department of Forestry and Fire Protection
ABC: American Bird Conservancy Green List
SSC: CDFG Species of Special Concern

Other
AFS: American Fisheries Society categories of risk: vulnerable, threatened, or endangered
AWL: Audubon Watchlist
USBC: United States Bird Conservation Watch List
WBWG: Western Bat Working Group: High, Medium and Conservation Concern

Protected Tree Resources

Trees regulated by the Santa Paula Municipal Code (SPMC) cannot be removed without a tree removal permit. The SPMC requires locating and characterizing jurisdictional trees to provide the data necessary to prepare a formal tree report and subsequent tree removal permit. The SPMC states that no protected tree "shall be removed, cut down, or otherwise destroyed, unless a tree removal permit has been issued by the City." Under the ordinance, a protected tree is any of the following:

- any tree species on public or private property associated with a proposal-for urban development, with a 12-inch diameter as measured approximately 4.5 feet above the basal root crown (dbh) is considered a "mature" tree. For multiple-trunk trees, the two largest dbh measurements must add up to 14.5 inches.

- oak trees (any member of the genus *Quercus*) on public or private property with a dbh of 5.5 in or more. For multiple-trunk trees, the two largest dbh measurements must add up to 7.5 inches.

- sycamore trees (any member of the genus *Platanus*) on public or private property with a dbh of 25 inches or more. For multiple-trunk trees, the two largest dbh measurements must add up to 32 inches.

Existing provisions protecting mature trees would apply to the East Gateway Project areas. This code also applies to trees within on-site windrows. The majority of trees within the blue gum and Peruvian pepper windrows have diameters greater than 12 inches, and if impacted are subject to the provisions of this ordinance. In addition to blue gum and Peruvian pepper trees, several other trees, including coast live oak which are also subject to the provisions of this ordinance, are interspersed within developed areas of the site.

Jurisdictional Resources

Wetlands and perennial and intermittent drainages are generally subject to the jurisdiction of the USACE under the Clean Water Act, § 404[26] the Regional Water Quality Control Board (RWQCB) pursuant to the Clean Water Act § 401,[27] and the California Porter-Cologne Act,[28] and the CDFG under California Fish and Game Code § 1602.[29]

26 US Code of Federal Regulations, Title 33, Clean Water Act, Section 404, Navigation and Navigable Waters, Chapter 26 Water Pollution Prevention and Controls, Subchapter IV Permits and Licenses, Section 1344 Permits for dredged or fill material (1977, as amended 1994).
27 Ibid.
28 California Water Code, (1969, as amended), Porter-Cologne Water Quality Control Act, Section 13020.
29 California Fish and Game Code, Section 1602. Online: http://www.dfg.ca.gov/1600/1600code.html.

During the June 2011 field visit, a preliminary assessment was conducted of the on-site drainage features located within the East Gateway Project areas to identify areas subject to federal and state jurisdiction. The goal of this field survey was to determine the locations and conditions of potential jurisdictional resources, but did not constitute a comprehensive delineation of federal and state jurisdictional waters and streams. Within the East Gateway Project areas, there is one channelized, soft-bottom drainage (Drainage A) confined on both sides by row crop agriculture located south of SR 126 within the proposed East Gateway Specific Plan area. This drainage collects water from the adjacent agricultural area and potentially falls under the jurisdiction of the above mentioned agencies. The on-site portion of this channel is approximately 460 feet in length and has an average width of approximately 15 feet measured from either the top of the bank or the drip line of the riparian canopy (whichever is greater). Drainage A is dominated by riparian vegetation including, but not limited to, arroyo willow, sandbar willow, and nutsedge. This drainage traverses the edge of the study site for approximately 1,000 feet, with approximately the last 250 feet paralleling Haun Creek before it joins the creek at the edge of the Santa Clara River floodplain.

Another jurisdictional feature occurring at the far west end of the annexation area is Santa Paula Creek. The on-site portion of Santa Paula Creek is approximately 1,580 feet long and varies from approximately 120 to 160-foot wide. This reach of Santa Paula Creek is completely enclosed by vertical concrete banks; however, the bed is non-grouted sand and gravel. Approximately 2,200 feet downstream of the East Gateway Project boundary, the creek joins the Santa Clara River which enters the Pacific Ocean approximately 17 river miles downstream. Santa Paula Creek collects water primarily from surrounding agricultural runoff, as well as from undeveloped highlands north of the East Gateway Project areas and extending into Los Padres National Forest and potentially falls under the jurisdiction of the above mentioned agencies.

Other, more minor, potentially jurisdictional drainages include an approximately 530 foot-long concrete V-ditch that collects parking lot runoff from north of SR 126, and two irrigation drainages, approximately 75 and 540 feet in length, that collect runoff from agricultural fields north of the East Gateway Project areas. Each of these drainages flow into Drainage A in East Gateway Specific Plan site.

The jurisdictional area that exist for the above drainage is approximately 5.69 acres and includes:

- Drainage A 0.81 acres
- Haun Creek 0.05 acres
- Santa Paula Creek 4.72 acres

- Santa Clara River 0.01 acres
- Other minor drainages 0.10 acres

See **Figure 5.4-2, Potential Jurisdictional Water Features,** for location of the on-site drainages.

Wildlife Movement Corridors

Wildlife corridors are described as pathways or habitat linkages that connect discrete areas of natural open space otherwise separated or fragmented by topography, changes in vegetation type and other natural or human induced factors such as urbanization. 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. These wildlife corridors provide several benefits including:

- allowing animals to move between remaining habitats to replenish depleted populations and increase the available gene pool;
- 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
- 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.

South Coast Missing Linkages is an inter-agency effort to identify and conserve the highest priority linkages in the South Coast Ecoregion. Partners in the effort include: South Coast Wildlands, National Park Service, U.S. Forest Service, California State Parks, The Wildlands Conservancy, The Resources Agency, California State Parks Foundation, The Nature Conservancy, Santa Monica Mountains Conservancy, Resources Legacy Foundation, Conservation Biology Institute, San Diego State University

Field Stations Program, Environment Now, Mountain Lion Foundation, and the Zoological Society of San Diego's Conservation and Research for Endangered Species, among others. The South Coast Missing Linkages project has developed a comprehensive plan for a regional network that would maintain and restore critical habitat linkages between existing open space reserves. The East Gateway Project does not lie within any of the regionally designated linkages identified by South Coast Missing Linkages, the

nearest of which is the Santa Monica-Sierra Madre Connection, which lies approximately 9 miles to the east of the East Gateway Project areas.[30]

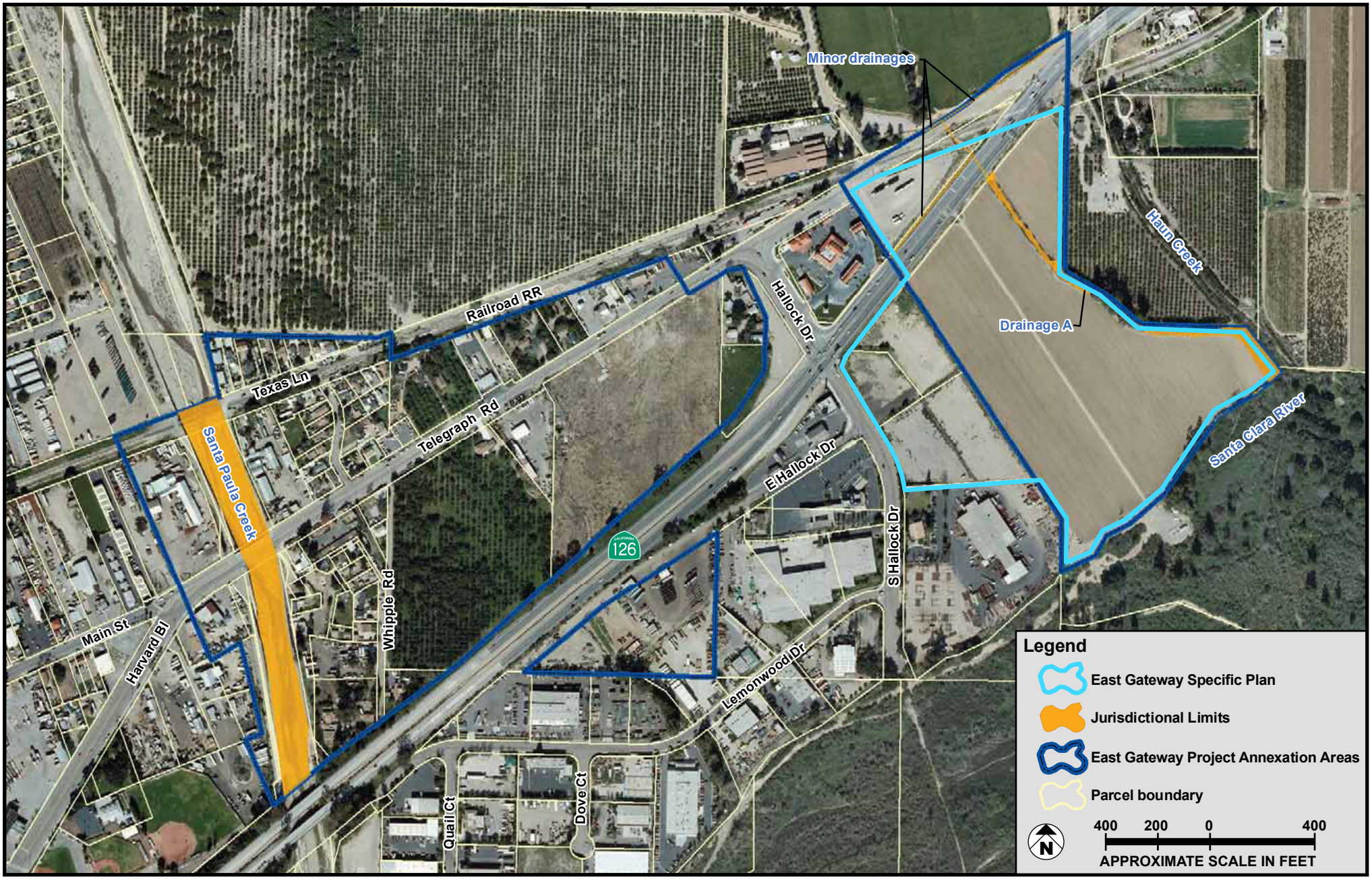
Haun Creek, along the eastern border of the East Gateway Specific Plan area, and the Santa Clara River riparian corridor located immediately south of the East Gateway Specific Plan areas, are considered part of a landscape linkage identified by the County of Ventura.[31] Haun Creek constitutes the western boundary of the landscape linkage, which connects open space east of Santa Paula with open space associated with the Santa Clara River and areas south of SR 126.

