5.3 BIOLOGICAL RESOURCES

This section describes existing conditions of the biological resources within the Kenwood Villages Project site and evaluates the potential for the Project to result in significant impacts to biological resources. The evaluation of existing conditions and impact analysis is based upon Sage Institute, Inc.'s (SII) Principal Ecologist David Wolff review of available background information and a field reconnaissance survey conducted on July 16, 2015. Background information incorporated by reference[1] to this EIR includes, the September 2009 *Biological Assessment Report* (Storrer Environmental Services [Storrer] 2009), the July 2010 *California Red-legged Frog Habitat Assessment and Survey Results* report (Storrer 2010a), the July 2010 *Riparian Restoration and Enhancement Plan* (Storrer 2010b), and the April 2014 *Jurisdictional Delineation Report* (Hartman 2014) prepared for the project. Species observations and analysis of vegetation and wildlife use gathered by ICF International from a site visit conducted by an ICF biologist on April 23, 2013 is also used in this analysis. Database information queried for this analysis includes a search of the California Department of Fish and Wildlife (CDFW) California Natural Diversity Database (CNDDB) (CDFW 2015) and California Native Plant Society (CNPS Rare Plant Electronic Inventory (CNPS 2015) for the project site and vicinity.

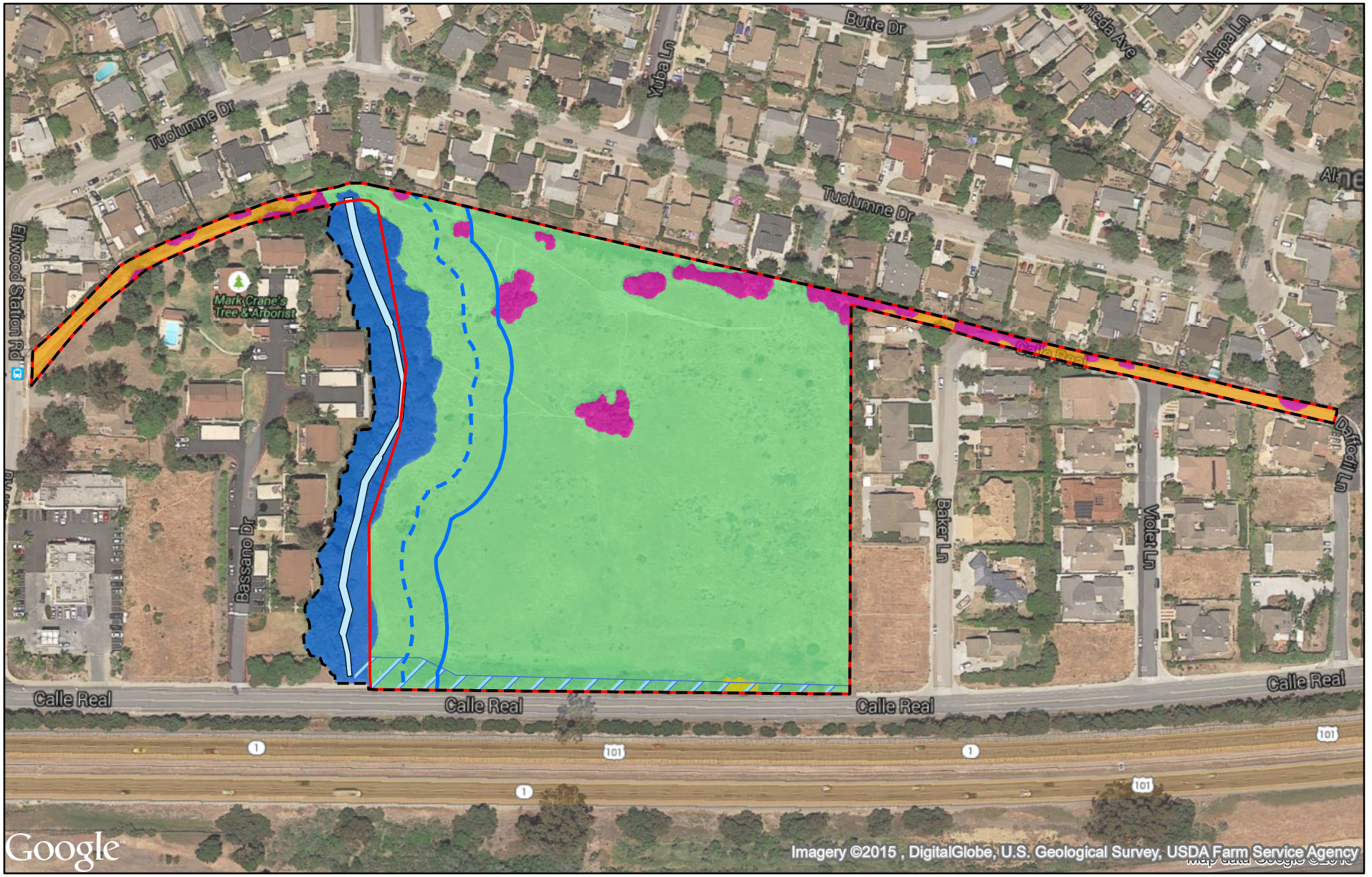
5.3.1 Physical Setting

The study area for this analysis includes the approximately 10-acre project site bounded by El Encanto Creek and multi-family residential development on the west, single-family residential development to the north and east, and Calle Real to the south. U.S. Highway 101 is located just beyond Calle Real to the south. Two "arm" parcels are part of the project site and extend to the northeast and northwest of the main project parcel. The west "arm" extends to Ellwood Station Road and the east "arm" extends to Daffodil Lane. Both arms are used as walking paths and are fringed by mostly unmaintained landscape vegetation, weedy ruderal plant species, and elm trees. An above-ground reach of EI Encanto Creek, part of the Devereux Slough watershed, flows north to south adjacent to the western border of the project site entering from a culvert at the northwest corner of the site and exiting into a culvert under Calle Real and the freeway. Although El Encanto Creek is not within the project site, a small portion of the riparian canopy associated with the creek overhangs the boundary of the project site. The City of Goleta right-of-way on the north side of Calle Real contains a drainage ditch capturing local street runoff. Overall, the project site is essentially an infill parcel surrounded by development on all sides. Figure 5.3-1 illustrates the biological resources within the study area that are described below.

Vegetation and Plant Communities. The Project study area includes the approximately 10-acre project site, the El Encanto Creek corridor located adjacent to project site's western boundary, and the two "arm" parcels. The study area has generally moderate topography sloping

[1] The background information reports are available for review during normal business hours at the City of Goleta offices located at 130 Cremona Drive.

This Page Intentionally Left Blank



Study Area
Project Site
Approx. Active Creek Channel
Approx. City Drainage Easement
50-foot Streamside Protection Area Buffer
100-foot Streamside Protection Area Buffer
Non-Native Annual Grassland
Arroyo Willow
Non-Native Trees
Oak Riparian Woodland (El Encanto Creek)
Ruderal / Developed
1 inch = Approx. 200 feet

City of Goleta
Kenwood Village Project

Figure 5.3-1
Kenwood Village Project Habitat Map

This Page Intentionally Left Blank

downward from north to south and supports approximately 9.45 acres of disturbed non-native annual grassland habitat with interspersed areas of approximately 0.50 acre of non-native tree habitat. The grassland habitat (9.45 acres) is dominated by brome grasses (*Bromus* sp.), oats (*Avena* sp.), and barley (*Hordeum* sp.), with abundant fennel (*Foeniculum vulgare*) and scattered coyote brush (*Baccharis pilularis*) shrubs. A small number of non-native trees including salt cedar (*Tamarisk ramosissima*), Canary Island date palms (*Phoenix canariensis*), and tara (*Caesalpinia spinosa*) also occur onsite. The dominance of non-native grassland species and small amount of trees (approximately 0.50 acre) and shrubs essentially constitute one habitat area that do not function independently to delineate separate habitat types. The project site is periodically mowed to control vegetation for fire prevention, and has been used for farming-related operations in the past. No structures are present within the study area.

