

4.2 BIOLOGICAL RESOURCES

This section describes the potential biological resources impacts that could result from construction and operation of the City Fire Station 10.

4.2.1 Existing Setting

Goleta General Plan/Local Coastal Land Use Plan

The City of Goleta General Plan/ Coastal Land Use Plan (2006) (GP/CLUP), as amended provides guidance for development projects, defines habitat types, including those habitats characterized as Environmentally Sensitive Habitat Areas (ESHA) and wetlands, and includes policies to protect and preserve biological resources within the plan area and the City. The GP/CLUP addresses listed and special-status species and protected resources present within the City and presents impact avoidance and mitigation standards related to these resources. Based on the mapping included in the GP/CLUP final Environmental Impact Report (FEIR), no sensitive habitat, including ESHA and wetlands, and no listed or special-status species are known from the Project site.

4.2.2 Regulatory Setting

The following is a brief summary of the regulatory context under which biological resources are managed at the federal, state, and local levels. A number of federal and state statutes provide a regulatory structure that guides the protection of biological resources.

Federal

Endangered Species Act of 1973. The Federal Endangered Species Act (ESA) and implementing regulations (Title 16 United States Code (U.S.C.) §§ 1531 et seq., Title 50 Code of Federal Regulations (C.F.R.) §§ 17.1 et seq.) include provisions for the protection and management of federally listed threatened or endangered plants and animals and their designated critical habitats. Section 7 of the ESA requires a permit to take threatened or endangered species during lawful project activities. The administering agency is the US Fish and Wildlife Service (USFWS) for terrestrial, avian, and most aquatic species.

Fish and Wildlife Coordination Act. Section 7 of Fish and Wildlife Coordination Act (16 U.S.C., § 742a, et seq., 16 U.S.C., § 1531, et seq., and 50 C.F.R. § 17.1 et seq.) These sections require consultation if any project facilities could jeopardize the continued existence of an endangered species. Applicability depends on federal jurisdiction over some aspect of the project (e.g., dredge or fill activities in “waters of the US”). The administering agency is typically the US Army Corps of Engineers (USACE) in coordination with the USFWS.

Migratory Bird Treaty Act of 1918. The Migratory Bird Treaty Act (16 U.S.C. §§ 703-711) includes provisions for protection of migratory birds, which prohibits the taking of migratory birds under the authority of the USFWS and California Department of Fish and Wildlife (CDFW).

Clean Water Act of 1977, Section 404. This section of the Clean Water Act (33 U.S.C. §§ 1251 et seq., 33 C.F.R. §§ 320 and 323) gives the USACE authority to regulate discharges of dredge or fill material into waters of the US, including wetlands.

State

California Endangered Species Act of 1984. The California Endangered Species Act and implementing regulations in the Fish and Game Code, Section 2050 through Section 2098, include provisions for the protection and management of plant and animal species listed as endangered or threatened, or designated as candidates for such listing. The Act includes a consultation requirement “to ensure that any action authorized by a State lead agency is not likely to jeopardize the continued existence of any endangered or threatened species...or result in the destruction or adverse modification of habitat essential to the continued existence of the species” (Fish and Game Code § 2090). Plants of California declared to be endangered, threatened, or rare are listed within the California Code of Regulations (C.C.R.) Title 14 Section 670.2. Animals of California declared to be endangered or threatened are listed at 14 C.C.R. Section 670.5. 14 C.C.R. §§ 15000 et seq. describes the types and extent of information required to evaluate the effects of a project on biological resources of a Project site.

California Species Preservation Act 1970: California Fish and Game Code §§ 900 –903. This law includes provisions for the protection and enhancement of the birds, mammals, fish, amphibians, and reptiles of California, and is administered by the CDFW. The Fish and Game Code provides specific protection and listing for several types of biological resources, including:

- Fully Protected Species
- Streams, rivers, sloughs, and channels
- Significant Natural Areas
- Designated Ecological Reserves

Fully Protected Species are listed in Section 3511 (fully protected birds), Section 4700 (fully protected mammals), Section 5050 (Fully Protected reptiles and amphibians), and Section 5515 of the Fish and Game Code. The Fish and Game Code of California prohibits the taking of species designated as Fully Protected.

Fish and Game Code Section 1600. The section requires a Streambed Alteration Agreement for any activity that may alter the bed and/or bank of a stream, river, or channel. Typical activities that require a Streambed Alteration Agreement include excavation or fill placed within a channel, vegetation clearing, structures for diversion of water, installation of culverts and bridge supports, cofferdams for construction dewatering, and bank reinforcement. The Fish and Game Code Section 1930 designates Significant Natural Areas. These areas include refuges, natural sloughs, riparian areas, and vernal pools and significant wildlife habitats. An inventory of Significant Natural Areas is maintained by the CDFW Natural Heritage Division and is part of the California Natural Diversity Database (CNDDB).

Fish and Game Code Section 1580. The code lists Designated Ecological Reserves. Designated Ecological Reserves are significant wildlife habitats to be preserved in natural condition for the general public to observe and study.

Fish and Game Code Sections 2081(b) and (c). These sections allow CDFW to issue an incidental take permit for a State listed threatened and endangered species only if specific criteria are met. These criteria can be found in Title 14 C.C.R., § 783.4(a) and (b). No Section 2081(b) permit may authorize the taking of “fully protected” species and “specified birds.” If a project is planned in an area where a fully protected species or specified bird occurs, an applicant must design the project to avoid all takings; the CDFW cannot authorize takings under these circumstances. Fish and Game Code Section 3503 specifies that it is unlawful to take, possess, or needlessly destroy the nest of any bird, except as otherwise provided by this code. Section 3503.5 specifies it is unlawful to take, possess, or destroy any birds in the orders Falconiformes or Strigiformes (birds of prey), to take, possess, or needlessly destroy the nest of any such bird, except as otherwise provided by this code.