The East Gateway Project areas provides habitat for several common and special-status native wildlife species known to occur in the region. However, due to agricultural and human disturbance throughout most of the East Gateway Project areas, the number of terrestrial animal species is expected to be relatively low compared to surrounding and nearby undisturbed areas.

The Santa Clara River, which lies immediately adjacent to the site, constitutes the major riparian corridor in the region and provides important riparian vegetation and surface water resources for a number of common and sensitive bird and fish species that may utilize on-site habitats for seasonal movement opportunities. Riparian obligate bird species may forage on and adjacent to the East Gateway Project areas during their periods of migration, and fish species may utilize Santa Paula and Haun Creeks during the winter months.

30 Penrod, K, C. Cabañero, P. Beier, C. Luke, W. Spencer, E. Rubin, R. Sauvajot, S. Riley, and D. Kamradt. 2006. South Coast Missing Linkages Project: A Linkage Design for the Santa Monica-Sierra Madre Connection. Produced by South Coast Wildlands, Idyllwild, CA. www.scwildlands.org, in cooperation with National Park Service, Santa Monica Mountains Conservancy, California State Parks, and The Nature Conservancy.

31 Ventura County Planning Division and the Donald Bren School of Environmental Science & Management. June 2005. Roads and Biodiversity Project: Guidelines for Safe Wildlife Passage.



SOURCE: Impact Sciences – September 2011

FIGURE **5.4-2**

Meridian Consultants

East Gateway Jurisdictional Features

007-002-12

5.4.3 REGULATORY SETTING

5.4.3.1 Federal Regulations

Migratory Bird Treaty Act of 1918

The Migratory Bird Treaty Act[32] makes it unlawful to "take" (kill, harm, harass, etc.) any migratory bird, including their nests, eggs, or products. Migratory birds include geese, ducks, shorebirds, raptors, songbirds, and many other species that may utilize natural and artificial habitats throughout the area.

Federal Endangered Species Act of 1973

Section 3 of the federal Endangered Species Act (ESA)[33] defines an endangered species as any species or subspecies "in danger of extinction throughout all or a significant portion of its range." A threatened species is defined as any species or subspecies of fish, wildlife, or plant "likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range." Threatened or endangered species and associated critical habitat are designated through publication of a final rule in the Federal Register. Designated endangered and threatened animal species are fully protected from "take" unless an applicant has an incidental take permit issued by the USFWS under Section 10 or incidental take statement issued under Section 7 of the ESA. Take is defined as the killing, capturing, or harassing of a species. Proposed endangered or threatened species include those species for which a proposed regulation has been published in the Federal Register, but a final ruling has not been made.

Final Southern California Steelhead Recovery Plan

Steelhead are the anadromous, or ocean-going, form of rainbow trout *Oncorhynchus mykiss* (*O. mykiss*). Steelhead are one of six Pacific salmon species native to the west coast of North America, and are currently the only species of this group that naturally reproduces within the coastal watersheds of southern California. Steelhead is one of several related *Oncorhynchus* species that exhibit considerable life history plasticity, including the ability to complete their life cycle entirely in freshwater or migrate to the ocean as juvenile "smolts," returning to spawn in freshwater as adults after 1-3 years at sea (Boughton et al 2006). Adding to the complexity of the *O. mykiss* life history is the apparent ability of rainbow trout to produce steelhead offspring (an anecdotally common occurrence in populations within the Santa Clara River watershed), and for steelhead to produce resident rainbow trout offspring. Since steelhead typically remain in freshwater for at least one year after hatching, most river habitats are utilized by one or more life stages (egg, fry, fingerling, juvenile, and adult) which provides an indicator of the health of southern

32 16 U.S.C. §§ 703, et seq..
33 16 U.S.C. §§ 1531, et seq.

California watersheds. Southern California steelhead populations have declined precipitously, largely due to extensive watershed development.

Based on the results of a comprehensive status review of all west coast steelhead populations conducted by the NOAA, NMFS, southern California steelhead were listed as an endangered species under the ESA on August 18, 1997; with a range extension to the U.S.-Mexico Border in 2002. Following a status review in 2005, a final listing determination was issued on January 5, 2006 for the Southern California Steelhead Distinct Population Segment (DPS); additionally, critical habitat was designated within 32 watersheds known to support this DPS.

The Southern California Steelhead (SCS) Recovery Planning Area extends from the Santa Maria River to the Tijuana River at the U.S.-Mexico border. The SCS Recovery Planning Area includes those portions of coastal watersheds that are at least seasonally accessible to steelhead entering from the ocean, and the upstream portions of watersheds that are currently inaccessible to steelhead due to man-made barriers, but were historically used by steelhead. Major steelhead watersheds in the northern portion of the SCS Recovery Planning Area include the Santa Maria, Santa Ynez, Ventura, and Santa Clara rivers, and Malibu and Topanga creeks. Major steelhead watersheds in the southern portion of the SCS Recovery Planning Area include the San Gabriel, Santa Margarita, San Luis Rey, San Dieguito, and Sweetwater rivers, and San Juan and San Mateo creeks. The Santa Clara River, which drains much of the western Traverse Range, was also included in the critical habitat designation.

The *Final Southern Steelhead Recovery Plan*[34] identifies the Monte Arido Highlands Biographic Population Group (BPG), which includes the Santa Clara River, as Core 1 population, with a high priority for recovery.[35] Critical recovery actions identified for the Santa Clara River include implementing operating criteria to ensure:

- the temporal pattern and magnitude and of water releases including bypass flows from diversions at Vern Freeman, Santa Felicia, Pyramid, and Castaic dams that provide essential habitat functions which support life history and habitat requirements of adult and juvenile steelhead; and

- provide natural rates of migration for steelhead to upstream spawning and rearing habitats, and passage of smolts and kelts downstream to the estuary and ocean by physically modifying the diversions at Vern Freeman, Harvey, Santa Felicia, and Pyramid dams, and the lower Santa Paula Creek flood control channel.

34 National Marine Fisheries Service. Southern California Steelhead Recovery Plan. Public Review Draft Version. Southwest Regional Office, Long Beach, California. January 2012.

35 Ibid, Table 9-3.

Clean Water Act

The Federal Water Pollution Control Act (CWA)[36] regulates discharges into waters of the United States.

"Waters of the United States" 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 subject to tidal action;
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;
    a. which are or could be used by interstate or foreign travelers for recreational or other purposes; or
    b. from which fish or shellfish are or could be taken and sold in interstate or foreign commerce; or
    c. 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; and
7. wetlands adjacent to waters (other than waters that are themselves wetlands) identified in paragraphs (a)(1) through (6) of this section.

USACE jurisdiction in non-tidal waters typically extends to the ordinary high water mark (OHWM). The OHWM for intermittent streams, for example, can be determined by the fluctuations of water as indicated by physical characteristics such as clear, natural lines impressed on a water 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 2006, the U.S. Supreme Court revisited the issue of jurisdictional scope of Section 404 of the CWA. In *Rapanos vs. United States* (2006) 547 U.S. 715, the court ruled that waters of the United States are subject to CWA jurisdiction if the water body (1) is relatively permanent or seasonal, (typically three months or more); (2) is a wetland that directly abuts a relatively permanent water body; or (3) if the water body and its adjacent wetland has a significant physical, biological, or chemical nexus with a traditionally navigable waterway.

36 33 U.S.C. §§ 1251, et seq.

Most impacts to areas delineated as waters of the United States, if determined to be jurisdictional by the USACE, require approval under the authority of the CWA and its implementing regulations.

Section 401

Section 401 of the CWA authorizes the State of California to certify that federal permits, including USACE Section 404 permits, and licenses do not violate the State's water quality standards. The State's implementing regulations to conduct certifications are codified under the California Code of Regulations Title 23, "Waters," Sections 3830 – 3869. Projects qualifying for a USACE Section 404 permit must submit materials for review to the appropriate RWQCB and request a Section 401 certification. Much of the same information (project description, potential impacts, and mitigation measures) necessary to apply for USACE Section 404 and CDFG Section 1602 permits is required for the Section 401 certification.

In response to certain federal court decisions that limited USACE jurisdiction, the state issued several directives to the regional boards regarding the regulation of isolated waters no longer regulated by the USACE. At present, the State Water Quality Control Board and the RWQCBs are to:

- continue issuing Section 401 certifications for federal permits; and
- issue Waste Discharge Requirements (WDRs) for dredge or fill discharges to waters deemed by the USACE 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 made on the same form, but the State Board has issued a model letter to be submitted with the WDR application to clarify that the WDRs are intended to cover "waters of the State" not covered by the Section 401 certification and not subject to the USACE regulations.

Section 404

The CWA was passed in 1972 and regulates discharges into waters of the United States. Section 404 of the CWA regulates activities including discharge of dredged or fill materials into waters of the United States.

The discharge of fill material into an area delineated as waters of the United States, including wetlands, that is determined to be under the USACE jurisdiction, requires a permit or other approval by the USACE Regulatory Branch. Fill is broadly defined as anything foreign introduced into the receiving water. This includes most materials (e.g., rock, soil, pilings, concrete, wood, some incidental fallback of soil from

earth-moving equipment, and in some cases additional water) that can be discharged into a water or wetland.

Most Section 404 permits require mitigation for reducing overall impacts to wetlands, including waters of the United States and their functions.

Federal Rivers and Harbors Act

Federal regulations of "waters of the United States" stem from Section 10 of the Federal Rivers and Harbors Act of 1899,[37] enacted to regulate activities within navigable waters. Under Section 10 of the Act, the building of any wharfs, piers, jetties, and other structures is prohibited without Congressional approval, and excavation or fill within navigable waters requires the approval of the Chief of Engineers. Primary concerns of this Act include contamination of sediments associated with dredge or fill projects in navigable waters.

5.4.3.2 State Regulations

California Endangered Species Act

The California Endangered Species Act (CESA)[38] generally parallels the main provisions of the federal Endangered Species Act and is administered by the CDFG. The CESA ensures that deserving plant or animal species will be given protection by the state based on their ecological, educational, historical, recreational, aesthetic, economic, and scientific value to the people of the state. The CESA establishes state policy to conserve, protect, restore, and enhance endangered species and their habitats. Under state law, plant and animal species may be formally designated as rare, threatened, or endangered through official listing by the California Fish and Game Commission. Listed species are provided greater protection during the land use planning process by local governments, public agencies, and landowners than are species that have not been listed.

