Initial Study Biological Assessment

Original ISBA report date: January 15, 2016

Revision report dates:

Case number:

Permit type: Conditional Use Permit

Applicant: Agromin

Case Planner:

Total parcel(s) size: 452.741 acres

Assessor Parcel Number(s): 090-0-180-085

Development proposal description: The applicant (Agromin) is applying for a Conditional Use Permit (CUP) for a new Commercial Organics Processing Operation (Project). The applicant is also requesting an amendment to the Non Coastal Zoning Ordinance which is being required by the County to allow development of the Project. The proposed Project will expand the current 15-acre, 60,000 ton per year agricultural compost operation into a 70-acre 295,000 ton per year commercial compost facility with an energy production component.

Prepared for Ventura County Planning Division by:

As a Qualified Biologist, approved by the Ventura County Planning Division, I hereby certify that this Initial Study Biological Assessment was prepared according to the Planning Division's requirements and that the statements furnished in the report and associated maps are true and correct to the best of my knowledge.

<table>
<tr><td colspan="3">Qualified Biologist (signature):  </td><td>Date:

April 19, 2017</td></tr>
<tr><td>Name (printed): Stephen Jones</td><td>Title: Senior Botanist</td><td colspan="2">Company: BioResource Consultants, Inc.</td></tr>
<tr><td>Phone: 805-646-9006 x17</td><td colspan="3">email: steve@biorc.com</td></tr>
<tr><td colspan="4">Role: Conducted botanical surveys and delineation of wetland and waters</td></tr>
<tr><td colspan="3">Other Biologist (signature):  </td><td>Date:

April 19, 2017</td></tr>
<tr><td>Name (printed): Matt Schaap</td><td>Title: Biologist</td><td colspan="2">Company: BioResource Consultants, Inc.</td></tr>
<tr><td>Phone: 805-646-9006</td><td colspan="3">email:matt@biorc.com</td></tr>
<tr><td colspan="4">Role: Conducted Biological surveys – wildlife surveys</td></tr>
</table>

Initial Study Checklist

This Biological Assessment DID provide adequate information to make recommended CEQA findings regarding potentially significant impacts.

		Project Impact Degree of Effect				Cumulative Impact Degree of Effect			
		N	LS	PS-M*	PS	N	LS	PS-M*	PS
A	Species			X				X	
B	Ecological Communities		X				X		
C	Habitat Connectivity	x				x			

N: No impact
LS: Less than significant impact
PS-M: Potentially significant unless mitigation incorporated.
PS: Potentially significant

Contents

Maps

Summary

The applicant (Agromin) is applying for a Conditional Use Permit (CUP) for a new Commercial Organics Processing Operation (Project). The applicant is also requesting an amendment to the Non Coastal Zoning Ordinance, which is being required by Ventura County, to allow development of the Project. The proposed Project will expand the current 15-acre, 60,000 ton per year agricultural compost operation into a 70-acre 295,000 ton per year commercial compost facility with an energy production component. The Project will be limited to 70 acres of the total 452.74 acre parcel (APN 090-0-180-085). The Project is located in unincorporated Ventura County at the south end of Edward's Ranch Road, approximately ¼ mile south of Highway 126 and ½ mile north of the Santa Clara River. The purpose of this Initial Study Biological Assessment is to review the proposed Project in sufficient detail to determine if significant impacts to biological resources could occur from Project implementation.

BioResource Consultants, Inc. (BRC) performed site visits to map the vegetation; inventory the flora; assess the habitat suitability for potential special-status species and wildlife movement; map any special-status biological resources at the site; conduct a special-status plant species survey; conduct a wetland and waters delineation and determination; and record observations of plant and wildlife species.

An unnamed drainage traverses through the Survey Area with approximately 0.90 acres of California Department of Fish and Wildlife (CDFW) jurisdiction on site. The United States Army Corps of Engineers (USACE) has made a jurisdictional determination on the unnamed drainage. The USACE determined the unnamed drainage, a small ephemeral drainage, to be a drainage ditch excavated within uplands draining agricultural fields, and therefore not waters of the United States. Therefore, the unnamed drainage is not jurisdictional and is not regulated under Section 404 of the Clean Water Act. Project implementation will not impact USACE jurisdictional waters as the unnamed drainage is not considered Waters of the U.S. In addition, no wetland areas meeting the three mandatory criteria (hydrology, hydric soils and hyrodphytic vegetation) will be impacted by the Project. The CDFW considers the unnamed drainage State Waters as it has bed and bank and flows into the Santa Clara River. Therefore, the unnamed drainage is considered State Waters and regulated under Section 1602 of the CDFW Code. Approximately 0.90 acres of State Waters within CDFW jurisdiction will be permanently impacted. Impacts to State Waters are considered potentially less than significant.

No special-status species were observed within the Survey Area. Suitable habitat is present within the Survey Area for monarch butterfly (*Danaus plexippus*), silvery legless lizard (*Anniella pulchra pulchra*) and coast horned lizard (*Phrynosoma blainvillii*). Project implementation will not impact potential monarch roosting habitat as the eucalyptus trees will not be removed or trimmed. Project implementation and construction could impact suitable habitat, individuals or populations of silvery legless lizards and coast horned lizards. Impacts to silvery legless lizards, coast horned lizards and protected nesting birds would be considered potentially significant but mitigable.

Section 1: Construction Footprint Description

Construction Footprint Definition (per the Ventura County Planning Division): The construction footprint includes the proposed maximum limits of temporary or permanent direct land or vegetation disturbance for a project including such things as the building pad(s), roads/road improvements, grading, septic systems, wells, drainage improvements, fire hazard brush clearance area(s), tennis courts, pools/spas, landscaping, storage/stockpile areas, construction staging areas, fire department turnarounds, utility trenching and other grading areas. The construction footprint on some types of projects, such as mining, oil and gas exploration or agricultural operations, may be quite different than the above.

Development Proposal Description:

The applicant is applying for a Conditional Use Permit (CUP) for a new Commercial Organics Processing Operation (Project). The applicant is also requesting an amendment to the Non Coastal Zoning Ordinance which is being required by the County to allow development of the Project. The proposed Project will expand the current 15-acre, 60,000 ton per year agricultural compost operation into a 70-acre 295,000 ton per year commercial compost facility with an energy production component. The primary components of the Project include:

- Two 80,925 square foot buildings used for food material and green material receiving and processing.
- A 40,000 ton per year anaerobic digestion (AD) system that would produce methane-rich biogas from organic waste material (anaerobic composting). The biomethane generated will be used to produce compressed natural gas (CNG) or liquefied natural gas (LNG) for use as transportation fuel.
- The addition of a state-of-the-art 75,000 ton per year covered aerated static pile (CASP) system (aerobic composting).
- Continued but expanded open windrow composting of organics consisting only of green material (aerobic composting).
- A 23,107 square foot product blending and packaging plant where additives such as gypsum, peat moss, and perlite are added to the composted material produced at the Project site to produce soil amendment products to customer specifications. Finished products are stockpiled and transported offsite to the end user by company-owned vehicles. The Project also includes onsite sales of product to the public and wholesale customers.
- A 25,000 square foot maintenance building which will be used for maintenance of on-site mobile and processing equipment.
- 5.6 acres of the 70 acres will be utilized for water runoff retention basins (approximately 43.5 acre-ft. storage capacity) located on the southern (down-gradient) edge of the Project site.

The proposed Project is expected to be constructed in phases. The phased development plan will utilize modular technology components that can be deployed in phases and integrated into the Project, allowing phased capital outlay and development flexibility based upon market demand and regulatory changes. Currently, the anticipated phasing would be as follows:

- **Phase 1 – Complete in mid-2018 to mid-2019**
    - Access upgrades, drainage basins, impermeable windrow pads;
    - Build two (2) receiving buildings, the wet organics building for food material and dry organics building for green material;
    - Build packaging/production building, maintenance building, scale house;
    - 100% build out of the open windrow composting operation;
    - One (1), 8-bay covered aerated static pile (CASP) system with 40,000 tons per year capacity; and
    - One (1) Anaerobic Digestion (AD) system with 10,000 tons per year capacity.

- **Phase 2 – Construct as demand requires**
    - Build facilities administration building;
    - Construct one (1) additional 8-bay CASP system to eventually expand the CASP operations to a total capacity of 75,000 tons per year; and
    - Add up to three (3) additional 10,000 tons per year AD systems, to expand the AD operations to a total capacity of 40,000 tons per year.

The total expected Project life is 50 years. The Project includes transferring Agromin's composting operations from their existing Shoreline facility in Oxnard, California to the Project site. The Shoreline facility's composting operation is scheduled to be shut down by March 2019.

Construction Footprint Size

70 acres

Survey Area Size

110 acres

Coastal Zone/Overlay Zones

The Project or parcel is not within any overlay zones.

Zoning

The Survey Area and parcel are within Agricultural (General Plan) and Agricultural Exclusive (AE-40) (Non-Coastal Plan).

Elevation

The Survey Area's elevation ranges from approximately 179 to 190 feet above mean sea level (amsl).

Other

Not applicable.

Section 2: Survey Information

2.1 Survey Purpose

Discretionary actions undertaken by public agencies are required to demonstrate compliance with the California Environmental Quality Act (CEQA). The purpose of this Initial Study Biological Assessment (ISBA) is to gather enough information about the biological resources associated with the proposed Project and their potential to be impacted by the Project, to make a CEQA Initial Study significance finding for biological resources. In general, ISBA's are intended to:

- Provide an inventory of the biological resources on a project site and the values of those resources.
- Determine if a proposed project has the potential to impact any significant biological resources.
- Recommend project redesign to avoid, minimize or reduce impacts to significant biological resources.
- Recommend additional studies necessary to adequately assess potential impacts and/or to develop adequate mitigation measures.
- Develop mitigation measures, when necessary, in cases where adequate information is available.

2.2 Survey Area Description

Survey Area Definition (per the Ventura County Planning Division): The physical area a biologist evaluates as part of a biological assessment.

