Appendix B

Biological Resource Assessment

City of Goleta

Goleta Old Town Mixed Use Village Project

Biological Resource Assessment

April 2015

Biological Resource Assessment
Goleta Old Town Mixed Use Village Project
APN: 071-130-23
Goleta, Santa Barbara County, California

Prepared for:
City of Goleta
130 Cremona Drive, Suite B
Goleta, CA 93117

Prepared by:
Rincon Consultants, Inc.
180 North Ashwood Avenue
Ventura, CA 93003

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EXECUTIVE SUMMARY

This report documents the biological resources on the Goleta Old Town Mixed-Use Village Project site and evaluates potential impacts to sensitive resources based on current project plans. The proposed future land use of the site is a mixed use development within the City of Goleta. The site is currently in active cultivated agriculture, and is surrounded by residential and industrial land uses.

The remnant channel of San Jose Creek (Old San Jose Creek) is present along the western boundary of the project site, and the relocated, channelized alignment of San Jose Creek is present east of the project beyond S. Kellogg Avenue. The former San Jose Creek channel was deprived of flow when the concrete-lined channel was completed in 1963, which relocated San Jose Creek to become parallel to State Route 217. San Jose Creek, off-site across S. Kellogg Avenue to east, provides aquatic habitat and is designated critical habitat for the southern steelhead (*Oncorhynchus mykiss irideus* FE, SSC). A mapped Environmentally Sensitive Habitat Area is present on-site in association with Old San Jose Creek. The site has potential to support 13 special status animal species, and a monarch butterfly temporary roosting site (bivouac) may have been observed, and aggregations have not been confirmed on-site (Appendix F).

Construction and grading is proposed entirely within the existing agricultural areas, and would not require displacement of any native habitat. Consistent with the policy requirements of the City of Goleta General Plan and Coastal Land Use Plan Conservation element (updated 2009), buffers are recommended from a historic raptor nest, stream protection areas, and butterfly roosts and incorporated into the recommended mitigation measures herein.

No direct impacts to sensitive biological resources would result from construction of the proposed project, but construction could indirectly affect the sensitive biological resources in the Old San Jose Creek remnant riparian corridor and San Jose Creek aquatic habitat. Implementation of recommended avoidance and minimization measures will reduce all potential impacts to sensitive biological resources to less than significant levels, and ensure consistency with the City of Goleta General Plan and Coastal Land Use Plan.

1.0 INTRODUCTION

Rincon Consultants, Inc. has prepared this biological resources assessment to document the existing conditions and evaluate the potential for impacts to special status species during implementation of Old Town Goleta Mixed Use Village Project in the City of Goleta, Santa Barbara County, California.

1.1 PROJECT LOCATION

The proposed project is located south of Hollister Avenue on South Kellogg Avenue (APN 071-130-023) in the City of Goleta, Santa Barbara County, California (Figure 1). The project is located at latitude 34.436465 and longitude -119.819407 (NAD83), and is depicted on the Goleta, California, United States Geological Survey (USGS) 7.5-minute topographic quadrangle, within Township 4 North and Range 28 West.

The project site is located within an urban landscape used for agricultural crop production since 1928 (URS, 2014) (Figure 2). The site is relatively flat and has a general elevation of approximately 40 feet above mean sea level. It is bordered to the north by a storage yard and by the remnant channel of San Jose Creek (Old San Jose Creek), to the west by industrial and residential uses, to the south by a commercial property, and to the east by S. Kellogg Avenue, a channelized San Jose Creek, Highway 217, and residential beyond. An extension of Ekwill Street is permitted, but is not yet constructed directly north of the project site, separating the site from Old San Jose creek and associated vegetation.[1]

1.2 PROJECT DESCRIPTION

The project includes the following applications:

1. A General Plan Amendment (14-026-GPA) to change the General Plan and Land Use Element Figure 2-1, the Land Use Plan Map, from Visitor-Serving Commercial (C-V) to Old Town Commercial (C-OT).
2. A Rezone (14-026-RZ) from Resort/Visitor Servicing Commercial (C-V) to Old Town Residential/General Commercial, consistent with the proposed General Plan Amendment.
3. A Vesting Tentative Map (14-026-VTM) for the creation of condominiums.
4. A Development Plan (14-026-DP) approval for the construction of 113 residential townhomes, 28 mixed-use shopkeeper units, and 34 live-work townhomes.

Uses. Pursuant to Policy LU 3.4 in the City of Goleta General Plan/Coastal Land Use Plan, the proposed land use designation of Old Town Commercial would allow for a wide range of local- and community-serving retail and office uses, as well as residential uses in conjunction with an allowed nonresidential use. Consistent with the land use designation of Old Town Commercial, the proposed project would involve construction of a mixed-use

[1] The Ewkill Road extension was permitted by the City of Goleta, as evaluated in a 2011 Environmental Impact Report (SCH #2004061072) and is not evaluated under this BRA, except as appropriate under cumulative impacts pursuant to CEQA Guidelines Section 15130. The biological analysis was updated in 2014 (URS, 2014).

neighborhood with 175 townhomes, including shopkeeper units, flexible live-work units, and multi-family units.

Table 1. Proposed Uses

Use	Size	Units
Residential townhomes	207,912 sf	113
Live-work flex units	62,084 sf	34
Shop-keeper units	58,884 sf	28
Community center	1,644 sf	-
Total	*330,524 sf*	*175*

sf = square feet

The purely residential townhomes would consist of 90 four-bedroom units and 23 two-bedroom units. Each live-work flex unit would have 192 square feet of commercial office space, while each shop-keeper unit would have 275 square feet of commercial office space.

Site Plan. The proposed 175 townhomes, as shown in the site plan in Figure 3, would be distributed throughout the 9.84-acre portion of the project site to the south of the future extension of Ekwill Street. The shop-keeper units would front on Ekwill Street and S. Kellogg Avenue, for the sake of creating a pedestrian-friendly interface. Live-work units would be oriented along a central pedestrian mews or traditional walk-street and organized around a central open space at the main entrance to the site. Residential townhomes would line the western and southern property lines and would be spread through the interior of the site.

Two gated access points would provide entry to and exit from the project site. The main access point would be a gate from S. Kellogg Avenue at the southeastern corner of the site. A secondary access point would lead from a future Ekwill Street extension that would bisect the northern portion of the site on east-west axis. This roadway extension is not part of the proposed project. It is anticipated that the extension would be completed in the spring of 2016. Internal vehicular circulation would occur on a private looped road with a series of internal alleys. A network of interior pathways would provide pedestrian access on the project site.

The proposed buildings would have a contemporary architectural style. A range of 15 different building types is intended to create variety of massing and articulation. The buildings would have flat roofs and a variety of materials such as stucco, wood siding, and corrugated metal. The maximum height of townhomes would be 35 feet, although architectural projections that house stairs to the roof decks would rise to 40 feet. Units along the western and southern boundaries would be setback 10 feet from property lines. A solid six-foot wall and landscaping along western and southern property lines would buffer proposed residential uses from adjacent commercial uses. Rooftop photovoltaic (PV) panels would be installed to provide solar power.

The proposed site plan includes a total of 489 vehicular parking spaces and 56 bicycle parking spaces. Of the 461 on-site parking spaces, 350 would be covered and 111 uncovered. In addition, 28 parking spaces would be provided on the future extension of Ekwill Street. Four bicycle storage buildings, each housing up to 14 bikes, would be spread throughout the site and available for use by commercial tenants and residents.

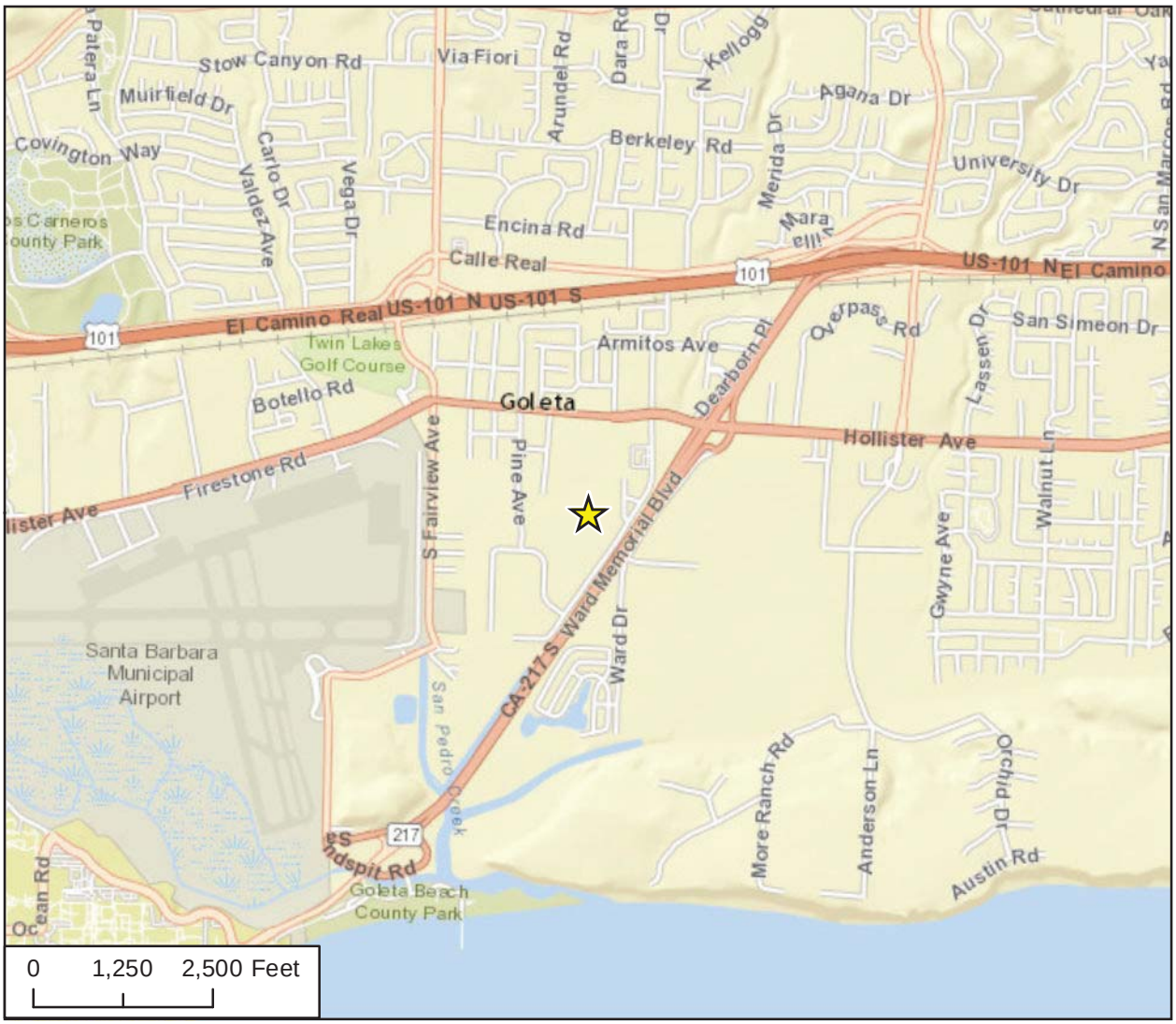
Several types of open space would be provided:

- The Village Green/Market – a passive pocket park at the main site entrance, with a gazebo and space for local markets and artisan events;
- The Village Gardens – a community garden for residents with raised planters in the eastern portion of the site;
- The Village Center – a central green space with an entertainment area, shade structure, and fountain for social gatherings and community events; and
- The Village Park – a pocket park with tot lot near the Ekwill Street entrance.

The conceptual landscape plan includes, but is not limited to, the following trees: California fan palms, date palms, magnolias, olives, sycamore, Japanese blueberry, peppermint, African sumac, Australian willow, and Brisbane box trees. Proposed shrubs and groundcover include kangaroo paw, agave, aloe, bougainvillea, dwarf bottle brush, rosemary, flax, bird of paradise, and deer grass.

Grading of the project site would generally involve excavation of the soil to a depth of seven to eight feet, as well as excavation to a depth of three to four feet under proposed streets. Cut and fill would total an estimated 110,000 cubic yards. All excavated soil would be recompacted on-site. The average slope after grading would be reduced from 1.94% to 1.28%.

The Goleta Water District and the Goleta Sanitary District would provide water and sanitary sewer service to the proposed project.



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Project Location

Regional Location

Figure 1

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Project Site Location

Figure 2

2.0 METHODOLOGY

2.1 REGULATORY OVERVIEW

Regulated or sensitive resources studied and analyzed herein include special status plant and wildlife species, nesting birds and raptors, sensitive plant communities, jurisdictional waters and wetlands, wildlife movement, and locally protected resources, such as protected trees.

2.1.1 Environmental Statutes

For the purpose of this report, potential impacts to biological resources were analyzed based on the following statutes:

- California Environmental Quality Act (CEQA)
- Federal Endangered Species Act (ESA)
- California Endangered Species Act (CESA)
- Federal Clean Water Act (CWA)
- California Fish and Game Code (CFGC)
- Migratory Bird Treaty Act (MBTA)
- The Bald and Golden Eagle Protection Act
- Porter-Cologne Water Quality Control Act
- City of Goleta General Plan/Coastal Land Use Plan (updated November, 2009) (GGP/CLUP)

2.1.2 Guidelines for Determining CEQA Significance

CEQA Checklist. The following threshold criteria, as defined by the CEQA Guidelines Appendix G Initial Study Checklist, were used to evaluate potential environmental effects. Based on these criteria, the proposed project would have a significant effect on biological resources if it would:

a) Have substantial adverse effects, 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 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, and regulations or by the California Department of Fish and Wildlife or US 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, but not limited to, marsh, vernal pool, coastal, etc…) 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 Manual. The City's adopted Environmental Thresholds and Guidelines Manual provides environmental thresholds specific to biological resources. This manual primarily uses Appendix G of the State CEQA Guidelines for its criteria.[2]

Determination of impacts is done on a project-by-project basis. Because of the complexity of biological resource issues, substantial variation can occur between projects. Impact assessment must account for both short-term and long-term impacts. Impacts are classified as significant or less than significant, depending on the size, type, and timing of the impact and the biological resources involved. Disturbance to habitats and/or species are considered significant if they substantially affect significant biological resources as follows:

a) substantially reduces or eliminates species diversity or abundance;
b) substantially reduces or eliminates quantity or quality of nesting areas;
c) substantially limits reproductive capacity through loss of individuals or habitat;
d) substantially fragments, eliminates, or otherwise disrupts foraging areas and/or access to food sources;
e) substantially limits or fragments the geographic range or dispersal routes of species; or
f) substantially interferes with natural processes, such as fire or flooding, upon which the habitat depends.

Impacts to biological resources may be considered less than significant where there is little or no importance to a given habitat and where disturbance would not create a significant impact. For example, disturbance to cultivated agricultural fields, or small acreages of nonnative, ruderal habitat, would be considered less than significant.

2.2 LITERATURE REVIEW

Rincon reviewed literature for baseline information on biological resources potentially occurring at the project site and in the surrounding area. The literature review included information available in peer reviewed journals, standard reference materials (e.g., Bowers et al. 2004; Burt and Grossenheider, 1980; Holland, 1986; Baldwin et al. 2012, Sawyer et al. 2009; Stebbins, 2003; Oberhauser, 2004; American Ornithologists Union, 2014; United States Army Corps of Engineers, 2008 and 2014). Rincon also conducted a review of relevant databases of sensitive resource occurrences from the California Department of Fish and Wildlife (CDFW)

[2] The City's CEQA thresholds reference the Appendix G thresholds published in 1992, when the City's Threshold were adopted. This BRA includes the Appendix G thresholds published in 2014.

California Natural Diversity Data Base (CNDDB) (CDFW, 2014) and Biogeographic Information and Observation System (CDFW, 2014a); the U.S. Fish and Wildlife Service (USFWS) Critical Habitat Portal (USFWS, 2014a), National Wetlands Inventory Wetlands Mapper (USFWS, 2014b), and Information, Planning and Conservation System (USFWS, 2014a); the United States Department of Agriculture, Natural Resource Conservation Service Web Soil Survey (United States Department of Agricultural, Natural Resources Conservation Service, 2014); and the California Native Plant Society (CNPS) Inventory of Rare and Endangered Plants of California (CNPS, 2014). Other sources of information about the site included aerial photographs, topographic maps, geologic maps, climatic data, and project plans. The Rare Plants of Santa Barbara County list was also reviewed (Central Coast Center for Plant Conservation, 2005). Previous biological studies for projects occurring in the region, including the *Hollister/Kellogg Park and the Armitos to Hollister Avenue Creek Path Biological Resource Assessment* (Rincon, 2013), *Cavaletto Tree Farm Housing Project Final Environmental Impact Report* (Rincon, 2011), and the *Biological Resources Report for the Ekwill Street and Fowler Road Extension Project* (URS, 2014), were reviewed for pertinent information of special status biological resources occurring in the region.