On private property, endangered plants may also be protected by the Native Plant Protection Act (NPPA) of 1977. State-listed threatened plants are protected by the CESA, and state-listed rare plants are protected by the NPPA. However, the CESA authorizes that "private entities may take plant species listed as endangered or threatened under the ESA and CESA through a federal incidental take permit issued pursuant to Section 10 of the ESA, if the CDFG certifies that the incidental take statement or incidental take permit is consistent with the CESA." In addition, the California Environmental Quality Act (CEQA)

37 33 U.S.C. § 403; Chapter 425, 30 Stat. 1151, Rivers and Harbors Act of 1899.
38 California Fish and Game Code §§ 2050, et seq.

requires disclosure of any potential impacts on listed species and alternatives or mitigation that would reduce those impacts.

California Fish and Game Code

Section 1602-1605

The State of California regulates water resources under Sections 1600–1605 of the Fish and Game Code of California.[39] It is unlawful for any person to divert or obstruct the natural flow or substantially change the bed, channel, or bank of any river, stream or lake designated by the department, or use any material from the streambeds, without first notifying the CDFG of that activity.

The CDFG considers most natural drainages to be streambeds unless it can be demonstrated otherwise. Streams are defined in the California Code of Regulations as follows:[40]

> *A stream is 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 includes watercourses having surface or subsurface flow that supports or has supported riparian vegetation.*

The CDFG jurisdiction under Section 1602 includes ephemeral, intermittent, and perennial watercourses, and is often extended to the limit of riparian habitats that are located contiguous to the water resource and that function as part of the watercourse system. The California Fish and Game Code states:[41]

> *Riparian habitat means lands that contain habitat that grows close to and which depends on soil moisture from a nearby freshwater source.*

Any project that impacts CDFG jurisdictional areas, including fills, vegetation removal, or bridging, requires a Section 1602 Streambed Alteration Agreement from the CDFG. Much of the same information (i.e., project description, potential impacts, mitigation measures, etc.) necessary to apply for USACE Section 404 permits is also required in the Streambed Alteration Agreement application.

Sections 3503, 3503.5, and 3800

The California Fish and Game Code[42] also prohibits the destruction of bird nests and eggs (§ 3503), and the "take" of birds of prey (§ 3503.5) and nongame birds (§ 3800). Disturbance that causes nest abandonment and/or loss of reproductive effort (killing or abandonment of eggs or young) is considered "take." Such "take" would also violate federal law protecting migratory birds.

39 California Fish and Game Code §§1600 to 1605.
40 California Code of Regulations Title 14, Chapter 1, § 1.72.
41 California Fish and Game Code § 2785(e).
42 California Fish and Game Code §§ 3503, 3503.5 and 3800.

Incidental take permits (i.e., Management Agreements) are required from the CDFG for projects that may result in the incidental take of species listed by the State of California as endangered, threatened, or candidate species. The permits require that impacts to protected species be minimized to the extent possible and mitigated to a level of insignificance.

California Environmental Quality Act – Treatment of Listed Plant and Animal Species

The ESA and CESA protect only those species formally listed as endangered or threatened (or rare in the case of the state list). *CEQA Guidelines* § 15380 independently define "endangered" species of plants or animals as those whose survival and reproduction in the wild are in immediate jeopardy and "rare" species as those who are in such low numbers that they could become endangered if their environment worsens. Therefore, a project normally will have a significant effect on the environment if it will substantially affect an endangered or rare species of animal or plant, or the species' habitat. The significance of impacts to a species under CEQA must be based on analyzing the actual threat of extinction or rarity of the species or habitat despite legal status or lack thereof.

5.4.3.3 Local Regulations

City of Santa Paula

Conservation and Open Space Element

The Santa Paula General Plan Conservation and Open Space Element contains descriptive information related to natural resources and open space that is relevant and of concern to Santa Paula. The purpose of the Conservation and Open Space Element is to maintain the overall quality of life for Santa Paula residents through the management and protection of natural resources and open space lands. The goals, objectives, and policies in the Conservation and Open Space Element provide guidelines and mandates for community actions.

The Santa Clara River flows south of the City and, as addressed in the Conservation and Open Space Element, is probably the most important natural resource in the Santa Paula area.[43] Future planning efforts in these areas should emphasize conservation of this extremely important aquatic resource. A few parcels located at the east end of the City (south of the freeway) adjacent to the river, provide opportunities to conserve important riparian/wetland habitat.. Additionally, open space buffers should be included between all future development and the river. These buffers may include agriculture, natural open space, parks, or continued aggregate operations, if compatible with proposed development.

43 Santa Paula General Plan, Conservation and Open Space Element, pp. CO-32 to 33.

Within the East Gateway Project areas, the Conservation and Open Space Element, identifies the southern willow scrub and cottonwood-willow riparian forest along the Santa Clara River as sensitive habitats.[44] The yellow warbler and yellow-breasted chat generally breed in riparian thickets, and have been reported breeding along the river upstream of Santa Paula. Least Bell's vireo (listed by both the state and federal government as endangered) also breeds along the river. To the extent possible, the habitat value of these important riparian resources should be maintained. A comprehensive river study is currently being prepared that addresses the ultimate use of the Santa Clara River corridor.

The following goals, objectives, and policies of the Conservation and Open Space Element apply to the proposed East Gateway Project:[45]

General

Goals

Goal 1.1 Natural resources and resource sites should be managed, protected, conserved, reclaimed and used wisely, including but not limited to wetlands, woodlands, urban forests, habitat areas and wildlife corridors, and native plant and animal species including those that are rare or endangered.

Goal 1.2 Hazards to natural resources should be controlled or eliminated, including but not limited to invasive non-native plants and animals.

Open Space

Goals

Goal 2.4 The Santa Clara River and Santa Paula Creek should be treated as important assets to be conserved and more public open space opportunities should be provided.

Objectives

Objective 2(c) Encourage development that is designed in a manner sensitive to the natural features of the site and to the surrounding character.

44 Santa Paula General Plan, Conservation and Open Space Element, p. CO-35.
45 Ibid, pp. CO-43 to 47.

Policies

Policy 2.a.a. Limit land development south of the Santa Clara River to low intensity development requiring few public services or infrastructure such as open space and public/private recreational uses.

Policy 2.b.b. The Santa Clara River and Santa Paula Creek should be treated as important assets to be conserved and utilized to a greater extent by providing more public access and open space opportunities.

Biological Resources

Goals

Goal 5.1 Rare and endangered plants and animals and their habitat should be protected as required by Federal and State law.

Goal 5.2 Development should be compatible with and have minimal adverse impacts on the environment and natural resources and should not be wasteful of scarce land.

Goal 5.3 Hazards to natural resources should be controlled or eliminated, including but not limited to: invasive non-native plants and animals, pollution, and incompatible activities or land uses.

Goal 5.4 Public environmental awareness, sound environmental practices and a healthy environment should be promoted.

Goal 5.5 Riparian habitat should be protected and enhanced.

Goal 5.6 Native woodlands should be protected and preserved for their aesthetic value and for wildlife habitat.

Goal 5.7 The urban forest should be protected and enhanced.

Goal 5.8 The diversity of native plant species and their habitats should be encouraged.

Goal 5.9 Environmental decisions, mitigation measures and practices should be based on documented information about the local and specific environment.

Goal 5.10 Public education about local problems and concerns should be incorporated into the environmental review process.

Goal 5.11 Conserve and enhance Santa Paula's biological resources, facilitating development in a manner that reflects the sensitivities of these resources.

Objectives

Objective 5(a) Fisheries and habitat in the Santa Clara River and Santa Paula Creek should be maintained.

Objective 5(b) Preserve important natural environments including barrancas, tree rows, wetlands, and wildlife movement corridors.

Objective 5(c) Site and develop land uses to minimize impacts on sensitive biological resources.

Policies

Policy 5.a.a. Prevent the misuse and/or degradation of natural resources.

Policy 5.b.b. Oak woodlands shall be protected and preserved for their own value and for wildlife habitat and aesthetic purposes.

Policy 5.c.c. The urban forest should be maintained and protected.

Policy 5.d.d. Fish and their habitat in the Santa Clara River and in Santa Paula Creek shall be protected.

Policy 5.e.e. The diversity of native plant species and their habitats should be protected and invasive, non-native species, such as the false bamboo (*Arundo donax*) should be eradicated whenever possible in areas addressed in the Conservation and Open Space Element and from upstream and downstream areas to reduce the potential for re-establishment.

Policy 5.f.f.	Rare and endangered plants and animals and their habitat must be protected as required by Federal and State law.
Policy 5.g.g.	Riparian and oak woodland habitat should be protected and enhanced.
Policy 5.h.h.	Native trees should be protected. The removal of trees that cannot be avoided shall be replaced at a specific replacement ratio to be defined by the City.

Municipal Code

Tree Ordinance

The City of Santa Paula includes trees as a significant, historical, aesthetic and valuable ecological resource. As a result, mature trees on public property, and native oak, sycamore, and heritage and historic trees on public or private property are to be protected and preserved to the greatest extent possible, especially when the trees are associated with proposed urban development.[46] Chapter 56 of the Municipal Code was adopted with the intent to maintain and enhance the general health, safety, and welfare of the residents of the City by preserving and protecting certain trees.

No native oak and sycamore tree, heritage or historic tree, where that tree is on public or private property, or any other mature tree on public property, or trees which are on land which is part of a proposal for urban development, shall be removed, cut down, or otherwise destroyed, unless a Tree Removal Permit has been issued by the City. Tree trimming and pruning are exempted from the permitting requirements unless the tree would be destroyed by the trimming or pruning. In no event shall a permit be denied if to do so would eliminate all reasonable economic use of the property.

5.4.4 THRESHOLDS OF SIGNIFICANCE

To assist in determining whether a project would have a significant effect on the environment, the *California Environmental Quality Act (CEQA)* identifies criteria for conditions that may be deemed to constitute a substantial or potentially substantial adverse change in physical conditions. Specifically, Appendix G of the *State CEQA Guidelines* (Environmental Checklist Form) lists the following thresholds, under which a project may be deemed to have a significant impact on agricultural resources if any of the following occur.

46 SMPC §§ 17.56.010 to 17.56.120.

- 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 California Department of Fish and Game or U.S. Fish and Wildlife Service?

- Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?

- 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?

- Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

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

- Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

Section 15065(a) of the *State CEQA Guidelines* also states that a project may have a significant effect on the environment when the project has the potential for any of the following to occur:

- substantially 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; or

- reduce the number or restrict the range of an endangered, threatened, or rare species.

Indirect impacts are those reasonably foreseeable effects on remaining or adjacent biological resources that are expected to be caused by implementation of the project. 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 implementation of the project.

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 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.

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, since most plant and animal species are dependent on native habitats to satisfy various life cycle requirements, a habitat-based approach that addresses the overall biological value of a particular vegetation type or habitat area is appropriate for 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, importance to particular plant and wildlife species, 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 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.