CEQA, Public Resources Code Section 2100 et seq., and CEQA Guidelines, Title 14 California Code of Regulations Section 15000 et seq. The CEQA Guidelines provide a framework for the analysis of impacts to biological resources. The administering agency is the CEQA Lead Agency, which is in this case the City of Goleta.

Native Plant Protection Act of 1977. The Native Plant Protection Act of 1977 and implementing regulations in Section 1900 et seq. of the Fish and Game Code designates rare and endangered plants and provides specific protection measures for identified populations. It is administered by the CDFW.

Public Resources Code Sections 25500 & 25527. These code sections prohibit the siting of development in certain areas of critical concern for biological resources, such as ecological preserves, wildlife refuges, estuaries, and unique or irreplaceable wildlife habitats of scientific or educational value. If there is no alternative, strict criteria are applied under the authority of the CDFW.

Local

City of Goleta General Plan/Coastal Land Use Plan, 2006, as amended. The Goleta General Plan includes policies that protect and preserve biological resources within the City by designating specific resources and areas as protected, including Environmentally Sensitive Habitat Areas (ESHA), restricting activities and uses in protected areas, providing for the management of the resources on City lands, specifying impact avoidance and mitigation requirements for types of activities and by type of biological resource, and providing guidance for development and conservation decisions over the long-term. The policies anticipate the potential impacts to biological resources from the land uses and activities that would occur under the Goleta General Plan and serve to avoid, reduce, and/or mitigate those impacts. The following key policies regarding biological resources are in the Conservation Element (CE).

CE 3 Protection of Wetlands.

Objective: To preserve, protect, and enhance the functions and values of Goleta's wetlands.

CE 3.1 Definition of Wetlands. Wetlands are defined as any area that meets the definition of a wetland as defined by the California Coastal Commission, California Department of Fish and Game, and U.S. Fish and Wildlife Service. The most protective of definitions shall be applied and used to determine the boundary of a wetland. The City of Goleta uses the identification of a single indicator (soil, hydrology, or plants) to determine the boundary of a wetland.

CE 9 Protection of Native Woodlands.

Objective: To maintain and protect existing native trees and woodlands as a valuable resource needed to support wildlife and provide visual amenities.

CE 9.1 Definition of Protected Trees. New development shall be sited and designed to preserve the following species of native trees: oaks (*Quercus* spp.), walnut (*Juglans californica*), sycamore (*Platanus racemosa*), cottonwood (*Populus* spp.), willows (*Salix* spp.), or other native trees that are not otherwise protected in ESHAs, unless as otherwise allowed in CE 9.

Project Site Setting

The proposed Project has been analyzed in the past through an assessment of the Project site by the City in 2007 as well as by the City's consultant, Watershed Environmental, Inc. (WEI) in 2010. Based on the results of these assessments, a Mitigated Negative Declaration (MND) was completed by the City of Goleta in 2010 (City of Goleta 2010) that determined impacts to raptor nest sites and coastal sage scrub would be significant and required mitigation.

Updated biological surveys within the Project site were conducted by WEI on June 24, 2016 and the results of these surveys are included in the Biological Assessment for Goleta Fire Station No. 10 (WEI 2016; Appendix C). A tree inspection was also performed for the Project site, the results of which are included in the City of Goleta Tree Inspection Report that cited multiple dead and failing eucalyptus trees at that time (Robert Muraoka, City Arborist, 2016). An updated tree survey was conducted by WEI on February 9, 2017 (WEI 2017; Appendix C-1). Six (6) of the eucalyptus trees on-site were identified as dead at that time. Additionally, several other eucalyptus trees were identified as severely leaning and structurally compromised, which pose a threat to public safety because of ladder fuel fire hazard or potential to fall on passing vehicles (WEI 2017; Appendix C-1).

Methodology

Watershed Environmental, Inc. biologist Mark de la Garza and environmental analyst Melodee Hickman performed field surveys of the Project site on June 24, 2016 and on February 9, 2017. Surveys consisted of walking the 1.52-acre study area. Field notes were used to record direct observations of plant community/habitat types and botanical and wildlife resources. Botanical surveys were performed following the California Native Plant Society's recommended

survey guidelines (CNPS 2001), the U.S. Fish and Wildlife Service's Guidelines for Conducting and Reporting Botanical Inventories for Federally Listed, Proposed, and Candidate Plants (USFWS 2001), and the CDFG Protocols for Surveying and Evaluating Impacts to Special-Status Native Plant Populations and Natural Communities (CDFG 2009). Wildlife surveys followed standard professional practices and the City of Goleta Biological Survey Guidelines (SBCO 1995; contained in SBCO's Environmental Thresholds and Guidelines Manual, updated 2002).

Background biological information was obtained from the Special-Status Species and Environmentally Sensitive Habitat Map (City of Goleta 2008), the California Natural Diversity Data Base (CDFG 2016), the Haskell's Landing Project Addendum to 94-EIR-9 Goleta General Plan EIR (City of Goleta 2009), and the Hollister/Cathedral Oaks Overcrossing Replacement, Initial Study with Mitigated Negative Declaration (Caltrans 2006) (Appendix B).

The Project site was assessed for the presence of wetlands and waterways that would be jurisdictional to the U.S. Army Corps of Engineers (USACE) under the Clean Water Act (CWA), the Regional Water Quality Control Board (RWQCB) under the CWA and Porter-Cologne Act, the California Coastal Commission under the California Coastal Act (CCA) and CLUP, the California Department of Fish and Game under DFG Code, or by the City under the GP/CLUP.