Approximately 1.39 acre of riparian habitat occurs along the above ground reach of El Encanto Creek in the Project study area, of which 0.39 acre is located on the project site. The riparian habitat is composed of coast live oak (*Quercus agrifolia*), arroyo willow (*Salix lasiolepis*), western sycamore (*Platanus racemosa*), and non-native trees, including Canary Island date palms, Mexican fan palms (*Washingtonia robusta*), and castor bean (*Ricinus communis*). The understory within El Encanto Creek consists of southern cattail (*Typha domingensis*), watercress (*Nasturtium officinale*), Algerian ivy (*Hedera canariensis*), stinging nettle (*Urtica dioica* ssp. *holosericea*), and nutsedge (*Cyperus* sp.). The majority of El Encanto Creek has an oak riparian woodland overstory; however, trees are lacking on the east bank of the creek along the lower third of the drainage. The vegetation on this southern end of the creek is dominated by a mixture of California sagebrush (*Artemisia californica*) and nonnative weedy species found in the annual grassland portion of the study area, such as black mustard (*Brassica nigra*), castor bean, and bristly ox-tongue (*Helminthotheca echioides*), smilo grass (*Stipa miliaceum*), fennel, Italian thistle (*Carduus pycnocephalus*), and milk thistle (*Silybum marianum*). There is ample evidence of regular foot traffic within the creek corridor with easy access from the foot path along the northern property border and the adjacent residential development.

The drainage ditch within the City of Goleta right-of-way along Calle Real is an approximately 0.37-acre total area vegetated with non-native grassland species, coyote brush (*Baccharis pilularis),* two California walnut trees (*Juglans californica*), and a small clump of three arroyo willows (0.02 acre).

Wildlife. The overall wildlife habitat values of the study area is relatively low. This is a result of the previous agricultural use of the site, the presence of both single family and multiple residential uses surrounding the site (densities between 5 to 12.3 units /acre), and the constrained nature of El Encanto Creek, El Encanto Creek enters and exists the site through culverts. However, the site does support habitat for common resident and migratory wildlife as shown in Table 5.3-1. A red-shouldered hawk was observed foraging over the site. In addition, other amphibians, reptiles, and mammals that are adapted to an urban environment and can tolerate high levels of noise, night lighting, and human disturbance that may occur at the site. The birds observed are likely nesting on or near the project site as these are spring/summer

Table 5.3-1
Wildlife Species Observed

Common Name	Scientific Name
Aquatic Invertebrates/Fishes	
Crayfish*	Cambaridae
Mosquito fish*	*Gambusia affinis*
Amphibians	
Pacific tree frog*	*Pseudacris (Hyla)* sp.
Reptiles	
Western Pond Turtle*	*Actinemys marmorata*
Birds	
Western scrub-jay	*Aphelocoma californica*
Great blue heron*	*Ardea Herodias*
Cedar wax wing	*Bombycilla cedrorum*
Red-tailed hawk	*Buteo jamaicensis*
Red-shouldered hawk	*Buteo lineatus*
Anna's hummingbird	*Calypte anna*
House finch	*Carpodacus mexicanus*
Turkey vulture	*Cathartes aura*
American kestrel	*Falco sparverius*
Common yellowthroat*	*Geothlypis trichas*
Hooded oriole	*Icterus cucullatus*
Acorn woodpecker*	*Melanerpes formicivorus*
Song sparrow	*Melospiza melodia*
Northern mockingbird	*Mimus polyglottos*
House sparrow	*Passer domesticus*
California towhee	*Pipilo crissalis*
Black phoebe	*Sayornis phoebe*
House wren	*Troglodytes aedon*
Mourning dove	*Zenaida macroura*
Mammals	
Botta's pocket gopher	*Thomomys bottae*
California vole	*Microtus* sp.
California ground squirrel	*Spermophilus beecheyi*
Raccoon*	*Procyon lotor*
Cottontail	*Sylvilagus* sp.

All animal species identified above were observed on the project site on July 16, 2015.

*= Observed in El Encanto Creek/Riparian Habitat

observations. Other bird species may migrate through during spring and fall and may occasionally use the study area for foraging. The use and value of the site as a movement corridor for wildlife (aside from birds) is very low given the infill nature of the site surrounded by urban development on all sides and no above ground connectivity upstream and downstream on El Encanto Creek.

Observations by SII in El Encanto Creek during the 2015 field survey included a family of raccoons in a canary palm tree, and a great blue heron that walked into the riparian corridor from the western bank to wade into the creek to capture and eat crayfish. Additionally, two western pond turtles were observed in El Encanto Creek surfacing to bask along a sunny creek bank.

Environmentally Sensitive Habitat Areas & Wetlands. El Encanto Creek and its associated riparian corridor are designated by definition as an Environmentally Sensitive Habitat Area (ESHA) by the City of Goleta GP/CLUP policies CE 1.1(b.) and CE 1.2(a.), and as a mapped ESHA on CE Figure 4-1. Pursuant to GP/CLUP policy 2.2(a.), a 100-foot upland buffer Streamside Protection Area (SPA) is established along both sides of El Encanto Creek from the top of the bank or the outer limit of the riparian vegetation whichever is greater. The City may allow portions of the SPA upland buffer to be less than 100 feet, but not less than 25 feet wide, if there is no feasible alternative siting for development and if the project impacts will not have a significant adverse effect on the streamside vegetation or the biotic quality of the stream. Policy CE 2.3 provides a list of compatible uses within the SPA, and allowed uses relevant to this project include fencing, foot trails/paths, habitat restoration and enhancement, nature education, and interpretive signage.

Biological functions associated with the El Encanto Creek ESHA include the use of the riparian area as a wildlife movement corridor on a limited basis for non-avian wildlife, nesting and foraging habitat for a variety of bird species, and habitat for a variety of aquatic vertebrates and invertebrates. The portion of El Encanto Creek within the study area provides habitat for the western pond turtle (a species of concern) but there are no documented occurrences of any formally listed state of federal threatened or endangered species within the reach of El Encanto Creek adjacent to the project site.

The April 2014 *Jurisdictional Delineation Report* (Hartman 2014) identified three willow trees in the non-jurisdictional drainage ditch within the City's right-of-way along Calle Real. By the policy CE 3.1 definition of a wetland by a single indicator (soil, hydrology, or plants) this is considered a wetland. These three small willows are not an independent functioning wetland by any definition, but are part of the overall habitat mosaic of grassland, shrubs and trees on the project site. There is no independent wetland habitat values to the small clump of willows.

Special-Status Species. Special-status species are those plants and animals listed, proposed for listing, or candidates for listing as threatened or endangered by the United States Fish and Wildlife Service (USFWS) or the National Marine Fisheries Service (NMFS) under the federal Endangered Species Act (FESA); those considered "species of concern" by the USFWS; those listed or proposed for listing as rare, threatened, or endangered by the CDFW under the California Endangered Species Act (CESA); animals designated as "Species of Special Concern" by the CDFW; and plants occurring on lists 1B, 2, and 4 of the CNPS *Inventory of Rare and Endangered Vascular Plants of California.* Natural Communities of Special Concern are habitat types considered rare and worthy of tracking in the California Natural Diversity Database (CNDDB) by the CNPS and CDFW because of their limited distribution or historic loss over time.

The search and review of the CNDDB and City of Goleta CE Table 4-1 provided numerous historic and extant (presumed existing) occurrences of special-status plant and wildlife species within the 10-mile search radius of the project site. The 10-mile CNDDB search radius captured a large amount of area not necessarily relevant to the urbanized landscape around the proposed project site. Tables 5.3-2 and 5.3-3 provide a list of the relevant CE Table 4-1 noted species and the CNDDB recorded special-status species with potential for occurring in inland habitats. The following is a brief description and summary of the special-status species issues, observations if any, and potential for occurrence on the project site.