5.4.5 PROJECT IMPACTS

The environmental impact analysis presented below is based on determinations made in the Notice of Preparation (NOP) for issues that were determined to be potentially significant with mitigation incorporated, or for issues identified by reviewing agencies, organizations, or individuals commenting on

the NOP who made a reasonable argument that the issue was potentially significant (see Responses to NOP, **Appendix 1.0**).

5.4.5.1 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 California Department of Fish and Game or U.S. Fish and Wildlife Service?

Impacts

Direct Loss of Special Status Plant Species

Special-status plants that could occur on the site include:

- southern tarplant (*Centromadia parryi* ssp. *australis*)—CNPS List 1B.1
- umbrella larkspur (*Delphinium umbraculorum*)—CNPS List 1B.3
- Coulter's goldfields (*Lasthenia glabrata* ssp. *coulteri*)—CNPS List 1B.1
- white rabbit-tobacco (*Pseudognaphalium leucocephalum*)—CNPS List 2.2
- chaparral ragwort (*Senecio aphanactis*)—CNPS List 2.2
- vernal barley (*Hordeum intercedens*)—CNPS List 3.2

There is a low probability that any of the above-listed plant species occupy portions of the site associated with semi-natural habitats within Santa Paula or Haun creeks and within Drainage A. None of these species was observed during on-site surveys. Impacts to southern tarplant, umbrella larkspur, Coulter's goldfields, white rabbit-tobacco, chaparral ragwort, or vernal barley would be considered potentially significant, pursuant to the CEQA. Potential impacts may require avoidance, relocation (of umbrella larkspur only) or preservation of occupied habitat.

Direct Loss of Special Status Wildlife Species

Special-status wildlife species that could occur on-site include:

- Santa Ana sucker (*C. santaanae*)—federally Threatened, USDA Forest Service Sensitive, CDFG Species of Special Concern

- arroyo chub (*G. orcuttii*)—USDA Forest Service Sensitive, CDFG Species of Special Concern

- southern steelhead, southern California DPS (*O. mykiss irideus*)—federally Threatened, CDFG Species of Special Concern

Santa Ana sucker, arroyo chub, and southern steelhead are each known to occur in Santa Paula Creek,[47] and the section of Santa Paula Creek adjacent to the East Gateway Project is considered critical habitat for the southern steelhead.[48] Haun Creek may provide habitat for arroyo chub, although fish were not observed during focused on-site surveys. No physical modifications to Santa Paula Creek are proposed as part of the East Gateway Project and, for this reason, direct impacts to Santa Ana sucker and southern steelhead will not result from the East Gateway Project. However, Drainage A would be impacted by future development associated with the proposed East Gateway Specific Plan and Haun Creek may also be impacted. If present during construction activities, the loss of individuals of arroyo chub would be considered a significant impact under CEQA.

- silvery legless lizard (*A. pulchra pulchra*)—USDA Forest Service Sensitive, CDFG Species of Special Concern

- coastal whiptail (*A. tigris stejnegeri*)—CDFG Special Animals List

- coast horned lizard (*P. blainvillii*)—Bureau of Land Management Sensitive species, USDA Forest Service Sensitive, CDFG Species of Special Concern

Suitable habitat for the silvery legless lizard exists along the drainages in the eastern portion of the site; most areas of the site not presently paved (*i.e.*, including row crop, fallow field and orchard vegetation types) provide marginal habitat for coastal whiptail, and suitable habitat for coast horned lizard is present along margins of the row crop area and within the fallow agricultural field. If present and impacted by on-site construction activities, such impacts would be considered significant under CEQA.

- Two-striped garter snake (*T. hammondii*)—Bureau of Land Management Sensitive species, USDA Forest Service Sensitive, CDFG Species of Special Concern

47 California Department of Fish and Game, California Department of Fish and Game Natural Diversity Data Base Version 3.1.1, Update July 02, 2011.

48 National Oceanic and Atmospheric Administration. 2005. Designation of Critical Habitat for Seven Evolutionarily Significant Units of Pacific Salmon and Steelhead in California. 50 CFR Part 226.

- South coast garter snake (*T. sirtalis ssp*.)—CDFG Species of Special Concern

Either of these two species may be seasonally present within on-site reaches of Santa Paula and Haun creeks, and on the riparian margin of the Santa Clara River at the southern East Gateway Project area boundary. If present and impacted by on-site construction activities, such impacts would be considered significant under CEQA.

- Cooper's hawk (*A. cooperii*)—CDFG Watch List

- White-tailed kite (*E. leucurus*)—CDFG Fully Protected

Suitable nesting habitat for Cooper's hawk is present along the southern site boundary and within large on site trees; white-tailed kite may nest in eucalyptus windrows on and immediately adjacent to the site. Cooper's hawk was observed within riparian habitats of the Santa Clara River, immediately adjacent to the site during the July 2011 survey. If present and impacted by construction activities on-site, such impacts would be considered significant under CEQA.

- Burrowing owl (*A. cunicularia*)—US Fish and Wildlife Service Bird of Conservation Concern, Bureau of Land Management Sensitive species, CDFG Species of Special Concern

- California horned lark (*E. alpestris actia*)—CDFG Watch List

Suitable burrowing owl and California horned lark habitat is present within the fallow agricultural field. If nesting individuals of either of these species were present during constructions activities, or if wintering individuals of burrowing owl were present, the loss of individuals of these species would be considered significant under CEQA.

- Nuttall's woodpecker (*P. nuttallii*)—US Fish and Wildlife Service Bird of Conservation Concern, American Bird Conservancy Green List

- Least Bell's vireo (*V. bellii pusillus*)—federally Endangered, US Fish and Wildlife Service Bird of Conservation Concern, California Endangered, United States Bird Conservation Watch List, Audubon Watchlist, American Bird Conservancy Green List

Nuttall's woodpecker was observed within riparian habitats of the Santa Clara River, immediately adjacent to the site, and nesting habitat is present along the southern site boundary. Suitable habitat for least Bell's vireo is present within arroyo willow – mulefat thicket vegetation in the eastern portion of the site.

Construction-related activities within the Specific Plan Land Use designated areas of the East Gateway Project areas could result in the direct loss or abandonment of Nuttall's woodpecker or least Bell's vireo nests. Such an impact would be significant under CEQA; furthermore, the loss of nests or breeding habitat of least Bell's vireo would be considered a potential violation of the federal and state endangered species acts.

- Pallid bat (A. pallidus)—USDA Forest Service Sensitive, Bureau of Land Management Sensitive species, CDFG Species of Special Concern, Western Bat Working Group High Priority species

- Hoary bat (L. cinereus)—Western Bat Working Group Medium Priority species

Pallid bat and hoary bat may both roost in trees on the site, and pallid bat may also roost within buildings. Construction-related activities within the East Gateway Specific Plan could result in impacts to bat roosts, and such an impact would be significant under CEQA.

- American badger (*T. taxus*)—CDFG Species of Special Concern

American badger may occasionally traverse open portions of the site, but is not expected to den on-site, and therefore impacts to this species are not anticipated.

Indirect Impacts

Increases in Light and Glare

The implementation of the East Gateway Project will increase the number of nighttime light and glare sources on the site. Light and glare can "spillover" into adjacent open space areas, increasing the level of light currently experienced there. Nighttime illumination is known to adversely affect some species of animals in natural areas. Nighttime light can disturb breeding and foraging behavior and can potentially alter foraging and breeding behavior of nocturnal birds, mammals, and invertebrates, which is considered a significant impact.

Increase in Human and Domestic Animal Presence

Implementation of the East Gateway Project could cause indirect impacts to special-status wildlife and their habitats or sensitive vegetation types as a result of the increased human presence associated with the future development. Very little, if any, of the fallow agricultural field, orchard, row crops, arroyo willow – mulefat thicket, and blue gum and Peruvian pepper windrows, will be retained on the site after implementation of the East Gateway Project.

Common and sensitive wildlife species breed and forage in these habitats. Increased human and domestic animal presence would potentially cause the degradation of adjacent preserved habitats through recreational usage (for example, recreational hiking) or from road, facilities, and grounds maintenance. Recreational usage or maintenance could result in nest abandonment, trampling of ground-dwelling flora and fauna, compaction of soils, increased amounts of refuse and pollutants in the area, and displacement of wildlife species due to noise and nearby activities. Increased human presence could also result in increased food sources (*e.g.*, trash, pet food, and fallen fruit) that could attract non-native animals and more urban-adapted species to the site. In addition, the potential for accidental fire occurrence is greater with increased human presence.

An increase in the amount of residential dwellings adjacent to the Santa Clara River is expected to result in a corresponding incremental increase in use of the site by domestic and feral animals. Cats and dogs can disturb nesting or roosting sites and disrupt the normal foraging activities of wildlife, and can cause substantial damage to the species composition of natural areas through predation, including populations of special-status species in the East Gateway Project areas. Should this activity occur frequently and over a long period, these disturbances may have a long-term effect on the behavior of both common and special-status animals within the proposed open space areas and can result in their extirpation from the area.

Potential impacts to sensitive wildlife, vegetation types, and habitats, resulting from increased human and domestic animal presence within the East Gateway Project areas, are potentially significant.

Increase in Non-Native Plants

After completion of future development, a number of non-native plant species (including those commonly used in landscaping) that are more adapted to urban environments could potentially be introduced into the adjacent natural areas, including the Santa Clara River. Plants typical of an urban environment already occur to some degree in the region, due to the presence of development in the immediate vicinity. Because non-native and exotic plants are commonly included in landscaping plans of both common areas and private lots of new development projects, it can be reasonably concluded that the East Gateway Project could result in identifiable increases in non-native and exotic plant populations. In particular, these plant species are often more adapted to a wider variety of growing conditions and can out-compete native plant populations for available nutrients, prime growing locations, and other resources. Because these plants reproduce quickly, these species can quickly replace many native plant populations. This can result in lower species diversity, loss of suitable breeding and nesting habitat for common and special-status wildlife species, changes to the adjacent riparian ecosystem, and overall reductions in habitat values. Therefore, the impact on native biological resources of the adjacent riparian corridors as a result

of increased non-native plant species is considered a potential significant impact of the East Gateway Project.

Urban Runoff

Stormwater runoff is discussed in **Section 5.8, Hydrology/Water Quality**.

Paved surfaces also generally contribute runoff into water bodies during storm events. Depending on the magnitude and frequency of storm events and the overall level of the water quality, this runoff can cause increased stormwater runoff pollution, increased eutrophication, depleted oxygen levels, long-term buildup of toxic compounds and heavy metals, and other adverse effects to biological resources associated with aquatic systems.