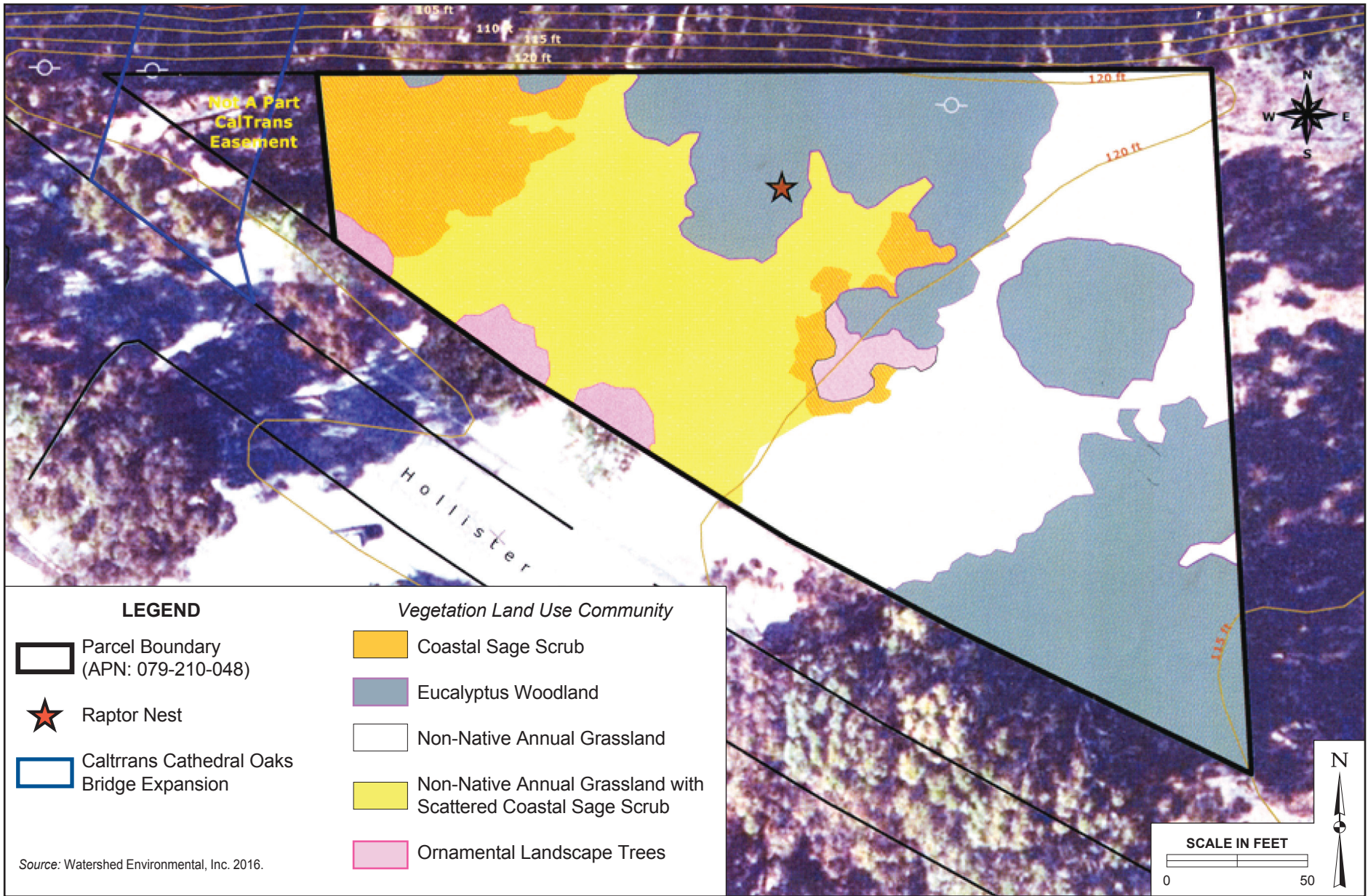
These methods are considered to be consistent with City of Goleta standards for undertaking such biological resource studies and are considered reliable.

Existing Habitat

There are no creeks or drainages on the 1.22-acre Project site, nor are there any drainage improvements such as man-made drainage ditches, drainage pipes, or culverts. The nearest creek/drainage is Devereaux Creek, which traverses in a north-south direction through the adjacent property to the east and is approximately 675 ft. from the Project site. The segment of Devereux Creek on the adjacent property to the east is mapped by the U.S. Geological Survey as a dashed blue line stream, indicating that it has intermittent ephemeral flow (USGS 1995).

Sensitive Habitat

The Project site does not contain any previously mapped or identified special-status species habitat or environmentally sensitive habitat (ESH) (City of Goleta 2006, County of Santa Barbara 2007, Caltrans 2006). The Project site supports a total of five habitat types, including two potentially sensitive habitat types, coastal sage scrub and woodlands suitable for raptor nesting and roosting (see Figure 4.2-1). A total of 0.12 acre of coastal sage scrub and 0.11 acre of coastal sage scrub/ ruderal habitat is present within the Project site and is comprised of native species including California sagebrush (*Artemisia californica*), California buckwheat (*Eriogonum fasciculatum* var. *fasciculatum*), and coyote brush (*Baccharis pilularis* var. *consanguinea*); as well as non-native species including black mustard (*Brassica nigra*) and star-thistle (*Centaurea melitensis*). Coastal



**Existing Community/Habitat Types
City of Goleta Fire Station 10**

**FIGURE
4.2-1**

sage scrub habitat is concentrated largely in the northwestern portion of the Project site with small patches in the central portion of the site. Coastal sage scrub/ ruderal habitat is located in the southwestern and northeastern portions of the Project site. Woodlands present within the Project site are largely comprised of spotted gum (*Eucalyptus maculata*) and blue gum (*Eucalyptus globulus*), though ornamental olive (*Olea europaea*), carrotwood (*Cupaniopsis anacardioides*), Monterey cypress (*Cupressus macrocarpa*), and western sycamore (*Platanus racemosa*) are also present in relatively small concentrations. Eucalyptus and ornamental woodland habitat is scattered throughout the Project site and provides suitable nesting and roosting habitat for raptors.