2.3 FIELD RECONNAISSANCE SURVEY

Rincon Biologists Holly Harris and Jennifer Alvarado conducted a reconnaissance site visit on December 17, 2014, between 1:00 p.m. and 3:00 p.m. to document the existing conditions of the site and assess the potential for the habitats on-site to support special status species. Weather conditions were mild and generally favorable for the detection of wildlife species typically active during the day. The cloud cover was 100% throughout the duration of the site visit. The temperature was approximately 60-65 degrees Fahrenheit and winds were light at 5-10 miles per hour. Meandering transects were walked in the riparian vegetation such that 100% visual inspection of the site was achieved. An inventory of native plant and animal species observed during the site visit was compiled, and an evaluation of potential jurisdictional features was performed. Native vegetation communities and non-native woodlands on-site were classified according to Sawyer et al. (2009) and cross-referenced with Holland (1986).

On January 17, 2015 Rincon Biologist Holly Harris visited the site at 2:30 p.m. and conducted a reconnaissance survey for monarch butterflies in the eucalyptus grove. The temperature was 66 degrees Fahrenheit, with light 5-10 mph winds, and 40% cloud cover.

On February 25, 2015, Rincon Biologist Holly Harris, City of Goleta Planner Mary Chang, and Althouse & Meade Biologist Dan Meade surveyed for monarch butterflies and assessed monarch butterfly habitat, from 10:30 a.m. to 12:00 p.m. The cloud cover was 0% and temperature was approximately 65 degrees Fahrenheit with no wind.

Previous biological surveys, including wildlife, raptor, vegetation mapping, wetland delineations, tree inventory, and least Bell's vireo protocol surveys were conducted in 2004, 2006, 2007, 2008, 2012, 2013, and 2014 as part of the Ekwill Fowler Road Extension (evaluated under CEQA separately, not part of this project) (City of Goleta, 2010; URS 2014).

2.4 JURISDICTIONAL WATERS AND WETLANDS

A formal jurisdictional delineation of waters and wetlands was not completed as part of the BRA; however, the extent and description of potentially jurisdictional features identified on-site were qualitatively evaluated. A Jurisdictional Delineation for Old San Jose Creek was completed in 2011 and 2014 (City of Goleta, 2011; URS, 2014). This delineation indicates that the proposed project is outside CDFW and USACE jurisdictional areas and would be separated from Old San Jose Creek by the permitted but not yet constructed Ekwill Street extension.

3.0 EXISTING CONDITIONS

This section provides a brief discussion of the existing conditions observed on-site. Site photographs are located in Appendix C and a compendium of and animal species and native plant observed is located in Appendix D.

3.1 PHYSICAL CHARACTERISTICS

Within Goleta, much of the coastal plain between the Santa Ynez Mountains and Pacific Ocean is developed or has been historically disturbed by agriculture or ranching uses. Native vegetation within Goleta is fragmented, but includes riparian and upland woodlands, coastal scrub, native and non-native grasslands, wetlands and vernal pools. Relatively undisturbed habitats are present along narrow riparian corridors, in scattered undeveloped lands of varying sizes, and in protected open space areas.

The site is within the Santa Ynez – Sulphur Mountains subsection of the Southern California Coast of the U.S. Department of Agriculture Forest Service ecoregion system (USDA Forest Service 2014). This ecological subunit extends from the Santa Ynez River mouth in northern Santa Barbara County, south and east into the Sulphur Mountains just west of the Venture River in northern Ventura County (USDA Forest Service 2014). This ecological unit is generally defined by its mountainous topography inland, with coastal plains at the immediate coast. Locally, the Santa Ynez Mountains to the north of the site form relatively steep hillsides vegetated by native chaparral and drained by incised streams along which grow bands of riparian shrubs and woodlands. The project site is located within the South Coast region of Santa Barbara County on a coastal plain, along the south edge of the western Transverse Range Mountains. The site is within the South Coast subregion of the Jepson ecoregion system, which extends from Point Conception to the west southward to Mexico, along the immediate coast in Santa Barbara County, but also extending inland to the San Gabriel and San Bernardino mountains farther east and south (Baldwin et al. 2012).

San Jose Creek is the local incised stream, and its watershed occupies approximately 9.5 square miles. Over time, this creek has eroded the local hillsides and created the alluvium terrace that comprises the site. The Pacific Ocean is approximately one mile to the south and the Santa Ynez Mountains begin approximately 1.5 miles to the north.

The ocean is directly adjacent to the Santa Ynez Mountains (with elevations surpassing 4,000 feet), which forces air masses upward. When moist air is pushed up by the mountains, the orographic effect causes increased precipitation along the South Coastal plain. Annual precipitation in Goleta is typically about 16.3 inches, with the majority of rainfall received between November and April in typical years (Western Region Climate Center 2014). Mean annual temperatures range from 48 to 69 degrees Fahrenheit (°F). Summer daytime temperatures are often modified by morning fog and sea breezes. The growing season lasts 340 to 360 days per year (USDA NRCS 2014).

The regional climate is Mediterranean, influenced by proximity to the ocean with hot, dry summers and mild winters. Precipitation occurs primarily as rain falling between November and April (mean annual average of approximately 16 inches per year), and as fog during the summer months (Western Regional Climate Center, 2012).

3.1.1 Watershed and Drainages

The remnant Old San Jose Creek is present along the western boundary of the project site, and a channelized San Jose Creek is present east of the project beyond S. Kellogg Avenue. The former San Jose Creek channel was deprived of flow when the concrete-lined channel was completed in 1963, which relocated San Jose Creek to become parallel to State Route 217. The former channel is about 3,000 feet long (including the north-south trending component), and mostly dominated by large black cottonwoods (*Populus trichocarpa*). Water was not observed flowing in Old San Jose Creek at the time of the December 2014 site visit, despite recent heavy rains.[3] The San Jose Creek watershed drains approximately 9.5 square miles mostly upstream of the project site, with the headwaters originating at an elevation of 2,760 feet on the coastal side of the Santa Ynez Mountains (Padre Associates, Inc., 2003). Water in San Jose Creek drains from north to south towards the Goleta Slough and eventually into the Pacific Ocean.

3.1.2 Soils

The project site is under agricultural cultivation for row crops including vegetables and herbs. The soils on-site are well-drained and classified as Elder Sandy Loam (0-2% slopes) (EaA) (Penfield & Smith, 2014; NRCS, 2014).

3.2 VEGETATION

Three vegetation communities are associated with the project site: active agriculture, eucalyptus woodland, and black cottonwood forest (Figure 3). A list of plant species observed on-site during field surveys conducted for this report can be found in Appendix C. Vegetation alliances follow the classification developed by Sawyer et. al. (2009), where applicable.

The following three vegetation communities occur on-site:

Active Agriculture. This community type is not naturally occurring, and therefore is not described in either the Holland (1986) or Sawyer et al. (2009) classification systems. The majority of the project site is existing active row crops totaling 11.3 acres (93%). Row crops are currently being cultivated on this land and native vegetation appears absent. The disturbed areas between row crops contain non-native plant species including (but not limited to): Mexican fan palm (*Washingtonia robusta*), cheeseweed mallow (*Malva parviflora*), sowthistle (*Sonchus sp.*), sweet fennel (*Foeniculum vulgare*), castor bean (*Ricinus communis)*, and Russian thistle *Salsola sp.*).

***Eucalyptus* (*globulus, camaldulensis*) Semi-Natural Woodland Stands.** Eucalyptus groves form dense canopies on 0.67 acre (5.4%) of the northwestern portion of the project site

[3] The total precipitation from December 1 to December 17, 2014 was 4.80 inches at the Santa Barbara Airport (NOAA, 2014).

along Old San Jose Creek. The woodland is dominated by specimen blue gum (*Eucalyptus globulus*) eucalyptus trees up to approximately 130 feet tall, with occasional semi-mature coast live oak trees (*Quercus agrifolia*). The tree canopy is dense and generally continuous and dense over most of the remnant creek bed. Eucalyptus groves are found planted as trees, groves, and windbreaks and have become naturalized on uplands and stream courses. The allelopathic qualities of fallen gum leaves cause the understory to be depauperate. Sparse native species present include coast live oak arroyo willow (*Salix lasiolepis*), and wild cucumber (*Marah macrocarpa*), generally present in the ecotonal transition to the *Populus trichocarpa* Forest Alliance (described below). As noted below, this area could potentially provide habitat for monarch butterflies (*Danaus plexippus*), and contains a historic raptor nest (Figure 4). The south edge of the eucalyptus grove would be removed to as part of the construction for the permitted, but not yet constructed, Ekwill Road Extension (City of Goleta, 2011).

***Populus trichocarpa* (Black cottonwood) Forest Alliance (G5 S3).** Black Cottonwood Forest, dominated by black cottonwood trees with scattered coast live oak forms dense canopy on 0.15 acre (1%) of the project site along Old San Jose Creek. Black cottonwood forests are found along seasonally flooded and permanently saturated soils on stream banks and alluvial terraces (Sawyer *et al.* 2009). No native shrub layer or understory was observed with the stands of this community on-site. Invasive annual species present include cheeseweed mallow, mustard (*Brassica* sp.), and non-native annual grasses.

3.3 GENERAL WILDLIFE

No evidence of wildlife activity in was observed in the actively cultivated agricultural field. In contrast, wildlife use of the Old San Jose Creek riparian corridor included a possible monarch butterfly bivouac roost, and bird species such as red-tailed hawk (*Buteo jamaicensis)*, acorn woodpeckers (*Melanerpes formicivorus*), yellow-rumped warbler (*Setophaga coronata*), and turkey vulture (*Cathartes aura*). A vacated raptor nest was observed in a eucalyptus tree during the December 17, 2014, site survey, as shown in Figure 3. Refer to Appendix B, *Floral and Faunal Compendium,* for a full list of species observed.

Imagery provided by Google and its licensors © 2014.

Vegetation and Habitat

Figure 3

4.0 SENSITIVE BIOLOGICAL RESOURCES

Local, state, and federal agencies regulate special status species and require an assessment of their presence or potential presence to be conducted on-site prior to the approval of any proposed development on a property. This section discusses sensitive biological resources observed on the project site, and evaluates the potential for the project site to support other sensitive biological resources. Assessments for the potential occurrence of special status species are based upon known ranges, habitat preferences for the species, species occurrence records from the CNDDB, species occurrence records from other sites in the vicinity of the survey area, and previous reports for the project site. The potential for each special status species to occur in the survey area was evaluated according to the following criteria:

- **No Potential.** Habitat on and adjacent to the site is clearly unsuitable for the species requirements (foraging, breeding, cover, substrate, elevation, hydrology, plant community, site history, disturbance regime).
- **Low.** Suitable or marginal habitat may occur in the Project Area, but: no CNDDB records of the species have been recorded within twenty-five years; records of the species within 5 miles of the Project are suspected to be now extirpated or potentially misidentified with other species; or individuals were not observed during field surveys and are not anticipated to be present. For bird and bat species, this category may be used for species that are documented, but likely to be only transient through the area during foraging or migratory movements, no suitable nesting or roosting habitat is present.
- **Moderate.** CNDDB or other documented occurrences have been recorded within 5 miles of the Project Area (Project Vicinity) and suitable habitat is present (suitable nesting or roosting habitat or high quality foraging areas for bird and bat species). Individuals were not observed during field surveys; however, the species could be present or otherwise impacted by the Project.
- **High.** CNDDB or other documented occurrences have been recorded within 1 mile of the Project and suitable habitat is present (suitable nesting or roosting habitat for bird and bat species). Individuals were not observed during field surveys; however, the species could be present or otherwise impacted by the Project.
- **Present**. The species was observed in the Project Area during field surveys, or documented from the site during recent previous surveys.

4.1 SPECIAL STATUS SPECIES

4.1.1 Special Status Plant Species

Based on the database and literature review, 15 special status plant species are known to or have the potential to occur within the vicinity of the project site (Appendix D). Of these, five special status plant species have potential to occur near the site based on the potential presence of suitable habitat and recorded occurrences:

- Douglas' fiddleneck (*Amsinckia douglasiana*) – California Rare Plant Rank (CRPR) 4.2[4]

[4] See Appendix E for California Rare Plant Rank (RPR) code definitions.

- Southern tarplant (*Centromadia parryi* ssp. *australis*) – CRPR 1B.1
- Contra Costa goldfields (*Lasthenia conjugens*) – federally Endangered and CRPR 1B.1
- Santa Barbara honeysuckle (*Lonicera subspicata* var. *subspicata*) – CRPR 1B.2
- Sonoran maiden fern (*Theylypteris puberula* var. *sonorensis*) – CRPR 2.2

These plant species have a low potential occur in the adjacent remnant Old San Jose Creek riparian corridor. The closest tracked occurrence is of southern tarplant, which was observed in 1960 in San Jose Creek riparian habitat at Hollister Avenue, approximately 1300 feet north of the project site (CNDDB 2014, GGP 2006). No special status plant species were observed during the initial reconnaissance site visit, or previous 2012 and early 2014 Old San Jose Creek surveys associated with the Ekwill Street Extension Project (URS, 2014). Old San Jose Creek would not be directly impacted by the project, and the agricultural fields within the site do not provide suitable habitat for special-status plant species. Therefore, no special status plant species are expected to be impacted by the project and no further analysis of special status plants is included within this report.

4.1.2 Special Status Wildlife Species

Based on the database and literature review, 33 special status wildlife species are known or have the potential to occur within the vicinity (5 miles) of the project site (Appendix D). Of these, 13 species are present, or have a moderate to low potential to occur on-site in the Old San Jose Creek remnant riparian corridor and woodland. Species present or with a moderate potential to occur within or adjacent to the project site are evaluated under Section 5.1.

Present:

- Monarch butterfly (*Danaus plexippus*) – state Special Animal

Moderate:

- Nuttall's woodpecker (*Picoides nuttallii*) – state Special Animal
- Oak titmouse (*Baeolophus inornatus*) – state Special Animal

Low:

- Silvery legless lizard (*Anniella pulchra pulchra*) – state Species of Special Concern
- White-tailed kite (*Elanus leucurus*) – state Fully Protected
- Least Bell's vireo (*Vireo bellii pusillus*) – federally and state Endangered
- Yellow warbler (*Dendroica petechia brewsteri*) – state Species of Special Concern
- Southwestern willow flycatcher (*Empidonax traillii extimus*) – federally and state Endangered
- Hoary bat (*Lasiurus cinereus*) – state Special Animal
- Pallid bat (*Antrozous pallidus*) – state Species of Special Concern
- Silver-haired bat (*Lasionycteris noctivagans*) – state Special Animal
- Western mastiff bat (*Eumops perotis californicus*) – state Species of Special Concern
- Western red bat (*Lasiurus blossevillii*) – state Species of Special Concern

San Jose Creek, off-site across S. Kellogg Avenue to the east, provides aquatic habitat and is designated critical habitat for the southern steelhead (*Oncorhynchus mykiss irideus* FE, SSC) and

may contain the unarmored threespine stickleback (*Gasterosteus aculeatus williamsoni,* FE/SE). Refer to Figure D.1 in Appendix D for map of designated critical habitat in the project vicinity.

Eleven species have a low potential to occur, and are discussed in the section below. Given the amount of allopathic litter in the eucalyptus woodland, species diversity in the area is likely low. Therefore, ground dwelling special status species such as the silvery legless lizard are unlikely to occur in the Old San Jose Creek woodlands.

Least Bell's vireo and southwestern willow flycatcher and are determined to have a low potential to occur, and were not observed during protocol surveys (URS, 2012). Willows in Old San Jose Creek are sparse and do not form the dense willow thickets habitat preferred by the least Bell's Vireo. Similarly, the southwestern willow flycatcher prefers dense riparian vegetation along expansive creek and river systems with structural complexity, elements that are not present along Old San Jose Creek. Additionally, no habitat is proposed for removal.

4.2 SENSITIVE PLANT COMMUNITIES

One sensitive plant community is tracked by the CNDDB within the *Goleta, California*, USGS quadrangle: Southern Coastal Salt Marsh. This habitat is not present on-site. The sensitive *Populus trichocarpa* (Black Cottonwood) Forest Alliance was observed in 0.15 acre on the property along Old San Jose Creek, beginning approximately 120 feet north of the development footprint. This habitat is state and globally ranked as vulnerable (CDFW, 2010). As discussed above, this community is associated with the remnant creek, contains a low species diversity, and generally lacks an understory.

4.3 JURISDICTIONAL WATERS AND WETLANDS

Two probable jurisdictional features exist within and adjacent to project: 1) the off-site channelized San Jose Creek, and 2) the on-site the remnant natural channel of San Jose Creek (prior to channelization in 1963) along the northwestern property line.

San Jose Creek is channelized approximately 100 feet to the east of the project site, separated by S. Kellogg Avenue. Water in San Jose Creek flows approximately 0.9 river miles south to its confluence with Atascadero Creek, then approximately 0.25 miles to the Pacific Ocean. San Jose Creek carries flows intermittently, and water was present during the reconnaissance site visit.

Old San Jose Creek along the northeastern part of the site flows to it confluence with San Jose Creek, located approximately 0.5 mile southwest of the project site. Where Old San Jose Creek historically flowed adjacent to the project site, and the distance between the top of each bank ranges from 10-15 feet wide. Riparian habitat, including remnant native and non-native riparian woodlands/forests described above, extends beyond the limits of the banks. At the time of the reconnaissance visit, conducted after unusually heavy rainfall, no evidence of recent flows was present in Old San Jose Creek. The ordinary high water mark (OHWM) was not apparent, as the remnant drainage does not regularly contain flowing water. The Corps of Engineers has plans to construct a pedestrian trail, enhance the quality of the riparian corridor, remove exotic species and minimize future degradation (Padre Associates, Inc., 2003), and trail improvements

have been made upstream. The City approved trail improvements adjacent to Old San Jose Creek on-site as part of the Ekwill Street Extension Project (City of Goleta, 2011).