Special-Status Botanical Resources. The CNDDB search revealed an exhaustive list of species mostly associated with specific soil types such as serpentine outcrops or heavy clay soils, or specific habitat characteristics such as seasonal or perennial wetlands. The field surveys conducted over the site by SII and others resulted in no observations of any rare, threatened, or endangered plant species within the project site. Further, the current annual mowing practices, past agricultural practices, and observable and identifiable plants, habitats, and soils suggest the site does not support habitat for special-status plants.

Table 5.3-2
Special Status Plant Species
Known to Occur in the Area

Common Name	Scientific Name	Status	Habitat	Potential of Occurrence
Black-flowered figwort	*Scrophularia atrata*	CNPS: 1B.2 Local: SBBG Rare	Perennial herb of coastal dunes, chaparral, coastal scrub, and riparian scrub from 33 to 1,640 feet. Blooms March to July.	Suitable habitat in El Encanto Creek riparian area. Not observed.
Contra Costa goldfields	*Lasthenia conjugens*	Federal: Endangered CNPS: 1B.1 Local: SBBG Rare	Annual herb of cismontane woodland, playas, valley and foothill grassland, and vernal pools below 1,542 feet. Blooms March-June.	No suitable habitat onsite.

Table 5.3-2
Special Status Plant Species
Known to Occur in the Area

Common Name	Scientific Name	Status	Habitat	Potential of Occurrence
Coulter's goldfields	*Lasthenia glabrata* ssp. *coulteri*	CNPS: 1B.2 Local: SBBG Rare	Annual herb of marshes, swamps, playas, vernal pools below 3,936 feet. Blooms February to June.	No suitable habitat onsite.
Coulter's saltbush	*Atriplex coulteri*	CNPS: 1B.2 Local: SBBG Rare	Perennial herb of alkaline/clay soils of coastal bluff scrub, coastal dunes, coastal scrub, and grasslands below 1,508'. Blooms March to October.	No suitable habitat onsite. Not observed.
Davidson's saltbush	*Atriplex serenana* var. *davidsonii*	CNPS: 1B.2 Local: SBBG Rare	Annual herb of alkaline soils of coastal bluff scrub and coastal scrub from 33 to 656 feet. Blooms April to October.	No suitable habitat onsite.
Estuary seablite	*Suaeda esteroa*	CNPS: 1B.2 Local: SBBG Rare	Perennial herb of marshes and swamps below 16 feet. Blooms May to January.	No suitable habitat. Perennial species not observed onsite.
Late-flowered mariposa lily	*Calochortus fimbriatus*	CNPS: 1B.2 Local: SBBG Rare	Perennial herb of serpentine soils of chaparral, cismontane woodland, and riparian woodland from 902 to 6,248 feet. Blooms June to August.	No suitable serpentine soil habitat onsite. Not observed.
Mesa horkelia	*Horkelia cuneata* ssp. *puberula*	CNPS: 1B.1	Perennial herb of chaparral, cismontane woodland, and coastal scrub from 230 to 2,657 feet. Blooms February to September.	Perennial species not observed onsite.
Pale-yellow layia	*Layia heterotricha*	CNPS: 1B.1 Local: SBBG Rare	Annual herb of alkaline/clay soils of cismontane woodland, coastal scrub, and valley and foothill grassland from 984 to 5,592 feet. Blooms March to June.	No suitable alkaline/clay soil habitat onsite.
Refugio manzanita	*Arctostaphylos refugioensis*	CNPS: 1B.2 Local: SBBG Rare	Perennial shrub of chaparral from 899 to 2,690 feet. Blooms December to May.	Perennial species not observed onsite.

Table 5.3-2
Special Status Plant Species
Known to Occur in the Area

Common Name	Scientific Name	Status	Habitat	Potential of Occurrence
Santa Barbara honeysuckle	*Lonicera subspicata* var. *subspicata*	CNPS: 1B.2 Local: SBBG Rare	Perennial shrub of chaparral, cismontane woodland, and coastal scrub from 33 to 3,280 feet. Blooms May to December.	Perennial species not observed onsite.
Santa Barbara morning-glory	*Calystegia sepium* ssp. *binghamiae*	CNPS: 1A Local: SBBG Rare	Perennial herb of coastal marshes and swamps below 16 feet. Blooms in August.	No suitable marsh/swamp habitat onsite.
Santa Lucia dwarf rush	*Juncus luciensis*	CNPS: 1B.2 Local: SBBG Rare	Annual herb of chaparral, great basin scrub, lower montane coniferous forest, meadows and seeps, and vernal pools from 984 to 6,691 feet. Blooms April to July.	No suitable wetland habitat onsite.
Sonoran maiden fern	*Thelypteris puberula* var. *sonorensis*	CNPS: 2B.2 Local: SBBG Rare	Perennial herb of meadows and seeps from 164 to 525 feet. Blooms January to September.	No suitable habitat onsite. Not observed.
Southern curly-leaved monardella	*Monardella sinuata* ssp. *sinuata*	CNPS: 1B.2	Annual herb of sandy soils of coastal dunes, and coastal scrub below 984 feet. Blooms April to September.	No suitable sandy soil habitat onsite. Not observed.
Southern tarplant	*Centromadia parryi* subsp. *australis*	CNPS: 1B.1 Local: SBBG Rare	Annual herb of alkaline marshes and swamps, valley and foothill grasslands, and vernal pools below 1,574 feet. Blooms from May to November.	No suitable wetland habitat onsite.
White-veined monardella	*Monardella hypoleuca* ssp. *hypoleuca*	CNPS: 1B.3	Perennial herb of chaparral and cismontane woodland from 164 to 5,002 feet. Blooms April to December.	Not observed onsite.

California Native Plant Society (CNPS) Lists
List 1 = Plants of Highest Priority (2 sub lists):
1A = Plants Presumed Extinct in California
1B = Plants Rare and Endangered in California and Elsewhere
List 2 = Plants Rare or Endangered in California, but More Common Elsewhere

Special-Status Wildlife Species. The search and review of the CNDDB and Goleta Conservation Element revealed the recorded occurrences and/or potential for special-status wildlife species within the region and vicinity of the project site. The special-status wildlife species known from the region evaluated for this study have very specific habitat use requirements (i.e., terrestrial or aquatic) that dictate their occurrence or potential to occur. The following discusses the special-status wildlife species by groups or habitat associations in relationship to the project site. A list of special-status wildlife species with scientific name along with their listing status, habitat requirements, observations, or potential to occur is provided in Table 5.3-3 below. For ease of reading, common names only are used in text.

Table 5.3-3
Special-Status Wildlife Species
Known to Occur in the Area

Common Name	Scientific Name	Status	Habitat	Potential of Occurrence
Invertebrates				
Vernal pool fairy shrimp	*Branchinecta lynchi*	Federal: Threatened	Vernal pools and isolated swales in grasslands.	No suitable habitat onsite.
Monarch butterfly	*Danaus plexippus*	Local: City of Goleta	Winter roosts in wind-protected tree groves such as eucalyptus, Monterey pine, and cypress with nearby nectar and water sources.	Limited suitable roost sites in onsite trees. No recorded roosts onsite.
Fish				
Tidewater goby	*Eucyclogobius newberryi*	Federal: Endangered State: Species of Special Concern	Shallow lagoons and lower stream reaches with brackish water habitat along the California coast.	No suitable habitat onsite. El Encanto Creek adjacent to site too far inland.
Southern steelhead	*Oncorhynchus mykiss irideus*	Federal: Endangered State: Species of Special Concern	Southern California ESU of coastal streams with perennial water and barrier free to the ocean.	No suitable habitat onsite. Many underground sections of El Encanto Creek make the adjacent reach unsuitable.
Amphibians				
California red-legged frog	*Rana draytonii*	Federal: Endangered State: Species of Special Concern	Ponds and streams with slow-moving water and deep pools with dense shrubby riparian vegetation. Marin County to Ventura County.	Suitable perennial aquatic habitat in El Encanto Creek but not observed or recorded in reach of creek adjacent to site.