Within the Project site, the coastal sage scrub habitat consists of small patches of vegetation surrounded by non-native vegetation and urban land uses including the Union Pacific Railroad and US 101 to the north, residential development to the east, Hollister Road to the south, and Cathedral Oaks Road to the west. The coastal sage scrub habitat present within the Project site is not designated as ESHA in the GP/ CLUP (Figure 4.2-1); however, areas that are not designated by the City as ESHA are subject to the same protections, provided they meet the City's criteria to be classified as ESHA (WEI 2016).

ESHA, as defined in Conservation Element CE 1.1 shall include, but are not limited to, any areas that through professional biological evaluation are determined to meet the following criteria:

- a. *Any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and that could be easily disturbed or degraded by human activities and developments.*
- b. *Any area that includes habitat for species and plant communities recognized as threatened or endangered by the state or federal governments; plant communities recognized by the State of California (in the Terrestrial Natural Communities Inventory) as restricted in distribution and very threatened; and those habitat types of limited distribution recognized to be of particular habitat value, including wetlands, riparian vegetation, eucalyptus groves associated with monarch butterfly roosts, oak woodlands, and savannas.*
- c. *Any area that has been previously designated as an ESHA by the California Coastal Commission, the California Department of Fish and Game, City of Goleta, or other agency with jurisdiction over the designated area.*

The GP/CLUP Conservation Element CE 1.2 lists designated ESHAs in Goleta including, but not limited to, the following:

- a. *Creek and riparian areas.*
- b. *Wetlands, such as vernal pools.*
- c. *Coastal dunes, lagoons or estuaries, and coastal bluffs/coastal bluff scrub.*
- d. *Beach and shoreline habitats.*

- e. *Marine habitats.*
- f. *Coastal sage scrub and chaparral.*
- g. *Native woodlands and savannahs, including oak woodlands.*
- h. *Native grassland.*
- i. *Monarch butterfly aggregation sites, including autumnal and winter roost sites, and related habitat areas.*
- j. *Beach and dune areas that are nesting and foraging locations for the western snowy plover.*
- k. *Nesting and roosting sites and related habitat areas for various species of raptors.*
- l. *Other habitat areas for species of wildlife or plants designated as rare, threatened, or endangered under state or federal law.*
- m. *Any other habitat areas that are rare or especially valuable from a local, regional, or statewide perspective.*

GP/CLUP Conservation Element CE 1.3 requires a site specific biological study to determine if un-mapped ESHA occurs within a proposed Project site. Based on the list of designated ESHAs included in CE 1.2, the coastal sage scrub habitat within the Project site is potentially considered ESHA; however, this habitat is not designated as ESHA in the GP/ CLUP map (Figure 4.2-1). The coastal sage scrub present within the Project site is limited to small, isolated patches that are dominated by California sagebrush, coyote brush, and California buckwheat. The coastal sage scrub habitat present within the Project site is best characterized as *Artemisia californica* (California sagebrush scrub) alliance by the List of Vegetation Alliances and Associations (CDFG 2010), which replaced all other lists of terrestrial natural communities and vegetation types. This alliance is a State Rarity Rank S5 habitat type and is therefore not considered rare or a special community within the state. Due to the size and location of the coastal sage scrub habitat, it is not determined to be especially valuable and is not expected to provide habitat for state or federally listed plant or wildlife species. For the reasons described above, the coastal sage scrub habitat present within the Project site is determined to not meet the criteria for designation as ESHA.

Additionally, the GP/CLUP Conservation Element CE 5.3 provides the following protections for coastal sage scrub:

- a. *For purposes of this policy, coastal bluff scrub is defined as scrub habitat occurring on exposed coastal bluffs. Example species in bluff scrub habitat include Brewer's saltbush (*Atriplex lentiformis*), lemonade berry (*Rhus integrifolia*), seashore blight (*Suaeda californica*), seacliff buckwheat (*Eriogonum parvifolium*), California sagebrush, and coyote bush. Coastal sage scrub is defined as a drought-tolerant, Mediterranean habitat characterized by soft-leaved, shallow-rooted subshrubs such as California sagebrush, coyote bush, and California encelia (*Encelia californica*). It is found at lower elevations in both coastal and interior areas where moist*