The East Gateway Project includes annexation of existing developed areas and approval of the East Gateway Specific Plan. No uses that would be allowed under the proposed land use designations or zoning would create a potential source of pollution which would substantially degrade water quality.

Further, future development of both the annexation areas and the East Gateway Specific Plan area will be subject to the requirements of Municipal Stormwater Permit Order No. R4-2010-0108. This will include adherence to the 2011 Update to the Ventura County Technical Guidance Manual for Stormwater Quality Control Measures.[49] The new land development requirements became effective on October 11, 2011. Development must meet the requirements of Subpart 4.E "Planning and land Development Program" of the 2010 Ventura Countywide Stormwater Municipal Permit (Order No. R4-2010-0108).[50] New development projects, which applications have not been deemed complete for processing before the effective date, will be subject to new rules if they meet Applicability Criteria defined by the Regional Water Quality Control Board.

Impacts related to stormwater runoff from the East Gateway Project would be less than significant.

Mitigation Measures

The following measures have been identified to mitigate the identified impacts:

49 Ventura County Watershed Protection District, 2011 Update to the Ventura County Technical Guidance Manual for Stormwater Quality Control Measures, October 11, 2011.

50 Los Angeles Regional Water Quality Control Board, Order R4-2010-0108, NPDES Permit No. CA-CAS004002, Water Discharge Requirements for Storm Water (Wet Weather) and Non-storm Water (Dry Weather) Discharges from the Municipal Separate Storm Sewer Systems (MS4) within Ventura County Watershed Protection District, County of Ventura and the Incorporated Cities Therein, July 8, 2010.

5.4-1 Before issuance of a grading permit within either the reorganization (annexation) areas or East Gateway Specific Plan area, focused surveys for southern tarplant, umbrella larkspur, Coulter's goldfields, white rabbit-tobacco, chaparral ragwort, and vernal barley must be conducted for any proposed development within both the reorganization (annexation) and East Gateway Specific Plan areas.

In the event that southern tarplant, Coulter's goldfields, white rabbit-tobacco, chaparral ragwort, or vernal barley are detected during the course of focused surveys, populations must be avoided or equivalent off-site populations must be identified and protected by a conservation easement or protective covenant prior to development approvals.

In the event that umbrella larkspur is detected within proposed impact areas, umbrella larkspur plants must be salvaged at the appropriate time of the year (late summer into fall) prior to any ground disturbance. Plants must be immediately transplanted to appropriate on-site areas, matching the habitat characteristics from which they were collected in terms of slope, aspect, hydrology, soil, and vegetative composition. Salvaged seeds of these plants shall also be scattered in the planting sites prior to winter rains. Monitoring of the mitigation areas must be conducted quarterly through the first year and annually thereafter for a total period of five years. Monitoring must address issues of plant establishment and vigor, herbivory, and competition by non-native weedy plants.

If sufficient adequate habitat is not available for on-site mitigation, off-site mitigation must be accomplished through the preservation of equivalent habitat by a conservation easement or protective covenant supporting roughly equal numbers (1:1 ration) and densities of the affected plants in the project region (western Santa Clara River Valley).

5.4-2 Before issuance of a grading permit within the East Gateway Specific Plan area for any construction within Haun Creek or Drainage A, all creek bed areas within 300 feet of the construction site and access road must be inspected by a qualified biologist for the presence of arroyo chub (*G. orcuttii*).

Construction work areas must be determined to be absent of arroyo chub immediately before the prescribed work is to be carried out, immediately before any equipment is moved into or through the drainage or habitat areas, and immediately before diverting any stream water. The removal of arroyo chub must be conducted by a qualified biologist using procedures approved by the USACE, USFWS, and/or CDFG, as appropriate, and with the proper collection and handling permits. Species must be relocated to nearby

suitable habitat areas, and a plan to relocate these species must be submitted to the CDFG for review and approval no later than 30 days prior to construction.

A qualified biologist must be present when any stream/river diversion takes place, or when block nets and seines are used and must patrol the areas both within, upstream and downstream of the work area to rescue any species stranded by the diversion of the stream water or trapped by the nets/seines. Species that are collected must be relocated to suitable locations downstream of the work area.

Block nets, or fences with 0.125-in-square mesh, 18 inches high and buried 6 inches, must be placed downstream of the work area to assure that arroyo chub does not move into the construction area.

5.4-3 Before issuance of a grading permit within either the reorganization (annexation) areas or East Gateway Specific Plan area, focused surveys must be conducted by a qualified biologist to determine the presence or absence within suitable habitat on the site for silvery legless lizard, coastal whiptail, coast horned lizard, two-striped garter snake, or south coast garter snake. If any of these species are detected during the survey, they must be relocated to appropriate habitat areas away from the development area.

5.4-4 Before issuance of a grading permit for construction activities within either the reorganization (annexation) areas or East Gateway Specific Plan area, that will occur during the bird nesting/breeding season, from January through March for early nesting birds (*e.g.*, Coopers hawks or hummingbirds) and from mid-March through September for most bird species, a qualified biologist must conduct surveys for active nests. To determine the presence/absence of active nests, pre-construction nesting bird surveys must be conducted weekly beginning 30 days prior to initiation of ground-disturbing activities, with the last survey conducted no more than three days prior to the start of clearance/construction work. If ground-disturbing activities are delayed, additional pre-construction surveys must be conducted so that no more than three days have elapsed between the survey and ground-disturbing activities.

Surveys must include examination of trees, shrubs, and the ground for nesting birds. Several bird species such as killdeer and night hawks are known to nest on bare ground. Protected bird nests that are found within or adjacent to the construction zone must be protected by a buffer deemed suitable by a qualified biologist, and verified by the CDFG.

A 300-ft buffer must be provided for all nesting bird species, and a 500-foot must be provided buffer for raptor species. Buffer areas must be delineated with orange construction fencing or other exclusionary material that would inhibit access within the buffer zone. Installation of the exclusionary material delineating the buffer zone must be verified by a qualified biologist prior to initiation of construction activities. The buffer zone must remain intact and maintained while the nest is active (*i.e.*: occupied or being constructed by the adult bird(s)) and until young birds have fledged and no continued use of the nest is observed, as determined by a qualified biologist.

5.4-5 Thirty days prior to any ground disturbing and/or construction activities within the reorganization (annexation) areas and East Gateway Specific Plan area, a qualified biologist must conduct CDFG protocol surveys to determine whether burrowing owl is present on the site at the time of construction. The surveys must consist of three site visits and be conducted in areas dominated by field crops or fallow agricultural fields, or if such habitats occur within 500-feet of a construction zone.

If located, occupied burrows must not be disturbed during the nesting (breeding) season (February 1 through August 31) unless a qualified biologist approved by CDFG verifies through non-invasive methods either that the birds have not begun egg-laying and incubation or that juveniles from the occupied burrows are foraging independently and are capable of independent survival.

If burrowing owl is detected but nesting is not occurring, construction work can proceed after any owls have been evacuated from the site using CDFG-approved burrow closure procedures and after alternative nest sites have been provided in accordance with the CDFG Staff Report on Burrowing Owl Mitigation dated March 7, 2012 or any subsequent CDFG protocol.

Unless otherwise authorized by CDFG, a 500-foot buffer, within which no activity will be permissible, will be maintained between construction activities and nesting burrowing owls during the nesting season. This protected area will remain in effect from February 1 until August 31 or at CDFG's discretion and based upon monitoring evidence.

5.4-6 Thirty days prior to any ground disturbing and/or construction activities within the reorganization (annexation) areas and East Gateway Specific Plan area, a qualified biologist must conduct focused surveys for least Bell’s vireo within areas that are within 500 feet of riparian vegetation.

If least Bell's vireo is detected during these surveys, consultation with CDFG and the US Fish and Wildlife Service (under Section 7 or Section 10 of the Clean Water Act, as applicable, and depending on a nexus with other federal permitting requirements), and project design features shall be incorporated to eliminate adverse impacts to the species.

5.4-7 Within 30 days prior to the commencement of construction activities in either the reorganization (annexation) areas or East Gateway Specific Plan area, a pre-construction survey must be conducted by a qualified biologist to determine if active roosts of special-status bats are present on or within 300-feet of the proposed disturbance area boundaries. Surveys must include structures and large trees (particularly trees 12-in in diameter or greater at 4-and-½ feet above grade with loose bark or other cavities) and must be conducted by a qualified bat biologist (*i.e.*, a biologist holding a CDFG collection permit and a Memorandum of Understanding with CDFG allowing the biologist to handle bats).

Should an active maternity roost be identified during the breeding season of native bat species from April 1 through August 31), the roost must not be disturbed and no construction activities occur within 300-feet of the roost until the roost is vacated and juveniles have fledged. If active maternity roosts or hibernacula are found, the roost site must be avoided (*i.e.*, not removed). If disturbance of the maternity roost must occur, the bat biologist must survey (through the use of radio telemetry or other CDFG approved methods) for nearby alternative maternity colony sites. If the bat biologist determines, in consultation and approval of CDFG, that there are alternative roost sites used by the maternity colony and young are not present, then no further action is required.

If a maternity roost will be impacted and no alternative maternity roosts are in use near the site, substitute roosting habitat for the maternity colony of equivalent size must be provided on, or in close proximity to the East Gateway Project areas no less than three months prior to the eviction of the colony. Alternative roost sites must be of comparable size and proximal in location to the impacted colony. CDFG must be notified of any hibernacula or active nurseries within the construction zone.

If non-breeding bat hibernacula are found in trees scheduled to be removed, the individuals must be safely evicted, under the direction of a qualified bat biologist, by opening the roosting area to allow airflow through the cavity or other means determined appropriate by the bat biologist (*e.g.*, installation of one-way doors). In situations requiring one-way doors, a minimum of one week must pass after doors are installed and

temperatures must be sufficiently warm for bats to exit the roost. Roosts that need to be removed in situations where the use of one-way doors is not necessary, if in the judgment of the qualified bat biologist in consultation with CDFG, must first be disturbed by various means at the direction of the bat biologist at dusk to allow bats to escape during the darker hours, and the roost tree must not be removed or the grading should occur the next day (*i.e.*, there should be no less or more than one night between initial disturbance and the grading or tree removal).

If an active maternity roost is located and alternative roosting habitat is available, the demolition of the roost site must commence before maternity colonies form (*i.e.*, prior to March 1) or after young are flying (*i.e.*, after July 31) using the exclusion techniques described above.

Any special-status species bat day roost sites found by a qualified biologist during pre-construction surveys to be directly within project the disturbance footprint or indirectly (within 300-feet of project-related disturbance footprint) must be mitigated with creation of artificial roost sites. The applicant at time of the proposed development must establish an alternative roost site(s) within suitable preserved open space as determined by the project biologist in consultation with CDFG located at an adequate distance from sources of human disturbance.