Table 5.3-3
Special-Status Wildlife Species
Known to Occur in the Area

Common Name	Scientific Name	Status	Habitat	Potential of Occurrence
Foothill yellow-legged frog	*Rana boylii*	State: Species of Special Concern	Perennial water of rocky streams and pools with sunny banks in chaparral, forests and woodlands.	Low suitability perennial aquatic habitat in mostly shaded El Encanto Creek. Not observed or recorded in reach of creek adjacent to site.
Reptiles				
Western pond turtle	*Actinemys marmorata*	State: Species of Special Concern	Inhabits permanent or nearly permanent water with basking sites such as partially submerged rocks, logs, or open muddy banks below 5,500 feet.	Two individuals observed in deep pool of El Encanto Creek adjacent to the site.
Two-striped garter snake	*Thamnophis hammondii*	State: Species of Special Concern	Highly aquatic occurring in or near permanent sources of water and streams with rocky beds supporting willows or other riparian vegetation.	Moderate potential to occur associated with El Encanto Creek adjacent to the site.
Birds				
Cooper's hawk	*Accipiter cooperi*	State: Species of Special Concern	Wide ranging species that nests in riparian and woodland habitats	Moderate potential to occur for nesting and foraging in adjacent El Encanto Creek riparian habitat.
White-tailed kite	*Elanus leucurus*	State: Fully Protected Local: City of Goleta	Breeds in riparian trees and oak woodlands in lower elevation areas.	Moderate potential to occur for nesting in trees and foraging in grassland.
Yellow-breasted chant	*Icteria virens*	State: Species of Special Concern	Riparian and wetland nesting species.	Moderate potential to occur in riparian habitat of adjacent reach of El Encanto Creek.
Loggerhead shrike	*Lanius ludovicianus*	State: Species of Special Concern	Open grassland and shrubland habitats for nesting and foraging.	Moderate potential to occur for nesting and foraging in shrubs and grassland.
Belding's savannah sparrow	*Passerculus sandwichensis beldingi*	State: Endangered	Coastal salt marshes with abundant pickle-weed	No suitable habitat onsite.

Table 5.3-3
Special-Status Wildlife Species
Known to Occur in the Area

Common Name	Scientific Name	Status	Habitat	Potential of Occurrence
Light-footed clapper rail	*Rallus longirostris levipes*	Federal: Endangered State: Endangered, Fully Protected	Inhabits coastal marshes with dense cordgrass (and pickle-weed	No suitable habitat onsite.
Yellow warbler	*Setophaga petechia*	State: Species of Special Concern	Nests in riparian woodlands of coastal lowland and foothill canyons.	Moderate potential to occur in riparian habitat of adjacent reach of El Encanto Creek.
Mammals				
Pallid bat	*Antrozous pallidus*	State: Species of Special Concern	Roosts in caves, crevices, mines, and buildings. Occurs mostly in the vicinity of grasslands, shrublands, woodlands, and forests.	Moderate potential to forage in the study area. No suitable roost habitat onsite.
Townsend's big-eared bat	*Corynorhinus townsendii*	State: Candidate Threatened, Species of Special Concern	Requires caves, mines, tunnels, buildings, or other similar structures for roosting.	Moderate potential to forage in the study area. No suitable roost habitat onsite.
Western red bat	*Lasiurus blossevillii*	State: Species of Special Concern	Solitary species that generally roosts in woodlands and forests.	Moderate potential to occur in riparian habitat.
Yuma myotis	*Myotis yumanensis*	State: Species of Special Concern	Roosts in buildings, mines, caves, or crevices near ponds, streams, lakes.	Moderate potential to forage in the study area. No suitable roost habitat onsite.
American badger	*Taxidea taxus*	State: Species of Special Concern	Uncommon permanent resident of grassland habitats with abundant prey base and friable soils.	No evidence of badger use observed within onsite grassland habitat.

Aquatic Species. Two western pond turtles were observed surfacing from a deep pool and basking on the banks of El Encanto Creek during SII field surveys of the site. While there can be upland use for "nesting," the turtles likely stay within the confines of the shaded riparian corridor of the short above ground reach of creek.

The CNDDB and the Conservation Element document occurrences of the steelhead and tidewater goby in the region. In addition, the California red-legged frog, foothill yellow-legged frog, and two-striped garter snake, and western pond turtle are recorded in the region. These are all highly aquatic species and suitable habitat is not present within the project site. The adjacent

above ground reach of El Encanto creek that is underground upstream and downstream of the site, with concrete channelized sections through development west of Highway 101 makes it unsuitable for steelhead and the tidewater goby. Surveys for the California red-legged frog were negative and there are no recorded occurrences upstream or downstream in El Encanto Creek. The reach of El Encanto Creek adjacent to the project site appears to have perennial deep water areas providing limited California red-legged frog suitability with low likelihood of occurrence given the poor downstream conditions (mostly concrete channel), and upstream underground reach. The site is not suitable for the yellow-legged frog lacking the preferred rocky stream habitat preference. The two-stripped garter snake could occur in the El Encanto Creek riparian corridor but the upland project site is generally unsuitable for this highly aquatic snake. Vernal pool fairy shrimp require static seasonal pools (non-flowing) that do not occur within the project site.

Monarch Butterfly Roosts**.** There are several CNDDB recorded monarch butterfly winter roosts in the vicinity of the project site but none on the site. The small patches of isolated non-native trees on the project site do not support suitable winter roost locations. The riparian tree corridor of the adjacent El Encanto Creek is suitable but lacks the preferred eucalyptus, and there is not a recorded occurrence.

Birds**.** The CNDDB includes recorded occurrences in the region for Belding's savannah sparrow and light-footed clapper rail. These species are found exclusively in salt marsh habitat and the project site and El Encanto Creek do not provide habitat that would be used by either of these birds. The tree canopy of the adjacent El Encanto Creek riparian corridor provides suitable nesting habitat for the Cooper's hawk and white-tailed kite, however, neither has been recorded by biologists conducting surveys for the project. Similarly the yellow-breasted chat and yellow warbler are riparian/wetland obligate species that do not occur on the project site, only the adjacent creek corridor. While suitable habitat occurs on the project site for the loggerhead shrike, this open country bird is not likely to be found using an infill parcel of land such as the project site.

Mammals. The American badger is an uncommon permanent resident of grassland habitats with abundant prey base and friable soils. No evidence of badger use (areas of ground disturbance with multiple half-moon shaped burrows) has been recorded by surveying biologists, and it is not expected in this infill parcel. Of the four species of bats known from the region, the western red bat is a solitary broad leaf tree roosting species that could find suitable habitat in the adjacent El Encanto Creek riparian corridor. The pallid bat, Townsend's big-eared bat, and Yuma myotis use caves, buildings, and crevices for roost sites that are lacking on the project area making it unsuitable for these bats except possible foraging if in transit to/from roost sites.

5.3.2 Regulatory Setting

The following summarizes applicable federal, state, and local regulations that govern the protection of biological resources.

Federal Clean Water Act (CWA) (codified at 33 U.S.C. §§ 1251, *et seq*.) Section 404 – The primary goals of the CWA are to restore and maintain the chemical, physical, and biological integrity of the nation's waters. Section 404 of the CWA is administered by the U.S. Army Corps of Engineers (Corps) and regulates the discharge of dredged and fill material into waters of the U.S. and implements a program to permit such discharges. The Corps strives to meet the goal of no net loss of waters of the U.S. including wetlands through the CWA Section 404 regulatory process. No discharge of dredged or fill material into a waters of the U.S. is proposed by the project so CWA Section 404 permitting would not be necessary.