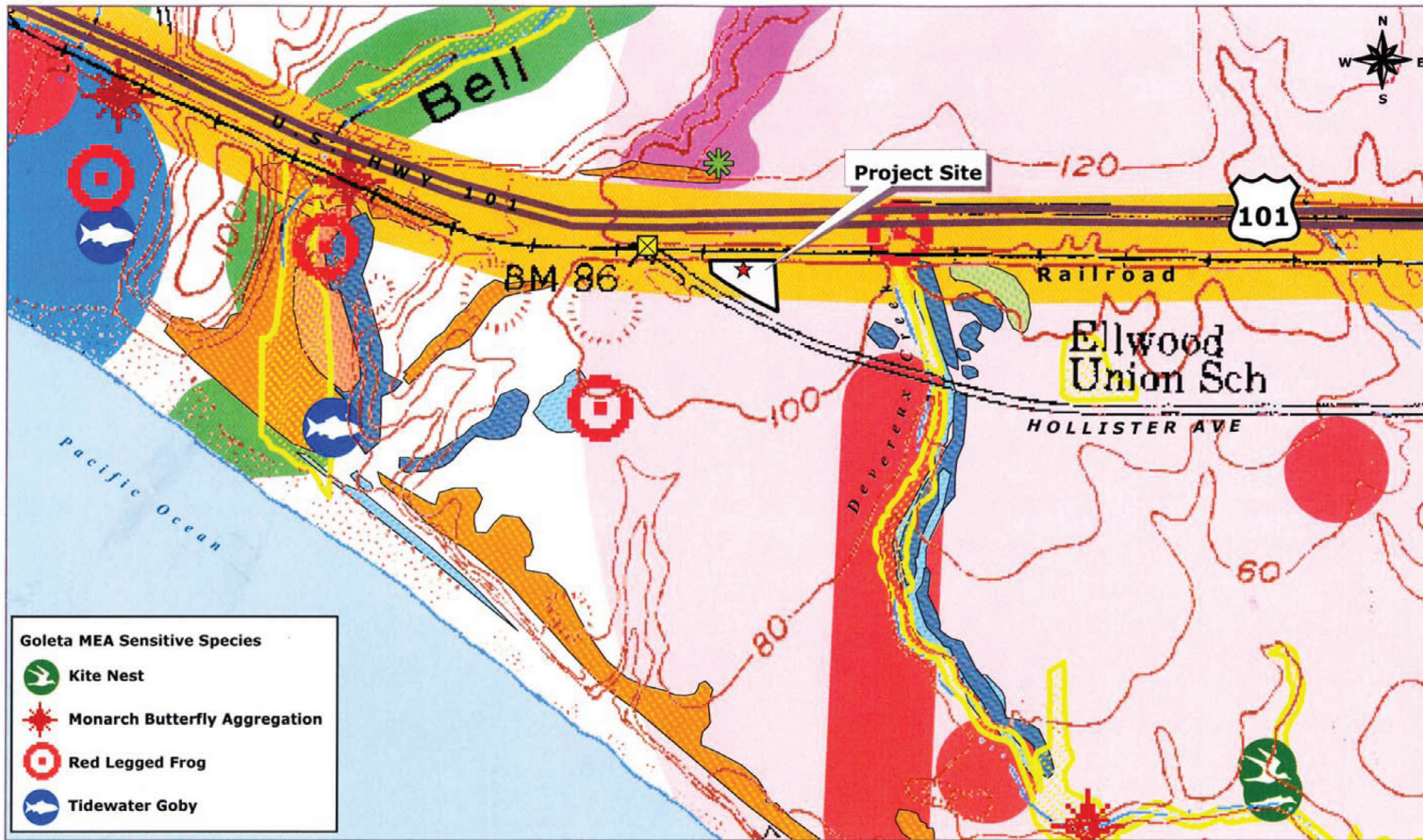
maritime air penetrates inland. Chaparral is defined as fire- and drought-adapted woody, evergreen shrubs generally occurring on hills and lower mountain slopes. The area must have both the compositional and structural characteristics of coastal bluff scrub, coastal sage scrub, or chaparral habitat as described in Preliminary Descriptions of Terrestrial Natural Communities of California (Holland 1986) or other classification system recognized by the California Department of Fish and Game.

- b. *To the maximum extent feasible, development shall avoid impacts to coastal bluff scrub, coastal sage scrub, or chaparral habitat that is part of a wildlife movement corridor and the impact would preclude animal movement or isolate ESHAs previously connected by the corridor such as (1) disrupting associated bird and animal movement patterns and seed dispersal, and/or (2) increasing erosion and sedimentation impacts to nearby creeks or drainages.*
- c. *Impacts to coastal bluff scrub, coastal sage scrub, and chaparral ESHAs shall be minimized by providing at least a 25-foot buffer restored with native species around the perimeter of the ESHA, unless the activity is allowed under other CE subpolicies and mitigation is applied per CE 1.7.*
- d. *Removal of nonnative and invasive exotic species shall be allowed; revegetation shall be with plants or seeds collected within the same watershed whenever feasible.*

While vegetation is present within the Project site that meets the definition of coastal sage scrub, these habitats do not meet the criteria for designation as ESHA, as indicated above. Therefore, these policies would not apply to the coastal sage scrub habitat present within the Project site.

The US Fish and Wildlife Service's online critical habitat mapper indicates that critical habitat exists for the following species within 5 miles of the Project site (see Figure 4.2-2): threatened western snowy plover (*Charadrius alexandrinus nivosus*) approximately 1.15 mi. southeast of the Project site; endangered tidewater goby (*Eucyclogobius newberryi*) approximately 0.5 mi. southwest of the Project site; and endangered Southern California steelhead DPS (*Oncorhynchus mykiss*) approximately 0.7 mi. west of the Project site. The site itself does not contain any federally designated critical habitat, nor does it have suitable beach-dune habitat for western snowy plover or aquatic habitat for tidewater goby or Southern California steelhead (WEI 2016).

The two closest locally designated areas of ESH are: 1) a eucalyptus tree grove used by monarch butterflies as a winter roost/aggregation site; and 2) a patch of riparian/marsh/vernal habitat. Both areas are located on the adjacent property to the east. The monarch butterfly roosting/aggregation site is located in a eucalyptus grove approximately 720 ft. east of the Project site and the riparian/marsh/vernal habitat is located approximately 675 ft. east of the Project site adjacent to Devereux Creek. Residential development exists between the Project site and both of these sites. Two other ESH areas in the Project vicinity were identified by

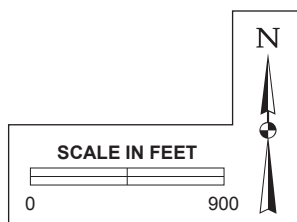


- Goleta MEA Sensitive Species**
- Kite Nest
 - Monarch Butterfly Aggregation
 - Red Legged Frog
 - Tidewater Goby

- Project Site
 - Existing Raptor Nest Site
 - Pallad Bat Roost (Caltrans)
 - S.B. Honeysuckle Habitat (Caltrans ESHA)
- Goleta Community Plan Special Status Habitat**
- Monarch Butterfly/Raptor Roosting Habitat
 - Native Grassland
 - Open Water
 - Riparian/Marsh/Vernal
 - Scrub

- SBCO Environmentally Sensitive Habitat (ESHA)**
- ESHA Reach
- Natural Diversity Database (March 2010)**
- Santa Barbara honeysuckle
 - Santa Barbara morning-glory
 - black-flowered figwort
 - globose dune beetle
 - monarch butterfly
 - tidewater goby

Source: Watershed Environmental, Inc. 2016.