5.4-8 In areas where arroyo willow–mulefat thickets will be impacted as part of project implementation, mitigation for acreage impacted must be implemented at a minimum of a one to one (1:1) ratio or as determined appropriate by the CDFG.

Acceptable mitigation may replace or enhance the existing arroyo willow – mulefat thicket vegetation, and may include the removal and elimination of fig-marigold (*Carpobrotus edulis*), Peruvian-pepper (*S. molle*), poison hemlock (*C. maculatum*), fennel (*Foeniculum vulgare*), kapok vine (*Araujia sericifera*), greater periwinkle (*Vinca major*), black mustard (*Brassica nigra*), Indian-fig (*Opuntia ficus-indica*), castor-bean (*Ricinus communis*), horehound (*Marrubium vulgare*), river red gum (*E. camaldulensis*), blue gum (*E. globulus*), tree tobacco (*Nicotiana glauca*), salt-cedar (*Tamarix ramosissima*), date palm (*P. dactylifera*), Mexican fan palm (*W. robusta*), giant reed (*A. donax*), and smilo grass (*Piptatherum miliaceum*) from on-site drainages and riparian areas. Woody invasive species must be eradicated and controlled prior to the enhancement or replacement of the current vegetation.

5.4-9 Before issuance of a grading permit for development within either the reorganization (annexation) areas or East Gateway Specific Plan area, the applicant at the time of development and/or its contractor must coordinate with the USACE to verify the impact to federally-regulated waters that may exist within the project site. A Nationwide Permit (NWP) must be obtained and mitigation measures recommended by the USACE and National Oceanographic and Aeronautics Administration's (NOAA) as part of the NWP shall be implemented.

Areas determined to be federally regulated by the USACE may also fall under the jurisdiction of the RWQCB, as such a Clean Water Act Section 401 Water Quality Certification (401 Certification) may be required from the RWQCB for impacts to those areas.

The project biologist shall consult with the USACE to determine if a Section 7 Biological Consultation is required, as Santa Paula Creek is designated critical steelhead habitat.

5.4-10 Before issuance of a grading permit for development within either the reorganization (annexation) area or East Gateway Specific Plan area, a landscaping and irrigation plan must be prepared and must incorporate the planting of native vegetation and use of water conserving irrigation. The landscaping and irrigation plan must be prepared by a licensed landscape architect, and use native plant and tree species. The landscape and irrigation plan must be submitted to the City of Santa Paula Planning Department for review and approval.

Non-native plants or vegetation must be avoided in future development areas. The landscaping plans within common areas of development areas must include appropriate provisions to prevent other invasive plant species from colonizing remaining natural areas. These provisions must include the following: (a) review and screening of proposed plant palette and planting plans to identify and avoid the use of invasive species; (b) weed removal during the initial planting of landscaped areas; and (c) the monitoring for and removal of weeds and other invasive plant species as part of ongoing landscape maintenance activities. The frequency and method of monitoring for invasive species must be determined by a qualified botanist.

For areas adjacent to the Haun Creek and Santa Clara River riparian corridors, the plan must provide for adequate landscaping to reduce indirect impact including attenuation of noise and reduction of nighttime lighting and glare.

To protect native vegetation types established within the East Gateway Specific Plan area, the plants listed in **Table 5.4-4, Plant Species to be Avoided During Landscaping on the East Gateway Project Site**, shall not be planted within the common landscaped areas of the proposed site plan.

5.4-11 Before issuance of a grading permit approval for development within either the reorganization (annexation) area or East Gateway Specific Plan area, the applicant at the time of development must obtain a Tree Removal Permit for any jurisdictional trees to be removed consistent with SPMC §§ 17.56.010 through 17.56.120.

5.4-12 During construction, the construction contractor must install waste and recycling receptacles that discourage foraging by wildlife species that are adapted to more urban environments, such as crows, raccoons, and skunks. Waste and recycling receptacles must have lids and be emptied on a regular basis to prevent over flow.

Residual Impacts

Impacts would be less than significant.

Table 5.4-4
Plant Species to be Avoided During Landscaping on the East Gateway Project Site

Scientific name	Common name	*Scientific name*	Common name
Acacia dealbata	Silver wattle	*Holcus lanatus*	Common velvet grass
Acacia melanoxylon	Black acacia, blackwood acacia	*Hordeum marinum, H. murinum*	Mediterranean barley, hare barley, wall barley
Acroptilon repens	Russian knapweed	*Hydrilla verticillata*	Hydrilla
Ageratina adenophora	Crofton weed, eupatorium	*Hypericum canariense*	Canary Island hypericum
Agrostis avenacea	Pacific bentgrass	*Hypericum perforatum*	Common St. John's wort, klamathweed
Agrostis stolonifera	Creeping bentgrass	*Hypochaeris glabra*	Smooth catsear
Ailanthus altissima	Tree-of-heaven	*Hypochaeris radicata*	Rough catsear, hairy dandelion
Alhagi maurorum	Camelthorn	*Iris pseudacorus*	Yellowflag iris
Alternanthera philoxeroides	Alligator weed	*Kochia scoparia*	Kochia
Ammophila arenaria	European beachgrass	*Lepidium latifolium*	Perennial pepperweed, tall whitetop
Arctotheca calendula (sterile)	Sterile capeweed	*Leucanthemum vulgare*	Ox-eye daisy
Arundo donax	Giant reed	*Linaria genistifolia ssp. dalmatica*	Dalmation toadflax
Asparagus asparagoides	Bridal creeper	*Linaria vulgaris*	Yellow toadflax, butter and eggs
Asphodelus fistulosus	Onionweed	*Lobularia maritima*	Sweet alyssum
Atriplex semibaccata	Australian saltbush	*Lolium multiflorum*	Italian ryegrass
Bassia hyssopifolia	Fivehook bassia	*Ludwigia hexapetala*	Uruguay water-primrose
Brassica nigra	Black mustard	*Ludwigia peploides ssp. montevidensis*	Creeping water-primrose
Brassica rapa	Birdsrape mustard, field mustard	*Lythrum hyssopifolium*	Hyssop loosestrife
Brassica tournefortii	Saharan mustard, African mustard	*Lythrum salicaria*	Purple loosestrife
Briza maxima	Big quackingrass, rattlesnakegrass	*Marrubium vulgare*	White horehound
Bromus diandrus	Ripgut brome	*Medicago polymorpha*	California burclover
Bromus hordeaceus	Soft brome	*Mentha pulegium*	Pennyroyal
Bromus japonicus	Japanese brome, Japanese chess	*Mesembryanthemum crystallinum*	Crystalline iceplant
Bromus madritensis ssp. rubens	Red brome	*Myoporum laetum*	Myoporum
Bromus tectorum	Downy brome, cheatgrass	*Myosotis latifolia*	Common forget-me-not
Cakile maritima	European sea-rocket	*Myriophyllum aquaticum*	Parrotfeather
Cardaria chalepensis	Lens-podded white-top	*Nicotiana glauca*	Tree tobacco
Cardaria pubescens	Hairy whitetop	*Olea europaea*	Olive
Carduus pycnocephalus	Italian thistle	*Onopordum acanthium*	Scotch thistle
Carduus tenuiflorus	Slenderflower thistle	*Oxalis pes-caprae*	Bermuda buttercup, buttercup oxalis, yellow oxalis
Carpobrotus chilensis	Sea-fig, iceplant	*Parentucellia viscosa*	Yellow glandweed, sticky parentucellia
Carpobrotus edulis	Hottentot-fig, iceplant	*Pennisetum clandestinum*	Kikuyugrass
Centaurea calcitrapa	Purple starthistle	*Pennisetum setaceum*	Crimson fountaingrass
Centaurea diffusa	Diffuse knapweed	*Phalaris aquatica*	Hardinggrass

Scientific name	Common name	*Scientific name*	Common name
Centaurea maculosa	Spotted knapweed	*Phoenix canariensis*	Canary Island date palm
Centaurea solstitialis	Yellow starthistle	*Phragmites australis*	Common reed
Chrysanthemum coronarium	Crown daisy	*Phytolacca americana*	Common pokeweed
Cirsium arvense	Canada thistle	*Picris echioides*	Bristly oxtongue
Cirsium vulgare	Bull thistle	*Piptatherum miliaceum*	Smilograss
Conium maculatum	Poison-hemlock	*Plantago lanceolata*	Buckhorn plantain, English plantain
Cortaderia jubata	Jubatagrass	*Poa pratensis*	Kentucky bluegrass
Cortaderia selloana	Pampasgrass	*Polypogon monspeliensis and ssp.*	Rabbitfoot polypogon, annual beardgrass
Cotoneaster lacteus	Parney's cotoneaster	*Potamogeton crispus*	Curlyleaf pondweed
Cotoneaster pannosus	Silverleaf cotoneaster	*Prunus cerasifera*	Cherry plum
Cotula coronopifolia	Brassbuttons	*Pyracantha angustifolia, P. crenulata, P. coccinea*	Pyracantha, firethorn
Crocosmia x crocosmiiflora	Montbretia	*Ranunculus repens*	Creeping buttercup
Cynara cardunculus	Artichoke thistle	*Raphanus sativus*	Radish
Cynodon dactylon	Bermudagrass	*Retama monosperma*	Bridal broom
Cynosurus echinatus	Hedgehog dogtailgrass	*Rhus lancea*	African sumac
Cytisus scoparius	Scotch broom	*Ricinus communis*	Castorbean
Cytisus striatus	Portuguese broom	*Robinia pseudoacacia*	Black locust
Dactylis glomerata	Orchardgrass	*Rubus armeniacus*	Himalaya blackberry
Delairea odorata	Cape-ivy, German-ivy	*Rubus discolor*	Himalayan blackberry
Descurainia sophia	Flixweed, tansy mustard	*Rumex acetosella*	Red sorrel, sheep sorrel
Digitalis purpurea	Foxglove	*Rumex crispus*	Curly dock
Dipsacus fullonum	Common teasel	*Salsola paulsenii*	Barbwire Russian-thistle
Dipsacus sativus	Fuller's teasel	*Salsola tragus*	Russian-thistle
Dittrichia graveolens	Stinkwort	*Saponaria officinalis*	Bouncingbet
Echium candicans	Pride-of-Madeira	*Schinus molle*	Peruvian peppertree
Egeria densa	Brazilian egeria	*Schinus terebinthifolius*	Brazilian peppertree
Ehrharta erecta	Erect veldtgrass	*Schismus arabicus, Schismus barbatus*	Mediterraneangrass
Ehrharta longiflora	Long-flowered veldtgrass	*Senecio jacobaea*	Tansy ragwort
Eichhornia crassipes	Water hyacinth	*Senecio mikanioides*	German-ivy
Elaeagnus angustifolia	Russian-olive	*Sesbania punicea*	Red sesbania, scarlet wisteria
Emex spinosa	Spiny emex, devil's-thorn	*Silybum marianum*	Blessed milkthistle
Erechtites glomerata, E. minima	Australian fireweed, Australian burnweed	*Sinapis arvensis*	Wild mustard, charlock
Erodium cicutarium	Redstem filaree	*Sisymbrium irio*	London rocket
Eucalyptus camaldulensis	Red gum	*Spartium junceum*	Spanish broom
Eucalyptus globulus	Tasmanian blue gum	*Taeniatherum caput-medusae*	Medusahead
Euphorbia esula	Leafy spurge	*Tamarix aphylla*	Athel tamarisk
Euphorbia terracina	Carnation spurge	*Tamarix parviflora*	Smallflower tamarisk
Festuca arundinacea	Tall fescue	*Tamarix ramosissima*	Saltcedar, tamarisk