4.4 WILDLIFE MOVEMENT

The project site is in a highly urbanized area. At the regional scale the city of Goleta is not in an identified Essential Connectivity Area or Natural Landscape block in the *California Essential Habitat Connectivity Project: A Strategy for Conserving a Connected California* (Spencer, et al. 2010).

"Wildlife corridor" is a term commonly used to describe linkages between discrete areas of natural habitat that allow movement of wildlife for foraging, dispersal, and seasonal migration. The trees along Old San Jose Creek provide a local wildlife corridor (slightly less than one mile long) for large and small birds, as the birds are able to move from one group of trees to another. In addition, small animals that are adapted to the urban environment, such as western fence lizard, raccoon, opossum, and others, may use the creek as a wildlife corridor. Since San Jose Creek was rerouted in 1963, Old San Jose Creek has been an extremely limited wildlife corridor because connections were severed to the Goleta Slough and to the upper watershed.

The project is not located within any known regional wildlife movement corridors. Given the surrounding developed land uses, wildlife movement through the site would be restricted to small mammals, reptiles, and birds within and along Old San Jose Creek to the northwest. Any wildlife movement along this corridor would likely terminate north of the project site along the Hollister Avenue urban barrier. The project is disconnected from the local San Jose Creek wildlife movement corridor that begins approximately 1500 feet to the north, past Hollister Avenue, before the creek is channelized. Directly to the east of the project site San Jose Creek is concrete-lined channel with no associated riparian habitat, but provides suitable habitat for fish species in the aquatic portions of the channel.

4.5 RESOURCES PROTECTED BY LOCAL POLICIES AND ORDINANCES

Special status resources are protected through the Conservation Element (CE) of the GGP/CLUP. Pursuant to Figure 4.1 of the GGP/CLUP (Figure 4), the riparian habitat associated with the Old San Jose Creek adjacent the northwest property line is mapped as an Environmental Sensitive Habitat Area (ESHA) and is identified as raptor nesting habitat. The General Plan provisions are also included in the City's Zoning Ordinance through the ESHA Goleta Overlay (Section 35-250B).[5]

Natural resources within the Goleta city limits are regulated according to the GGP/CLUP. The Conservation Element contains policies aimed at protecting Environmental Sensitive Habitat Areas (ESHAs), creeks and riparian Stream Protection Areas, wetlands, monarch butterfly aggregation habitat, certain terrestrial habitat areas, marine habitat areas, beach and shoreline habitats, special state species, native woodlands, watershed management and water quality,

[5] The City's Zoning Ordinance also includes a Riparian Corridor Goleta overlay (Section 35-250C), but it only applies to rural agriculturally designated parcels the existing and proposed project site land use designation is urban.

agricultural lands, air quality, energy conservation, preservation and enhancement of urban forest, and water conservation and materials recycling.

The following ESHA is mapped on-site, or adjacent to the project site:

- **Old San Jose Creek ESHA and SPA**. Mapped as ESHA and a Stream Protection Area (SPA) in the GGP/CLUP, Figure 4.1. Identified as a "creek" in Figure 4.1, thereby warranting a 100-buffer under Policy CE 2.2.
- **San Jose Creek SPA.** Identified as a "creek" in Figure 4.1, thereby warranting a 100-foot buffer under Policy CE 2.2, which extends across S. Kellogg Avenue approximately 20 feet onto the project site.

Policies in the Conservation Element reinforce State and Federal regulations that protect special-status habitats and species and apply additional local restrictions to identify, preserve, and protect the City's biological resources. Below is a summary of the biological resource policies in Conservation Element that apply to the proposed project; full text of the applicable policies are included in Appendix A, *Regulatory Guidance.*

Policy CE 1: Environmental Sensitive Habitats Area Designation and Policy. The key protections and guidelines are stated in Policies CE 1, which include the following provisions applicable to on-site ESHA:

- No development, except as otherwise allowed by Policy CE 1 is allowed within ESHAs.
- A setback or buffer separating all permitted development from an adjacent ESHA is required and must meet the minimum width requirements identified in the Conservation Element.
- Where there are no feasible, less environmentally damaging alternatives, the following uses may be located in ESHAs and ESHA buffers provided that measures are implemented to avoid or lessen impacts to the maximum extent feasible: public road crossings, utility lines, resource restoration and enhancement, nature education, and biological research.
- Any land use, construction, grading, or removal of vegetation that is not specified in Policy CE 1 is prohibited.
- New development must be sited and designed to avoid impacts to ESHAs. If there are no feasible alternatives that can eliminate all impacts, the alternative with the fewest or least significant impacts will be selected. Any impacts that cannot be avoided must be fully mitigated. Onsite mitigation will be given priority; offsite mitigation will be approved only when is it not feasible to mitigate fully onsite.
- Development adjacent to an ESHA must minimize impacts to habitat values or sensitive species in the ESHA area to the maximum extent feasible.
- ESHA buffers shall have native habitat to serve as transitional habitat and must be of sufficient size to ensure the biological integrity and preservation of the ESHA they are intended to protect.
- Development in or adjacent to ESHA is subject to the following standards:
  - Site designs shall preserve wildlife corridors or habitat networks.
  - Land divisions for parcels (except for open space lots) shall be allowed only if the new lot(s) can be developed without building in an ESHA or ESHA buffer and without impacts to ESHAs related to fuel modification for fire safety purposes.

- Site plans and landscaping shall be designed to protect ESHAs, with priority given to protecting, supporting, and enhancing wildlife habitat values. Planting of nonnative invasive species is prohibited in ESHAs and ESHA buffers.
- All new development shall be sited and designed to minimize grading, alteration of natural landforms and physical features, and vegetation clearance in order to reduce or avoid soil erosion, creek siltation, increased runoff, and reduced infiltration of stormwater and to prevent net increases in baseline follows for any receiving water body.
- Light and glare will be controlled and directed away from wildlife habitat. Exterior night lighting shall be minimized, restricted to low intensity fixtures, shielded, and directed away from ESHAs.
- Noise levels from new development should not exceed an exterior noise level of 60 Ldn at the habitat site. During construction, this level may be exceeded if it can be demonstrated that significant adverse impacts on wildlife will be avoided or will be temporary.
- All new development shall be sited and designed to minimize the need for fuel modification or weed abatement for fire safety in order to preserve natural vegetation in and adjacent to ESHAs.
- The timing of grading and construction activities shall be controlled to minimize potential disruption of wildlife during critical time periods such as nesting or breeding seasons.
- Grading, earthmoving, and vegetation clearance adjacent to an ESHA shall be prohibited during the rainy season, generally from November 1 to March 31, except where necessary to protect or enhance the ESHA or to remediate hazardous flooding hazardous geologic conditions.
- In areas not adjacent to ESHAs where grading may be allowed, erosion control measures shall be implemented prior to and concurrent with all grading operations.

Additionally, the ESHA Goleta Overlay (Inland Zoning Ordinance Section 35-250.B) and General Plan Policy 8.3 requires a biological report for applications application with ESHA on-site, and includes specific conditions that may be placed on a project (e.g., deed restrictions, vegetation replacement).

Policy CE 2: Protection of Creek and Riparian Areas. Policy CE 2.2, designated Streamside Protection Areas (SPA), requires a 100-foot buffer from Old San Jose Creek and San Jose Creek, identified as creeks as shown in Figure 4.1 (Figure 4). SPA buffers may be adjusted based on a site specific recommendation to the City. Section 5.5 (below) includes a buffer recommendation from Old San Jose Creek and off-site channelized San Jose Creek.

Policy CE 3: Protection of Wetland. The two riparian areas which exhibit California Coastal Commission or CDFW wetland criteria are protected under Policy CE 2, as analyzed Under Section 5.5

Policy CE 4: Protection of Monarch Butterfly Habitat Areas. Monarch butterfly aggregation sites are designated ESHA under Policy CE 8 of the GGP/CLUP. Policies CE 4.4, 4.5, and 4.6 of the GGP/CLUP, requires protection of monarch butterfly roosts through protection of Monarch Butterfly ESHAs, establishment of buffers around Monarch Butterfly

ESHAs , and Standards Applicable to New Development Adjacent to Monarch ESHAs. Monarch roosts are also protected under Policy CE 8: Protection of Special-Status Species.

Policy CE 8: Protection of Special-Status Species. Nesting and roosting habitat for raptors are protected as ESHA in the under Policy CE 8. Policy CE 8.4 requires protection of protected raptors through the establishment of buffers around historic and active nests when feasible:

> *Development shall be designed to provide a 100-foot buffer around active and historical nest sites for protected species of raptors when feasible. In existing developed areas, the width of the buffer may be reduced to correspond to the actual width of the buffer for adjacent development. If the biological study described in CE 8.3 determines that an active raptor nest site exists on the subject property, whenever feasible no vegetation clearing, grading, construction, or other development activity shall be allowed within a 300-foot radius of the nest site during the nesting and fledging season.*

Policy CE 8.3 requires a site specific biological study, with specific ESHA mapping requirements.

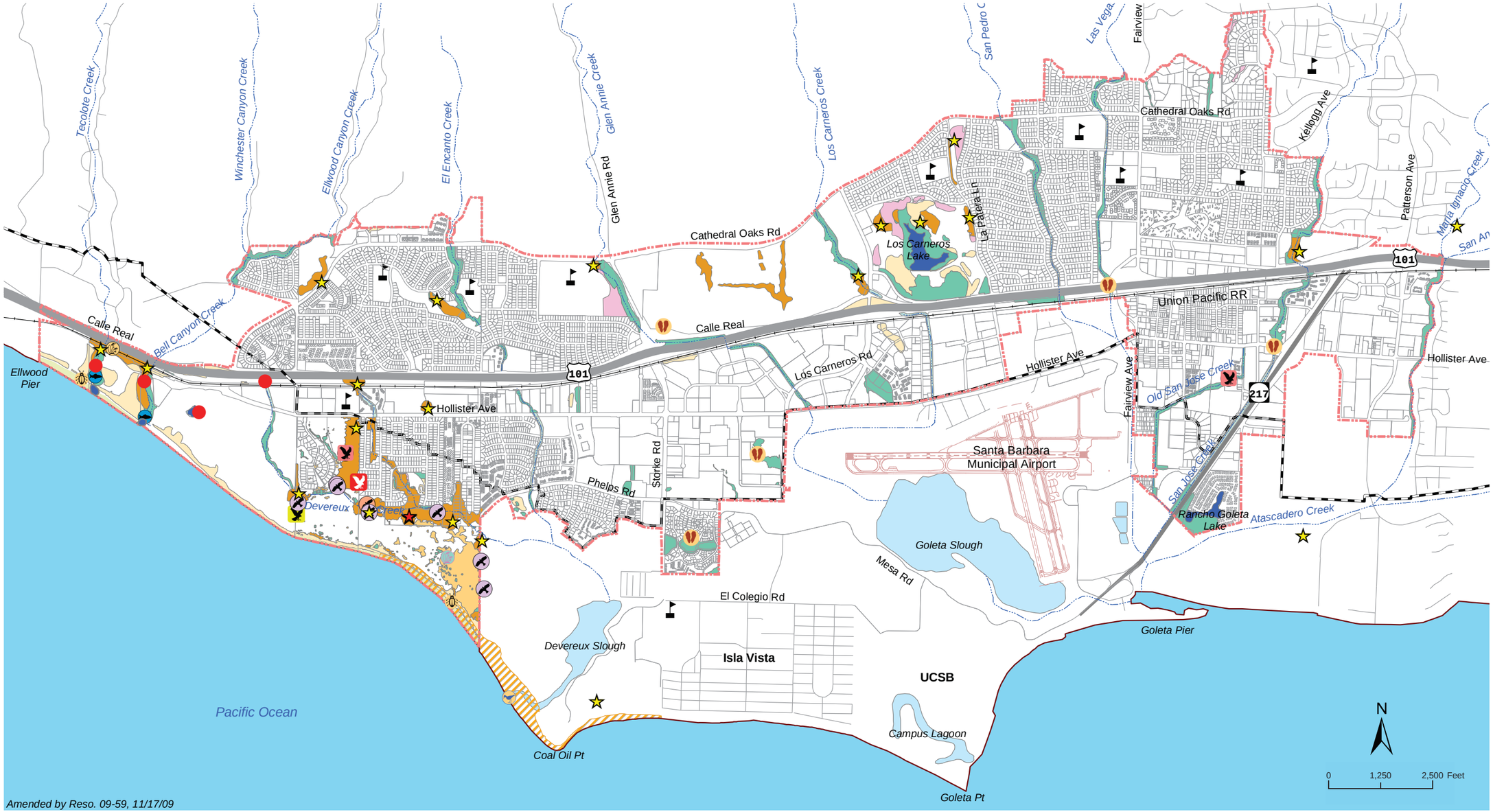
Policy CE 9: Protection of Native Woodlands. Within the City there is currently no specific Tree Protection Plan in place. Protection of trees within the City is regulated by Section 4.0, CE 9 of the GGP/CLUP, the Goleta Municipal Code Appendix A Grading Ordinance Guidelines for Native Oak Tree Removal (GMC), and the Draft *State of the Goleta Urban Forest Report: An Urban Resource Assessment for the City of Goleta* (dated November 17, 2009; herein referred to as the Goleta Urban Forest Report). The GGP/CLUP contains policies for the preservation of native trees including oaks (*Quercus* spp.), walnut (*Juglans californica*), California sycamore, cottonwood (*Populus* spp.), willows (*Salix* spp.) and other native trees found in ESHAs (General Plan Policy CE 9: Protection of Native Woodlands). However, per the GMC Part III – Program Basics trees voluntarily planted (e.g., landscape trees), regardless of species, are not protected. Coast live oaks, cottonwoods, are present on-site in association with Old San Jose Creek.

Policy CE 10: Watershed Management and Water Quality. Provisions of Policy CE 10 that apply to the project include Policy 10.3, Incorporation of Best Management Practices for Stormwater Management, CE 10.6, Stormwater Management Requirements, and Policy CE 10.7, Drainage and Stormwater Management Plans. Additionally, Policy CE 10, Landscaping to Control Erosion, specify erosion control landscaping specifics.

Other policies in the Conservation Element that do not apply to the project provide additional detail project-level standards for wetland ESHA, other terrestrial habitat areas (native grasslands, coastal sage scrub and chaparral), and marine habitat areas beach and shoreline habitats.

4.6 CONSERVATION PLANS

No Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan has been adopted in this urbanized area.



Legend

Environmentally Sensitive Habitats

- Beach and Shoreline
- Unvegetated Open Creek Channel
- Open Water
- Riparian/Marsh/Vernal Pool
- Native Grassland
- Sage Scrub/Dune/ Bluff Scrub
- Native Upland Woodlands /Savannahs
- Monarch Butterfly and/or Raptor Roosting Habitat
- Critical Habitat for the Western Snowy Plover

Special-Status Species

- Cooper's Hawk Nest
- Kite Nest
- Red-Shouldered Hawk Nest
- Red-Tailed Hawk Nest
- Vulture Roost
- Western Snowy Plover
- Tidewater Goby
- Red-Legged Frog
- Globose Dune Beetle
- Santa Barbara Honeysuckle
- Black-Flowered Figwort
- Southern Tarplant
- Monarch Butterfly Aggregation
- Ellwood Main Monarch Grove

Other Features

- Goleta City Boundary
- Coastal Zone
- Schools
- Creeks

Sources: Habitat mapping conducted by Jones & Stokes in April-May 2006 based on aerial imagery (1-foot resolution) and field observation, merged with 1) information on the occurrence of special status habitats and species collected by City from recent information from local environmental review ; 2) mapping of creeks, ponds, lakes and reservoir location based on USGS topographic map review and habitat management plan documents, air photo interpretation, and field survey; and 3) review of California Natural Diversity Database (CNDDB) records by Jones & Stokes for occurrence of special status species in the Goleta and Dos Pueblos quadrangles and vicinities (2006 databases). Habitats reflect those comprising an ESHA.

Note: ESHA locations are approximate. Any area not designated on the ESHA map that meets the ESHA criteria shall be accorded the same protections as if the area was shown on the map. ESHA buffers are not shown on this map. Refer to the applicable policy in the General Plan for the specific buffer widths.

Special-Status Species and Environmentally Sensitive Habitat Areas

Source: Goleta General Plan/Local Coastal Program, 2009

Figure 4

City of Goleta

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5.0 IMPACT ANALYSIS AND MITIGATION MEASURES

The criteria used to evaluate potential project-related impacts to biological resources are presented in Section 2.1.2. This section discusses the possible adverse impacts to biological resources that may occur from implementation of the proposed project and suggests appropriate avoidance, minimization, and mitigation measures that would reduce those impacts to less than significant levels. No direct impacts to sensitive biological resources would result from construction of the proposed project, but construction could indirectly affect the sensitive biological resources in the Old San Jose Creek remnant riparian corridor and San Jose Creek aquatic habitat.

5.1 SPECIAL STATUS SPECIES

The proposed project would have a significant effect on biological resources if it would:

CEQA Appendix G Checklist:

a) 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 U.S. Fish and Wildlife Service.