**Sensitive Species and Environmentally Sensitive Habitat in Project Vicinity
City of Goleta Fire Station 10**

FIGURE 4.2-2

Caltrans in their environmental review of the Hollister/Cathedral Oaks Overcrossing Replacement (2006 Caltrans): 1) a plunge pool below the US 101 Devereux Creek culvert on the south side of the 101 Freeway, where an individual California red-legged frog was observed in 2001; and 2) a patch of coastal sage scrub vegetation containing approximately 25 Santa Barbara honeysuckle plants north of Calle Real and west of Cathedral Oaks Drive (WEI 2016).

The 2016 biological survey of the Project site identified six different vegetation types. Their extent is presented in Table 4.2-1 below.

Sensitive Plant Species

The Project site is located approximately 575 feet south of a known population of Santa Barbara honeysuckle (*Lonicera subspicata* var. *subspicata*), a California Rare Plant Rank (CRPR) 1B species (see Figure 4.2-2). However, based on the results of the 2016 biological assessment (WEI 2016), this species does not occur on site. No other special-status plant species are expected to occur on the Project site.

Table 4.2-1. Project Site Vegetation and Land Covers

Vegetation and Land Cover Type	Area (Sq. Ft.)	Area (Acres)
Coastal Sage Scrub	5,304	0.12
Coastal Sage Scrub/Ruderal	4,613	0.11
Eucalyptus Woodland	26,726	0.61
Non-Native Grassland	9,918	0.23
Non-Native Grassland/Ruderal	10,441	0.24
Ornamental Landscape Trees	4,160	0.10
Asphalt Roadway	99	0.00
Concrete Electrical Vault	99	0.00
Concrete Bridge Abutment	785	0.02
Disturbed/Bare Dirt	4,007	0.09
Total	66,152	1.52

Sensitive Wildlife Species

The site itself does not contain any federally designated critical habitat, nor does it have suitable beach-dune habitat for western snowy plover or aquatic habitat for tidewater goby or Southern California steelhead.

Pallid bat (*Antrozous pallidus*), a California Species of Special Concern (SSC) is not expected to occur within the Project site due to the lack of suitable roost or colony sites (WEI 2016). Monarch butterfly (*Danaus plexippus*), and CDFW vulnerable species and Goleta special resource, is known to over-winter in coastal Santa Barbara County. Nesting raptors which are protected by the Migratory Bird Treaty Act (MBTA), California Department of Fish and Game Code (DFG Code),

as well as the GP/CLUP. Though no nests were identified in the City of Goleta GP/CLUP EIR (City of Goleta 2006) and no raptor nests were identified within the Project site in 2016 (WEI 2016), red-tailed and red-shouldered hawks raptors are known to have historically constructed nests within the stands of eucalyptus trees on the Project site. A raptor nest has been observed onsite during the summer of 2018 (Bill Shelor 2018, Steve Jolley 2018; see Section 7.0, Comment F-3 and F-24). There is the potential to for future nesting in these trees, as well as ornamental trees located within the Project site, in the future.

Based on the list of designated ESHAs included in CE 1.2, the 0.61 acres of eucalyptus stands and ornamental vegetation within the Project site are potentially considered ESHA; however, these habitats are not designated as ESHA in the GP/CLUP map (Figure 4.2-1). GP/CLUP Conservation Element CE 1.3 requires a site specific biological study to determine if un-mapped ESHA occurs within a proposed Project site.

GP/CLUP Conservation Element CE 4.1 defines the habitat area for monarch butterfly, and Conservation Element CE-4.3 requires site-specific studies to determine if unmapped monarch ESHAs occur within a specific Project site. Based on the results of the 2016 biological assessment, the eucalyptus trees in the southeastern corner of the Project site are not considered suitable to be used by monarch butterflies as a winter aggregation site because the grove is not large or dense enough to provide the required wind shelter (WEI 2016).

As noted above, periodic raptor nesting has occurred within the 0.61-acre of eucalyptus woodland onsite. Though no nests were identified during the preparation of the City's GP/CLUP EIR (2006) and the on-site biological assessment in 2016, a raptor nest has been observed onsite during the summer of 2018 (Bill Shelor 2018, Steve Jolley 2018; see Section 7.0, Comment F-3 and F-24). This indicates that the 0.61 acres of eucalyptus woodland are periodically used by raptors that are considered California Species of Special Concern.

City of Goleta GP/CLUP Policy CE 1: Environmentally Sensitive Habitat Area Designations and Policy states:

CE 1.1 Definition of Environmentally Sensitive Habitat Areas. [GP/CP] ESHAs shall include, but are not limited to, any areas that through professional biological evaluation are determined to meet the following criteria:

- b. Any area that includes habitat for species and plant communities recognized as threatened or endangered by the state or federal governments; plant communities recognized by the State of California (in the Terrestrial Natural Communities Inventory) as restricted in distribution and very threatened; and those habitat types of limited distribution recognized to be of particular habitat value, including wetlands, riparian vegetation, eucalyptus groves associated with monarch butterfly roosts, oak woodlands, and savannas.**

The 0.61 acres of eucalyptus woodland onsite is not considered an ESH pursuant to the above criteria for the following reasons. It is not habitat for species or plant

communities recognized as threatened or endangered by the state or federal governments. Nor is it habitat for plant communities recognized by the State of California (in the Terrestrial Natural Communities Inventory) as restricted in distribution and very threatened. Nor is it a habitat type of limited distribution recognized to be of particular habitat value, because:

1. It has been substantially degraded and fragmented as a result of the prior gas station use and subsequent remediation activities.
2. Though it has periodically attracted individual raptor nesting, this activity has not consistently occurred throughout time, and the intensity of the nesting has been limited.
3. Eucalyptus woodland and raptor nesting habitat in the vicinity of the Project site is not restricted in its distribution. Substantial contiguous raptor nesting habitat exists within the Sandpiper Golf Course to the south, along the north side of Hollister Avenue and south of U.S. 101 adjacent to Haskells Beach Park and the Bacara Resort and Spa to the west, the Ellwood Mesa Preserve to the southeast, and between the Union Pacific Railroad tracks and US 101 extending to Ellwood School east of the Project site.