Scientific name	Common name	*Scientific name*	Common name
Ficus carica	Edible fig	*Torilis arvensis*	Hedgeparsley
Foeniculum vulgare	Fennel	*Trifolium hirtum*	Rose clover
Genista monspessulana	French broom	*Tropaeolum majus*	Nasturtium
Geranium dissectum	Cutleaf geranium	*Undaria pinnatifida*	Wakame
Glyceria declinata	Waxy mannagrass	*Verbascum thapsus*	Common mullein,woolly mullein
Halogeton glomeratus	Halogeton	*Vinca major*	Big periwinkle
Hedera helix	English ivy	*Vinca minor*	Periwinkle
Hedera canariensis	Algerian ivy	*Vulpia myuros*	Rattail fescue
Helichrysum petiolare	Licoriceplant	*Washingtonia robusta*	Mexican fan palm
Hirschfeldia incana	Shortpod mustard, summer mustard	*Zantedeschia aethiopica*	Calla lily

5.4.5.2 Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?

Impacts

The CDFG Biogeographic Data Branch, Vegetation Classification and Mapping Program, has developed a List of California Vegetation Alliances. The most recent version of this list, dated September 2010, provides the currently accepted list of vegetation type Alliances. It is based on the classification put forth in the second edition of *A Manual of California Vegetation*[51] which is the California expression of the National Vegetation Classification.[52]

One of the primary purposes of the classification is to assist in the location and determination of significance and rarity of vegetation types for tracking purposes in the CNDDB. Thus, ranking of types by their rarity and threat is an important facet of the classification.

Of the six plant communities within the East Gateway Project areas, none have been denoted as G1, G2, or G3 by CDFG.[53] Arroyo willow – mulefat thickets would be considered sensitive by CDFG due to their direct association with streambeds subject to regulation under Sections 1601 – 1603 of the Fish and Game Code (see below). Please see the Vegetation section, above, for a more detailed discussion of these plant communities and their distributions within the East Gateway Project areas.

Implementation of the East Gateway Specific Plan could result in the direct loss of up to 0.8 acres of arroyo willow – mulefat thickets associated with the on-site portions of Drainage A and Haun Creek. Because of the ecological importance of arroyo willow – mulefat thicket vegetation (including its value as nesting/foraging habitat for a variety of common and special-status bird species), project-related losses of this community would be considered a significant impact.

51 Sawyer, JO, Keeler-Wolf, T. and Evens, JM. 2008. A Manual of California Vegetation, second edition. California Native Plant Society, Sacramento.

52 Grossman, DH, K Goodin, M Anderson, P Bourgeron, MT Bryer, R Crawford, L Engelking, D Faber-Langendoen, M Gallyoun, S Landaal, K Metzler, KD Patterson, M Pyne, M Reid, L Sneddon, and AS Weakley. 1998. International classification of ecological communities: Terrestrial vegetation of the United States. The Nature Conservancy. Arlington, Virginia.

53 California Department of Fish and Game. 2009. Vegetation Classification and Mapping Program, List of California Vegetation Alliances, December 28, 2009.

Loss of Foraging and Nesting Habitat for Common Wildlife Species

The vegetation types within the East Gateway Project areas provide foraging and breeding habitat for a number of small mammals, reptiles, and a few but limited 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. Development of the site would remove approximately 11.4 acres of fallow agricultural field, 12.4 acres of orchard, 21.2 acres of row crops, 0.8 acres of arroyo willow – mulefat thicket, and 0.2 acres of blue gum and Peruvian pepper windrows.

Although the agricultural habitats, including agricultural field, orchard, row crop, and blue gum and Peruvian pepper windrow types, provide foraging and nesting opportunities for a variety of common reptile, bird, and mammal species, the loss of these vegetation types would not substantially reduce the populations of native wildlife or their habitats. Existing similar agricultural habitats are present to the east and southwest,across the Santa Clara River, and are also prevalent throughout the Santa Clara River Valley, west of the Ventura/Los Angeles County boundary; this loss is not considered significant given the amount of similar habitat present in the area.

The East Gateway Project does not include any change to the land use designation or zoning of the on-site reach of Santa Paula Creek, and no changes are proposed to Santa Paula Creek as part of the East Gateway Project. No significant impacts to Santa Paula Creek will, therefore, result from the East Gateway Project.

Mitigation Measures

Mitigation measure **MM-5.4-8** have been identified to reduce potential impacts..

Residual Impacts

Impacts would be less than significant.

5.4.5.3 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?

Impacts

Wetlands and perennial and intermittent drainages are generally subject to the jurisdiction of the USACE under the Clean Water Act, § 404[54] the RWQCB pursuant to the Clean Water Act § 401,[55] and the California Porter-Cologne Act,[56] and the CDFG under California Fish and Game Code § 1602.[57]

Within the East Gateway Specific Plan area, there is one channelized, soft-bottom drainage (Drainage A) confined on both sides by row crop agriculture located south of SR 126. This drainage traverses the East Gateway Specific Plan paralleling Haun Creek before it joins the creek at the edge of the Santa Clara River floodplain. Other, more minor, potentially jurisdictional drainages include a concrete V-ditch that collects parking lot runoff from north of SR 126, and two irrigation drainages that collect runoff from agricultural fields north of the project site. Each of these drainages flow into Drainage A in the eastern portion of the project site.

Another jurisdictional feature, Santa Paula Creek, occurs at the far west end of the East Gateway Project annexation area is Santa Paula Creek.

The approximate jurisdictional area that exist within the East Gateway Project is approximately 5.69 acres an includes:

- Santa Paula Creek 4.72 acres
- Haun Creek 0.05 acres
- Drainage A 0.81 acres
- Santa Clara River 0.01 acres

54 US Code of Federal Regulations, Title 33, Clean Water Act, Section 404, Navigation and Navigable Waters, Chapter 26 Water Pollution Prevention and Controls, Subchapter IV Permits and Licenses, Section 1344 Permits for dredged or fill material (1977, as amended 1994).

55 Ibid.

56 California Water Code, (1969, as amended), Porter-Cologne Water Quality Control Act, Section 13020.

57 California Fish and Game Code, Section 1602. Online: http://www.dfg.ca.gov/1600/1600code.html.

- Other minor drainages 0.10 acres

No development is proposed within Santa Paula Creek; however, impacts could occur to areas of USACE jurisdiction within Haun Creek and Drainage A. As such, a formal determination of jurisdictional waters would be required during the applicable permitting phase and prior to any ground disturbance that may impact these features.

USACE review and certification of a jurisdictional delineation would be required to confirm the above estimated jurisdictional areas and to verify USACE jurisdictional area on the East Gateway Project areas. Fill in areas determined by the USACE to fall under its jurisdiction would be subject to a Clean Water Act Section 404 Nationwide Permit (NWP). Additionally, areas determined to be federally protected by the USACE would also be subject to the jurisdiction of the RWQCB, and a Clean Water Act § 401 Water Quality Certification (401 Certification).

Alteration of state-protected waters and associated riparian vegetation would require the acquisition of a Fish and Game Code §§ 1602 Streambed Alteration Agreement 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 could occur within Haun Creek, Drainage A, and within the drainage facilities leading to these waters on site.

Mitigation Measures

The following measures have been identified to mitigate the identified impacts:

5.4-13 Before issuance of a grading permit for development within either the reorganization (annexation) areas or East Gateway Specific Plan area, the project biologist must coordinate with the CDFG to verify the impact to state-protected waters and associated vegetation in the proposed disturbance area(s). If state-protected waters and associated vegetation will be impacted, a Streambed Alteration Agreement (SAA) in accordance with Fish and Game Code §§ 1600 must be obtained, and mitigation measures approved by the CDFG as part of the SAA must be implemented.

Before issuance of a grading permit, the project applicant at the time of development must mitigate for temporary and permanent impacts to jurisdictional waters as administered by the CDFG jurisdiction by restoring habitats within those jurisdictions acceptable to CDFG for permanent impacts and temporary impacts. The applicant must prepare a Conceptual Streambed Restoration Plan (CSRP) to document the mitigation

program. Habitat must be mitigated on-site or within the same watershed at a ratio as determined by CDFG. These mitigation requirements must be outlined in the CSRP with monitoring requirements and specific criteria to measure the success of the restoration. Guidelines for the CSRP must include:

- an evaluation of the mitigation site(s), including substantiation of their selection on the basis of their suitability for use as riparian mitigation areas;
- procedures for the preparation of soils in the mitigation area, detailed seeding or planting mixtures and methods, and other procedures that will be used for successful re-vegetation;
- design recommendations for the avoidance of impacts to jurisdictional waters must be avoided to the extent feasible in the design phase of the project;
- maintenance and monitoring requirements, including quarterly and annual monitoring reports to CDFG.

5.4-14 Before issuance of a grading permit for development within either the reorganization (annexation) areas or East Gateway Specific Plan area, the project biologist must coordinate with the USACE to verify the impact to federally protected waters and associated vegetation in the proposed disturbance area(s). If federally protected waters and associated vegetation will be impacted, a Nationwide Permit (NWP) pursuant to the Clean Water Act Section 404 must be obtained.

5.4-15 Before issuance of a grading permit for development within either the reorganization (annexation) areas or East Gateway Specific Plan area, the project biologist must coordinate with the USACE to verify areas determined to be federally protected by the USACE that fall under the jurisdiction of the RWQCB, and a Clean Water Act § 401 Water Quality Certification (401 Certification). Should any areas be subject to such requirements, the applicant shall obtain a Clean Water Act § 401 Water Quality Certification (401 Certification) from the RWQCB.

Residual Impacts

Impacts will be less than significant.