This includes all areas that could potentially be subject to direct or indirect impacts from the project, including, but not limited to: the construction footprint; areas that would be subject to noise, light, dust or runoff generated by the project; any required buffer areas (e.g., buffers surrounding wetland habitat).

The construction footprint plus a 300-foot buffer—beyond the required fire hazard brush clearance boundary—(or 20-foot from the cut/fill boundary or road fire hazard brush clearance boundary – whichever is greater) is generally the minimum size of a survey area. Required off-site improvements—such as roads or fire hazard brush clearance—are

included in the survey area. Survey areas can extend off the project's parcel(s) because indirect impacts may cross property lines. The extent of the survey area shall be determined by the biologist in consultation with the lead agency.

Survey Area 1 (SA1)

Location

The Survey Area is located in unincorporated Ventura County, at the south end of Edward's Ranch Road, approximately ¼ mile south of Highway 126 and ½ mile north of the Santa Clara River. The Survey Area includes the proposed 70 acre Project site and the proposed access road (Edward's ranch Road) for an approximate total of 110 acres. The Survey Area is within APN 035-0-010-190, at UTM NAD83 11S 304382.68 - 33797715.36 on the *Saticoy* and *Santa Paula* USGS 7.5-minute quadrangles. The Survey Area was not flagged.

Survey Area Environmental Setting

The Survey Area ranges in elevation from approximately 179 feet to 190 amsl. The lowest elevation of the area is along the southern boundary of the Survey Area just south of East Gaythorne Road and the highest elevation is at the intersection of Edwards Ranch Road and Telegraph Road. In general, the topography is characterized as flat with a gentle slope south toward the Santa Clara River. The main access road—Edwards Ranch Road—traverses the Survey Area northwest to southeast, beginning at Telegraph Road and ending at the Santa Paula Railroad corridor. Generally, the northern boundary of the Survey Area is the Santa Paula Railroad. The southern boundary of the Survey Area is Roger Road and an unnamed dirt road extending to the west from Roger Road. The western boundary is approximately 1,000 feet west of the existing 15-acre, 60,000 ton per year agricultural compost operation. The eastern boundary is the existing Ventura County Watershed Protection District (VCWPD) improved channel which traverses northwest-to-southeast along the eastern boundary from Highway 126 toward the Santa Clara River. The Survey Area consists of the existing 15-acre agricultural compost operations and its associated structures with the remaining Survey Area characterized as active agricultural. An unnamed ephemeral drainage occurs in the central portion of the Study Area and drains south from the Santa Paula Railroad to outside the Survey Area to Roger Road and continues to the Santa Clara River. The Survey Area is dominated by non-native agricultural crops and non-native weedy species with occurrences of some native plant species within the unnamed ephemeral drainage. A windrow of eucalyptus trees lines the western bank of the existing improved VCWPD channel.

Surrounding Area Environmental Setting

The surrounding area is primarily agricultural. The Santa Clara River and its associated riparian habitats lie to the south of the Survey Area. In addition, Ellsworth Barranca is approximately ½ mile to the west of the Survey Area and Todd Barranca is approximately ½ mile to the east. Both barrancas provide connectivity to other habitats and are corridors for migrating wildlife.

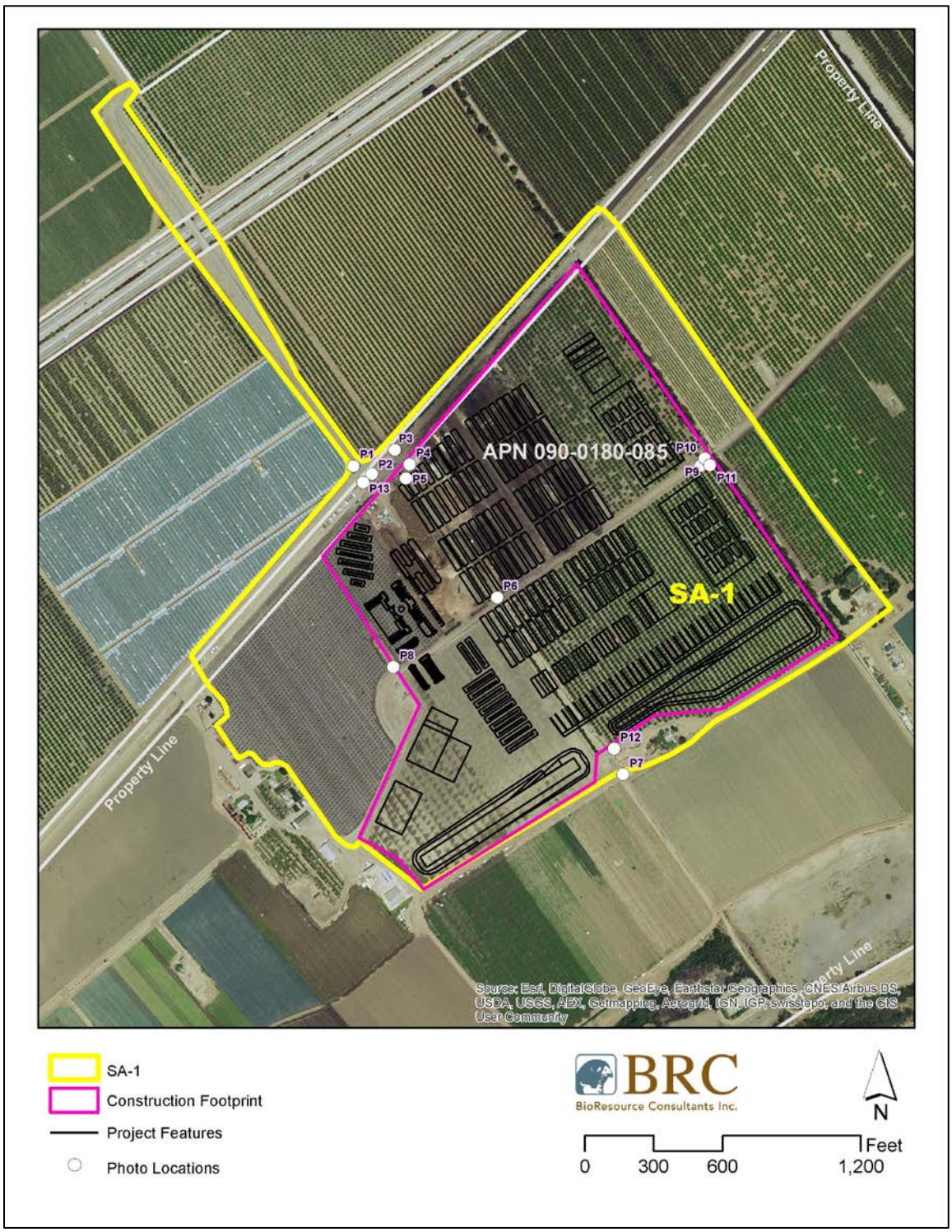
Cover

5% native vegetation

65% non-native vegetation

25% bare ground/graded roads

Site and Survey Map



2.3 Methodology

References

Prior to the assessment of the Survey Area the following sources were reviewed to determine the potential presence of biological resources including special-status species and sensitive habitats that could be affected by the proposed project.

- Baldwin, B.G. et al. [eds.]. 2012. The Jepson Manual: Vascular Plants of California: Second Edition, University of California Press. Berkeley and Los Angeles, CA.
- California Department of Fish and Wildlife (CDFW). December 2015. California Natural Diversity Database search of RareFind5. The Resource Agency, State of California, Sacramento, California.
- CDFW. January 2016. Special Animals. The Resources Agency, Biogeographic Data Branch. (http://www.dfg.ca.gov/biogeodata/cnddb/pdfs/spanimals.pdf).
- CDFW. August 2014, December 2015. BIOS 5 internet-based biological data map server (http://bios.dfg.ca.gov)
- California Native Plant Society (CNPS). Inventory of Rare and Endangered Plants database. http://cnps.web.aplus.net/cgi-bin/inv/inventory.cgi. Accessed August 2014 and December 2015.
- CNPS. 2010. Inventory of Rare and Endangered Plants of California. Eighth edition. Rare Plant Scientific Advisory Committee, David Tibor, Convening Editor, Sacramento, California. Changes to the Inventory as published on CNPS website (http://www.cnps.org/programs/Rare_Plant/inventory/changes/changes_accepted .htm)
- Humble, J., 2014. Personal Communication. CDFW
- *Sawyer, J.O., T. Keeler-Wolf and J.M. Evens 2009. A Manual of California* Vegetation. California Native Plant Society Second Edition, Sacramento.
- Ventura County Planning Division (VCPD). 2014. Ventura County Locally Important Species. Ventura, California.
- Ventura County Planning Division (VCPD. January 2010. Federal and State Listed Species with CNDDB Recorded Occurrences in and Near Ventura County website (http://www.ventura.org/rma/planning/pdf/bio/VC_FE)
- Ventura County Planning Division, GIS Biology Map Packet (August 2014). Mapped resource information, including: wildlife corridors/connectivity areas.
- U.S. Army Corps of Engineers (USACE) Wetland Delineation manual 1987.
- USAC, 2010 Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Arid West Region (Version 2.0).ED, JS Wakeley, R.W. Lichvar, and C.V. Noble. ERDC/EL TR-06016. Vicksburg MS. U.S. Army Engineer Research and Development Center.
- USACE, 2008 Field Guide to the Identification of Ordinary High Water Mark (OHWM) in the Arid West Region of the U.S.: A Delineation Manual.

- USACE, 2007 Jurisdictional Determination Instructional Guidebook. Prepared by U.S. Army Corps of Engineers and the Environmental Protection Agency.
- USACE, 2014. Determination of Need for a Department of the Army Permit (File No. SPL-2014-00503-AJS. August 25, 2014.
- United States Fish and Wildlife Service. National Wetland Inventory WWW. FWS.GOV/Wetland/Data/Mapper.HTML. Accessed July and August 2014.

BRC performed a site visit to map the vegetation, assess the habitat suitability for potential special-status species and wildlife movement, map any special-status biological resources on-site, conduct a "waters or wetlands delineation and determination", and record observations of plant and wildlife species.