Federal Endangered Species Act (FESA) (16 USC § 1531, *et seq*.) and implementing regulations (50 CFR §§ 17.1, *et seq*.) – The FESA is administered by the U.S. Fish and Wildlife Service (USFWS) and National Marine Fisheries Service (NMFS) who regulate the "take" (kill, harm (habitat loss), harassment) of threatened and endangered species. Threatened species are any plant or animal that is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range. Endangered species are any plant or animal species that is in danger of extinction throughout all or a significant portion of its range. Section 7 and Section 10 of the FESA provides the mechanism to authorize "take" of threatened and endangered species for otherwise lawful activities that would not jeopardize the continued existence of a listed species. El Encanto Creek may support a federally listed species but would not be directly impacted by the project, so FESA permitting is not expected.

Federal Migratory Bird Treaty Act (MBTA) (16 USC §§ 703–711) – The MBTA protects migratory birds by prohibiting private parties from intentionally taking, selling, or conducting other activities that would harm migratory birds, their eggs, or nests, or parts thereof, unless authorized by a special permit issued by the USFWS. MBTA "taking" is defined as, "pursuing, hunting, shooting, wounding, killing, trapping, capturing, or collecting." Migratory birds have been documented on the project site so the MBTA would need to be taken into consideration in evaluating project impacts.

California Endangered Species Act (CESA) –The CESA (Fish and Game Code §§ 2050, *et seq.*) protects state listed endangered and threatened, or candidates for such listing, against unlawful take. The California Department of Fish and Wildlife (CDFW) implements CESA and may issue permits for take of state listed species as long is the permitted activity is not likely to jeopardize the continued existence of any endangered or threatened species. No state listed species have been identified within the project area so CESA permitting is not expected.

California Fish and Game Code – Sections 3503 (birds) and 3503.5 (raptors specifically) prohibits the take of all native birds, birds of prey, and all nongame birds, including eggs and nests, and parts thereof. Several Fish and Game Code Sections designate fully protected species that are protected against take. No take can be authorized for fully protected species, however none are documented on the project site. Native birds have been documented on the project site so as with the MBTA, Sections 3503 and 3503.5 would need to be taken into consideration in evaluating project impacts.

City of Goleta General Plan/Coastal Land Use Plan (GP/CLUP) – The General Plan includes policies that protect and preserve biological resources within the City of Goleta by designating specific resources and areas as protected, including Environmentally Sensitive Habitat Areas (ESHAs). Key Conservation Element (CE) policies directing the evaluation of ESHA's and biological resources for the project include:

- CE 1.2 Designation of Environmentally Sensitive Habitat Areas.
- CE 1.8 ESHA Buffers.
- CE 1.9(e.) Light and Glare.
- CE 2.2(a.) Streamside Protection Areas.
- CE 3.1 Definition of Wetlands.

5.3.3 Thresholds of Significance

Based on both the City's Initial Study Checklist (CEQA Appendix G) and the City's Thresholds Manual (adopted from Santa Barbara County), the following thresholds of significance are applied to the evaluation of potential impacts on biological and wetland resources for the proposed Project.

Initial Study Checklist

a. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service.

b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service.

c. Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, without limitation, marsh, vernal pool, coastal) through direct removal, filling, hydrological interruption, or other means.

d. 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.

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

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

City of Goleta Environmental Thresholds and Guidelines Manual

The City adopted the *County of Santa Barbara Environmental Thresholds and Guidelines Manual* that establishes the significance thresholds for project impacts to biological resources. According to the City of Goleta adopted Environmental Thresholds and Guidelines Manual, Biological Resources Section disturbance to habitats or species may be significant, based on substantial evidence in the record (not public controversy or speculation), if they substantially impact significant resources in the following ways:

- Substantially reduce or eliminate species diversity or abundance.
- Substantially reduce or eliminate quantity or quality of nesting areas.
- Substantially limit reproductive capacity through losses of individuals or habitat.
- Substantially fragment, eliminate, or otherwise disrupt foraging areas and/or access to food sources.
- Substantially limit or fragment range and movement (geographic distribution or animals and/or seed dispersal routes).
- Substantially interfere with natural processes, such as fire or flooding, upon which the habitat depends.

According to the City of Goleta adopted *Environmental Thresholds and Guidelines Manual*, Biological Resources Section, there are many areas in the City where there is little or no importance to a given habitat and it is presumed that disruption would not create a significant impact. Examples of areas where impacts to habitat are presumed to be insignificant include:

- Small acreages of non-native grassland if wildlife values are low.
- Individuals or stands of non-native trees if not used by important animal species such as raptors or monarch butterflies.
- Areas of historical disturbance such as intensive agriculture.
- Small pockets of habitats already significantly fragmented or isolated, and degraded or disturbed.

- Areas of primarily ruderal species resulting from pre-existing man-made disturbance.

According to the City of Goleta adopted Environmental Thresholds and Guidelines Manual, Biological Resources Impact Assessment Factors, the following questions and factors are used in assessing the significance of Project impacts on biological resources:

- Size. How much of the resource in question both on and off the Project site would be impacted? (Percentage of the whole area and square footage and/or acreage are both useful to know) How does the area or species that would be impacted relate to the remaining populations off the Project site? (Percentage of total area or species population, either quantitatively or qualitatively.)

- Type of Impact. Would it adversely indirectly affect wildlife (light, noise, barriers to movement, etc.)? Would it remove the resource or cause an animal to abandon the area or a critical activity (e.g., nesting) in that area? Would it fragment the area's resource?

- Timing. Would the impact occur at a critical time in the life cycle of an important plant or animal (e.g., breeding, nesting, or flowering periods)? Is the impact temporary or permanent? If it is temporary, how long would the resource take to recover? Would the impact be periodic, of short duration, but recur again and again?

5.3.4 Impact Evaluation

Loss of Non-Native Annual Grassland Habitat. The proposed Project would include the development of the entire 10-acre project site into 13 single-family homes, 20 duplex homes, 27 triplex homes, appurtenant roads, and improvements to existing bicycle and pedestrian trails on the "arm" parcels. The Project would also establish a 50- to 100-foot ESHA setback enhanced habitat buffer Streamside Protection Area (SPA) on the project site along the El Encanto Creek riparian creek zone. The Project also includes on-site access roads and trails, open space and landscape areas with trees, and recreation areas.

Implementation of the Project would impact the entirety of the non-native grassland and small stands of non-native trees located on the main project parcel by converting those habitat areas to residential development and the proposed enhanced ESHA SPA buffer zone. No non-native grassland is located on or adjacent to the two "arm" parcels.

The proposed habitat restoration plan (EIR Figure 3.5-7) would include planting native species, including plants typically associated with coast live oak woodland, riparian, chaparral and coastal sage scrub communities throughout the proposed SPA, which includes the proposed storm water retention basin. The habitat restoration plan would create 1.22 acres of riparian and

other habitat areas within the proposed SPA, which also includes the proposed storm water bio-retention basin, which would be subject to routine maintenance and sediment removal from the basin bottom. The habitat restoration plan's native tree, shrub, and groundcover plantings within the SPA would also serve as a buffer to potential impacts of light and human intrusion into the SPA. Overall, the proposed restoration plan would add native plant species diversity and habitat structural diversity (trees, shrubs, and groundcovers) to the project site that would provide an increase in habitat values directly adjacent to the El Encanto Creek ESHA. Based on the proposed habitat enhancements and the impact evaluation requirements of the Environmental Thresholds, the loss of a relative small patch of non-native annual grassland and few stands of non-native trees that support locally common wildlife but is isolated and fragmented by surrounding development on all sides would result in a **less than significant (Class III)** impact.