5.4.5.4 Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

Impacts

Loss of habitat due to construction and grading activities associated with the East Gateway Project could directly disturb wildlife on the East Gateway Project areas. Many species would be expected to be displaced to adjacent areas, provided that suitable habitat is available at the onset of construction activity. However, wildlife that disperses from the site would be expected to be 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 site within the majority of the development area, wildlife species diversity is relatively low. Total numbers of animals are also expected to be low, as affected areas do not provide sufficient habitat to support large native populations. 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 East Gateway Project areas. Consequently, no significant impacts to common wildlife species would occur as a result of project implementation.

Several common bird species, including raptors, have the potential to nest within the proposed development area on the East Gateway Project areas. 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 Migratory Bird Treaty Act 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.

Haun Creek along the eastern border of the site is considered part of a landscape linkage identified by the County of Ventura.[58] Haun Creek constitutes the western boundary of the landscape linkage, which connects open space east of Santa Paula with open space to the south of SR 126. Impacts to Haun Creek may result as a part of the development of the East Gateway Specific Plan area . If development

58 Ventura County Planning Division and the Donald Bren School of Environmental Science & Management, Roads and Biodiversity Project: Guidelines for Safe Wildlife Passage, June 2005.

within this area hampers or blocks the existing linkage, either through alteration of the creek channel or of vegetation which cover and movement opportunity, this would be considered a significant impact.

In addition to Haun Creek, the design of development within the southern portion of the East Gateway Project areas may affect wildlife movement within the Santa Clara River riparian zone if construction or operation of the East Gateway Project results in noise or lighting levels that are discouraging to wildlife use of adjacent natural areas. The increased use of riparian habitats within the Santa Clara River may also dissuade native wildlife use of such habitats. Both of these types of impacts would be considered significant.

Mitigation Measures

Mitigation measures **MM 5.4-4** and **MM 5.4-10** have been identified to mitigate the identified impacts.

Residual Impacts

Impacts will be less than significant.

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

Impacts

Approximately 150 to 200 blue gum, cottonwood, Canary Island date palm, and oak trees that will be under the jurisdiction of the City of Santa Paula (pending annexation) 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 would be significant.

Mitigation Measures

Mitigation measure **MM 5.4-11** have been identified to mitigate the identified impacts..

Residual Impacts

Impacts will be less than significant.

5.4.5.6 Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

Impacts

There are no adopted Habitat Conservation Plans, Natural Community Conservation Plans, or other approved local, regional, or state habitat conservation plans that apply to the East Gateway Project areas. As a result, there would be no impact.

The USFWS has prepared Recovery Programs for both the least Bell's vireo[59] and Southwestern willow flycatcher.[60] As noted under the Existing Conditions discussion, neither of these species were found on the East Gateway Project areas or within the nearby areas. The East Gateway Project is consistent with criteria of the recovery plans for the least Bell's vireo and southwestern willow flycatcher in that habitat located on-site will not be permanently impacted. In addition, the habitat will be preserved and enhanced through the removal of false bamboo and restoration of this portion of Haun Creek. Implementation of these measures would provide stable habitat for individuals in the Santa Clara River watershed by providing additional nesting and foraging opportunities. Therefore, implementation of the East Gateway Project, including the East Gateway Specific Plan, would result in a beneficial impact to the recovery of these species and would assist in its recovery.

Mitigation Measures

No mitigation is required.

Residual Impacts

There would be no impact.

5.4.6 CUMULATIVE ANALYSIS

Cumulative Impacts

Ventura County is biologically diverse and contains both common and sensitive plant and animal species. However, as noted in the forgoing discussion and analysis, the East Gateway Project areas (both the reorganization (annexation) areas and the East Gateway Specific Plan) has limited resources to support

59 US Fish and Wildlife Service, Draft Recovery Plan for the Least Bell's Vireo (Vireo bellii pusillus), USFWS Region 1,Portland, OR. 1998.

60 US Fish and Wildlife Service, Final Recovery Plan Southwestern Willow Flycatcher (Empidonax traillii extimus), USFW Region 2, Albuquerque, NM, August 2002.

biological resources due urban uses and development and current agricultural practices. Of the total on-site acreage (approximately 94.5 acres acres), the majority of the area is developed (43.4 acres), some 34 acres are in agricultural production (row crops and orchards), a portion is currently fallow agricultural field (11.4 acres), a portion of the remaining areas are comprised of natural vegetation and windrows (Arroyo willow-mule fat [0.8 acres], eucalyptus and Peruvian pepper windrows [0.2 acres]).

The related projects noted in **Table 4.0-1** would have limited impacts on common or sensitive plant or wildlife species since most species would avoid these areas or are considered habitat generalist and highly tolerant of urban uses. However, development of the Expansion Areas identified in the Santa Paula General Plan (Adams and Fagan Canyon, and West Area 2) which are located within non-urban areas and may contain intact and/or high quality habitat (which could support both common and sensitive plants and animals) has the potential to result in adverse and significant cumulative impacts. Similar impacts to jurisdictional drainage (including wetlands), wildlife corridors, and native trees (if protected by ordinance) could also result.

The Conservation and Open Space Element provides observation for opportunities and constraints for the expansion areas including Adams Canyon as discussed below.

Adams Canyon.[61] Adams Canyon supports significant wildlife habitat, including oak woodland, grassland and coastal sage scrub habitat. Deer, bobcat, and coyote are among the larger mammals that have been observed in the canyon, as have a variety of birds and reptiles. Oaks and sycamores are among the native vegetation found in the canyon. Impacts to these resources could be significant, depending on the extent of proposed development. The preservation of native vegetation, such as oaks and sycamores, is a policy of this Conservation Element and are endorsed in this plan.

Fagan Canyon.[62] Fagan Canyon supports significant wildlife habitat, including grassland and coastal sage scrub habitat. There is also a limited amount of oak woodland habitat in the canyon. The preservation of native vegetation, including oaks, is a goal of the current general plan. In addition, a variety of wildlife, including deer, coyote, and birds inhabit the area. Impacts to these resources could be significant, depending on the extent of proposed development.

As discussed in the General Plan EIR,[63] future development as outlined in the General Plan would result in significant adverse impacts to native plant communities and wildlife through direct removal of habitat. Development in the expansion areas would result in the removal of natural plant communities, potentially including native trees and tree windrows. This would result in the commensurate loss of wildlife habitat,

61 Santa Paula General Plan, Conservation and Open Space Element, p. CO-38.
62 Ibid, p. CO-40.
63 Santa Paula General Plan Update EIR, February 1998, p.4.8-14.

crowding wildlife into the remaining natural open space areas. Certain animals, such badger, bobcat, mountain lion require large territories to successfully feed and reproduce, and such crowding will result in a decrease in the local population levels of these species. Impacts within East Area 1, East Area 2, and West Area 2 are not expected to be significant given that these areas are predominantly in agricultural use.

Cumulative Mitigation

No mitigation measures are available to effectively reduce the significant impact of losses to biologically sensitive communities and general habitat that currently exists in the expansion areas for Adams and Fagan Canyon.[64] Specific mitigation measures must be developed at the time that development is proposed.

No mitigation is required for other expansion areas including East Area 2 and West Area 2.

Residual Impacts

The East Gateway Project would not be considered cumulatively considerable and cumulative impacts would be less than significant.

5.4.7 REFERENCES

Local agency planning documents used in this section include the following:

- Santa Paula General Plan, Conservation and Open Space Element.

Additionally, to determine which special-status plant and/or animal species have been recorded within the East Gateway Project vicinity, a query was conducted of the CDFG's CNDDB[65] and the CNPS Online Inventory of Rare and Endangered Plants.[66] Geographic areas queried included the USGS 7.5-minute quadrangles for Santa Paula (the East Gateway Project site location), Camarillo, Fillmore, Moorpark, Newbury Park, Ojai, Oxnard, Santa Paula Peak, and Saticoy. Other data sources reviewed include plant and animal distribution data contained in existing published sources, as well as literature regarding habitat requirements of special-status species potentially present within the East Gateway Project areas.

64 Santa Paula General Plan Update EIR, February 1998, p.4.8-14.
65 California Department of Fish and Game, Natural Diversity Database, 2010. http://www.dfg.ca.gov/biogeodata/cnddb/
66 California Native Plant Society, Online Inventory, 8th Edition, released December 2010. http://www.cnps.org/cnps/rareplants/inventory/

5.8 METHODLOGY

5.8.1 FIELD SURVEYS

Field surveys of the Specific Plan area were conducted by Impact Sciences biologists in June 2011 for the purpose of characterizing on-site habitats and evaluating potential to support special-status species, and mapping vegetation communities. Plant communities were mapped using aerial photos in combination with field assessments to verify the extent of the existing communities. The data were then digitized using a Geographic Information System (GIS). Vegetation nomenclature used to describe plant communities is based on the CNDDB's *List of California Terrestrial Natural Communities*.

Presence/absence surveys for the least bell's vireo (*Vireo bellii pusillus*) and southwestern willow flycatcher (*Empidonax traillii extimus*) were conducted within Haun Creek (near the East Gateway Specific Plan) from April 16 to August 2, 2010 to assess the potential for indirect impacts from development in the East Gateway Project areas.[67] Survey guidelines for the southwestern willow flycatcher required another visit during the period from June 1 to June 21, and three more visits during the period from June 22 to July 17. A copy of the survey report is provided in **Appendix 5.4**.

A focused survey for special-status fish species was conducted within Haun Creek by Compliance Biology, Inc. on December 29, 2006 to assess the potential for indirect impacts to fish species in Haun Creek. A copy of the report is provided in **Appendix 5.4**. The survey was conducted by walking the entire stream reach along the East Gateway Specific Plan area to locate and identify fish species present within the reach and randomly sampling areas of the stream using a D-shaped sampling net. No fish or other aquatic vertebrates were observed within the stream during the survey or present in the net samples

5.8.2 JURISDICTIONAL DELINEATION

During the June 2011 field visit, a preliminary assessment of waters of the State and US was conducted at all on-site drainage locations within the proposed East Gateway Project area. The goal of this site visit was to determine the locations and condition of potential on-site jurisdictional wetland features, and was not intended to provide a comprehensive delineation of federal and state jurisdictional waters and streams. A more detailed delineation and impact analysis would be required for submittal to the USACE, RWQCB, and the CDFG for their review and concurrence as part of the permitting phase, prior to commencement of any proposed impacts to potential jurisdictional resources.

67 Ryan Ecological Consulting, Results of Focused Presence/Absence Surveys for the Southwestern Willow Flycatcher and Least Bell's vireo on the East Area 1 Specific Plan project, Haun Creek, Santa Paula, Ventura County, August 3, 2010.