Survey Date & Details

Survey Key	Survey Date	Survey Area Map Key(s)	Survey Type	Time Period	Methods/Constraints	GPS	Surveyors
SD1	7/15/2014	SA1	ISBA	11:00am-2:00pm	Walking the entire Survey Area. The entire site was accessible.	Trimble GEO Explorer XH	- Steve Jones - Brian Holly - Seth Sutherland
SD2	7/23/2014	SA1	OS-HS	9:00am–12:00pm	Walking the entire Survey Area. The entire site was accessible.	Trimble GEO Explorer XH	Matt Schaap
SD3	7/30/2014	SA1	BS - WD	9:00am–2:00pm	Walked Survey Area to document botanical resources. Conducted Wetland Delineation	Trimble GEO Explorer XH	Steve Jones
SD4	12/3/15	SA1	ISBA	8:30am-10:00am	Walking the entire Survey Area. The entire site was accessible.	Trimble GEO Explorer XH	Matt Schaap
SD5	3/2/17	SA!	ISBA	08:00am-9:45am	Walking the entire Survey Area. The entire site was accessible.	Trimble GEO Explorer XH	Matt Schaap

ISBA..... Initial Study Biological Assessment
WD……Wetland Delineation
BS..... Botanical Survey
OS ..... Ornithological Survey
HS ..... Herpetological Survey

Section 3: The Biological Inventory

See Appendix One for an overview of the types of biological resources that are protected in Ventura County.

3.1 Ecological Communities *(Initial Study Checklist A, B, C & E)*

Plant Communities

No locally important or rare plant communities were found within the Survey Area(s).

Major Plant Communities Summary

Agricultural Compost is dominated bare ground/large compost piles and lacks the presence of native plant assemblages. Weedy species occur sporadically through the habitat and include storksbill (*Erodium cicutarium*), pineapple weed (*Chamomilla suaveolens*) and ragweed (*Ambrosia psilostachya*).

Agricultural is dominated by lemon and orange crop trees and strawberries. The habitat lacks a presence of native plant assemblages. Weedy species occur sporadically and include storksbill, ragweed, and horehound (*Marrubium vulgare*).

Cleared Areas are areas cleared for roads, pads and other areas. The cleared areas lack non-native plant assemblages and are dominated by bareground with occurrences of weedy species including storksbill, pineapple weed, horehound and ragweed.

Agricultural Ditch is an ephemeral drainage ditch that drains Survey Area 1. The ditch is dominated by weedy species including ragweed and horehound, with occurrences of mulefat (*Baccharis salicifolia*) and white sweet clover (*Melilotus albus*).

VCWPD Channel is an improved channel lacking plant species. A eucalyptus windrow occurs on the west side of the channel.

Plant Communities

Map Key	SVC Alliance	SVC Association	Misc.	Status	Condition	Acres Total	Acres Impacted	Comments
PC1			Agricultural Compost		Disturbed	12.99	12.99	Agriculatural compost and waste
PC2			Agricultural		Intact	76.33	53.40	Lemon, Orange, Strawberries
PC3			Cleared Land		Disturbed	16.89	2.30	Existing dirt roads.
PC4			VCWPD Channel		Intact	2.88	0.53	Improved - Euclyptus
PC5			Agricultural Ditch		Disturbed	0.90	0.57	Ephemeral drainage
					Totals	109.99	69.79	

Plant Communities
LIC ..... Locally Important Plant Community ESHA ..... Environmentally Sensitive Habitat Areas (Coastal Zone) CDFW Rare: G1 or S1 ..... Critically Imperiled Globally or Sub-nationally (state) G2 or S2 ..... Imperiled Globally or Sub-nationally (state) G3 or S3 ..... Vulnerable to extirpation or extinction Globally or Sub-nationally (state) Cal OWA ..... Protected by the California Oak Woodlands Act

Physical Features		
Map Key	Physical Feature	Comments
N/A	N/A	N/A

Environmentally Sensitive Habitat Areas (ESHA)

ESHA is "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 which could be easily disturbed or degraded by human activities and developments" (Public Resources Code § 30107.5). ESHA includes coastal dunes, beaches, tidepools, wetlands, creek corridors, and certain upland habitats in the Santa Monica Mountains (Ventura County Coastal Area Plan).

Habitats that meet the definition of ESHA were not found within the Survey Area.

Waters and Wetlands

See Appendix One for an overview of the local, state and federal regulations protecting waters, wetlands and riparian habitats. Wetlands are complex systems; delineating their specific boundaries, functions and values generally takes a level of effort beyond the scope of an Initial Study Biological Assessment (ISBA). The goal of the ISBA with regard to waters and wetlands is simply to identify whether they may exist or not and to determine the potential for impacts to them from the proposed project. This much information can be adequate for designing projects to avoid impacts to waters and wetlands. Additional studies are generally warranted to delineate specific wetland boundaries and to develop recommendations for impact minimization or impact mitigation measures.

Waters and/or wetlands were found within the Survey Area.

Waters and Wetland Summary

No areas meeting the three mandatory criteria (hydrology, hydric soils and hyrodphytic vegetation) for wetlands occur within the Survey Area or the Construction Footprint.

Along the eastern boundary of Survey Area 1 is an improved/concrete lined Ventura County Watershed Protection District (VCWPD) channel. This channel is within the Survey Area but is outside the Construction Footprint and will not be impacted by Project construction or implementation. The VCWPD channel is considered State Waters and Waters of the U.S. and is therefore regulated under Section 1602 of the California Department of Fish and Wildlife Code administered by the California Department of Fish and Wildlife (CDFW) and under Section 404 of the Clean Water Act administered by the Army Corps of Engineers (USACE).

An unnamed ephemeral drainage/agricultural ditch is present within the Survey Area and Construction Footprint. The unnamed drainage lacks a dominance of native plant assemblages and lacks significant wildlife habitat. The drainage traverses the Survey Area from east to west, parallel to the railroad tracks, then flows through a culvert flowing from north to south. The unnamed drainage drains upland agricultural fields with no upstream hydrological connection but outlets to the Santa Clara River to the south. BRC consulted with the USACE and requested a jurisdictional determination on the unnamed drainage. BRC and the USACE conducted a site visit on August 25, 2014. The USACE determined the unnamed drainage, a small ephemeral drainage, to be a drainage ditch excavated within uplands draining agricultural fields, and therefore not waters of the United States. Therefore, the unnamed drainage is not jurisdictional and is not regulated under Section 404 of the Clean Water Act. BRC consulted with the CDFW in regard to the unnamed drainage (Humble 2014). CDFW considers the unnamed drainage to be State Waters as it has a clearly delineated bed and bank, and flows into the Santa Clara River. Therefore, the unnamed drainage is considered State Waters and regulated under Section 1602 of the CDFW Code.

Waters and Wetlands

Map Key (1)	Wetland Type	Wetland Name (if any)	Wetland Status (if known)	Wetland Size	Hydrologic Status	Primary Water Source
W1	Stream/ drainage	Unnamed	CDFW	0.90	Dry	Precipitation, natural runoff
W2	Stream/ drainage	VCWPD Channel	ACOE, CDFW, County WPD	2.88	Flowing	Precipitation, natural runoff

USACE .....U.S. Army Corps of Engineers regulated

CDFW .....California Department of Fish & Wildlife regulated
County .....County General Plan protected wetland

WPD .....Co. Watershed Protection District (red-line stream)

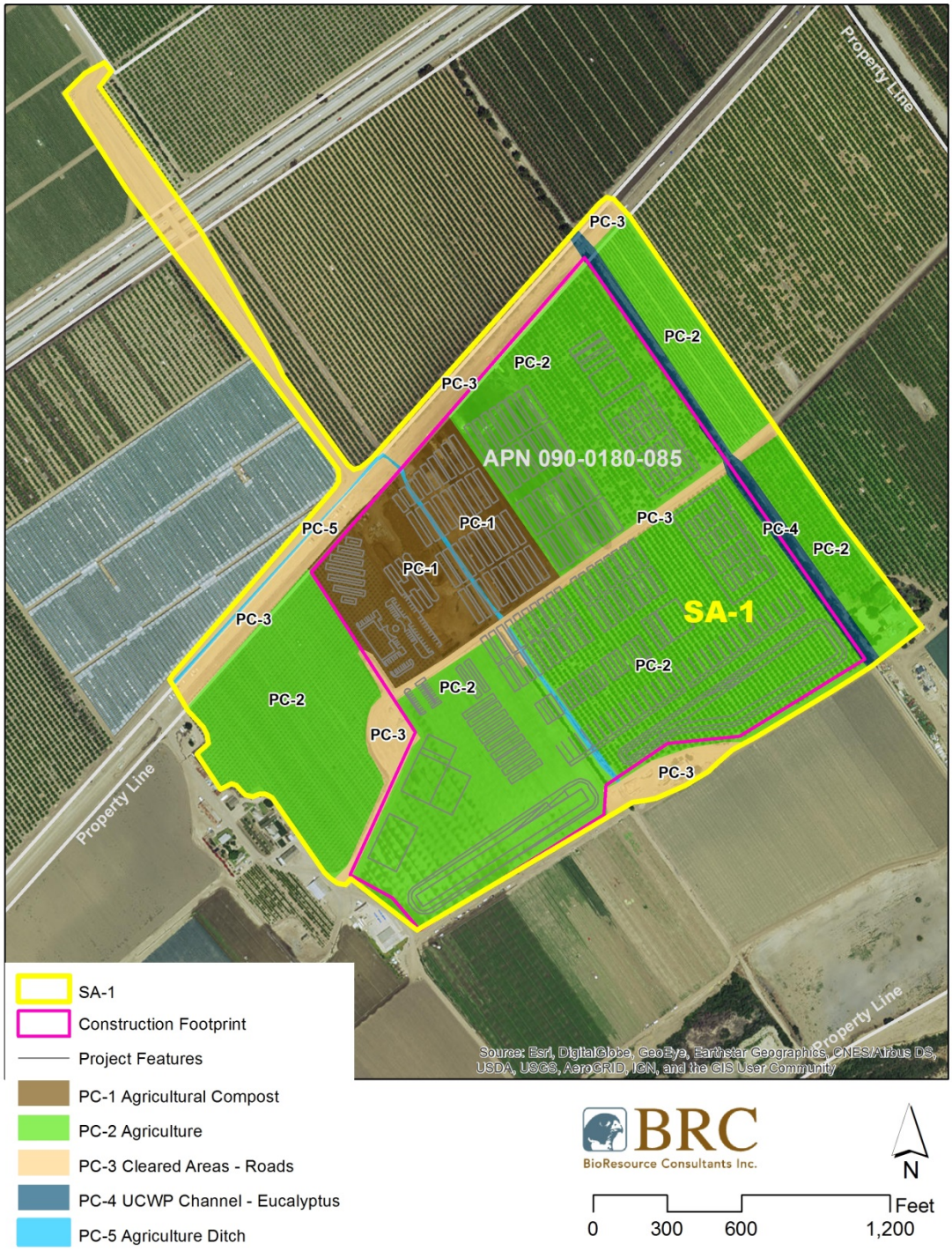
Waters and Wetlands (continued)			
Map Key	County Wetland Significance	Wetland Distance from Project	Comments
W1	Not Significant	Within Construction Footprint	.
W2	Significant	25 feet	