Reduced Streamside Protection Area. Conservation Element Policy CE 2.2 (Streamside Protection Areas) requires that a 100-foot upland buffer be provided on both sides of a creek, measured from the top of the creek bank or the outer limit of associated wetlands and/or riparian vegetation. The residential development to the west of the project site directly abutting the riparian canopy of El Encanto Creek was built before the City's adoption of this policy. The policy also specifies criteria for when a reduction in the required buffer area may be considered. The application for the Project includes a request to reduce the width of the El Encanto Creek SPA on a portion of the project site. The proposed SPA would generally be 50 to 100 feet in width. Proposed structures that would be located closer than 100 feet to edge of riparian vegetation or the top of the creek bank would include one (1) single-family residence; a segment of a project site access road that is approximately 270 feet in length; and yard areas for one (1) single-family residence and one (1) duplex residence. The proposed storm water retention basin would also be located within the SPA.

The City may allow portions of an SPA to be less than 100 feet wide, but not less than 25 feet wide, if (1) there is no feasible alternative siting for development that will avoid the SPA upland buffer; and (2) the project's impacts will not have significant adverse effects on streamside vegetation or the biotic quality of the stream. The feasibility of a project design that provides a 100-foot SPA on the project site is evaluated in EIR Section 7.4, Increased Streamside Protection Area. Potential impacts of the request to reduce the width of the El Encanto Creek SPA on a portion of the project site are evaluated below.

- Existing habitat that would be within a 100-foot wide SPA on the project site would include approximately 1.85 acres of non-native annual grassland, of which 0.02 acre is non-native trees. The non-native grassland that would be located within a 100-foot SPA has been subject to annual mowing for weed abatement purposes, and due to periodic disturbances, the habitat value of the non-native grassland is considered to be low. The proposed Project's SPA would be 1.22 acres in area. The proposed reduction in SPA area of 0.63 acres would not result in a significant adverse loss of existing habitat that supports aquatic plants or animals associated with El Encanto Creek.

- Storm water runoff from the access road and residential uses that would be facilitated by the reduced SPA would not be discharged directly to El Encanto Creek, and would be discharged to the proposed bio-retention basin. Therefore, the reduced SPA would not result in significant adverse impacts to the water quality of the creek.

- New nighttime lighting that would result from the Project would include street lights, site lighting along walkways and between buildings, and wall-mounted lights on residences. No lighting is proposed along the trail that would be constructed in the proposed SPA. A photometric analysis of the proposed preliminary lighting plan indicates that the Project would not result in an increase in ambient lighting along the project site's western perimeter adjacent to El Encanto Creek. Therefore, the reduced SPA would not result in significant adverse lighting-related impacts to the creek.

- The habitat restoration plan that would be implemented within the proposed SPA would include the installation of a post and rail fence and planting of native trees, shrubs, and groundcovers. These components of the SPA restoration plan would serve as a buffer for potential impacts of light (e.g., car headlights) and reduce the potential for project-related human intrusion into the SPA. The reduction in SPA width would not substantially increase the potential for human intrusion into the creek. In regard to human intrusion into El Encanto Creek, there is ample evidence of regular foot traffic within the creek, which has resulted in accumulations of trash and incidents of refuse dumping. The presence of additional people on the project site could serve to deter these types of existing impacts to the creek.

- The proposed SPA restoration plan would add native plant species diversity and habitat structural diversity (trees, shrubs, and groundcovers) that would provide an increase in habitat values directly adjacent to the El Encanto Creek ESHA. The plant list specified by the proposed restoration plan does not include any non-native invasive plant species.

- The proposed trail within the SPA would be located east of a post and rail fencing that would be installed to discourage intrusion into the creek and riparian area. The trail would not be lit, would be constructed of permeable materials (decomposed granite commonly used for trails), and is not expected to attract large numbers of people to the SPA. As such, the trail would not compromise the integrity of the SPA buffer zone habitat enhancements.

- A proposed storm water bio-retention basin at the southwest corner of the project site would be located within the proposed SPA. The Project's proposed restoration plan includes planting riparian, wetland, and upland plantings in and

around the basin, which would provide plant species diversity and habitat structural diversity (trees and shrubs) within the SPA. Even with required periodic maintenance of the basin bottom to maintain water storage capacity, the replacement of the non-native grassland with the varied plantings in and around the basin are viewed as an overall beneficial effect on the El Encanto Creek riparian ESHA.

- The Santa Barbara County Fire Protection District (SBCFD) vegetation management division was contacted to determine any potential vegetation management requirements that may be imposed within the proposed SPA. According the vegetation management director Captain Rob Hazard, there would be no vegetation management measures required within the designated SPA restoration area. Captain Hazard acknowledged the SBCFD's understanding of the purpose of the SPA restoration plan to provide vegetative structure (trees, shrubs, groundcovers) to enhance the habitat along the creek. Additionally, he suggested the infill development with its irrigated landscaping (replacing the annual grassland habitat) does not represent a wildland area needing fire safe setbacks around structures as in areas north of Goleta. Accordingly, there would be no vegetation management (except that needed to monitor and maintain the restoration plantings) within the SPA restoration buffer zone in favor of the habitat enhancement restoration.

The proposed SPA would provide enhanced habitat conditions adjacent to El Encanto Creek, and would be designed to limit the potential for direct impacts (e.g., water quality and increase lighting) and indirect impacts (e.g., human intrusion) to El Encanto Creek. Overall, the proposed SPA restoration plan would have a beneficial effect on the biotic quality of the creek; the environmental benefits of the restoration plan would not be substantially diminished by the proposed reduction in SPA width; and the one residential unit, one residential unit front yard, and the portion of the project site access road that would be facilitated by the reduced SPA width would not have a significant adverse effect on habitat quality along El Encanto Creek. Therefore, the proposed reduction in SPA width on a portion of the project site could have a less than significant impact**.** however, reducing potential project-related impacts to streamside vegetation and the biotic quality of the creek is dependent upon the successful implementation of the proposed habitat restoration plan. Proposed mitigation measure BIO-2a requires that a final habitat restoration plan be submitted to the City for review and approval prior to the issuance of a grading permit, and proposed mitigation measure BIO-2b requires the submittal of performance securities to ensure the proposed restoration activities are successfully implemented. With the implementation of these mitigation measures the proposed reduction in the SPA width would be **significant and mitigable (Class II) impact**

Goleta GP/CLUP Policy CE 2.2 requires a 100-foot buffer along both sides of El Encanto Creek and also allows the City to consider reducing the 100-foot SPA buffer to no less than 25

feet wide provided that (1) there is no feasible alternative siting for the development, and (2) the Project impacts on streamside vegetation or the biotic quality of the stream would not be significant. As indicated above, the potential impacts on streamside vegetation and the biotic quality of the creek that could result from the proposed reduction in SPA width can be reduced to a less than significant level with the implementation of proposed mitigation measures. The feasibility of alternative project siting (i.e., a revised project design that provides a 100-foot buffer on the entire project site) was evaluated in Section 7.0 (Alternatives) of this EIR. The evaluation of the Increased Streamside Protection Area Alternative determined that it would be the environmentally superior alternative that would at least partially implement most of the Project's objectives. If the City determines that it would be feasible to maintain a 100-foot SPA buffer on the project site, the proposed Project would result in a significant impact because it would conflict with a local policy protecting biological resources (Threshold "e"). If the City determines that alternative Project siting that would maintain a 100-foot SPA buffer is not feasible, the proposed Project would not result in a significant impact because it would not conflict with a local policy protecting biological resources.

Impacts to Nesting Birds. Initial construction and associated ground disturbance of the Project, if conducted during the breeding season for birds (February 1st to August 31st), could result in the destruction of active bird nests, and/or the loss of nesting fecundity. While not observed, the project site does provide suitable habitat for raptors and the loggerhead shrike, a State species of special concern. Destruction of active bird nests would be in violation of Fish and Game Code Sections 3503 and 3503.5 (raptors specifically) and would exceed an environmental threshold as it would "*limit reproductive capacity through losses of individuals or habitat.*" Therefore, the Project has the potential to result in a **significant and mitigable (Class II)** impact.