City of Goleta Species Thresholds:

a) substantially reduces or eliminates species diversity or abundance;
b) substantially reduces or eliminates quantity or quality of nesting areas;
c) substantially limits reproductive capacity through loss of individuals or habitat;
d) substantially fragments, eliminates, or otherwise disrupts foraging areas and/or access to food sources;
e) substantially limits or fragments the geographic range or dispersal routes of species; or
f) substantially interferes with natural processes, such as fire or flooding, upon which the habitat depends.

The proposed project would not result in any adverse impacts to special status plant species based on negative findings from the surveys conducted on the site (Section 4.1.1). Therefore, no mitigation measures for special status plants are required. Implementation of the proposed project has the potential to result in direct and/or indirect, adverse impacts special status animals present or with potential to occur on-site (i.e. moderate to high) (Section 4.1.2 and Appendix D). Accordingly, potential impacts to and recommended mitigation measures for special status animals which are present or have a moderate to high potential to occur are presented below.

Monarch Butterflies

The United States Fish and Wildlife Service (USFWS) received a petition to list the monarch butterfly, and on December 31, 2014, began year-long process of soliciting information consistent with the requirement on the Endangered Species Act ("Service Review"). The species

is not on the most recently published 2014 Candidate List (USFWS, 2014b). Monarch butterfly roosts (aggregations) are designated as sensitive by CDFW.[6] Additionally aggregation sites and roosts are protected under the GP/CLUP, as discussed below.

Conservation Element Policies CE 4.4, 4.5, and 4.6 require protection of monarch butterfly roosts through designation of Monarch ESHAs, establishment of buffers, and standards applicable to new development adjacent to monarch ESHAs. The mitigation measure below was developed based on monarch butterfly policies in the Conservation Element (Policy CE 4.6).

The following definitions are used to classify monarch aggregations in Santa Barbara County (Meade, 1999 and 2015):

Aggregation: An aggregation is a group of over ten Monarch butterflies that remains in the same location, or same tree, for more than one week.

Cluster: A cluster of butterflies is a group of roosting individuals greater than five, that are touching or nearly touching each other. Clusters are distinguished from each other by the space between them. One tree may harbor many distinct clusters of butterflies. Usually, clusters occur when butterflies spend the night in a location, but they can form and disperse during the day. Typically, many clusters are present in an aggregation of butterflies.

Bivouac: A very temporary roosting or clustering site where butterflies typically remain for only one or two nights.

Roosting: A butterfly hanging onto a substrate, typically a tree branch, with its wings folded up, for an extended period of time such as overnight. Roosting is a state of low activity for the butterfly.

During the December 17, 2014, reconnaissance survey biologists detected a probable bivouac of hundreds to thousands of monarch butterflies. The butterflies were observed roosting and basking in six eucalyptus trees and one coast live oak tree at the southern edge of the eucalyptus grove, adjacent to the active agricultural field. The individual roosting butterflies were widely spaced, and were not configurations that are not classified as "clusters." Clusters are characteristic of overwintering and autumnal aggregation sites (Meade, 2015). Monarch butterfly autumnal or overwintering roosts or aggregations have not been previously recorded in the Old Town area (GP/CLUP, 2009; Meade, 1999; URS, 2014). Active agricultural activities were occurring on-site, and off-site noise and vibration generating industrial uses were occurring to the west and south.

Monarchs were not observed roosting or aggregating during subsequent surveys on January 19 and February 25, 2015. The December observation may have been a temporary roosting site (bivouac) (Meade, 2015). Monarch butterflies roost on many trees in Goleta throughout the year.

[6] The monarch butterfly is not listed by CDFW; however, it is classified as "S3" by the CDFW, meaning that it has "limited distribution or numbers, but no current threats known" (CDFW 2015). The CDFW does not consider individual monarch butterflies a sensitive resource, but they do consider monarch butterfly winter roosting sites clusters) a sensitive resource.

The presence of roosting butterflies does not necessarily indicate an aggregation site in need of protection (Meade, 2015). Weather patterns suggest that transient butterflies could have formed a bivouac at the grove that lasted only a few days. It cannot be determined that aggregation was observed because follow-up surveys were not conducted in the appropriate time period (i.e., one week) (Meade, 2015).

The south facing edge area of the grove is also atypical habitat. Aggregation clusters typically occur within the protection of the grove; if overwintering clusters were present they would be expected within the grove along Old San Jose Creek (Meade, 2015).[7] Previous studies conducted during the appropriate time of year in 2004, 2006, 2007, 2008, 2012, 2013, and 2014 had not detected aggregations (URS 2014, Caltrans 2010).[8] Furthermore, the eucalyptus trees the bivouac was observed in are proposed for removal as part of the permitted Ekwill Road Extension. The Ekwill Road Extension EIR (SCH No. 2004061072) evaluated impacts to biological resources, including protected monarch butterfly aggregations. To reduce impacts to monarch butterflies to less than significant, the certified EIR includes a mitigation measure requiring pre-construction surveys during the overwintering season, and avoidance and buffers if monarch aggregations are present.

Possible indirect impacts (e.g. noise, lighting, dust) from construction of the proposed project are potentially significant, if construction occurs during the overwintering season and protected butterfly aggregations are present. Indirect dust impacts would be less than significant with adherence to Santa Barbara County APCD requirements. Nighttime lighting impacts to roosting monarch butterflies have not been studied (Meade, 2015). The detected bivouac was adjacent (approximately 150 feet) to existing noise producing commercial and industrial uses to the west and south.

Grading and landscape for the project is proposed beginning approximately 50 feet from the edge of canopy of eucalyptus trees and no fuel modification is required; therefore, no direct impacts would occur to potential monarch butterfly aggregation habitat from vegetation removal.[9] The proposed project has potential to result in significant short-term indirect construction impacts to monarch butterflies, but only if they are aggregating within the project site and/or immediate vicinity and construction activities occur during overwinter season (generally October to March). Impacts to monarch butterflies would be less than significant with implementation of a mitigation measure requiring pre-construction surveys, and if aggregations are detected requiring a construction buffer.

Recommended Mitigation Measures

[7] However, formation of clusters and aggregations on a south facing wall of trees has precedent. Examples are at Carpinteria Creek and at the historic Music Academy of the West site where clusters of monarch butterflies once formed on the south side of a eucalyptus windrow (Meade, 2015).
[8] Surveys on the property were not specific to monarch butterflies except on January 19 and February 25, 2015. Overwintering monarch butterfly clusters are cryptic and often missed by untrained observers, or surveyors concentrating on other tasks, (e.g., wetland delineation) (Meade, 2015).
[9] The City Of Goleta Inland Zoning Code defines development as "any change made by person or persons…including but not limited to the placement, construction, or reconstruction, or alternation of building or structures, landscaping improvements..." Therefore, grading and landscaping are considered "development" with the Policy CE 4.5 required 100' buffer.

BIO-1: Conduct Monarch Butterfly Surveys and Avoidance. Consistent with GGP/CLUP Policy CE 4.6, if an active aggregation (present for one week or more) is present on the project site, all construction, grading, or noise-generating work associated with this project must be seasonally timed to avoid noise- and human activity-related impacts to aggregating monarch butterflies. If work must occur during the overwintering season (generally between October and March), before work, a biologist approved by the Planning and Environmental Review Director, or designee, must survey all habitat trees (e.g., eucalyptus, coast live oak) within 100 feet of the residential development area to determine use by monarchs. If the eucalyptus groves in the project area are found to serve as monarch butterfly aggregation site, indirect impacts must be minimized to the extent practicable. Construction within 100 feet of an aggregation must be delayed until the butterflies abandon the aggregation. With approval of the Planning Director, construction activities may occur within 100 feet of aggregations under the direction of a biological monitor. Surveys must be conducted in favorable conditions to identify any monarch aggregations within 100 feet of the area proposed for disturbance seven days before construction activities commence. If no aggregations are observed, no further mitigation is required. If monarch aggregations are detected, a temporary fence must be installed along the outer boundary of the buffer zone prior to and during any grading and construction activities on the site.

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 winter roosting season, or that monarch surveys have been conducted, and buffer requirements specified above are in place (if applicable). The project biologist shall prepare and submit a written report of the findings of the pre-construction survey to resource agencies and Goleta for review prior to finalization. This measure, including the fencing location, 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.

Implementation of this recommended mitigation measure would reduce potential new indirect short-term construction impacts to the monarch butterfly to a less than significant level.

Nesting Birds and Raptors

As detailed in Appendix A, *Regulatory Guidance*, the nests of most native birds and raptors are state and federally protected. The proposed project has potential to result in indirect impacts to nesting birds, including special status birds such as the Nuttall's woodpecker, oak titmouse, if they are nesting within the project site and/or immediate vicinity during construction activities. Nesting birds may potentially occur within vegetation on and adjacent to the project site in trees along Old San Jose Creek. Given the low probability for occurrence, the fact that no riparian vegetation is proposed for removal, and negative results of past surveys (URS, 2014), protocol least Bell's vireo surveys are not recommended and nesting surveys would be adequate. No direct impacts would occur because no vegetation or trees are proposed for removal. Possible

indirect impacts to nesting birds resulting from implementation of the proposed project are potentially significant.

Conservation Element Policy CE 8.4 of the GP/CLUP requires protection of protected raptors through the establishment of a 100-foot buffer around historic and active nests, and a 300-foot construction buffer from active nests. The GP/CLUP identifies a red-tailed hawk nest along Old San Jose Creek on the parcel to the north (Figure 4), which was confirmed active in January and February 2014 (URS, 2014). An inactive raptor nest was observed in a blue gum eucalyptus tree along Old San Jose Creek; however, the nest status and species could not be identified because the survey was conducted outside the raptor breeding/nesting season. Proposed development is greater than 100 feet from the inactive nest observed onsite, consistent with Policy CE 84. Seasonal construction buffers may be required if active nests are found within 300 feet of the project site during preconstruction surveys, as discussed below.

No suitable habitat occurs within the development envelope for protected raptors, and they are not anticipated to be present within the project site during construction of the project; therefore no direct or permanent impacts are anticipated to special status raptor individuals or habitat. The agricultural area likely provides limited low-quality foraging habitat for raptors. However, raptors are known to nest within the project vicinity and construction of the proposed project is expected to create increased traffic, noise, vibrations, and other temporary impacts during construction (GGP/CLUP, 2009; URS, 2014). Therefore, the proposed project has potential to result in temporary indirect significant impacts to protected nesting birds raptors, if active nests are present within the vicinity of the project site during construction activities. Possible indirect temporary impacts to raptors and protected nesting birds resulting from construction of the proposed project are potentially significant. Implementation of Mitigation Measure BIO-2 would reduce potential new indirect short-term construction impacts to the nesting birds and raptors to a less than significant level.

Recommended Mitigation Measures

> **BIO-2: Nesting Birds and Raptors.** To avoid construction impacts to nesting birds and raptors, vegetation removal and initial ground disturbance shall occur outside the bird and raptor breeding season, which is typically February 1 through August 31, but can vary based on local and annual climatic conditions. If construction must begin within this breeding season, then no more than two weeks prior to initiation of ground disturbance and/or vegetation removal, a bird and raptor pre-construction survey shall be conducted by a City-approved biologist within the disturbance footprint plus a 300-foot buffer, as feasible. If the project is phased, a subsequent pre-construction nesting bird and raptor survey shall be required prior to each phase of construction within the project site. If no raptor or other bird nests are observed no further mitigation is required.
>
> Pre-construction nesting bird and raptor surveys shall be conducted during the time of day when bird species are active and shall 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, shall be submitted to the City for review and approval prior to site grading.

If active raptor nests are found within 300 feet of the project site, their locations shall be flagged 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. 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 GP/CLUP. If the white-tailed kite is (are) present, an avoidance and monitoring plan must be prepared and implemented in coordination with CDFW staff, and the plan must be approved by the City before it is implemented If feasible, the buffer shall 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 infeasible, the City-approved biologist may reduce the buffer distance as appropriate, dependent upon the species and the proposed work activities. No ground disturbance shall 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 shall 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: Prior to issuance of a Land Use Permit, this measure must be incorporated into the grading plans for the Project.

Monitoring: City staff must verify that this measure is completed prior to issuance of a grading permit for the Project.

Implementation of these measures would reduce potential impacts to nesting birds and raptors to less than significant.

Aquatic and Semi-aquatic Animals
The remnant Old San Jose Creek channel on-site does not have sufficient (or currently any) flows to support aquatic or semi-aquatic species. Semi-aquatic species (e.g., California red-legged frog, two-striped garter snake) are not likely to occur in the channelized section of San Jose Creek adjacent to the project site, because no riparian habitat is present. No direct impacts would result from construction and operation since no aquatic habitat occurs (or is expected to occur) on-site in Old San Jose Creek based on the lack of consistent water. Indirect impacts off-site aquatic habitat for aquatic species (e.g., unarmored threespine stickleback, and steelhead) would be reduced with adherence to existing regulations requiring a Stormwater Pollution Prevention Plan (SWPPP) to address stormwater run-off and sedimentation. Therefore, indirect off-site impacts to special status aquatic species and habitat would be less than significant.

Roosting Bats
Bats have not been recorded by the CNDDB in the project vicinity, but are determined to have a low potential to roost in the eucalyptus woodland. No trees are proposed for removal; therefore, the project would not directly affect bat roosts. Bat foraging would not be affected by the project, since foraging is expected to occur outside typical construction hours. Given the low potential for occurrence adjacent to the development footprint, indirect impacts to roosting bats would be less than significant.

5.2 SENSITIVE PLANT COMMUNITIES

The proposed project would have a significant effect on biological resources if it would:

CEQA Appendix G Thresholds:

b) Have a substantial adverse impact 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.

City of Goleta Sensitive Communities Thresholds:

f) substantially interferes with natural processes, such as fire or flooding, upon which the habitat depends.

No sensitive plant communities are proposed for removal (Section 4.2). Indirect dust impacts to sensitive and riparian communities in Old San Jose Creek would be addressed through adherence to Santa Barbara County Air Pollution Control District requirements. The only on-site sensitive community, the Black Cottonwood Forest, is located greater than 150 feet from proposed development. The project site is outside the County High Fire Hazard Area and the City's Wildland Fire Hazard Area; therefore, the Santa Barbara County Fire Department is not anticipated to require fuel modification. The intermittent flooding of Old San Jose Creek was reduced when the creek was rerouted and channelized in 1963, and eliminated with recent San Jose Creek channel improvements. Implementation of the proposed project would have less than significant direct and indirect impacts on sensitive or riparian communities. Therefore, no avoidance, minimization or mitigation measures are recommended.

5.3 JURISDICTIONAL WATERS AND WETLANDS

The proposed project would have a significant effect on biological resources if it would:

c) Adversely impact federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) either individually or in combination with the known or probable impacts of other activities through direct removal, filling, hydrological interruption, or other means.

Development is proposed greater than 100 feet from the channel of Old San Jose Creek, and is separated San Jose Creek off-site to the east of S. Kellogg Avenue. Therefore, the project would have no direct impacts to riparian vegetation, waters or wetlands. Appropriate buffers from these areas are recommended under Section 5.5 (below The proposed project has potential to result in significant indirect impacts, if there is run-off from the project site and/or immediate vicinity into off-site San Jose Creek during construction activities. Indirect off-site impacts would be less than significant with implementation of mitigation measures below requiring adherence to BMPs and designation of a wash-out area.

Recommended Mitigation Measures

BIO-3: To avoid indirect wetland impacts, the Stormwater Pollution Prevention Plan (SWPPP) and Erosion Control Plans shall be augmented by best management practices (BMPs) recognized in the industry and aimed at reducing sediment erosion into the creek (e.g., straw wattles, silt fencing between the creek and construction area, erosion control blankets, hydroseeding, etc.) shall be installed around the project site prior to the onset of construction activities. If no runoff to the jurisdictional water is present, no further mitigation is required.

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

BIO-4: During construction, washing of concrete, paint, or equipment can occur only in areas where polluted water and materials can be contained for subsequent removal from the site. Washing is not allowed in the dripline of a native or non-native specimen tree. An area designated for washing functions must be identified on all plans submitted for issuance of any LUP, grading, and/or building permit(s).

Plan Requirements and Timing: The applicant must designate a wash off area, acceptable to the Planning and Environmental Review Director, or designee, on all plans submitted for issuance of any LUP, grading, or building permit(s).The washoff area must be in place throughout construction.

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

Implementation of the mitigation measures above and adherence to stormwater and grading regulations would reduce potential off-site indirect wetland impacts to less than significant.

5.4 WILDLIFE MOVEMENT

The proposed project would have a significant effect on biological resources if it would:

CEQA Appendix G Checklist:

d) Interfere substantially with the movement of any resident or migratory fish or wildlife species or with established resident or migratory wildlife corridors, or impede the use of wildlife nursery sites.

City of Goleta Thresholds:

d) substantially fragments, eliminates, or otherwise disrupts foraging areas and/or access to food sources;
e) substantially limits or fragments the geographic range or dispersal routes of species;

The proposed project is not located within any known regional wildlife movement corridors. The proposed project would not affect movement of aquatic species within off-site San Jose Creek, and would not modify or introduce barriers to the Old San Jose Creek remnant riparian corridor along the northwest property line. The habitat quality is marginal and the function of Old San Jose Creek as a wildlife corridor is limited because it is no longer connected to the upper watershed and does not receive enough water from runoff to support aquatic species. No habitat is proposed for removal. Direct and indirect impacts to wildlife movement would be less than significant. Therefore, no avoidance, minimization or mitigation measures are recommended.