Waters/Wetland Buffers		
Map Key	Recommended Buffer	Comments
W2	100 feet	

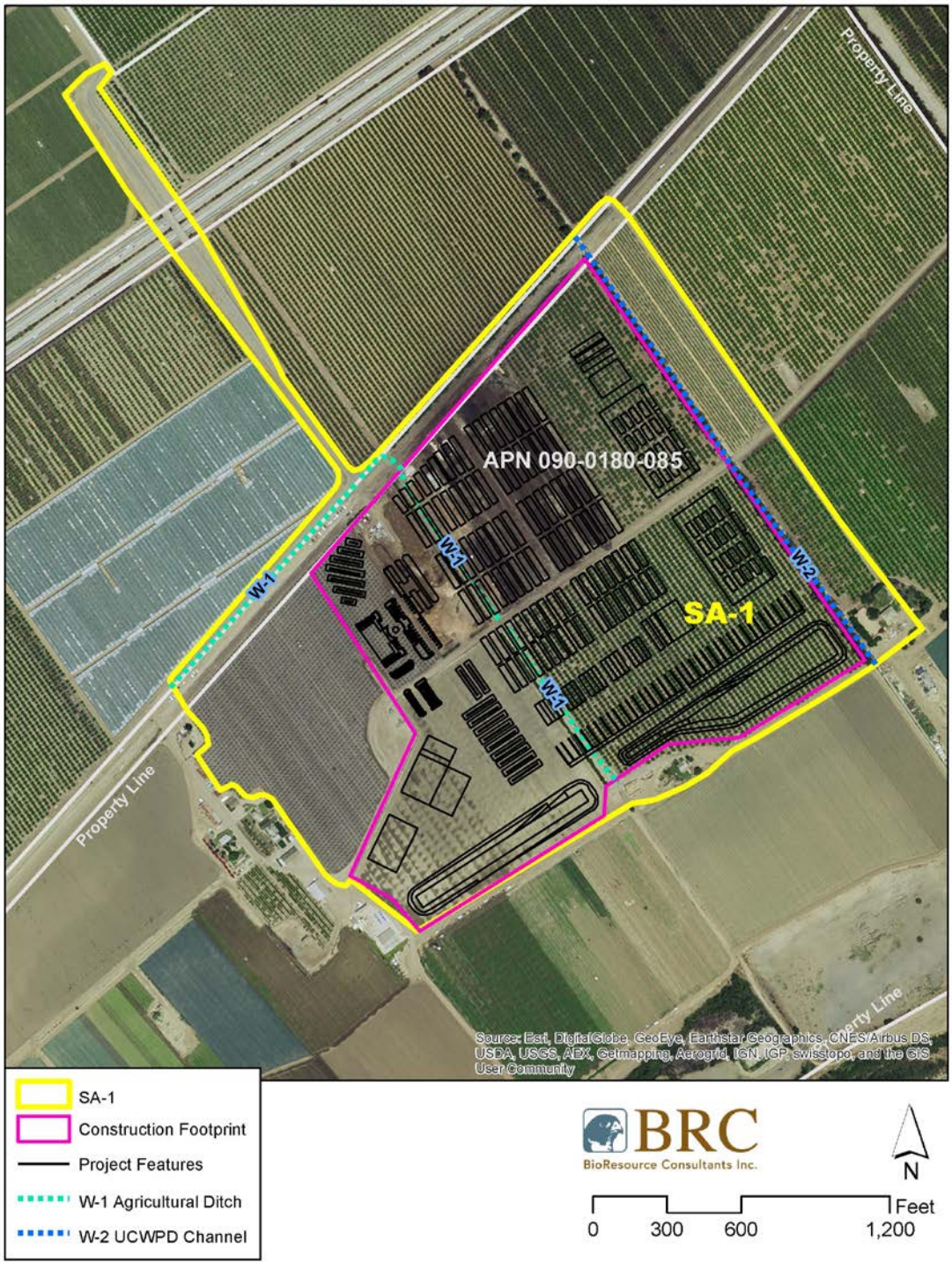
Other Areas/Observations

Other Observations		
Map Key (1)	Describe Features (Violations, other observations, etc.)	Comments
NA	NA	NA

Plant Communities Map



Waters and Wetlands Map



3.2 Species

Observed Species

A total of 27 plant species were observed within the Survey Area, including five native species (19%) and 22 non-native species (81%). The dominant plant community within the Survey Area is characterized as Agricultural/Ruderal, dominated by row crops with occurrences of non-native weedy species.

A total of 28 wildlife species were observed or detected within the Survey Area, including one reptile, 23 birds, and four mammals.

Refer to Appendix 2 for a full list of observed plant and wildlife species.

Protected Trees

No protected trees occur within the Survey Area or Project Construction Footprint.

Special-Status Species and Nests

> *See Appendix One for definitions of the types of special-status species that have federal, state or local protection and for more information on the regulations that protect bird nests.*

Special-status species were observed or have a moderate to high potential to occur within the Survey Area.

Suitable nesting habitat for birds protected under the Migratory Bird Treaty Act (MBTA) does exist within the Survey Area.

Special-Status Species Summary

Information on special-status species and habitats was obtained from the California Natural Diversity Database RareFind Version 8.1.0 (CNDDB; CDFW 2015) for the USGS *Saticoy*, *Santa Paula*, *Ventura* and *Oxnard* 7.5-minute topographic quadrangles and CDFW BIOS5 with a target search within a 5-mile radius of the Survey Area. The special-status species documented to occur within the Survey Area are presented below in the Special-Status Species Table. No special-status species were observed within the Survey Area. Suitable habitat is present within the Survey Area for monarch butterfly (*Danaus plexippus*y), coast horned lizard (*Phrynosoma blainvillii*), and silvery legless lizard (*Anniella pulchra pulchra*).

Observed and Potentially Occurring Special Status Species						
Map Key	**Survey /Source**	**Scientific Name**	**Common Name**	**Species Status**	**Potential to Occur**	**Habitat Requirements**
SSP1	CNDDB	*Agelaius tricolor*	tricolored blackbird	SSC	None	Found locally in Oregon, Washington, Nevada and coastal Baja California, the tricolored blackbirds id native to California. Found in cattail marshes.
SSP2	CNDDB	*Anniella pulchra pulchra*	silvery legless lizard	SSC	Low	The silvery legless lizard is found primarily in areas with sandy, loose, organic soils or where there is a well-developed leaf layer. This species is found within coastal dune, valley-foothill, chaparral, and coastal scrub habitats. Legless lizards typically forage for insects and insect larva at the base of shrubs or other vegetation on the surface and in leaf litter or sandy soil.
SSP3	CNDDB BIOS	*Antrozous pallidus*	pallid bat	SSC	None	The pallid bat is a locally common species of low elevations in California. It occurs throughout California except for the high Sierra Nevada from Shasta to Kern counties. The species is most common in pen, dry habits with rocky areas for roosting.
SSP4	CNDDB	*Aphanisma blitoides*	aphanisma	CRPR 1B.2	None	Occurs in coastal bluff scrub, coastal dunes and coastal scrub. Blooms March through June.
SSP5	CNDDB	*Aspidoscelis tigris stejnegeri*	coastal whiptail		None	Found in coastal Southern California, mostly west of the Peninsular Ranges and south of the Transverse Ranges and north into Ventura County. They are found in a variety of ecosystems, primarily hot and dry open areas with sparse foliage, chaparral, woodland and riparian areas.
SSP6	CNDDB	*Astragalus pycnostachyus var. lanosissimus*	Ventura marsh milk-vetch	CRPR 1B.1FE, SE,	None	Occurs in coastal dunes, coastal scrub and marshes and swamps. Blooms from June through October.

Observed and Potentially Occurring Special Status Species						
SSP7	CNDDB	*Athene cunicularia*	burrowing owl	SSC	None	Historic range found throughout most of California. The borrowing owl is primarily a grassland species but it persists and even thrives in some landscapes highly altered by human activity. The over-riding characteristics for suitable habitat are relatively short vegetation with only sparse shrubs and taller vegetation.
SSP8	CNDDB	*Atriplex coulteri*	Coulter's atriplex	1B.2,LIS	None	Occurs in alkaline or clay soils within coastal bluff scrub, coastal dunes, coastal scrub and valley and foothill grassland. Blooms from march through October.
SSP9	CNDDB	*Atriplex pacifica*	south coast saltscale	1B.2, LIS	None	Occurs in coastal bluff scrub, coastal dunes, coastal scrub and playas. Blooms from March through October.
SSP10	CNDDB	*Atriplex serenana* var. *davidsonii*	Davidson's saltscale	CRPR 1B.2, LIS	None	Coastal bluff scrub, 10-200 meters.
SSP11	CNDDB	*Calochortus fimbriatus*	late-flowered mariposa lily	CRPR 1B,2, LIS	None	Chaparral, cismontane woodland, riparian woodland, 275-1905 meters.
SSP12	CNDDB	*Calochortus plummerae*	Plummer's mariposa lily	CRPR 1B.2, LIS	None	Chaparral, cismontane woodland, coastal scrub, valley foothill grassland, 100-1700 meters.
SSP13	CNDDB BIOS	*Catostomus santaanae*	Santa Ana sucker	ST, SSC	None	The range is extremely restricted; they are native only to the Los Angeles, San Gabriel, Santa Ana, and Santa Clara River systems in Southern California. Populations have been lost from several parts of the rivers, so that they now only live in the upper portion of the Los Angeles and San Gabriel drainages in the San Gabriel Mountains in Los Angeles County, and the lower part of the Santa Ana River in.