Jurisdictional Wetlands and Waters

Devereux Creek lies approximately 0.25 mile to the east of the Project site and Bell Canyon Creek lies approximately 0.44 mile to the west, though no connection to either of these waterways was identified during the biological assessments completed for the Project. The 2010 MND notes that a topographical depression exists in the southeastern corner of the Project site (City of Goleta 2010). However, the 2016 biological assessment (WEI 2016) did not identify any wetland or water resources regulated under the Clean Water Act (CWA), Porter-Cologne Act, California Coastal Act (CCA), DFG Code, or by the City within the Project site.

The coastal sage scrub on site is not considered “especially valuable” due to its small size, low diversity, and isolated location. Its removal is considered less than significant. Standard pre-construction surveys for nesting birds were identified to address potential impacts resulting from removal of nesting habitat.

4.2.3 Impact Analysis

Methodology and Significance Thresholds

The analyses in this portion of the EIR are based on the methodology described above under Section 4.2.1, Project Site Setting.

CEQA Guidelines Appendix G. In accordance with Appendix G of the CEQA Guidelines, the project would have a significant impact on biological resources if it would:

- 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 Wildlife or US 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 Wildlife 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; or
 - 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 of Goleta's Environmental Thresholds and Guidelines Manual defines the following thresholds of significance:

- Conflicts with adopted environmental plans and goals of the community where it is located;
- Substantially affects a rare or endangered species of animal, plant, or the habitat of the species;
- Interferes substantially with the movement of any resident or migratory fish or wildlife species; or
- Substantially diminishes habitat for fish, wildlife, or plants.

Types of Impacts to Biological Resources. Disturbances to habitats or species may be significant, based on substantial evidence in the record, 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 loss of individuals or habitat;
- Substantially fragment, eliminate, or otherwise disrupt foraging areas and/or access to food resources;

- Substantially limit or fragment range and movement (geographic distribution of animals and/or seed dispersal routes); or
- Substantially interfere with natural processes, such as fire or flooding, upon which the habitat depends.

Less Than Significant Impacts. The Environmental Thresholds and Guidelines Manual provides examples of areas in the City of Goleta where impacts to habitat are presumed to be less than significant, including:

- 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 disturbed or degraded; or
- Areas of primarily ruderal species resulting from pre-existing man-made disturbance.

The City's Environmental Thresholds Guidelines Manual refers to CEQA Guidelines Appendix G. Pursuant to the Appendix G, potentially significant impacts would occur if development of the Project site would:

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

Project Impacts and Mitigation Measures

Potential impacts on biological resources and associated mitigation measures are discussed below.

Impact BIO-1: The Project would result in habitat loss for wildlife resulting from the substantial removal of vegetation within the Project site.

A total of 0.12-acre of coastal sage scrub, 0.11-acre of coastal sage scrub/ruderal, 0.61-acre of eucalyptus woodland, 0.23-acre non-native grassland, 0.24-acre non-native grassland/ruderal, and 0.8-acre of ornamental landscape trees would be removed as a result of Project implementation. None of the vegetation is considered rare or a special community within the state, and does not meet the

City's criteria for designation as ESHA. Because the vegetation on site does not comprise a rare or special community and is not ESHA, its removal would result in an *adverse, but less than significant* (Class III) impact on biological resources.

Mitigation Measures and Residual Impacts

As impacts of vegetation removal onsite would be less than significant, no mitigation measures would be required. The residual impact on biological resources would be *adverse, but less than significant* (Class III).

Impact BIO-2: Proposed Project increases in noise and light potentially affecting wildlife in the Project vicinity would not be substantial when compared to existing surrounding urbanization uses.

Heavy equipment operation and construction noise would cause short-term impacts. Long-term impacts would occur with increased human use and additional night lighting. Proposed lighting fixtures would be screened to focus illumination downward that would reduce dispersal of lighting offsite. Given the Project site proximity to Hollister Avenue, U.S.101, the UPRR, and Hollister Avenue/Cathedral Oaks Road Overpass, the increased noise and night lighting due to the Project would be incrementally small. This Project's contribution to existing ambient noise and light would result in an *adverse, but less than significant* (Class III) impact on biological resources.

Mitigation Measures and Residual Impacts

As impacts of increased noise and light on surrounding wildlife would be less than significant, no mitigation measures would be required. The residual impact would be *adverse, but less than significant* (Class III).

Impact BIO-3: Potential active raptor nests and other bird nests that could be established in trees and shrubs within and adjacent to the Project site would be adversely impacted if construction were to occur during the bird breeding season (February 1- August 15).

Construction of the proposed Project would require the permanent removal of approximately 0.61 acre (56 specimens) of blue gum eucalyptus trees and 0.10 acre of ornamental landscape trees. Surveys were performed in 2016 (WEI, 2016) for active and inactive raptor nests within and adjacent to (within 500 ft. of) the Project site, and none were found. A raptor nest has, however, been recorded in 2010 (see Figure 4.2-1) and in 2018 (Bill Shelor 2018, Steve Jolley 2018; Section 7.0, Comment F-3 and F-24). Therefore, the potential exists for disturbance of active raptor nests and other bird nests in trees and shrubs within and adjacent to the Project site should construction occur during the bird breeding season (February 1- August 15). Active raptor nest sites are protected by the Federal Migratory Bird Treaty Act and by Sections 3503, 3503.5, and 3513 of the California Department of Fish and Wildlife Code. In addition, the GP/CLUP Conservation Element Policy 8.4 requires protection of active and historical raptor nest sites when feasible. In addition to the removal of eucalyptus and ornamental landscape trees, construction of the Project would require removal of all shrub and grassland vegetation onsite. Several different species of birds would potentially nest in the

vegetation onsite and adjacent to the Project site. If nests were to exist when construction were undertaken, this action would result in a short-term *potentially significant impact* (Class II) on biological resources.