5.5 LOCAL POLICIES AND ORDINANCES

The proposed project would have a significant effect on biological resources if it would:

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

The proposed project has potential to conflict with GGP/CLUP policies that protect raptor nests, monarch butterfly roosts, and mapped ESHA and SPA, as discussed in Sections 5.1 through 5.4 above. In addition, the proposed project has the potential to conflict with Goleta General Plan local policies that prohibit the planting of invasive species, SPA buffers for Old San Jose Creek and San Jose Creek, and require specific restriction in ESHA consistent with Policy CE 1. Accordingly, potential impacts to and recommended mitigation measures for biological resources protected by the Conservation Element of the GGP/CLUP are presented below.

Policy CE 1: Environmental Sensitive Habitats Area Designation and Policy. As the woodlands along Old San Jose Creek are classified as ESHA for monarchs, raptors, and SPAs, provisions if Policy CE 1.9 apply that limit lighting, noise generation, and invasive landscaping.

Conservation Element Policy CE 1.9 prohibits the planting of nonnative, invasive species in ESHAs and buffer areas adjacent to ESHAs. The planting of nonnative, invasive species reduces the available habitat for native plant and wildlife species within the project limits and may cause the spread of invasive species to adjacent areas. Similarly, the use of nonnative, invasive species in erosion control seed mixes on stockpiles during construction would potentially cause the spread of invasive species to adjacent areas along Old San Jose Creek. These impacts are potentially significant.

Consistent with the Section 5.1 mitigation measures, no noise generating activities would occur within 200 feet of the monarch ESHA and 300 feet of an active raptor nest while the roosts/nests are active.

Policy 1.9 limits lighting directed as ESHA. As discussed above, night lighting has not been documented or studied as disturbance to roosting monarch butterflies. Lighting impacts to raptor ESHA are potentially significant.

Recommended Mitigation Measures

BIO-5: Lighting Plan. Light and glare from new development shall be controlled and directed away from the Old San Jose Creek ESHA. Exterior night lighting shall be minimized, restricted to low intensity fixtures, shielded, and directed away from ESHAs.

Plan Requirements and Timing: The locations of all exterior lighting fixtures, complete cut-sheets of all exterior lighting fixtures, and a photometric plan prepared by a registered professional engineer showing the extent of all light and glare emitted by all exterior lighting fixtures must be reviewed and approved by the DRB, and the Planning and Environmental Review Director or designee, before the City issues a Land Use Permit for construction.

Monitoring: Before the City issues a certificate of occupancy, the Planning and Environmental Review Director, or designee, must inspect exterior lighting features to ensure that they have been installed consistent with approved plans.

BIO-6: Nonnative, invasive plant species shall not be included in any erosion control seed mixes and/or landscaping plants associated with the proposed project. The California Invasive Plant Inventory Database contains a list of nonnative, invasive plants (California Invasive Plant Council, 2006, Updated 2011).

Plan Requirements and Timing: Prior to issuance of a Land Use Permit, the Permittee shall submit a final landscape plan for review and approval by the City's Planning and Environmental Review Department.

Monitoring: The Planning and Environmental Review Director, or designee, must verify compliance prior to issuance of any LUP, grading, or building permit(s). Before the City issues a certificate of occupancy, the Planning and Environmental Review Director, or designee, must inspect landscape plantings features to ensure that they have been installed consistent with approved plans.

Implementation of these measures, and those listed in Section 5.1, would reduce impacts to less than significant ensure consistency with Policy CE 1.9.

Policy CE 2: Protection of Creek and Riparian Areas. Policy CE 2.2 also allows the City to adjust the 100-foot buffer at the time of environmental review, if "1) no alternative siting is available, and 2) the project's impacts will not have significant adverse effects on streamside vegetation or the biotic quality of the stream." [10] The project would be constructed within the agricultural areas only, and has been designed to avoid sensitive resources. No direct impacts would occur from implementation of the proposed project. The proposed project has potential to result in indirect impacts to the remnant riparian corridor associated with remnant ant Old San Jose Creek and aquatic habitat in channelized San Jose Creek during construction activities. However, as discussed above under Section 5.3, impacts to wetlands and waterways would be

[10] Measured from the top of the bank or the outer limit of wetlands and/or riparian vegetation, whichever is greater.

less than significant with adherence to existing regulations (e.g., SWPPP, GCP Policy 1.9(g)) and incorporation of the biological resource Section 5.1 mitigation measures.

San Jose Creek. A reduced buffer of 80 feet is recommended from San Jose Creek, given that no streamside vegetation is present and the channelized streambed is separated from the project by S. Kellogg Avenue. Indirect aquatic habitat impacts from construction would be addressed through adherence to state and local regulations (e.g., SWPP, erosion control plan, GGP/CLUP CE 10).

Old San Jose Creek. The project would be greater than 100 feet from the banks of Old San Jose Creek. A reduced buffer from the edge of the eucalyptus canopy is not required re since the woodland areas within 100 feet of the project are defined by invasive eucalyptus trees with no understory. The blue gum eucalyptus trees are not considered the edge riparian vegetation, since blue gum eucalyptus trees are not Facultative Wetland or Facultative species (Lichvar, , 2014).[11] The stream corridor has no aquatic biotic quality since flows are directed away from the remnant Old San Jose Creek.[12] The proposed project would be outside the canopies or root zone of any riparian trees (e.g., coast live oak, cottonwood). The project is proposed greater than 100 feet from the edge of the CDFW sensitive Black Cottonwood Forest Alliance.

With implementation of the buffer recommendations and Section 5.3 mitigation measures, no additional mitigation measures are necessary.

Policy CE 3: Protection of Wetlands. The project would not conflict with CE 3.3 though CE 3.8, since no fill is occurring and the project buffer from the remnant top of bank is greater than 100 feet.

Policy CE 4: Protection of Monarch Butterfly Habitat Areas. As discussed above, a temporary basking aggregation (bivouac) of monarch butterflies was likely observed in December, 2014. It cannot be determined that the temporary basking aggregation is classified as monarch EHSA consistent with Policy CE 4.4. The introduction of residential uses within 100 feet aggregation habitat, south of the permitted Ekwill Street extension, may have additional effect (e.g., heat reflection, tree felling) that are unknown given the complexity how changes may affect an aggregations, if present (Meade, 2015). The trees where basking behavior was observed contribute to the habitat, but given their southern orientation on the edge of the grove, they are not considered likely to function as an autumnal or overwintering aggregation site. The more likely preferred habitat, within the protection of the grove adjacent to Old San Jose Creek, is greater than 100 feet from the project site. Therefore, the Policy CE 4.5 buffer can be reasonably reduced to 50 feet, which would not include the proposed project. The Section 5.6.1 mitigation measures would reduce impacts by requiring pre-construction monarch surveys, and

[11] A site is considered to have a "predominance of hydrophytic vegetation" when 50 percent or more of the dominant plant species are classified as Obligate Wetland, Facultative Wetland, or Facultative according to the National Wetland Plant List (Lichvar , 2014). Hydrophytic vegetation can also be demonstrated using a different mathematical equation called the "Prevalence Index," as described in the WMVC Regional Supplement

[12] The project site, including Old San Jose Creek, was previously in the 100-year flood hazard zone. However, with the channel widening associated with the San Jose Creek Improvement Project, the site and creek will be out of the 100-year flood hazard zone (City of Goleta, 2014).

if protected aggregations are present prohibiting construction within a 100-foot buffer, consistent with Policy CE 4.6.

Policy CE 8: Protection of Special-Status Species. As discussed above, an unoccupied raptor nest was observed in a eucalyptus tree (Figure 3), and a red shouldered hawk nest is mapped on a parcel to the north on Figure 4.1 of the GGP/CLUP (Figure 4). Development is proposed greater than 100 feet away from the nest, consistent with Policy CE 8.4. With implementation of the mitigation measures described above prohibiting construction within 300-feet of an active raptor nest, the project would be consistent with Policy CE 8.4.

Policy CE 9: Protection of Native Woodlands. Implementation of the project would not result in protected tree removal or alteration. All potentially protected on-site trees (e.g. eucalyptus, coast live oak, cottonwood) are within the remnant riparian vegetation along Old San Jose Creek, and are located an adequate outside the project's development footprint. The proposed project would be consistent with Policy CE9.

Policy CE 10: Watershed Management and Water Quality. Section 5.1 Mitigation Measures and existing regulations addresses the requirements of Policy CE 10.

With implementation of the above mitigation measures, the proposed project would be consistent with the City of Goleta GP/CLUP, and would not conflict with any local policies.

5.6 CONSERVATION PLANS

The proposed project would have a significant effect on biological resources if it would:

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

The project would not conflict with the provisions of any Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.

5.7 CUMULATIVE IMPACT ANAYSIS

Because the proposed project, as mitigated, would not result in significant impacts to biological resources, the project's contributions to cumulative impacts to biological resources would not be cumulatively considerable. Based on the above analysis and the projects consistency with local, regional and state conservation plans, the projects contribution cumulative policy impacts on biological resources would not be cumulatively considerable.

6.0 LIMITATIONS, ASSUMPTIONS, AND USE RELIANCE

This Biological Resources Assessment has been performed in accordance with professionally accepted biological investigation practices conducted at this time and in this geographic area. The biological investigation is limited by the scope of work performed. Biological surveys for the presence or absence of certain taxa have been conducted as part of this assessment but were not performed during a particular blooming period, nesting period, or particular portion of the season when positive identification would be expected if present, and therefore, cannot be considered definitive. The biological surveys are limited also by the environmental conditions present at the time of the surveys. In addition, general biological (or protocol) surveys do not guarantee that the organisms are not present and will not be discovered in the future within the site. In particular, mobile wildlife species could occupy the site on a transient basis, or re-establish populations in the future. Our field studies were based on current industry practices, which change over time and may not be applicable in the future. No other guarantees or warranties, expressed or implied, are provided. The findings and opinions conveyed in this report are based on findings derived from site reconnaissance, jurisdictional areas, review of CNDDB RareFind 5, and specified historical and literature sources. Standard data sources relied upon during the completion of this report, such as the CNDDB, may vary with regard to accuracy and completeness. In particular, the CNDDB is compiled from research and observations reported to CDFW that may or may not have been the result of comprehensive or site-specific field surveys. Although Rincon believes the data sources are reasonably reliable, Rincon cannot and does not guarantee the authenticity or reliability of the data sources it has used. Additionally, pursuant to our contract, the data sources reviewed included only those that are practically reviewable without the need for extraordinary research and analysis.

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8.0 LIST OF PREPARERS

RINCON CONSULTANTS, INC.

Primary Author:
- Holly Harris, Biologist

Technical Review:
- Steven J. Hongola, Senior Ecologist / Biological Program Manager
- Joe Power, Principal

Graphics:
- Katherine Warner, Graphics Specialist

Production:
- Emily Smith, Marketing and Graphics

Field Reconnaissance Survey:
- Holly Harris, Biologist
- Jenny Alvarado, Biologist

Appendix A

Regulatory Guidance

APPENDIX A: REGULATORY SETTING

Special-status habitats are vegetation types, associations, or sub-associations that support concentrations of special-status plant or wildlife species, are of relatively limited distribution, or are of particular value to wildlife.

Listed species are those taxa that are formally listed as endangered or threatened by the federal government (e.g. U.S. Fish and Wildlife Service [USFWS]), pursuant to the Federal Endangered Species Act (FESA) or as endangered, threatened, or rare (for plants only) by the State of California (i.e. California Fish and Game Commission), pursuant to the California Endangered Species Act or the California Native Plant Protection Act. Some species are considered rare (but not formally listed) by resource agencies, organizations with biological interests/expertise (e.g. Audubon Society, CNPS, The Wildlife Society), and the scientific community.

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. Agencies with the responsibility for protection of biological resources within the project site include:

- U.S. Army Corps of Engineers (wetlands and other waters of the United States);
- Regional Water Quality Control Board (waters of the State);
- U.S. Fish and Wildlife Service (federally listed species and migratory birds);
- California Department Fish and Wildlife (riparian areas and other waters of the State, state-listed species);
- City of Goleta

U.S. Army Corps of Engineers. Under Section 404 of the Clean Water Act, the U.S. Army Corps of Engineers (USACE) has authority to regulate activities that could discharge fill of material or otherwise adversely modify wetlands or other "waters of the United States." Perennial and intermittent creeks are considered waters of the United States if they are hydrologically connected to other jurisdictional waters. The USACE also implements the federal policy embodied in Executive Order 11990, which is intended to result in no net loss of wetland value or acres. In achieving the goals of the Clean Water Act, the USACE seeks to avoid adverse impacts and offset unavoidable adverse impacts on existing aquatic resources. Any fill or adverse modification of wetlands that are hydrologically connected to jurisdictional waters would require a permit from the USACE prior to the start of work. Typically, when a project involves impacts to waters of the United States, the goal of no net loss of wetland acres or values is met through compensatory mitigation involving creation or enhancement of similar habitats.

Regional Water Quality Control Board. The State Water Resources Control Board (SWRCB) and the local Central Coast Regional Water Quality Control Board (RWQCB) have jurisdiction over "waters of the State," pursuant to the Porter-Cologne Water Quality Control Act, which are defined as any surface water or groundwater, including saline waters, within the boundaries of the State. The SWRCB has issued general Waste Discharge Requirements (WDRs)

regarding discharges to "isolated" waters of the State (Water Quality Order No. 2004-0004-DWQ, Statewide General Waste Discharge Requirements for Dredged or Fill Discharges to Waters Deemed by the U.S. Army Corps of Engineers to be Outside of Federal Jurisdiction). The Central Coast RWQCB enforces actions under this general order for isolated waters not subject to federal jurisdiction, and is also responsible for the issuance of water quality certifications pursuant to Section 401 of the Clean Water Act for waters subject to federal jurisdiction.

United States Fish and Wildlife Service. The USFWS implements the Migratory Bird Treaty Act (16 United States Code [USC] Section 703-711) and the Bald and Golden Eagle Protection Act (16 USC Section 668). The USFWS and National Marine Fisheries Service (NMFS) share responsibility for implementing the Federal Endangered Species Act (FESA) (16 USC § 153 et seq.). The USFWS generally implements the FESA for terrestrial and freshwater species, while the NMFS implements the FESA for marine and anadramous species. Projects that would result in "take" of any federally listed threatened or endangered species are required to obtain permits from the USFWS or NMFS through either Section 7 (interagency consultation with a federal nexus) or Section 10 (Habitat Conservation Plan) of FESA, depending on the involvement by the federal government in permitting and/or funding of the project. The permitting process is used to determine if a project would jeopardize the continued existence of a listed species and what measures would be required to avoid jeopardizing the species. "Take" under federal definition means to harass, harm (which includes habitat modification), pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct. Proposed or candidate species do not have the full protection of FESA; however, the USFWS and NMFS advise project applicants that they could be elevated to listed status at any time.

California Department of Fish and Wildlife. The California Department of Fish and Wildlife (CDFW) derives its authority from the Fish and Game Code of California. The California Endangered Species Act (CESA) (Fish and Game Code Section 2050 et. seq.) prohibits take of state listed threatened, endangered or fully protected species. Take under CESA is restricted to direct mortality of a listed species and does not prohibit indirect harm by way of habitat modification. The CDFW also prohibits take for species designated as Fully Protected under the Code.

California Fish and Game Code sections 3503, 3503.5, and 3511 describe unlawful take, possession, or destruction of birds, nests, and eggs. Fully protected birds (Section 3511) may not be taken or possessed except under specific permit. Section 3503.5 of the Code protects all birds-of-prey and their eggs and nests against take, possession, or destruction of nests or eggs.

Species of Special Concern (SSC) is a category used by the CDFW for those species which are considered to be indicators of regional habitat changes or are considered to be potential future protected species. Species of Special Concern do not have any special legal status except that which may be afforded by the Fish and Game Code as noted above. The SSC category is intended by the CDFW for use as a management tool to include these species into special consideration when decisions are made concerning the development of natural lands. The CDFW also has authority to administer the Native Plant Protection Act (NPPA) (Fish and Game Code Section 1900 et seq.). The NPPA requires the CDFW to establish criteria for determining if a species, subspecies, or variety of native plant is endangered or rare. Under Section 1913(c) of the NPPA, the owner of land where a rare or endangered native plant is growing is required to

notify the department at least 10 days in advance of changing the land use to allow for salvage of plant.

The CDFW also has authority to administer the Native Plant Protection Act (NPPA) (Fish and Game Code Section 1900 *et seq.*). The NPPA requires the CDFW to establish criteria for determining if a species, subspecies, or variety of native plant is endangered or rare. Under Section 1913(c) of the NPPA, the owner of land where a rare or endangered native plant is growing is required to notify the department at least 10 days in advance of changing the land use to allow for salvage of plant. Special status plant species are given a California Rare Plant Rank (RPR) code. The code definitions are:

List 1A = Plants presumed extinct in California;
List 1B.1 = Rare or endangered in California and elsewhere; seriously endangered in California (over 80% of occurrences threatened/high degree and immediacy of threat);
List 1B.2 = Rare or endangered in California and elsewhere; fairly endangered in California (20-80% occurrences threatened);
List 1B.3 = Rare or endangered in California and elsewhere, not very endangered in California (<20% of occurrences threatened or no current threats known);
List 2 = Rare, threatened or endangered in California, but more common elsewhere;
List 3 = Plants needing more information (most are species that are taxonomically unresolved; some species on this list meet the definitions of rarity under CNPS and CESA);
List 4.2 = Plants of limited distribution (watch list), fairly endangered in California (20-80% occurrences threatened); and
List 4.4= Plants of limited distribution (watch list), not very endangered in California (<20% occurrences threatened or no current threats known).