Observed and Potentially Occurring Special Status Species						
SSP14	CNDDB	*Chaenactis galbriuscula var. orcuttiana*	Orcutt's pincushion	CRPR 1B.1	None	Occurs in coastal bluff scrub and coastal dunes. Blooms from January through August.
SSP15	CNDDB	*Charadrius alexandrines nivosus*	western snowy plover	St, SSC	None	Western snowy plovers are found throughout the southwestern United States from Texas to California and up to Colorado, as well as Washington and Oregon. Western snowy plovers make nests on sand spits, dune-backed beaches, beaches at creek and river mouths and the banks of lagoons and estuaries.
SSP16	CNDDB	*Chloropyron maritimuum ssp maritimum*	salt marsh bird's-beak	SE, FE, CRPR 1B.2	None	Occurs in coastal dunes, marshes and swamps. Blooms from May through October.
SSP17	CNDDB	*Choeronycteris mexicana*	Mexican long-tongued bat	SSC	None	This bat lives in a variety of habitats, including desert, semi desert grassland, montane, riparian, tropical deciduous forests, and urban environments. The bat is most frequently found roosting in desert canyons, but also in deep caves, mines, rock crevices, and abandoned buildings. This species is common throughout Mexico. Its range extends through Central and northern South America and to the southern parts of Texas, New Mexico, Arizona, and California. However, it is rare in the United States.
SSP18	CNDDB	*Cicindela hirticollis gravida*	sandy beach tiger beetle	S1	None	Found in sandy coastal dunes and beaches.

Observed and Potentially Occurring Special Status Species						
SSP19	CNDDB BIOS	*Coccyzus americanus occidnetalis*	western yellow-billed cuckoo	FE	None	The cuckoo was once a common species from Lake Washington in Seattle to the San Pedro River in southern Arizona and countless places in between. Today, with the loss of gallery riparian forests to dams, livestock grazing, water withdrawal and other factors, the cuckoo is found in a mere handful of locations in Arizona, California, Colorado, New Mexico, Nevada and Utah. Found in wooded habitats with dense cover and water nearby.
SSP20	CNDDB	*Coelus globousu*	globuse dune beetle	S1S2	None	The globose dune beetle is an inhabitant of California's coastal dune system. These beetles are primarily subterranean, tunneling through sand underneath dune vegetation.
SSP21	CNDDB BIOS	*Danaus plexippus*	monarch butterfly	S3	Low (non-breeding)	The onsite eucalyptus trees may provide roosting habitat. Breeding sites are associated with Eucalyptus stands along the coast.
SSP22	CNDDB	*Delphinium parryi ssp. blochmaniae*	dune larkspur	CRPR 1B.1	None	Occurs in maritime chaparral and coastal dunes. Blooms from April through June.
SSP23	CNDDB	*Dudleya blochmaniae ssp. blochmaniae*	Blochman's dudleya	CRPR 1B.1	None	Occurs in rocky often clay or serpentine soils within coastal bluff scrub, chaparral, coastal scrub, valley and foothill grassland. Blooms April through June.
SSP24	CNDDB	*Dudleya verityi*	Verity's dudleya	ST, CRPR 1B.1	None	Occurs in volcanic rocky areas within chaparral, cismontane woodland and coastal scrub. Blooms May through June.
SSP25	CNDDB	*Elanus leucurus*	white-tailed kite	FP	None	Resident in coastal and interior California, Arizona, and southern Texas. Occurs in open grasslands.

Observed and Potentially Occurring Special Status Species						
SSP26	CNDDB BIOS	*Empidonax trillii extimus*	southwestern willow flycatcher	SE, FE	None	The southwestern willow flycatcher is a small geotropically migratory bird that breeds in the arid southwestern United States. Occurs within riparian habitats dominated by willow species.
SSP27	CNDDB BIOS	*Emys marmorata*	southwestern pond turtle	SSC	None	Along streams, rivers and ponded areas. Turtles require partially submerged mats, logs or open banks for basking.
SSP28	CNDDB	*Eriogonum crocatum*	Conejo buckwheat	CRPR 1B.2, LIS	None	Occurs in Conejo volcanic outcrops within chaparral, coastal scrub and valley and foothill grassland. Blooms April through July.
SSP20	CNDDB	*Eucylogobius newberryi*	tidewater goby	SE, SSC	None	Occurs within lagoons of streams along the coast of California.
SSP30	CNDDB BIOS	*Eumops perotis californicus*	western mastiff bat	SSC	None	Rocky areas and cliff faces, roosts in cliff crevices and buildings.
SSP31	CNDDB BIOS	*Gasterosteus aculeatus williamsoni*	unarmored three-spine stickleback	SE, FE, FP	None	Limited mostly to the northwestern area of Los Angeles County, one small area in Santa Barbara County, and a small, isolated, introduced population in San Felipe Creek in San Diego County. Once common throughout the Los Angeles, California basin. Unarmored three spine sticklebacks appear to be limited to fresh water. They require clear, flowing, well-oxygenated water with associated pools and eddies of quiet water and areas of dense vegetation or debris to provide adequate cover and food supply.
SSP32	CNDDB	*Lasthenia glabrata ssp. coulteri*	Coulter's goldfields	CRPR 1B.1, LIS	None	Occurs in coastal marshes and swamps, playas and vernal pools. Blooms February through June.
SSP33	CNDDB	*Malacothrix similis*	Mexican malacothrix	2A	None	Occurs in coastal dunes. Blooms April through May.

Observed and Potentially Occurring Special Status Species						
SSP34	CNDDB	*Monardella hypoleuca ssp hypleuca*	white-veined monardella	CRPR 1B.3, LIS	None	Occurs in chaparral and cismontane woodlands. Blooms April through December.
SSP35	CNDDB	*Monardella sinuate ssp. sinuata*	southern curly-leaved monardella	CRPR 1B.2, LIS	None	Occurs in sandy soils within chaparral, cismontane woodland, coastal dunes, and coastal scrub. Blooms April through September.
SSP36	CNNDB BIOS	*Navarretia ojaiensis*	Ojai navarretia	CRPR 1B.1	None	Chaparral, coastal scrub, valley foothill grassland, 275-620 meters.
SSP37	CNNDB BIOS	*Oncorhynchus mykiss irideus*	southern steelhead – southern California DPS	SSC, FE	None	Spawn in freshwater streams and rivers, adapted to seasonally dry streams in southern CA. San Antonio Creek designated as Steelhead habitat.
SSP38	CNDDB	*Passerculus sandwichensis belding*	Belding's savannah sparrow	SSC	None	Savannah Sparrows live in grasslands with few trees, including meadows, pastures, grassy roadsides, sedge wetlands, and cultivated fields planted with cover crops like alfalfa. Near oceans, they also inhabit tidal saltmarshes and estuaries.
SSP39	CNDDB	*Phrynosoma blainvillii*	coast horned lizard	St, SSC	Low	Historically found in California along the Pacific coast from Baja California border west of the deserts and the Sierra Nevada, north to the Bay Area and inland as far north as Shasta Reservoir and south into Baja California. Inhabits open areas of sandy soil and low vegetation in valleys, foothills and semiarid mountains from sea level to 8,000 feet in elevation.
SSP40	CNNDB BIOS	*Polioptila californica californica*	coastal California gnatcatcher	SSC, FT	None	Obligate resident of arid coastal scrub below 500 meters.
SSP41	CNDDB	*Riparia riparia*	bank swallow	S2S3	None	The Bank Swallow occurs as a breeding species in California in a hundred or so widely distributed nesting colonies in alluvial soils along rivers, streams, lakes, and ocean coasts.

Observed and Potentially Occurring Special Status Species						
SSP42	CNDDB	*Senecio aphanactis*	chaparral ragwort	CRPR 2B.2, LIS	None	Occurs in chaparral, cismontane woodland, coastal scrub. Blooms January through April.
SSP43	CNDDB	*Sternula antillarum browni*	California least Tern	SE, FE, FP	None	Found primarily in shallow estuaries and lagoons and coastal beaches.
SSP44	CNNDB BIOS	*Taxidea taxus*	American badger	SSC	None	Found in drier open stages of most shrub, forest and herbaceous habitats with friable soils.
SSP45	CNDDB	*Texosporium sancti-jacobi*	woven-spored lichen	CRPR 3	None	Occurs on soil, small mammal pellets, and dead twigs and on *Selaginella* spp. Within chaparral openings.
SSP46	CNNDB BIOS	*Thamnophis hammondii*	two-striped garter snake	SSC	None	Permanent to semi-permanent bodies of water in a variety of habitats from sea level to 2,400 meters, forage in and along streams.
SSP47	CNNDB BIOS	*Vireo bellii pusillus*	least Bell's vireo	FE, SE	None	Below 600 meters in willows and other low, dense valley foothill riparian habitat and lower portions of canyons, nests in willow thickets and other low shrubs.

Special Status Species (continued)				
Map Key	Adequate Habitat On-site	Adequate Habitat Size	Acreage Impact	Comments
SSP2	Yes	Yes	53.40	Suitable habitat for legless lizard may be present within the existing citrus orchards located on the eastern and southern portion of the Survey Area within PC-2 Agriculture. These areas have a well-defined leaf layer and loose-textured soils that allow for legless lizard movement and foraging. The existing agriculture composting operation area and the newly planted citrus orchard located on the western portion of the Survey Area has highly compacted soils and lacks a leave layer which makes it unsuitable habitat for legless lizards. It is highly unlikely that legless lizards would be found in either area. However, there still is a low potential for their occurrence.
SSP21	Yes	Yes	NA	The onsite eucalyptus trees may provide roosting habitat for the monarch butterfly.