Impacts to Wetlands and ESHAs. The Project would place the non-jurisdictional roadside drainage ditch along Calle Real into an underground culvert to El Encanto Creek that would result in the removal of three small willow trees. The small patch of three willow trees are not in any way a functional independent wetland habitat, but are only a result of seed dispersal to mesic area. However, as specified by City Policy 3.1 (Definition of Wetlands) if it meets either one or more wetland criteria for soils, hydrology, and/or vegetation, it is considered a wetland. No other wetlands occur within the project site. The proposed SPA restoration plan includes willow plantings along the creek and the bio-retention basin that would quickly exceed the extent of the three willows that would be removed by the Project. Therefore, the loss of the small three willow "wetland" would be a **less than significant impact (Class III)**.

Impacts to Special-Status Species. Biological resources field surveys of the project site have not resulted in any observations of special-status plant or wildlife species. The project site does not support suitable habitat for any of the special-status plant species noted in Table 5.3-2 as there have been no observations of any perennial species and the onsite conditions lack the soils/moisture (wetland) requirements for the others.

The western pond turtle was the only special-status species observed in the deep pool habitat within El Encanto Creek outside of the project site and would not be affected by project-related direct (i.e., disturbance or removal) impacts. The western pond turtle is a highly aquatic species almost exclusively resigned to the aquatic habitat, but that will use upland areas for egg laying, typically in or near the creek banks. The proposed project habitat enhancement within the creek setback would enhance upland habitat opportunities for the western pond turtle.

Surveys of the project site indicate there is potential foraging habitat for bats but not roosting habitat onsite, and potential nesting and foraging for the white-tailed kite and Cooper's hawk. Again, none have been observed and there were no obvious stick nests remaining in any of the onsite trees during the SII field surveys. The El Encanto Creek riparian corridor provides the only suitable habitat for the riparian obligate birds and would not be directly impacted by the Project. Based on the lack of special-status species observations or suitable habitat within the project site, the observation of western pond turtle off-site in El Encanto Creek, and the proposed habitat enhancements along the El Encanto Creek SPA, impacts on special-status species would be **less than significant (Class III).**

Short-Term Impacts to Sensitive Resources. Project-related grading would result in approximately 41,000 cubic yards of cut and 50,000 cubic yards of fill. The proposed grading would remove vegetation and expose soil to erosion, which would have the potential to result in significant sedimentation impacts to downstream receiving waters, including the aquatic habitat of El Encanto Creek. The use of hazardous materials during grading and construction, such as fuel, paint and solvents, and the washout of construction equipment would also have the potential to result in significant impacts to the creek in the unlikely event of a major release.

Potential project-related short-term water quality impacts that have the potential to adversely affect aquatic resources would be minimized during all phases of construction by implementing best management practices identified in a SWMMP as required by the Construction General Permit (see EIR Section 5.7.2). The Construction General Permit requires the development and implementation of a SWPPP, which must include erosion and sediment control BMPs that meet or exceed measures required by the Construction General Permit. The SWPPP would also be required to comply with the City's grading regulations and to identify BMPs that reduce the potential for a release of construction-related pollutants from the project site. The implementation of approved BMPs for erosion, sediment and construction material control consistent with an approved SWPPP prepared in compliance with State law and City requirements would reduce the potential for short-term construction-related water quality impacts to a **less than significant (Class III)** level and no additional mitigation measures are required to minimize potential short-term water quality-related impacts to sensitive biological resources.

Construction of the proposed storm water bio-retention basin outlet structure that would discharge to El Encanto Creek and the associated erosion control rip rap would result in the removal and disturbance of a small area (less than approximately 1,000 square feet) of riparian vegetation in and along El Encanto Creek. This would be a short-term impact as the disturbed

area would be restored consistent with the proposed habitat restoration plan, and by implementing the requirements of the Streambed Alteration Agreement that must be issued for the Project prior to the start of construction activities by California Department of Fish and Wildlife.

The proposed habitat restoration plan describes actions to be implemented to establish enhanced habitat areas on the project site adjacent to El Encanto Creek, including measures related to: the general design of the restoration plan; planting methods (weed control, plant propagation, planting, and seeding); plant palette; maintenance; monitoring, and performance criteria. The restoration plan performance standards indicate that it is the objective of the plan to achieve a minimum 80 percent plant survival, by species, for the first year and 100 percent thereafter, and/or attain 75 percent cover after three (3) years and 90 percent cover after five (5) years for the life of the project. If the survival and cover requirements have not been met, the applicant will be responsible for replacing planting to achieve the specified requirements. Replacement plants will be monitored with the same survival and growth requirements for five (5) years after planting. Restoration areas that would be seeded must have 50 percent cover of native or naturalized species that will provide soil stability. The proposed habitat restoration areas on the project site are depicted on EIR Figure 3.5-7.

The proposed habitat restoration plan would restore riparian habitat areas disturbed by construction and would enhance and create riparian habitat in and along El Encanto Creek. Therefore, the successful implementation of the proposed habitat restoration plan would reduce temporary construction-related impacts of the project to a less than significant level. Proposed mitigation measures BIO-2a and 2b provide requirements that will ensure the successful implementation of the proposed restoration plan. With the implementation of the mitigation measures, the Project's temporary impacts to riparian habitat on the project site would be a **significant and mitigable (Class II)** impact.

Construction activities on upland portions of the project site, such as heavy equipment operation and material storage, would have the potential to result in incidental intrusions into the riparian habitat located on the western portion of the project site. This is a **potentially significant and mitigable impact (Class II)** that can be reduced to a less than significant level with the implementation of mitigation measures that require the installation of temporary fencing during the Project's construction period.

5.3.7 Cumulative Impacts

Cumulative projects in the Goleta area could result in the development of 2,268 additional residential units and more than 1.68 million square feet of non-residential uses. This mostly infill cumulative development would have the potential to result in the additional loss of habitat patches within the City limits.

The Project would remove approximately 10 acres of non-native annual grassland and non-native tree habitat providing habitat for locally common wildlife and potential raptor nesting

and foraging habitat. The site is a small, isolated remnant of habitat surrounded by development on all sides. Therefore, the loss of this habitat would not result in a considerable contribution to a significant cumulative impact, especially due to the vast expanses of suitable raptor foraging habitat that exists in the general vicinity of the study area to the north of Goleta. Therefore, cumulative impacts to biological resources are **less than significant (Class III).**

5.3.8 Mitigation Measures

Significant and Mitigable Impacts

Impact BIO-1 Construction of the project could result in the destruction of active bird nests and/or loss of breeding fecundity.

BIO-1a. Nesting Birds and Raptors. To avoid construction impacts to nesting birds and raptors, vegetation removal and initial ground disturbance should occur outside the bird and raptor breeding season, which is typically February 1 through August 31, but can vary based on location and annual climatic conditions. If construction must begin within this breeding season, then not more than 7 days before ground disturbance and/or vegetation removal commences, a bird and raptor pre-construction survey must be conducted by a City-approved biologist within the disturbance footprint plus a 300-foot buffer, as feasible. If no raptor or other bird nests are observed no further mitigation is required.

Pre-construction nesting bird and raptor surveys must be conducted during the time of day when bird species are active and be of sufficient duration to reliably conclude presence/absence of nesting birds and raptors within the 300 foot buffer. A report of the nesting bird and raptor survey results, if applicable, must be submitted to the Planning and Environmental Review Director, or designee, for review and approval before the City issues grading permits.