Perennial and intermittent streams and associated riparian vegetation, when present, also fall under the jurisdiction of the CDFW. Section 1600 et seq. of the Fish and Game Code (Lake and Streambed Alteration Agreements) gives the CDFW regulatory authority over work within the stream zone (which could extend to the 100-year flood plain) consisting of, but not limited to, the diversion or obstruction of the natural flow or changes in the channel, bed, or bank of any river, stream or lake.

City of Goleta. Natural resources within the Goleta city limits are regulated according to the GGP/CLUP as summarized above under Section 4.5, and analyzed under Section 5.4. The Conservation Element contains the following policies applicable to project, generally associated with the on- and off-site mapped riparian corridors, raptor nest, and Monarch butterfly roost:

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:
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.

CE 1.2 Designation of Environmentally Sensitive Habitat Areas. [GP/CP] ESHAs in Goleta are generally shown in Figure 4-1, and Table 4-2 provides examples of the ESHAs and some locations of each. The provisions of this policy shall apply to all designated ESHAs. ESHAs generally include but are 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.

CE 1.6 Protection of ESHAs. [GP/CP] ESHAs shall be protected against significant disruption of habitat values, and only uses or development dependent on and compatible with maintaining such resources shall be allowed within ESHAs or their buffers. The following shall apply:
a. No development, except as otherwise allowed by this element, shall be allowed within ESHAs and/or ESHA buffers.
b. A setback or buffer separating all permitted development from an adjacent ESHA shall be required and shall have a minimum width as set forth in subsequent policies of this element. The purpose of such setbacks shall be to prevent any degradation of the ecological functions provided by the habitat area.
c. Public accessways and trails are considered resource-dependent uses and may be located within or adjacent to ESHAs. These uses shall be sited to avoid or minimize impacts on the resource to the maximum extent feasible. Measures—such as signage, placement of boardwalks, and limited fencing or other barriers—shall be implemented as necessary to protect ESHAs.
d. The following uses and development may be allowed in ESHAs or ESHA buffers only where there are no feasible, less environmentally damaging alternatives and will be subject to requirements for mitigation measures to avoid or lessen impacts to the maximum extent feasible: 1) public road crossings, 2) utility lines, 3) resource restoration and enhancement projects, 4) nature education, 5) biological research, and 6) Public Works projects as identified in the Capital Improvement Plan, only where there are no feasible, less environmentally damaging alternatives.
e. If the provisions herein would result in any legal parcel created prior to the date of this plan being made unusable in its entirety for any purpose allowed by the land use plan, exceptions to the foregoing may be made to allow a reasonable economic use of the parcel. Alternatively, the City may establish a program to allow transfer of development rights for such parcels to

receiving parcels that have areas suitable for and are designated on the Land Use Plan map for the appropriate type of use and development.

CE 1.7 Mitigation of Impacts to EHSAs. [GP/CP] New development shall be sited and designed to avoid impacts to ESHAs. If there is no feasible alternative that can eliminate all impacts, then the alternative that would result in the fewest or least significant impacts shall be selected. Any impacts that cannot be avoided shall be fully mitigated, with priority given to onsite mitigation. Offsite mitigation measures shall only be approved when it is not feasible to fully mitigate impacts on site. If impacts to onsite ESHAs occur in the Coastal Zone, any offsite mitigation area shall also be located within the Coastal Zone. All mitigation sites shall be monitored for a minimum period of 5 years following completion, with changes made as necessary based on annual monitoring reports. Where appropriate, mitigation sites shall be subject to deed restrictions. Mitigation sites shall be subject to the protections set forth in this plan for the habitat type unless the City has made a specific determination that the mitigation is unsuccessful and is to be discontinued.

CE 1.8 ESHA Buffers. [GP/CP] Development adjacent to an ESHA shall minimize impacts to habitat values or sensitive species to the maximum extent feasible. Native vegetation shall be provided in buffer areas to serve as transitional habitat. All buffers shall be of a sufficient size to ensure the biological integrity and preservation of the ESHA they are designed to protect.

CE 1.9 Standards Applicable to Development Projects. [GP/CP] The following standards shall apply to consideration of developments within or adjacent to ESHAs:
a. Site designs shall preserve wildlife corridors or habitat networks. Corridors shall be of sufficient width to protect habitat and dispersal zones for small mammals, amphibians, reptiles, and birds.
b. Land divisions for parcels within or adjacent to an ESHA shall only be allowed if each new lot being created, except for open space lots, is capable of being developed without building in any ESHA or ESHA buffer and without any need for impacts to ESHAs related to fuel modification for fire safety purposes.
c. Site plans and landscaping shall be designed to protect ESHAs. Landscaping, screening, or vegetated buffers shall retain, salvage, and/or reestablish vegetation that supports wildlife habitat whenever feasible. Development within or adjacent to wildlife habitat networks shall incorporate design techniques that protect, support, and enhance wildlife habitat values. Planting of nonnative, invasive species shall not be allowed in ESHAs and buffer areas adjacent to ESHAs.
d. All new development shall be sited and designed so as to minimize grading, alteration of natural landforms and physical features, and vegetation clearance in order to reduce or avoid soil erosion, creek siltation, increased runoff, and reduced infiltration of stormwater and to prevent net increases in baseline flows for any receiving water body. Light and glare from new development shall be controlled and directed away from wildlife habitats. Exterior night lighting shall be minimized, restricted to low intensity fixtures, shielded, and directed away from ESHAs.
f. All new development should minimize potentially significant noise impacts on special-status species in adjacent ESHAs.
g. All new development shall be sited and designed to minimize the need for fuel modification, or weed abatement, for fire safety in order to preserve native and/or nonnative supporting

habitats. Development shall use fire resistant materials and incorporate alternative measures, such as firewalls and landscaping techniques, that will reduce or avoid fuel modification activities.
h. The timing of grading and construction activities shall be controlled to minimize potential disruption of wildlife during critical time periods such as nesting or breeding seasons.
i. Grading, earthmoving, and vegetation clearance adjacent to an ESHA shall be prohibited during the rainy season, generally from November 1 to March 31, except as follows: 1) where erosion control measures such as sediment basins, silt fencing, sandbagging, or installation of geofabrics have been incorporated into the project and approved in advance by the City; 2) where necessary to protect or enhance the ESHA itself; or 3) where necessary to remediate hazardous flooding or geologic conditions that endanger public health and safety.
j. In areas that are not adjacent to ESHAs, where grading may be allowed during the rainy season, erosion control measures such as sediment basins, silt fencing, sandbagging, and installation of geofabrics shall be implemented prior to and concurrent with all grading operations.

CE 1.10 Management of ESHAs. [GP/CP] The following standards shall apply to the ongoing management of ESHAs:
a. The use of insecticides, herbicides, artificial fertilizers, or other toxic chemical substances that have the potential to degrade ESHAs shall be prohibited within and adjacent to such areas, except where necessary to protect or enhance the ESHA itself.
b. The use of insecticides, herbicides, or other toxic substances by City employees and contractors in construction and maintenance of City facilities and open space lands shall be minimized.
c. Mosquito abatement within or adjacent to ESHAs shall be limited to the implementation of the minimum measures necessary to protect human health and shall be undertaken in a manner that minimizes adverse impacts to the ESHAs.
d. Weed abatement and brush-clearing activities for fire safety purposes shall be the minimum that is necessary to accomplish the intended purpose. Techniques shall be limited to mowing and other low-impact methods such as hand crews for brushing, tarping, and hot water/foam for weed control. Disking shall be prohibited.
e. Where there are feasible alternatives, existing sewer lines and other utilities that are located within an ESHA shall be taken out of service, abandoned in place, and replaced by facilities located outside the ESHA to avoid degradation of the ESHA resources, which could be caused by pipeline rupture or leakage and by routine maintenance practices such as clearing of vegetation.
f. Removal of nonnative invasive plant species within ESHAs may be allowed and encouraged, unless the nonnatives contribute to habitat values.
g. The following flood management activities may be allowed in creek and creek protection areas: desilting, obstruction clearance, minor vegetation removal, and similar flood management methods.

CE 2.1 Designation of Protected Creeks. [GP/CP] The provisions of this policy shall apply to creeks shown in Figure 4-1. These watercourses and their associated riparian areas are defined as ESHAs. They serve as habitat for fish and wildlife, provide wildlife movement corridors, provide for the flow of stormwater runoff and floodwaters, and furnish open space and passive recreational areas for city residents.

CE 2.2 Streamside Protection Areas. [GP/CP] A streamside protection area (SPA) is hereby established along both sides of the creeks identified in Figure 4-1. The purpose of the designation shall be to preserve the SPA in a natural state in order to protect the associated riparian habitats and ecosystems. The SPA shall include the creek channel, wetlands and/or riparian vegetation related to the creek hydrology, and an adjacent upland buffer area. The width of the SPA upland buffer shall be as follows:
a. The SPA upland buffer shall be 100 feet outward on both sides of the creek, measured from the top of the bank or the outer limit of wetlands and/or riparian vegetation, whichever is greater. The City may consider increasing or decreasing the width of the SPA upland buffer on a case-by-case basis at the time of environmental review. The City may allow portions of a SPA upland buffer to be less than 100 feet wide, but not less than 25 feet wide, based on a site specific assessment 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.
b. If the provisions above would result in any legal parcel created prior to the date of this plan being made unusable in its entirety for any purpose allowed by the land use plan, exceptions to the foregoing may be made to allow a reasonable economic use of the parcel, subject to approval of a conditional use permit.

CE 4.1 Definition of Habitat Area. [GP/CP] The monarch butterfly is recognized as a California and Goleta special resource. Although the species is not threatened with extinction, its autumnal and winter aggregation sites, or roosts, are especially vulnerable to disturbance. Sites that provide the key elements essential for successful monarch butterfly aggregation areas and are locations where monarchs have been historically present shall be considered ESHAs. These elements include stands of eucalyptus or other suitable trees that offer shelter from strong winds and storms, provide a microclimate with adequate sunlight, are situated near a source of water or moisture, and that provide a source of nectar to nourish the butterflies.

*CE 4.2 Designation of Monarch Butterfly ESHAs. [GP/CP***]** Existing and known historical monarch roost sites, as shown on Figure 4-1, are hereby designated as ESHAs. These include about 20 known roosts, eight of which comprise the Ellwood Complex, a series of sites within a network consisting of eucalyptus groves and windrows interspersed by open fields and crossed by small creeks. This network includes several separate but interconnected autumnal and winter roost sites. The Ellwood Main site, the largest roost in Santa Barbara County and one of the largest in the state, occupies a site along Devereux Creek in the Sperling Preserve, a City-owned tract situated near the coastal bluffs in western Goleta.

CE 4.3 Site-Specific Studies and Unmapped Monarch ESHAs. [GP/CP] Any area not designated on Figure 4-1 that is determined by a site-specific study to contain monarch habitats, including autumnal and winter roost sites, shall be granted the same protections as if the area was shown on the figure. Proposals for development on sites shown on this figure or where there is probable cause to believe that monarch habitats may exist shall be required to provide a site-specific study.

CE 4.4 Protection of Monarch Butterfly ESHAs. [GP/CP] Monarch butterfly ESHAs shall be protected against significant disruption of habitat values, and only uses or development

dependent on and compatible with maintaining such resources shall be allowed within these ESHAs or their buffer areas. The following standards shall apply:
a. No development, except as otherwise allowed by this policy, shall be allowed within monarch butterfly ESHAs or ESHA buffers.
b. Since the specific locations of aggregation sites may vary from one year to the next, the focus of protection shall be the entire grove of trees rather than individual trees that are the location of the roost.
c. Removal of vegetation within monarch ESHAs shall be prohibited, except for minor pruning of trees or removal of dead trees and debris that are a threat to public safety.
d. Public accessways are considered resource-dependent uses and may be located within a monarch ESHA or its buffer; however, such accessways shall be sited to avoid or minimize impacts to aggregation sites.
e. Interpretative signage is allowed within a monarch ESHA or its buffer, but shall be designed to be visually unobtrusive.
f. Butterfly research, including tree disturbance or other invasive methods, may be allowed subject to City approval of a permit.

CE 4.5 Buffers Adjacent to Monarch Butterfly ESHAs. [GP/CP] A buffer of a sufficient size to ensure the biological integrity and preservation of the monarch butterfly habitat, including aggregation sites and the surrounding grove of trees, shall be required. Buffers shall not be less than 100 feet around existing and historic roost sites as measured from the outer extent of the tree canopy. The buffer area shall serve as transitional habitat with native vegetation and shall provide physical barriers to human intrusion. The buffer may be reduced to 50 feet in circumstances where the trees contribute to the habitat but are not considered likely to function as an aggregation site, such as along narrow windrows. Grading and other activities that could alter the surface hydrology that sustains the groves of trees are prohibited within or adjacent to the buffer area.

CE 4.6 Standards Applicable to New Development Adjacent to Monarch ESHAs. [GP/CP] The following standards shall apply to consideration of proposals for new development adjacent to monarch ESHAs or ESHA buffers:
a. A site-specific biological study, prepared by an expert approved by the City who is qualified by virtue of education and experience in the study of monarch butterflies, shall be required to be submitted by the project proponent.
b. The study shall include preparation of a Monarch Butterfly Habitat Protection Plan, which at a minimum shall include: 1) the mapped location of the cluster of trees where monarchs are known, or have been known, to roost in both autumnal and over-wintering aggregations; 2) an estimate of the size of the population within the colony; 3) the mapped extent of the entire habitat area; and 4) the boundaries of the buffer zone around the habitat area.
c. A temporary fence shall be installed along the outer boundary of the buffer zone prior to and during any grading and construction activities on the site.
d. If an active roost or aggregation is present on the project site, any construction grading, or other development within 200 feet of the active roost, shall be prohibited between October 1 and March 1.

CE 8.3 Site-Specific Biological Resources Study. Any areas not designated on Figure 4-1 that meet the ESHA criteria for the resources specified in CE 8.1 shall be accorded the same protections as

if the area were shown on the figure. Proposals for development on sites where ESHAs are shown on the figure, or where there is probable cause to believe that an ESHA may exist, shall be required to provide the City with a site-specific biological study that includes the following information:
a. A base map that delineates topographic lines, parcel boundaries, and adjacent roads.
b. A vegetation map that 1) identifies trees or other sites that are existing or historical nests for the species of concern and 2) delineates other elements of the habitat such as roosting sites and foraging areas.
c. A detailed map that shows the conclusions regarding the boundary, precise location and extent, or current status of the ESHA based on substantial evidence provided in the biological studies.
d. A written report that summarizes the survey methods, data, observations, findings, and recommendations.

CE 8.4 Buffer Areas for Raptor Species. [GP/CP] Development shall be designed to provide a 100-foot buffer around active and historical nest sites for protected species of raptors when feasible. In existing developed areas, the width of the buffer may be reduced to correspond to the actual width of the buffer for adjacent development. If the biological study described in CE 8.3 determines that an active raptor nest site exists on the subject property, whenever feasible no vegetation clearing, grading, construction, or other development activity shall be allowed within a 300-foot radius of the nest site during the nesting and fledging season.

CE 9.1 Definition of Protected Trees. [GP/CP] 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.

CE 10.1 New Development and Water Quality. [GP/CP] New development shall not result in the degradation of the water quality of groundwater basins or surface waters; surface waters include the ocean, lagoons, creeks, ponds, and wetlands. Urban runoff pollutants shall not be discharged or deposited such that they adversely affect these resources.

CE 10.2 Siting and Design of New Development. [GP/CP] New development shall be sited and designed to protect water quality and minimize impacts to coastal waters by incorporating measures designed to ensure the following:
a. Protection of areas that provide important water quality benefits, areas necessary to maintain riparian and aquatic biota, and areas susceptible to erosion and sediment loss.
b. Limiting increases in areas covered by impervious surfaces.
c. Limiting the area where land disturbances occur, such as clearing of vegetation, cut-and-fill, and grading, to reduce erosion and sediment loss.
d. Limiting disturbance of natural drainage features and vegetation.

CE 10.3 Incorporation of Best Management Practices for Stormwater Management. [GP/CP] New development shall be designed to minimize impacts to water quality from increased runoff volumes and discharges of pollutants from nonpoint sources to the maximum extent feasible, consistent with the City's Storm Water Management Plan or a subsequent Storm

Water Management Plan approved by the City and the Central Coast Regional Water Quality Control Board. Post construction structural BMPs shall be designed to treat, infiltrate, or filter stormwater runoff in accordance with applicable standards as required by law. Examples of BMPs include, but are not limited to, the following:

a. Retention and detention basins.
b. Vegetated swales.
c. Infiltration galleries or injection wells.
d. Use of permeable paving materials.
e. Mechanical devices such as oil-water separators and filters.
f. Revegetation of graded or disturbed areas.
g. Other measures as identified in the City's adopted Storm Water Management Plan and other City-approved regulations.