Special Status Species (continued)				
SSP39	Yes	Yes	53.40	The Survey Area contains potentially suitable coast horned lizard habitat present within the existing citrus orchards located on the eastern and southern portion of the Survey Area within PC-2 Agriculture. These areas have loose-textured soils that are typical of horned lizard habitat. The composting area and the new citrus orchard located on the western portion of the Survey Area have highly compacted soils. It is highly unlikely that coast horned lizards would be found in these areas. However, there still is a low potential for their occurrence.

High potential for occurrence: (1) The habitat on the project site is the species' preferred habitat and is in good condition (has not been degraded by human disturbance); and/or (2) there is record of the species occurring on or adjacent to the project site.

Moderate potential for occurrence: (1) The habitat on the project site is the species' preferred habitat, but it has been disturbed or disturbance encompasses the project site, reducing the quality of the habitat to below a high likelihood that the species would inhabit it; or (2) the habitat on the project site is not the species' preferred habitat, but it contains a similar structure to the preferred habitat and the species has been observed in this habitat type; or (3) the habitat on the project site is not the species' preferred habitat, but there is record of the species occurring in the immediate vicinity of the project site, and there is potential for the species to forage within the habitat on-site.

Low potential for occurrence: The habitat on the project site is not the species' preferred habitat, the habitat is highly disturbed, and/or there are no records of the species occurring on or near the project site.

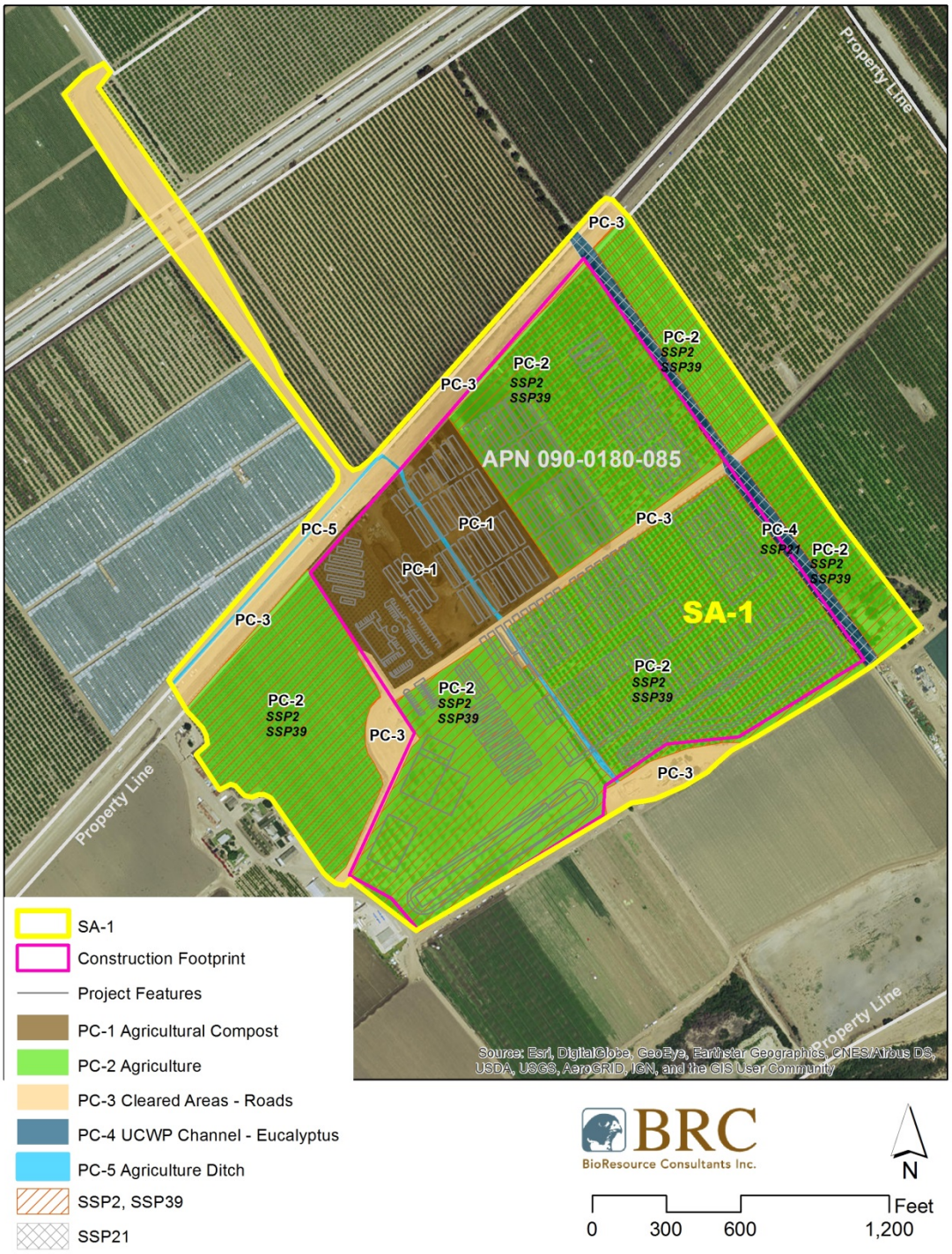
None potential for occurrence: Suitable habitat for the species is not present on the project site and/or there are no records of the species occurring on or near the project site.

FE ..... Federal Endangered
FT ..... Federal Threatened
FC ..... Federal Candidate Species
FSC..... Federal Species of Concern
SFP..... California Fully Protected Species
SE ..... California Endangered
ST ..... California Threatened
SR..... California Rare
SSC ..... California Species of Special Concern
CDFW/NatureServe Rank
G1 or S1 - Critically Imperiled Globally or Subnationally (state)
G2 or S2 - Imperiled Globally or Subnationally (state)
G3 or S3 - Vulnerable to extirpation or extinction Globally or Subnationally (state)
California Rare Plant Rank (CRPR)
CRPR 1A - California Native Plant Society/CDFW listed as presumed to be extinct
CRPR 1B - California Native Plant Society/CDFW listed as rare or endangered in California and elsewhere
CRPR 2 - California Native Plant Society/CDFW listed as rare or endangered in California but more common elsewhere
CRPR 3 - California Native Plant Society/CDFW listed as in need of more information.
CRPR 4 - California Native Plant Society/CDFW listed as of limited distribution or infrequent throughout a broader area in California.
LIS Locally Important Species

Nesting Bird Summary

The Eucalyptus windrow associated with the VCWPD channel and the on-site ornamental trees and fruit trees within the Survey Area provide suitable nesting, roosting and perching habitat for migratory birds, including raptors. No nesting birds were observed during Project surveys. It is anticipated that nesting birds protected by the MBTA and CDFW Codes (See Appendix One for Summary of Biological Resource Regulations) could nest within the Survey Area.

Species Map


Property Line
PC-3
PC-2
SSP2
SSP39
PC-3
APN 090-0180-085
PC-5
PC-1
PC-3
PC-4
SSP21
PC-2
SSP2
SSP39
PC-1
SA-1
PC-3
PC-2
SSP2
SSP39
PC-2
SSP2
SSP39
PC-3
PC-2
SSP2
SSP39
PC-3
Property Line
Property Line
Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community
SA-1
Construction Footprint
Project Features
PC-1 Agricultural Compost
PC-2 Agriculture
PC-3 Cleared Areas - Roads
PC-4 UCWP Channel - Eucalyptus
PC-5 Agriculture Ditch
SSP2, SSP39
SSP21
BRC
BioResource Consultants Inc.
N
0
300
600
1,200
Feet

3.3 Wildlife Movement and Connectivity
(Initial Study Checklist D)

Wildlife movement or connectivity features, or evidence thereof, were not found within the Survey Area.

Section 4: Recommended Impact Assessment & Mitigation

4.1 Sufficiency of Biological Data

Additional information to make CEQA findings and develop mitigation measures:

Additional information is not needed to make CEQA findings.

Additional biology-related surveys or permits needed to issuance of land use permit:

A Lake and Streambed Alteration Agreement application will be submitted to the CDFW for issuance. The Project will not impact Waters of the U.S. and therefore permit requirements under Section 404 of the Clean Water Act and water certification under Section 401 are not required.

4.2 Impacts and Mitigation

A. Species (Project: PS-M; Cumulative PS-M)

No federally or state listed endangered, threatened, or rare animal or plant species were observed within the Survey Area. However, the Survey Area supports suitable habitat for the State Threatened and Species of Special Concern coast horned lizard, the Species of Special Concern California legless lizard, and the monarch butterfly. (Refer to Species Map, page 26.)

The Survey Area also supports suitable habitat that provides potential roosting and nesting sites for birds protected by the CDFW and the MBTA.

Significance Finding – Project Impacts: Construction and implementation of the Project would impact habitat for silvery legless lizard and coast horned lizard due to vegetation removal and compaction from grading. Approximately 56.94 acres of suitable habitat for these species within the Survey Area will be impacted. Impacts to silvery legless lizards and coast horned lizards and their habitats are considered a potentially significant but mitigable impact.

Monarch butterflies may utilize the eucalyptus trees along the VCWPD channel for roosting. The eucalyptus trees are not planned for removal or expected to be trimmed and therefore the monarch butterfly will not be impacted.

Project implementation may have impacts to nesting birds due to removal of vegetation and tree-trimming, which could resulting in the mortality of nesting birds or their eggs. In addition, indirect impacts to nesting birds could occur due to elevated noise levels and vibrations associated with construction equipment, resulting in abandonment of nests, eggs or young. Potential impacts to protected nesting birds would be considered potentially significant but mitigable.

Significance Finding – Cumulative Impact: Potential impacts to silvery legless lizards, coast horned lizards, and protected nesting birds would be considered a potential cumulatively significant but mitigable impact.