Mitigation Measures and Residual Impacts

The following mitigation measure would be required to reduce the impact on nesting birds. It would also address Impact BIO-5:

BIO-3: Vegetation removal including clearing and grubbing and tree trimming shall avoid the bird nesting season (February 1st – August 31st) as feasible to ensure protection of breeding birds potentially on site and directly east and north of the Project site during the site preparation and construction. If avoidance of the bird nesting season is infeasible, pre-construction breeding bird surveys shall be performed by a qualified, City-approved biologist. Nesting bird pre-construction surveys shall occur within the area to be disturbed and extend outward 500 ft. or to the property boundary. If any occupied bird nests or cavity roosts are found, the biologist shall determine an appropriate buffer zone that considers the bird species, nest location, nest height, existing pre-construction level of disturbance in the vicinity of the nest, and proposed construction activities. A buffer ranging in size from 100 ft. for nesting passerine species to 500 ft. for nesting raptors shall be determined and demarcated by the biologist with bright-orange construction fencing, flagging, construction lathe, or other means to mark the boundary, unless a smaller buffer is considered adequate based on the factors listed above.

Plan Requirements and Timing: The applicant shall submit the name and qualifications of the biologist that will conduct such survey work to the City for staff review and approval. The results of the survey shall be submitted to the City for staff review and approval prior to the issuance of any grading or building permits.

Monitoring: City staff shall conduct periodic site inspections to verify compliance with any restrictions on construction activity posed by either this mitigation measure and/or the biological survey prepared prior to commencement of construction.

Implementation of Mitigation Measure BIO-3 would reduce the potential to disturb sensitive bird nesting during construction. The residual impact on biological resources would be *adverse, but feasibly mitigated to less than significant* (Class II). Future raptor nesting would feasibly continue within eucalyptus woodland and raptor nesting habitat in the vicinity of the Project site including the Sandpiper Golf Course to the south, along the north side of Hollister Avenue and south of U.S. 101 adjacent to Haskells Beach Park and the Bacara Resort and Spa to the west, the Ellwood Mesa Preserve to the southeast, and between the Union Pacific Railroad tracks and US 101 extending to Ellwood School east of the Project site.

Impact BIO-4: The proposed Project would have less than significant impacts to non-ESHA vegetation communities.

The Project would result in the removal of 0.12 acre of coastal sage scrub, 0.11 acre of coastal sage scrub/ruderal, 0.61 acre of eucalyptus woodland, and 0.10 acre of ornamental landscape trees as a result of Project implementation. As detailed above, these habitat types do not meet the criteria to be designated as ESHA based on the definitions included in the GP/CLUP.

These activities would result in an *adverse, but less than significant* (Class III) impact on biological resources.

Mitigation Measures and Residual Impacts

As impacts on biological resources would be less than significant, no mitigation is required. The residual impact on biological resources would be *adverse, but less than significant* (Class III).

Impact BIO-5: The proposed Project would have less than significant direct and indirect impacts to sensitive wildlife species.

Surveys for special status species were performed in 2016 (WEI 2016) within and adjacent to the Project area. No sensitive wildlife species, sensitive wildlife breeding habitat, or sensitive plants were found. However, there are a number of sensitive species observations in the Project vicinity including: California red-legged frog (*Rana aurora draytonii*), pallid bat, red-tailed hawk (*Buteo jamaicensis*), red shouldered hawk (*Buteo lineatus*), and monarch butterfly. The habitat present on the Project site is severely degraded from past land use and gas station remediation activities, and is isolated and fragmented from any natural terrestrial and aquatic habitat. No sensitive wildlife and plant species were found during field surveys and the majority of the sensitive species known to occur in the vicinity are not expected to occur on the Project site.

As no sensitive wildlife or breeding habitat would be impacted, construction would result in an *adverse, but less than significant* (Class III) impact on biological resources.

Mitigation Measures and Residual Impacts

As impacts on biological resources would be less than significant, no mitigation is required. The residual impact on biological resources would be *adverse, but less than significant* (Class III).

4.2.4 Cumulative Impacts

Region of Influence

The Region of Influence for evaluating cumulative impacts on biological resources includes those areas in which related past, present, and reasonably probable projects would have the potential to contribute to the degradation of biological resources. Related projects in the region include mainly residential, commercial, and industrial infill development on previously disturbed land, which generally lack significant natural habitat. In addition to related projects, the Region of Influence

would also include areas that do support natural habitats and/ or ESHA, including the nearby Ellwood Mesa, Devereux Creek/ Devereux Slough, and Bell Canyon Creek.

Within the region, development of infill projects on lands that are largely disturbed do not pose a significant cumulative impact to biological resources. The majority of these infill areas support habitat dominated by non-native species, are small and highly fragmented, and are subject to varying levels of on-going disturbance. As detailed above, the Project would result in the removal of a small amount of native habitat as well as stands of eucalyptus and ornamental trees, though no sensitive habitat or wildlife species exist. Through implementation of mitigation measure BIO-3, the Project would reduce these potential contributions to *less than cumulatively considerable* (Class II).

As previously noted, the eucalyptus stands within the Project site are relatively small and are not of sufficient density to provide the required wind protection for monarch aggregation. Therefore, the removal of eucalyptus trees on the Project site is not considered a cumulatively considerable contribution to cumulative impacts to monarch butterfly aggregation habitat. Biological surveys in 2016 (WEI 2016) did not identify any nesting raptors, though they were known to have nested on the Project site historically. Implementation of mitigation measure BIO-3 would reduce the Project's contribution to cumulative impacts on biological resources to *less than cumulatively considerable* (Class II).

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