Appendix B

Site Photographs

Photo 1: Northward view across project site toward RV storage yard and Santa Ynez Mountains.

Photo 2: View of eucalyptus woodland edge, towards the building adjacent to the west.

Photo 3: View looking north of the black cottonwood forest and RV storage yard.

Photo 4: View of remnant Old San Jose Creek channel looking south.

Photo 5: View of off-site channelized San Jose Creek to the east of the project site.

Appendix C

Floral and Faunal Compendium

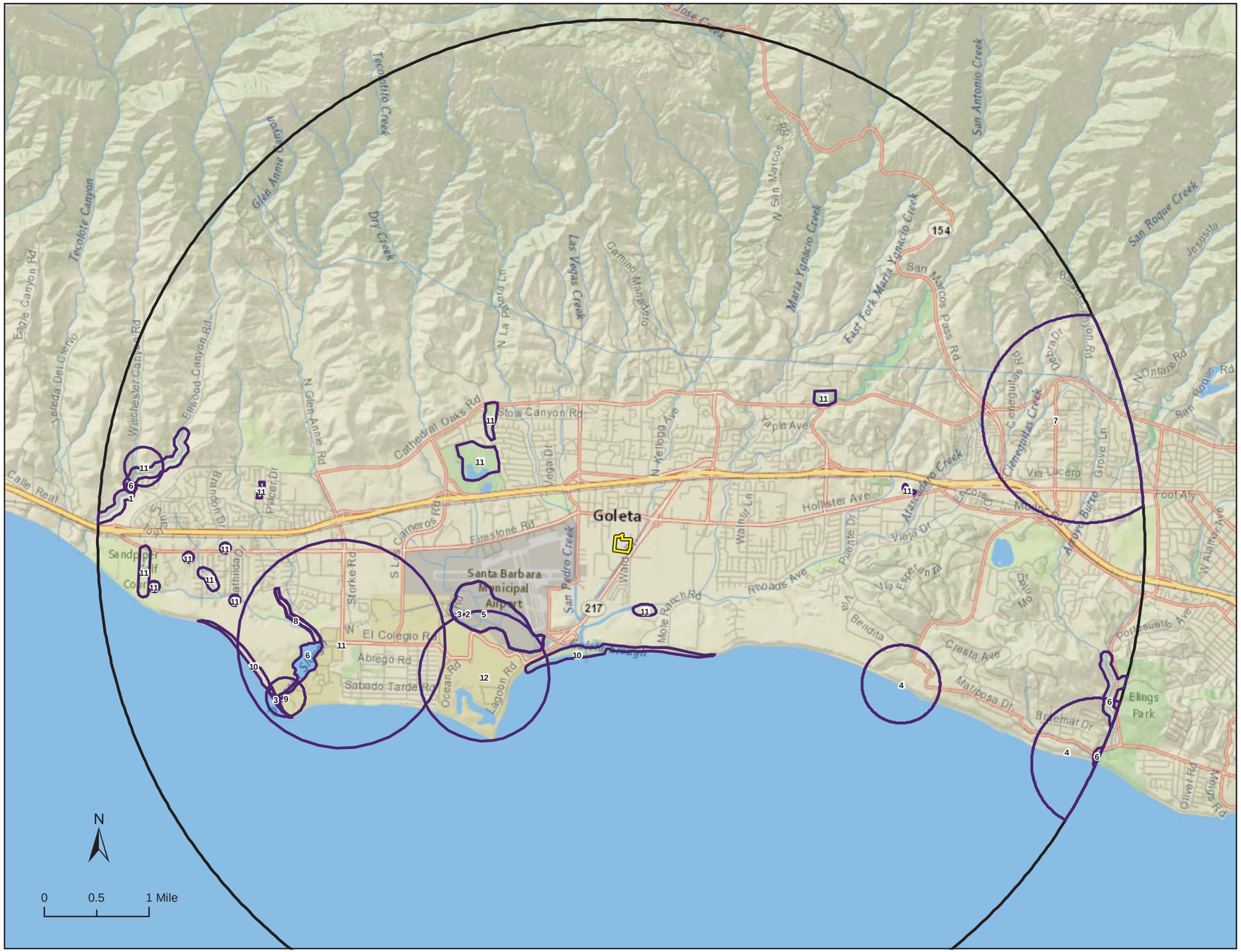
Appendix C. Animal and Native Plant Species Observed Within the Study Area on December 17, 2014.

Scientific Name	Common Name	Status	Native or Introduced
PLANTS			
Trees			
Quercus agrifolia	Coast Live Oak	-	Native
Populus trichocarpa	California Black Cottonwood	-	Native
Salix lasiolepis	Arroyo Willow	-	Native
Shrubs			
Baccharis pilularis	coyote brush	-	Native
Herbs			
Ambrosia psilostachya var. californica	Western ragweed	-	Native
Chenopodium berlandieri	Pit seed goosefoot	-	Native
Marah macrocarpus	Wild Cucumber	-	Native
Clematis ligusticifolia	Western white clematis		
Toxicodendron diversilobum	Poison Oak	-	Native
WILDLIFE			
Invertebrates			
Danaus plexippus	Monarch Butterfly	-	Native
Birds			
Cathartes aura	Turkey Vulture	-	Native
Buteo jamaicensis	Red-tailed Hawk	-	Native
Larus occidentalis	Western Gull	-	Native
Zenaida macroura	Mourning Dove	-	Native
Calypte anna	Anna's Hummingbird	-	Native
Melanerpes formicivorus	Acorn Woodpecker	-	Native
Corvus brachyrhynchos	American Crow	-	Native
Setophaga coronata	Yellow-rumped Warbler	-	Native
Melozone crissalis	California Towhee	-	Native
Zonotrichia leucophrys	White-crowned Sparrow	-	Native
Haemorhous mexicanus	House Finch	-	Native

Source: Rincon, 2014

Appendix D

Special Status Species Evaluation Tables



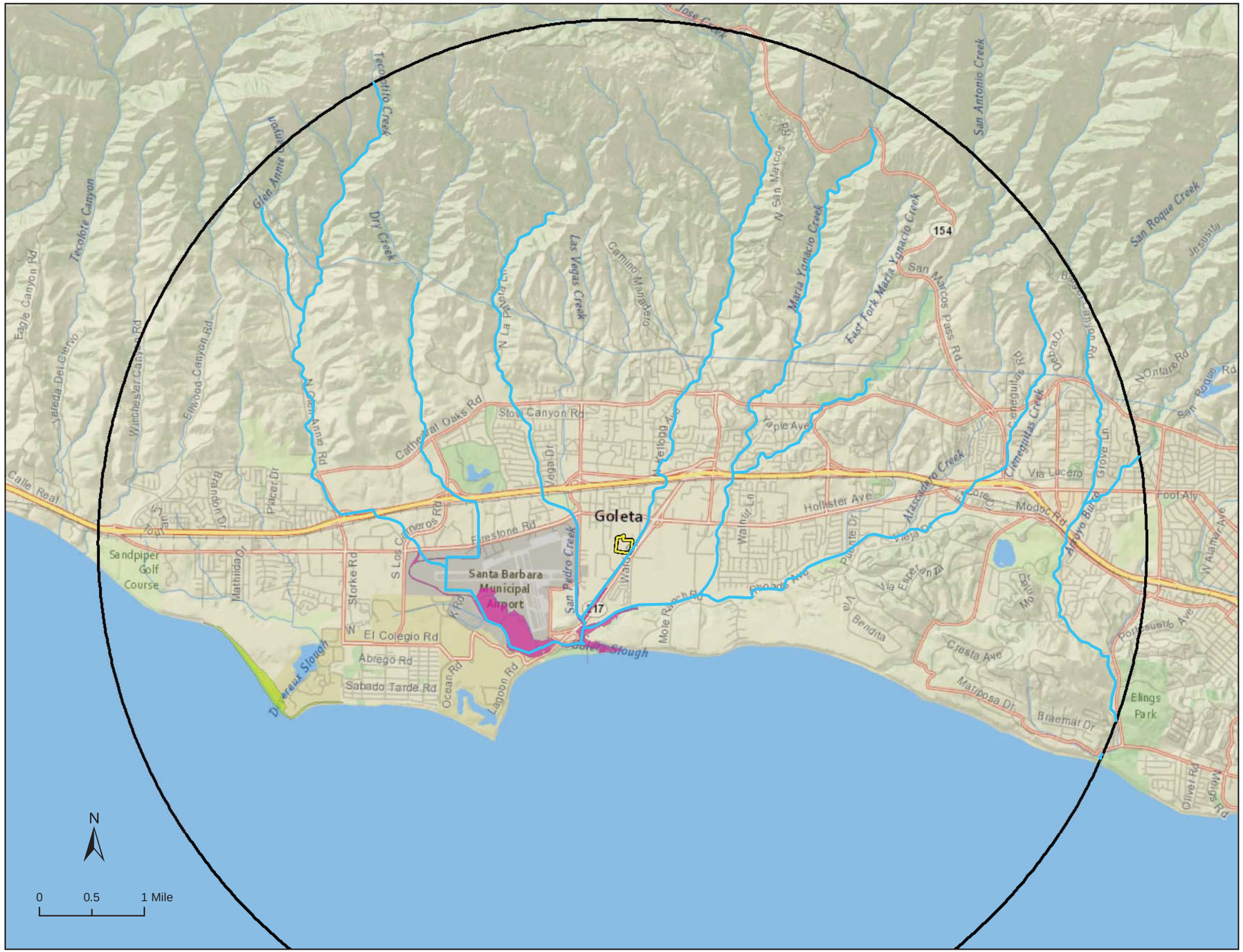
Project Boundary
5-Mile Radius
Animals

1 - California red-legged frog
2 - light-footed clapper rail
3 - western snowy plover
4 - bank swallow
5 - Belding's savannah sparrow
6 - tidewater goby
7 - Townsend's big-eared bat
8 - western pond turtle
9 - sandy beach tiger beetle
10 - globose dune beetle
11 - monarch butterfly
12 - mimic tryonia (=California brackishwater snail)

Sensitive Elements
(Animals and Invertebrates)
Reported by the
California Natural Diversity Database

Map imagery provided by National Geographic Society, ESRI and its licensors © 2014. Additional data layers from California Natural Diversity Database, December, 2014. Additional suppressed records reported by the CNDDB known to occur or potentially occur within this search radius include: Monarch Butterfly. For more information please contact the Department of Fish and Wildlife.

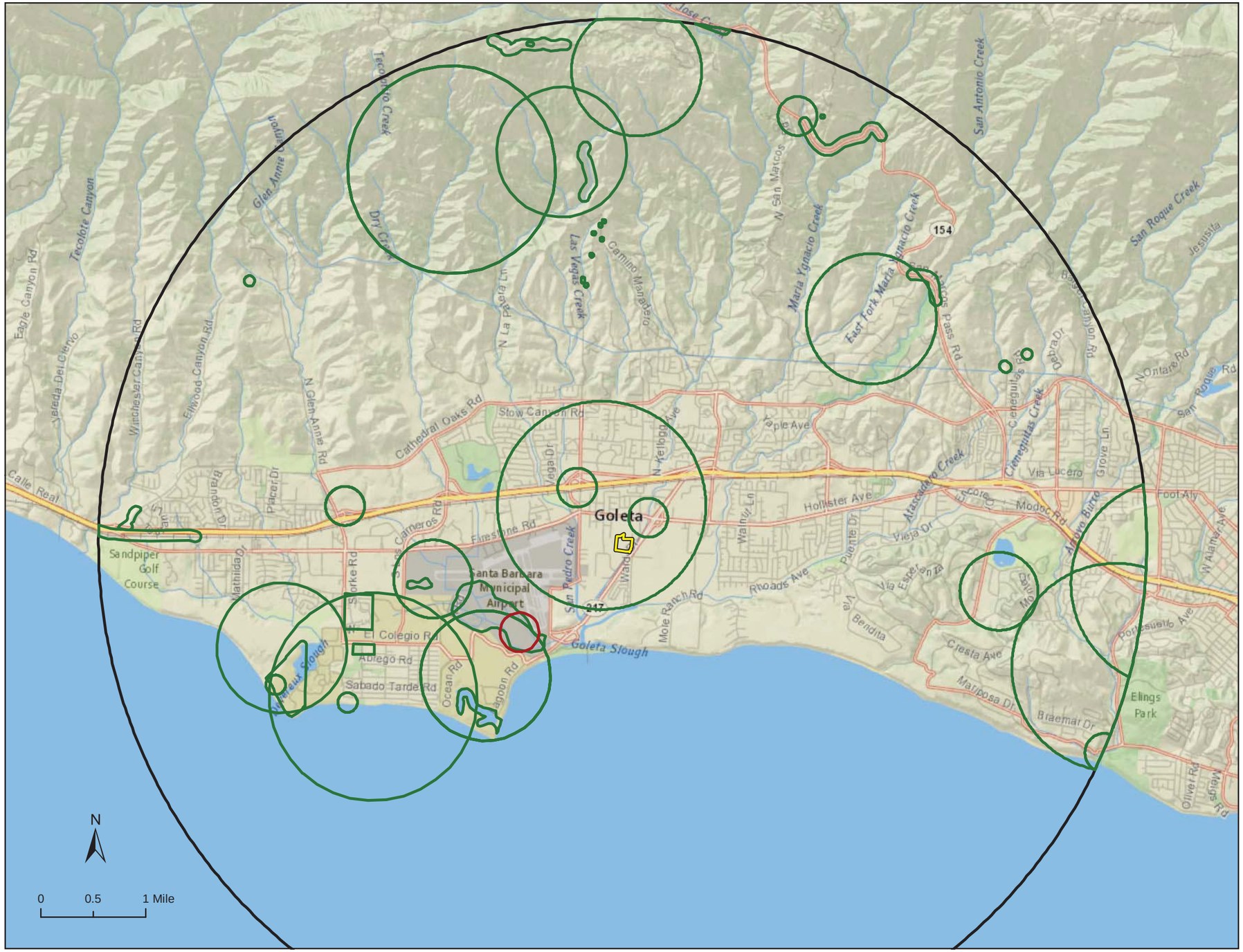
Figure D.1a



Map imagery provided by National Geographic Society, ESRI and its licensors © 2014. Additional data layers from U.S. Fish and Wildlife Service, November 2014. Critical habitat shown is that most recently available from U.S. FWS. Check with U.S. FWS or Federal Register to confirm. Note - Map to be printed in color, due to subtleties in symbology noticeable only on color version.

Final Critical Habitat Map

Figure D.1c



Map imagery provided by National Geographic Society, ESRI and its licensors © 2014. Additional data layers from California Natural Diversity Database, December, 2014. Additional suppressed records reported by the CNDDB known to occur or potentially occur within this search radius include: Monarch Butterfly. For more information please contact the Department of Fish and Wildlife.

Sensitive Elements
(Plants and Natural Communities)
Reported by the
California Natural Diversity Database

Figure D.1b

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Table 1. Special Status Plant Species in Project Vicinity

Scientific Name	Status Fed/State ESA CRPR G-Rank/S-Rank	Habitat Requirements	Potential for Occurrence	Rationale
Amsinckia douglasiana Douglas' fiddleneck	--/-- G3/S3.2 4.2	Annual herb; blooms March to May; cismontane woodland and valley and foothill grassland; usually on Monterey shale in dry areas.	Low	Marginal habitat present, but shale soils not present. No CNDDB records.
Arctostaphylos refugioensis Refugio manzanita	-- / -- 1B.2 G2 / S2	Perennial evergreen shrub. Blooms Dec-May. Chaparral. On sandstone. 300-820m (985-2690ft).	None	Suitable habitat not present on site.
Atriplex coulteri Coulter's saltbush	--/ -- 1B.2 G2/S2	Perennial herb. Blooms Mar-Oct. Coastal bluff scrub, coastal dunes, coastal scrub, valley and foothill grassland. Ocean bluffs, ridgetops, as well as alkaline low places. 10-440m (30-1445ft).	None	Suitable habitat not present on site.
Atriplex serenana var. *davidsonii* Davidson's saltscale	--/ -- 1B.2 G5T1/S1	Annual herb. Blooms Apr-Oct. Coastal bluff scrub, coastal scrub. Alkaline soil. 3-250m (10-820ft).	None	Suitable habitat not present on site.
Calochortus fimbriatus Late-flowered mariposa-lily	-- / -- 1B.2 G3 / S3	Perennial bulbiferous herb. Blooms June-Aug. Chaparral, cismontane woodland, riparian woodland. Dry, open coastal woodland, chaparral; on serpentine. 275-1905 m (900-6250ft).	None	Suitable habitat not present on site.
Centromadia parryi ssp. *australis* Southern tarplant	--/ -- 1B.1 G3T2/S2	Annual herb. Blooms May-Nov. Marshes and swamps (margins), valley and foothill grassland. Often in disturbed sites near the coast at marsh edges; also in alkaline soils sometimes with saltgrass. Sometimes on vernal pool margins. 0-425m (0-1395ft).	Low	Marginal habitat present on site. One southern tarplant was observed in 1996 at corner of Fowler Road and Placencia Street. Not observed during surveys from July through November of 2004, or December 2013 (URS 2014). Historical (1960) CNDDB records1300 feet north of project site.