Avoidance and Minimization Measures

The following avoidance and minimization measures will be implemented both prior to and during construction:

- A qualified Biological Monitor approved by the CDFW and the County will be present during construction activities. This biologist must be on-site during work or otherwise be within the Survey Area and must coordinate with the work crew immediately prior to any work.
- Crews will be provided training/identification information on special-status animals and provided information for what to do if species are encountered.
- Best management practices will be used, such as the placement of sand bags, silt fence or straw wattles around construction and storage areas to eliminate erosion and sedimentation into VCWPD Channel and the unnamed drainage extending outside of the Survey Area.
- No fueling of construction vehicles will occur within 200 feet from the VCWPD channel.
- Heavy equipment will utilize drip pans while not in use, and be parked away from the VCWPD channel.

MM1: Silvery Legless Lizard and Coast Horned Lizard Surveys, Monitoring and Relocation.

Purpose: In order to prevent impacts to the silvery legless lizard and the coast horned lizard during construction activities.

Requirement: A qualified permitted biologist will conduct a pre-construction survey within 72 hours of any ground disturbance. A qualified Biological Monitor approved by CDFW will be present during clearing initial grading activities to determine the presence of silvery legless lizards or coast horned lizards. If silvery legless lizards or coast horned lizards are found within the work area during clearing and initial grading, work will stop until the individuals have left the area or else they shall be relocated by the qualified permitted biologist.

Documentation: The Permittee will provide the Planning Division a Survey Report documenting the results of the initial pre-construction surveys for the silvery legless lizard and coast horned lizard at the end of Project completion.

Timing: A pre-construction survey will be conducted within 72 hours of any ground disturbance, and a qualified Biological Monitor will be present during clearing and initial grading to determine the presence of silvery legless lizards and coast horned lizards.

MM2: Nesting Bird Surveys

Purpose: To prevent Impacts to nesting birds and nests during construction activities.

Requirement: During bird nesting season (February 1 through August 31), a qualified biologist will conduct pre-construction nesting bird surveys within 72 hours prior to any construction activity, including tree trimming or removal. In addition, the on-site qualified Biological Monitor will conduct periodic nesting surveys within the Construction Footprint prior to tree trimming or vegetation clearing. If nesting birds are observed in trees within the Construction Footprint, a 200-foot buffer will be established around the tree and no activity will occur within the buffer until the young have fledged.

Documentation: The Permittee will provide to the Panning Division a Survey Report documenting the results of the initial nesting bird survey.

Timing: Nesting bird surveys will be conducted from February 1 through August 31. An initial pre-construction survey will be conducted within 72 hours prior to construction activities and periodic bird nesting surveys will be conducted prior to tree trimming or clearance of vegetation.

Monitoring and Reporting: No additional monitoring or reporting is necessary.

B. Ecological Communities (Project: PS-M; Cumulative: PS-M)

Sensitive Plant Communities

No special-status plant communities occur within the Survey Area.

No impact and mitigation measures are necessary.

Waters and Wetlands

An unnamed drainage traverses the Survey Area with approximately 0.90 acres of CDFW jurisdiction on site. The USACE has made a jurisdictional determination on the unnamed drainage. The USACE has determined that the unnamed drainage, a small ephemeral drainage to be an upland-excavated drainage ditch, drains only uplands and is therefore not considered Waters of the U.S. Therefore, the unnamed drainage is not jurisdictional and is not regulated under Section 404 of the Clean Water Act by the USACE.

Significance Finding – Project Impacts: Project implementation will not impact USACE jurisdictional waters as the unnamed drainage is not considered Waters of the U.S. In addition, no wetland areas meeting the three mandatory criteria (hydrology, hydric soils and hyrodphytic

vegetation) will be impacted by the Project. The Project will impact State Waters under the jurisdiction of the CDFW due to filling of the unnamed drainage for the installation of a double barrel arch pipe pass-through. The pipe pass-through will flow to the proposed Project detention basins. Due to the lack of native plant assemblages and wildlife habitat within the unnamed drainage, mitigation for habitat loss will not be required. The implementation of Project BMP avoidance and minimization measures will reduce potential water quality and sedimentation issues. Approximately 0.90 acres of permanent impacts will occur within CDFW jurisdiction. Notification of a Lake or Streambed Alteration Agreement is required as the Project will divert or obstruct the natural flow or change or use material from the bed or deposit debris, waste or other material where it may pass into any river, stream or lake. Impacts to Wetland and Waters (CDFW jurisdiction) are considered a potentially less than significant.

Significance Finding – Cumulative Impacts: Potential impacts to CDFW jurisdictional areas would be considered potentially less than significant.

MM3: Wetlands and Waters

Purpose: To comply with Section 1602 of the CDFW Code.

Requirement: Prior to construction and implementation of the Project the applicant will apply for a 1602 Lake and Streambed Alteration Agreement.

Documentation: The Permittee will provide Ventura County a copy of the approved agreement prior to construction and implementation of the Project.

Timing: Prior to construction and implementation of the Project, the applicant will apply for a 1602 Lake and Streambed Alteration Agreement.

Monitoring and Reporting: Due to the lack of native plant assemblages and wildlife habitat within the unnamed drainage mitigation for habitat loss is not expected. Therefore, no additional monitoring or reporting is necessary.

C. Environmentally Sensitive Habitat Areas

No ESHAs occur within the Survey Area.

No impact and mitigation measures are necessary.

D. Habitat Connectivity (Project: No Impact; Cumulative: No Impact).

The Survey Area is not located within or adjacent to migration corridors.

No impact mitigation measures are necessary.

Section 5: Photos

Photos	
Location	
Access Road	
Map Key	
P1	
View Direction	
North	
Description	
Access Road looking north from RxR.	
Location	
W1 North end	
Map Key	
P2	
View Direction	
North	
Description	
W1 and culvert looking north.	

Photos	
Location RxR northern boundary of SA1 **Map Key** P3 **View Direction** East **Description** View of RXR at northern boundary of SA1 looking east.	
Location Existing Operation **Map Key** P4 **View Direction** North **Description** Existing operations looking north.	

Photos	
Location W1 **Map Key** P5 **View Direction** **South** **Description** W1 looking south from north end.	
Location W1 **Map Key** P6 **View Direction** South **Description** W1 and culvert looking south from Gaythorne Road.	

Photos	
Location W1 **Map Key** P7 **View Direction** **South** **Description** W1 looking south-offsite from Rogers Road with Santa Clara River in background.	
Location SW Corner of SA1 **Map Key** P8 **View Direction** **Existing agricultural** **Description** Existing agricultural in SA1 looking northeast.	

Photos	
Location SE corner of SA1 **Map Key** P9 **View Direction** Southwest **Description** Existing offsite agricultural looking southwest from VCWPD channel.	
Location SE Corner SA1 **Map Key** P10 **View Direction** **North** **Description** View of VCWPD channel looking north.	

Photos	
Location SE Corner of SA1 **Map Key** P11 **View Direction** South **Description** VCWPD channel looking south.	
Location W1 **Map Key** P12 **View Direction** North **Description** W1 looking north from Roger Road.	

Photos	
Location	
North boundary of SA1	
Map Key	
P13	
View Direction	
West	
Description	
Ditch along RxR looking west at Ellsworth Barranca.	

Appendix One
Summary of Biological Resource Regulations

The Ventura County Planning Division, as “lead agency” under CEQA for issuing discretionary land use permits, uses the relationship of potential environmental effects from a proposed project to an established regulatory standard to determine the significance of the potential environmental effects. This Appendix summarizes important biological resource regulations which are used by the Division’s biologists (consultants and staff) in making CEQA findings of significance:

Sensitive Status Species Regulations
Nesting Bird Regulations
Plant Community Regulations
Waters and Wetlands Regulations
Coastal Habitat Regulations
Wildlife Migration Regulations
Locally Important Species/Communities Regulations

Sensitive Status Species Regulations

Federally Protected Species

Ventura County is home to 29 federally listed endangered and threatened plant and wildlife species. The U.S. Fish and Wildlife Service (USFWS) regulate the protection of federally listed endangered and threatened plant and wildlife species.

FE (Federally Endangered): A species that is in danger of extinction throughout all or a significant portion of its range.

FT (Federally Threatened): A species that is likely to become endangered in the foreseeable future.

FC (Federal Candidate): A species for which USFWS has sufficient information on its biological status and threats to propose it as endangered or threatened under the Endangered Species Act (ESA), but for which development of a proposed listing regulation is precluded by other higher priority listing activities.

FSC (Federal Species of Concern): A species under consideration for listing, for which there is insufficient information to support listing at this time. These species may or may not be listed in the future, and many of these species were formerly recognized as "Category-2 Candidate” species.

The USFWS requires permits for the ‘taking’ of any federally listed endangered or threatened species. Take is defined by the USFWS as “to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct; may include significant habitat modification or degradation if it kills or injures wildlife by significantly impairing essential behavioral patterns including breeding, feeding, or sheltering.”

The Endangered Species Act (ESA) does not provide statutory protection for candidate species or species of concern, but USFWS encourages conservation efforts to protect these species. USFWS can set up voluntary Candidate Conservation Agreements and Assurances, which provide non-Federal landowners (public and private) with the assurance that if they implement various conservation activities to protect a given candidate species, they will not be subject to additional restrictions if the species becomes listed under the ESA.

State Protected Species

The California Department of Fish and Wildlife (CDFW) regulate the protection of endangered, threatened, and fully protected species listed under the California Endangered Species Act. Some species may be jointly listed under the State and Federal Endangered Species Acts.

SE (California Endangered): A native species or subspecies which is in serious danger of becoming extinct throughout all, or a significant portion, of its range due to one or more causes, including loss of habitat, change in habitat, overexploitation, predation, competition, or disease.

ST (California Threatened): A native species or subspecies that, although not presently threatened with extinction, is likely to become an endangered species in the foreseeable future in the absence of the special protection and management efforts required by this chapter. Any animal determined by the commission as "rare" on or before January 1, 1985, is a "threatened species."