If active raptor or Migratory Bird Treaty Act protected bird nests are found within 300 feet of the project site, their locations must be flagged (if feasible) and then mapped onto an aerial photograph of the project site at a scale no less than 1"=200' and/or recorded with the use of a GPS unit. If active raptor nests are detected the map will include topographic lines, parcel boundaries, adjacent roads, known historical nests for protected nesting species, and known roosting or foraging areas, as required by Conservation Element Policy CE 8.3 of the Goleta Community Plan /Coastal Land Use Plan. If determined to be feasible by the Planning and Environmental Review Director, or designee, the buffer must be

300 feet in compliance with Conservation Element Policy CE 8.4 of the Goleta General Plan/Coastal Land Use Plan. If the 300-foot buffer is determined to be infeasible, the City approved biologist may reduce the buffer distance as appropriate, dependent upon the species and the proposed work activities. If any active non-raptor bird nests are found, a suitable buffer area (varying from 25-300 feet), depending on the particular species found, must be established by the City approved biologist. No ground disturbance can occur within the buffer until the City-approved biologist confirms that the breeding/nesting is completed and all the young have fledged. Alternately, a City approved biologist must monitor the active nest full-time during construction activities within the buffer to ensure project activities are not indirectly impacting protected nesting birds and raptors.

Plan Requirements and Timing: Before the City issues a grading or building permit(s), the Planning and Environmental Review Director, or designee, must verify that construction and grading is occurring outside the nesting season, or that nesting bird and raptor surveys have been conducted, and buffer requirements specified above are in place (if applicable). This measure, and any buffer requirements, must be incorporated into the grading plans for the Project.

Monitoring: The Planning and Environmental Review Director, or designee, must verify compliance before the City issues any grading or building permit(s) and conduct periodic site inspections to ensure compliance throughout the construction period.

Residual Impact. The implementation of nest season avoidance measure or pre-construction surveys and active nest impact avoidance measures would reduce potential nesting bird impacts resulting from short-term construction operations to a less than significant level.

Impact BIO-2 The successful implementation of the proposed habitat restoration plan is required to reduce potential impacts to the streamside vegetation and the biotic quality of El Encanto Creek that may result from the proposed reduction in the width of the on-site Streamside Protection Area. In addition, construction of the proposed storm water bio-retention basin's storm water discharge structure in El Encanto Creek, which would be located in proposed habitat restoration area, would result in short-term impacts to the creek bed and riparian vegetation located in and adjacent to El Encanto Creek.

BIO-2a. Final Landscape Plan. The Project's final landscape plan must include planting details for the proposed habitat restoration area and

areas disturbed by the installation of the proposed bio-retention basin structure in El Encanto Creek. At minimum, the final landscape plan must identify the following: (1) temporary and any permanent irrigation systems with installation and operation details; (2) plant type, size, quantities, and the source of the plant materials; (3) planting and staking details; (4) the location of all plantings; and (5) maintenance details. The plant palette must be adhered to throughout the life of the development.

Plan Requirements and Timing: The Planning and Environmental Review Director, or designee, must review and approve the final landscape plan before the City issues a grading permit. A City-approved biologist must review and approve the landscape plan and certify that the planting specifications are consistent with the requirements the proposed restoration plan; that the landscape plan will implement the objectives of the restoration plan to enhance the biologic function of the restoration area and to restore areas disturbed by project construction; and, that the landscape plan contains no invasive plant species.

Monitoring: Before final inspection, the Planning and Environmental Review Director or designee must inspect the Project site to ensure that landscaping has been installed consistent with the final approved landscape plan.

BIO-2b. Performance Security and Agreement for Restoration. The Permittee must provide performance securities and enter into agreements, in forms approved by the City Attorney, for installing and maintaining the proposed project site restoration plan. The maintenance period must be a minimum of five (5) years.

Plan Requirements and Timing: The performance securities must be provided and agreements signed before the City issues any grading permit for Project construction.

Monitoring: The Director of Planning and Environmental Review, or designee, must inspect the site to verify installation according to the approved landscape plan.

BIO-2c. Regulatory Compliance Permits/Authorizations. The applicant must obtain Clean Water Act (CWA) regulatory compliance in the form of a permit/authorization from the Army Corps of Engineers ("ACE") or written documentation from ACE that no permit would be required for the proposed stormwater basin outlet structure. Should a permit be required, the applicant must implement all the terms and conditions of the permit to the satisfaction of the ACE.

ACE permits and authorizations require applicants to demonstrate that the proposed project is designed and will be implemented in a manner that avoids and minimizes impacts on aquatic resources. Compliance with ACE permitting would also include obtaining and CWA 401 Water Quality Certification from the Regional Water Quality Control Board, Central Coast Region (RWQCB). In addition, the Corps and RWQCB must approve the proposed SPA restoration plan as compensatory mitigation for unavoidable temporary impacts on El Encanto Creek to achieve the goal of a no net loss of wetland values and functions.

The applicant must comply with Fish and Game Code § 1600 (Streambed Alteration Agreements) in the form of a completed Streambed Alteration Agreement or written documentation from the California Department of Fish and Wildlife ("CDFW") that no agreement would be required for the proposed stormwater basin outlet structure and El Encanto Creek SPA restoration plan. Should an agreement be required, the applicant must implement all the terms and conditions of the agreement to the satisfaction of the CDFW. The CDFW Streambed Alteration Agreement process encourages applicants to demonstrate that the proposed project has been designed and will be implemented in a manner that avoids and minimizes impacts in the stream zone. In addition, CDFW would need to approve the proposed SPA restoration plan as compensatory mitigation for unavoidable temporary impacts on El Encanto Creek.

Plan Requirements and Timing: Before the City issues a grading or building permit(s), the Planning and Environmental Review Director, or designee, must verify that regulatory compliance permits/authorizations have been obtained or written proof that no permits/authorizations are required.

Monitoring: The Planning and Environmental Review Director, or designee, must verify regulatory compliance before the City issues any grading or building permit(s) and conduct periodic site inspections to ensure permit/authorization compliance throughout the construction period.

Residual Impact. The successful implementation of the proposed habitat restoration plan, and implementing and regulatory permit/authorization compliance conditions would reduce potential short-term, construction-related impacts to El Encanto Creek streambed and riparian habitat resulting from the construction of the proposed storm water bio-retention basin discharge pipe to a less than significant level. The successful implementation of the proposed habitat restoration plan would also reduce potential environmental impacts to the biotic quality of El Encanto Creek and the habitat quality along the creek that could occur as a result of the

requested reduction of the required Streamside Protection Area. However, if the City determines that it would be feasible to maintain a 100-foot SPA buffer on the project site, the Project would result in a significant impact because it would conflict with a local policy protecting biological resources (Threshold "e").

Impact BIO-3 Construction activities on upland portions of the project site, such as heavy equipment operation and material storage, would have the potential to result in incidental intrusions into the riparian habitat located on the western portion of the project site.

BIO-3a. Temporary Construction Fencing. Temporary protective fencing must be installed along the perimeter of the El Encanto Creek riparian habitat zone before the start of ground disturbing activities, and be maintained in good condition throughout the duration of the construction project. The riparian habitat protection zone is defined as the edge of the canopy dripline or top of bank whichever is furthest from the creek. To the extent possible, construction activities, equipment, vehicles, and personnel must remain outside of the riparian habitat protection zone.

BIO-3b. Material Storage Requirements. Soil, construction materials, and equipment cannot be stored within or adjacent to the riparian habitat protection zone.

Plan Requirements and Timing: All protective construction fencing and material storage requirements must be noted on grading and building plans. Further, the appropriate placement and installation of the protective construction fencing must be verified by the Planning and Environmental Review Director, or designee, before the City issues the first grading permit. Requirements must be adhered to throughout all grading and construction periods.

Monitoring: The Planning and Environmental Review Director, or designee, must verify inclusion of these measures in the project's building and grading plans and must periodically site inspect to ensure compliance.

Residual Impact. The implementation of the habitat avoidance requirements would reduce potential short-term, construction-related inadvertent habitat removal/disturbance impacts to a less than significant level.