Table 1. Special Status Plant Species in Project Vicinity

Scientific Name	Status Fed/State ESA CRPR G-Rank/S-Rank	Habitat Requirements	Potential for Occurrence	Rationale
Horkelia cuneata var. *puberula* Mesa horkelia	-- / -- 1B.1 G4T1 / S1	Perennial herb. Blooms Feb-Sept. Chaparral, cismontane woodland, coastal scrub. Sandy or gravelly sites. 70-810m (230-2655ft).	None	Suitable habitat not present on site.
Juncus luciensis Santa Lucia dwarf rush	-- / -- 1B.2 G2G3/ S2S3	Annual herb. Blooms Apr-Jul. Vernal pools, meadows, lower montane coniferous forest, chaparral, Great Basin scrub. Vernal pools, ephemeral drainages, wet meadow habitats and streamsides. 300-2040m (985-6690ft).	None	Suitable habitat not present on site.
Lasthenia conjugens Contra Costa goldfields	FE/ -- 1B.1 G1/S1	Annual herb. Blooms Mar-Jun. Valley and foothill grassland, vernal pools, alkaline playas, cismontane woodland. Vernal pools, swales, low depressions, in open grassy areas. 1-470m (3-1540ft).	Low	Marginal mesic areas present in remnant Old San Jose Creek.
Lasthenia glabrata ssp. *coulteri* Coulter's goldfields	--/ -- 1B.1 G4T2/S2	Annual herb. Blooms Feb-Jun. Coastal salt marshes, playas, valley and foothill grassland, vernal pools. Usually found on alkaline soils in playas, sinks, and grasslands. 1-1400m (3-4595ft).	None	Suitable habitat not present on site.
Layia heterotricha Pale-yellow layia	--/ -- 1B.1 G2/S2	Annual herb. Blooms Mar-Jun. Cismontane woodland, pinyon-juniper woodland, valley and foothill grassland. Alkaline or clay soils; open areas. 270-1365m (885-4480ft).	None	Suitable habitat not present on site.
Lonicera subspicata var. *subspicata* Santa Barbara honeysuckle	-- / -- 1B.2 G5T2/ S2	Perennial evergreen shrub. Blooms May-Feb. Chaparral, cismontane woodland, coastal scrub. 35-1000m (115-3280ft).	Low	Marginal woodland present in remnant Old San Jose Creek.

Table 1. Special Status Plant Species in Project Vicinity

Scientific Name	Status Fed/State ESA CRPR G-Rank/S-Rank	Habitat Requirements	Potential for Occurrence	Rationale
Scrophularia atrata Black-flowered figwort	-- / -- 1B.2 G2G3 / S2S3	Perennial herb. Blooms Mar-Jul. Closed-cone coniferous forest, chaparral, coastal dunes, coastal scrub, riparian scrub. Sand, diatomaceous shales, and soils derived from other parent material; around swales and in sand dunes. 10-250m (30-820ft).	None	Suitable habitat not present on site.
Suaeda esteroa Estuary seablite	-- / -- 1B.2 G3 / S2	Perennial herb. Blooms May-Jan. Marshes and swamps. Coastal salt marshes in clay, silt, and sand substrates. 0-5m (0-15ft).	None	Suitable habitat not present on site.
Thelypteris puberula var. *sonorensis* Sonoran Maiden fern	-- / -- 2B.2 G5T3 / S2.2?	Perennial rhizomatous herb. Blooms Jan-Sep. Meadows and seeps. Along streams, seepage areas. 50-550m (165-1805ft).	Low	Marginal stream areas present in remnant Old San Jose Creek.

Project Vicinity refers to within a 5 mile radius of site.
FE = Federally Endangered FT = Federally Threatened
SE = State Endangered ST = State Threatened SR = State Rare
G-Rank/S-Rank = Global Rank and State Rank as per NatureServe and CDFW's CNDDB RareFind3.
CRPR (CNPS California Rare Plant Rank):
1A=Presumed Extinct in California
1B=Rare, Threatened, or Endangered in California and elsewhere
2A=Plants presumed extirpated in California, but more common elsewhere
2B=Plants Rare, Threatened, or Endangered in California, but more common elsewhere
3=Need more information (a Review List)
4=Plants of Limited Distribution (a Watch List)
CRPR Threat Code Extension:
.1=Seriously endangered in California (over 80% of occurrences threatened / high degree and immediacy of threat)
.2=Fairly endangered in California (20-80% occurrences threatened)
.3=Not very endangered in California (<20% of occurrences threatened)

Table 2. Special Status Animal Species in the Project Vicinity

Scientific Name Common Name	Status Fed/State ESA CDFW G-Rank/S-Rank	Habitat Requirements	Potential for Occurrence	Potential for Occurrence
Invertebrates				
Danaus plexippus Monarch butterfly	-- / -- -- G5 / S3	Winter roost and aggregation sites extend along the coast from northern Mendocino to Baja California, Mexico. Roosts and aggregations are located within wind-protected tree groves (eucalyptus, Monterey pine, cypress), with nectar and water sources nearby.	Present	Individuals numbering from the hundreds to thousands observed roosting and basking in eucalyptus and coast live oak trees on-site, and may have been a bivouac. A protected aggregation has not been confirmed from this location.
Cicindela hirticollis gravida Sandy beach tiger beetle	-- / -- -- G5T2 / S1	Inhabits areas adjacent to non-brackish water along the coast of California from San Francisco Bay to northern Mexico. Clean, dry, light-colored sand in the upper zone. Subterranean larvae prefer moist sans not affected by wave action.	None	Suitable habitat not present on site.
Coelus globosus Globose dune beetle	-- / -- -- G1 / S1	Inhabitant of coastal sand dune habitat; erratically distributed from Ten Mile Creek in Mendocino County south to Ensenada, Mexico. Inhabits foredunes and sand hummocks; it burrows beneath the sand surface and is most common beneath dune vegetation.	None	Suitable habitat not present on site.
Tryonia imitator Mimic tryonia (=California brackishwater snail)	-- / -- -- G2G3 / S2S3	Inhabits coastal lagoons, estuaries and salt marshes, from Sonoma County south to San Diego County. Found only in permanently submerged areas in a variety of sediment types; able to withstand a wide range of salinities.	None	Suitable habitat not present on site.
Fish				
Eucyclogobious newberryi Tidewater goby	FE / -- SSC G3 / S2S3	Brackish water habitats along the Calif coast from Agua Hedionda Lagoon, San Diego Co. to mouth of Smith River. Found in shallow lagoons and lower stream reaches, they need fairly still but not stagnant water and high oxygen	None	No habitat present on site. Occurs off-site downstream in San Jose Creek.

Table 2. Special Status Animal Species in the Project Vicinity

Scientific Name Common Name	Status Fed/State ESA CDFW G-Rank/S-Rank	Habitat Requirements	Potential for Occurrence	Potential for Occurrence
		levels.		
Gasterosteus aculeatus williamsoni Unarmored threespine stickleback	FE/SE G5T1/S1 FP	Weedy pools, backwaters, and among emergent vegetation at the stream edge in small southern California streams. Cool (<24 C) clear water with abundant vegetation.	None	No habitat present on site. May occurs off-site in San Jose Creek
Gila orcuttii arroyo chub	--/-- G2/S2 SSC	Streams with reaches of slow-moving water and mud or sand bottoms; aquatic vegetation.	None	Not documented in or near San Jose Creek near the project site, but may occur upstream (Padre Associates, Inc., 2003)
Oncorhynchus mykiss irideus *southern California DPS*	FE/-- G5T2A/S2 SSC	Cold, clear waters in complex streams with riffles, pools, and sources of cover such as undercut banks, aquatic vegetation, submerged wood, etc.; connectivity to Pacific Ocean key to life cycle	None	No habitat present on site. Off-site, San Jose Creek is designated as critical habitat.
Amphibians				
Rana draytonii California red-legged frog	FT / -- -- G2G3 / S2S3	Lowlands and foothills in or near permanent sources of deep water with dense, shrubby or emergent riparian vegetation. Requires 11-20 weeks of permanent water for larval development. Must have access to estivation habitat.	None	Suitable habitat not present on site. No CNDDB records in the San Jose Creek Watershed.
Reptiles				
Anniella pulchra pulchra Silvery legless lizard	--/-- G3G4T3T4Q/S3 SSC	Occurs in dune scrub, coastal scrub, chaparral, pine-oak woodland, oak woodland, and riparian woodland. Requires loose soil for burrowing, moisture, warmth, and plant cover.	Low	May occur in remnant riparian corridor. No project vicinity CNDDB records.
Emys marmorata Western pond turtle	-- / -- SSC G3G4 / S3	A thoroughly aquatic turtle of ponds, marshes, rivers, streams and irrigation ditches, usually with aquatic vegetation, below 6000 ft elevation. Need basking sites and suitable (sandy banks or	None	May occur in upstream San Jose Creek. Suitable ponding and basking sites absent on-site in Old San Jose Creek, or off-site in San Jose Creek.

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Scientific Name Common Name	Status Fed/State ESA CDFW G-Rank/S-Rank	Habitat Requirements	Potential for Occurrence	Potential for Occurrence
		grassy open fields) upland habitat up to 0.5 km from water for egg-laying.		
Phrynosoma blainvilli coast horned lizard	--/-- G4G5/S3S4 SSC	Clearings in riparian woodlands, lowlands along sandy washes with scattered low bushes; open areas for sunning, bushes for cover, patches of loose soil for burial, and abundant supply of ants and other insects.	None	Species may have occurred in the area historically, but agricultural and urban development in the region have likely extirpated this species from the project site. No project vicinity CNDDB records
Thamnophis hammondii Two-striped garter snake	--/-- G3/S2 SSC	Streams or ponds having riparian or wetland vegetation; small mammal burrows are used for overwintering.	None	No suitable habitat in old San Jose Creek or adjacent San Jose Creek. Could occur upstream past Hollister San Jose Creek. No project vicinity CNDDB records.
Birds				
Aquila chrysaetos golden eagle	--/-- G5/S3 FP,WL	Uncommon resident of mountainous and valley-foothill areas. Nesting occurs on cliff ledges and overhangs or in large trees. Foraging typically occurs in open terrain where small rodent prey is seen while soaring high above ground.	None	No suitable nesting habitat and project site is likely too small and proximal to urban development to provide foraging habitat.
Baeolophus inornatus oak titmouse	--/-- G5/S3? SA	Resident from southern Oregon south to Baja California. Preferred habitats include live oaks and deciduous growth, including oak woodlands, streamside cottonwoods, forest edges, and oak-juniper woodlands.	Moderate	Could occur within the black cottonwood forest and scattered oaks.
Charadrius alexandrinus nivosus Western snowy plover	FT / -- SSC G3T3 / S2	Sandy beaches, salt pond levees and shores of large alkali lakes. Needs sandy, gravelly or friable soils for nesting.	None	Suitable habitat not present on site.
Dendroica petechial brewsteri	--/-- G5T3?/S2 SSC	Inhabits riparian areas and nests in trees and shrubs of overgrown fields, pastures, shorelines, cultivated fields,	Low	May have been observed in Old San Jose Creek in 2012 (URS, 2014). Could breed in riparian

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Scientific Name Common Name	Status Fed/State ESA CDFW G-Rank/S-Rank	Habitat Requirements	Potential for Occurrence	Potential for Occurrence
yellow warbler		orchards, roadsides, and suburban parks.		areas along Old San Jose Creek.
Empidonax traillii extimus southwestern willow flycatcher	FE/SE G5T1T2/S1	Riparian woodlands in southern California, generally with dense shrubs and trees.	Low	Species has been heard in suburban portions of San Jose Creek, but has not been seen or otherwise documented as breeding within the creek (Padre Associates, Inc., 2003). No CNDDB records in project vicinity.
Lanius ludovicianus loggerhead shrike	--/-- G4/S4 SSC	Found in open grasslands with scattered perches of posts, wires, trees and scrub	None	Not documented breeding on the Santa Barbara coast in recent years. The relatively small size of the project site and proximity to dense urban development likely discourage this species from occur. Nut not expected to breed.
Elanus caeruleus white-tailed kite	--/-- G5/S3 FP	Grassland, sparse scrub, marshes or open woodland habitats often near agricultural areas. Nests are in isolated trees or forests.	Low	Known to nest along San Jose Creek. White-tailed kites are commonly observed at the Santa Barbara Airport, and were observed along the Ekwill Street realignment in 2012 (URS, 2014). Not documented by CNDDB in the project vicinity. Known roosts in Santa Barbara area. Limited foraging area on-site.
Passerculus sandwichensis beldingi Belding's savannah sparrow	-- / SE -- G5T3 / S2	Inhabits coastal salt marshes, from Santa Barbara south through San Diego County. Nests in Salicornia on and about margins of tidal flats.	None	Suitable habitat not present on site.

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Scientific Name Common Name	Status Fed/State ESA CDFW G-Rank/S-Rank	Habitat Requirements	Potential for Occurrence	Potential for Occurrence
Picoides nuttallii Nuttall's woodpecker	--/-- G5/SNR SA	Typically associated with oak trees and found in wooded canyons and foothills, groves and orchards.	Moderate	No observed, no CNDDB records. Suitable habitat along old San Jose Creek.
Rallus longirostris levipes Light-footed clapper rail	FE / SE FP G5T1T2 / S1	Found in salt marshes traversed by tidal sloughs, where cordgrass and pickleweed are the dominant vegetation. Requires dense growth of either pickleweed or cordgrass for nesting or escape cover; feeds on molluscs and crustaceans.	None	Suitable habitat not present on site.
Riparia riparia Bank swallow	-- / ST SSC G5 / S2S3	Colonial nester; nests primarily in riparian and other lowland habitats west of the desert. Requires vertical banks/cliffs with fine-textured/sandy soils near streams, rivers, lakes, ocean to dig nesting hole.	None	Suitable habitat not present on site.
Vireo bellii pusillus least Bell's vireo	FE/SE G5T2/S2 --	Summer resident of southern California in low riparian in vicinity of water or in dry river bottoms; below 2000 ft. Nests placed along margins of bushes or on twigs projecting into pathways, usually willow, baccharis, mesquite.	Low	This species has been documented as a causal fall migrant in San Jose Creek (Padre Associates, Inc., 2003). Not detected during 2012 protocol surveys (URS, 2014). May forage but not expected to breed on-site due to lack of suitable willow density.
Mammals				
Antrozous pallidus pallid bat	--/-- G5/S3 SSC	Deserts, grasslands, shrublands, woodlands, and forest. Most common in open, dry, habitats with rocky area for roosting. Roost must protect bats from high temperatures. Very sensitive to disturbance of roosting sites.	Low	Could occur in riparian habitat. No project vicinity CNDDB records.
Corynorhinus townsendii	-- / -- SSC	Throughout California in a wide variety of habitats. Most common in mesic	None	Suitable habitat not present on site.

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Scientific Name Common Name	Status Fed/State ESA CDFW G-Rank/S-Rank	Habitat Requirements	Potential for Occurrence	Potential for Occurrence
Townsend's big-eared bat	G3G4 / S2S3	sites. Roosts in the open, hanging from walls and ceilings. Roosting sites limiting. Extremely sensitive to human disturbance.		
Eumops perotis californicus western mastiff bat	--/-- G5T4/S3? SSC	Open, semi-arid to arid habitats, including conifer and deciduous woodlands, coastal scrub, annual and perennial grasslands, palm oases, chaparral, desert scrub, and urban. Crevices in cliff faces, high buildings, trees, and tunnels are required for roosting.	Low	No project vicinity CNDDB records. Could occur in large trees.
Lasionycteris noctivagans silver-haired bat	--/-- G5/S3S4 SA	Primarily a coastal and montane forest dweller feeding over streams, ponds, and open brushy areas; roosts in hollow trees beneath exfoliating bark, abandoned woodpecker holes and rarely under tocks. Needs drinking water.	Low	No project vicinity CNDDB records. Could occur in large trees.
Lasiurus blossevillii western red bat	--/-- G5/S3? SSC	Roosts primarily in trees, 2-40 feet above ground, from sea level up through mixed conifer forests; prefers habitat edges and mosaics with trees that are protected from above and open below with open areas for foraging.	Low	No project vicinity CNDDB records. Could occur in large trees.
Lasiurus cinereus hoary bat	--/-- G5/S3 SA	The most widespread North American bat. Prefers open habitats or habitat mosaics with access to trees for cover and open areas or habitat edges for feeding. Roosts in dense foliage of medium to large trees. Feeds primarily on moths. Requires water.	Low	No project vicinity CNDDB records. Could occur in large trees.
Myotis yumanensis Yuma myotis	--/-- G5/S4? SA	Widespread in California, except the Mojave and Colorado Desert regions. Optimal habitats are open forests and	None	No suitable roosting habitat on-site. No project vicinity CNDDB records.

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		woodlands with sources of water over which to feed. Distribution closely tied to bodies of water. Maternity roosts typically occur in caves and buildings.		

Regional Vicinity refers to within a 5 mile radius of site.
FT = Federally Threatened SE = State Endangered
FC = Federal Candidate Species ST = State Threatened
FE = Federally Endangered SR = State Rare
FS=Federally Sensitive SS=State Sensitive
G-Rank/S-Rank = Global Rank and State Rank as per NatureServe and CDFW's CNDDB RareFind3.
SC = CDFW Species of Special Concern
FP = Fully Protected