SFP (California Fully Protected Species): This designation originated from the State's initial effort in the 1960's to identify and provide additional protection to those animals that were rare or faced possible extinction. Lists were created for fish, mammals, amphibians, reptiles, and birds. Most fully protected species have also been listed as threatened or endangered species under the more recent endangered species laws and regulations.

SR (California Rare): A species, subspecies, or variety of plant is rare under the Native Plant Protection Act when, although not presently threatened with extinction, it is in such small numbers throughout its range that it may become endangered if its present environment worsens. Animals are no longer listed as rare; all animals listed as rare before 1985 have been listed as threatened.

SSC (California Species of Special Concern): Animals that are not listed under the California Endangered Species Act, but which nonetheless 1) are declining at a rate that could result in listing, or 2) historically occurred in low numbers and known threats to their persistence currently exist.

The CDFW requires permits for the taking of any State-listed endangered, threatened, or fully protected species. Section 2080 of the Fish and Game Code prohibits "take" of any species that the California Fish and Wildlife Commission determines to be endangered or threatened. Take is defined in Section 86 of the Fish and Game Code as "hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill."

The California Native Plant Protection Act protects endangered and rare plants of California. Section 1908, which regulates plants listed under this act, states: “no person shall import into this state, or take, possess, or sell within this state, except as incident to the possession or sale of the real property on which the plant is growing, any native plant, or any part or product thereof, that the commission determines to be an endangered native plant or rare native plant, except as otherwise provided in this chapter.”

The California Endangered Species Act does not provide statutory protection for California species of special concern, but they should be considered during the environmental review process.

California Rare Plant Rated Native Plant Species

Plants with CRPR listings 1A, 1B and 2 should always be addressed in CEQA documents. Plants with CRPR listings 3 and 4 do not explicitly qualify for legal protection, but can be addressed in CEQA documents depending on the circumstances and opinion of the biologist conducting the assessment.

CRPR 1A: Plants presumed to be extinct because they have not been seen or collected in the wild in California for many years. This list includes plants that are both presumed extinct in California, as well as those plants which are presumed extirpated in California. A plant is extinct in California if it no longer occurs in or outside of California. A plant that is extirpated from California has been eliminated from California, but may still occur elsewhere in its range.

CRPR 1B: Plants that are rare throughout their range with the majority of them endemic to California. Most of the plants of List 1B have declined significantly over the last century.

CRPR 2: Plants that are rare throughout their range in California, but are common beyond the boundaries of California. List 2 recognizes the importance of protecting the geographic range of widespread species.

Plants identified on CRPR Lists 1A, 1B, and 2 meet the definitions of Sec. 1901, Chapter 10 (Native Plant Protection Act) or Secs. 2062 and 2067 (California Endangered Species Act) of the CDFW Code, and are eligible for state listing. They should be fully considered during preparation of environmental documents relating to CEQA.

CRPR 3: A review list for plants for which there is inadequate information to assign them to one of the other lists or to reject them.

CRPR 4: A watch list for plants that are of limited distribution or infrequent throughout a broader area in California and their vulnerability or susceptibility to threat appears relatively low at this time.

Global and Subnational Rankings

Though not associated directly with legal protections, species have been given a conservation status rank by NatureServe, an international non-profit conservation organization that is the leading source for information about rare and endangered species and threatened ecosystems. The Ventura County Planning Division considers the following ranks as sensitive for the purposes of CEQA impact assessment (G = Global, S = Subnational or State):

G1 or S1 - Critically Imperiled
G2 or S2 – Imperiled
G3 or S3 - Vulnerable to extirpation or extinction

Locally Important Species

Locally important species' protections are addressed below under "Locally Important Species/Communities Regulations."

For lists of some of the species in Ventura County that are protected by the above regulations, go to http://www.ventura.org/rma/planning/ceqa/bio_resource_review.html.

Nesting Bird Regulations

The Federal Migratory Bird Treaty Act (MBTA) and the CDFW Code (3503, 3503.5, 3511, 3513 and 3800) protect most native birds. In addition, the federal and state endangered species acts protect some bird species listed as threatened or endangered. Project-related impacts to birds protected by these regulations would occur during the breeding season, because unlike adult birds, eggs and chicks are unable to escape impacts.

The MBTA implements various treaties and conventions between the U.S. and Canada, Japan, Mexico, and Russia for the protection of migratory birds, which occur in two of these countries over the course of one year. The Act maintains that it is unlawful to pursue, hunt, take, capture or kill; attempt to take, capture or kill; possess, offer to or sell, barter, purchase, deliver or cause to be shipped, exported, imported, transported, carried or received any migratory bird, part, nest, egg or product, manufactured or not. Bird species protected under the provisions of the MBTA are identified by the List of Migratory Birds (Title 50 of the Code of Federal Regulations, Section 10.13 as updated by the 1983 American Ornithologists' Union (AOU) Checklist and published supplements through 1995 by the USFWS).

CDFW Code 3513 upholds the MBTA by prohibiting any take or possession of birds that are designated by the MBTA as migratory nongame birds except as allowed by federal rules and regulations promulgated pursuant to the MBTA. In addition, there are CDFW Codes (3503, 3503.5, 3511, and 3800) which further protect nesting birds and their parts, including passerine birds, raptors, and state "fully protected" birds.

NOTE: These regulations protect almost all *native nesting birds*, not just sensitive status birds.

Plant Community Regulations

Plant communities are provided legal protection when they provide habitat for protected species, when the community is in the coastal zone and qualifies as environmentally sensitive habitat area (ESHA), or when the community qualifies as locally important.

Global and Subnational Rankings

Though not associated directly with legal protections, plant communities have been given a conservation status rank by NatureServe, an international non-profit conservation organization that is the leading source for information about rare and endangered species and threatened ecosystems. The Ventura County Planning Division considers the following ranks as sensitive for the purposes of CEQA impact assessment (G = Global, S = Subnational or State):

G1 or S1 - Critically Imperiled
G2 or S2 - Imperiled
G3 or S3 - Vulnerable to extirpation or extinction

CDFW Rare

Rare natural communities are those communities that are of highly limited distribution. These communities may or may not contain rare, threatened, or endangered species. Though the Native Plant Protection Act and the California Endangered Species Act provide no legal protection to plant communities, CDFW considers plant communities that are ranked G1-G3 or S1-S3 (as defined above) to be rare or sensitive, and therefore these plant communities should be addressed during CEQA review.

Environmentally Sensitive Habitat Areas

The Coastal Act specifically calls for protection of "environmentally sensitive habitat areas" or ESHA, which it defines as: "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 which could be easily disturbed or degraded by human activities and developments" (Section 30107.5).

ESHA has been specifically defined in the Santa Monica Mountains. For ESHA identification in this location, the Coastal Commission, the agency charged with administering the Coastal Act, has described the habitats that are considered ESHA. A memo from a Coastal Commission biologist that describes ESHA in the Santa Monica Mountains can be found at: http://www.ventura.org/rma/planning/ceqa/bio_resource_review.html.

Locally Important Communities

The Ventura County Initial Study Assessment Guidelines defines a locally important community as one that is considered by qualified biologists to be a quality example characteristic of or unique to the County or region, with this determination being made on a case-by-case basis. The County has not developed a list of locally important communities, but has deemed oak woodlands to be a locally important community.

Waters and Wetlands Regulations

Numerous agencies control what can and cannot be done in or around streams and wetlands. If a project affects an area where water flows, ponds or is present even part of the year, it is likely to be regulated by one or more agencies. Many wetland or stream projects will require three main permits or approvals (in addition to CEQA compliance). These are:

- 404 Permit (U.S. Army Corps of Engineers)
- 401 Certification (Regional Water Quality Control Board)
- Streambed Alteration Agreement (CDFW)

In addition, the Ventura County General Plan calls for protection of wetlands and there are several other federal, state and local permits that could be required when a project involves disturbance to wetlands or waters. For a more thorough explanation of wetland permitting, see the Ventura County's "Wetland Project Permitting Guide" at http://www.ventura.org/rma/planning/ceqa/bio_resource_review.html.

404 Permit (U.S. Army Corps of Engineers)

Most projects that involve streams or wetlands will require a 404 Permit from the U.S. Army Corps of Engineers (USACE). Section 404 of the federal Clean Water Act is the primary federal program regulating activities in wetlands. The Act regulates areas defined as "waters of the United States." This includes streams, wetlands in or next to streams, areas influenced by tides, navigable waters, lakes, reservoirs and other impoundments. For nontidal waters, USACE jurisdiction extends up to what is referred to as the "ordinary high water mark" as well as to the landward limits of adjacent Corps-defined wetlands, if present. The ordinary high water mark is an identifiable natural line visible on the bank of a stream or water body that shows the upper limit of typical stream flow or water level. The mark is made from the action of water on the streambank over the course of years.

Permit Triggers: A USACE 404 Permit is triggered by moving (discharging) or placing materials—such as dirt, rock, geotextiles, concrete or culverts—into or within USACE jurisdictional areas. This type of activity is also referred to as a "discharge of dredged or fill material."

401 Certification (Regional Water Quality Control Board)

If your project requires a USACE 404 Permit, then you will also need a Regional Water Quality Control Board (RWQCB) 401 Certification. The federal Clean Water Act, in Section 401, specifies that states must certify that any activity subject to a permit issued by a federal agency, such as the USACE, meets all state water quality standards. In California, the state and regional water boards are responsible for certification of activities subject to USACE Section 404 Permits.

Permit Trigger: A RWQCB 401 Certification is triggered whenever a USACE 404 Permit is required, or whenever an activity could cause a discharge of dredged or fill material into waters of the U.S. or wetlands.

Streambed Alteration Agreement (California Department of Fish and Wildlife)

If your project includes alteration of the bed, banks or channel of a stream, or the adjacent riparian vegetation, then you may need a Streambed Alteration Agreement from the CDFW. The California Fish and Game Code, Sections 1600-1616, regulates activities that would alter the flow, bed, banks, channel or associated riparian areas of a river, stream or lake—all considered "waters of the state." The law requires any person, state or local governmental agency or public utility to notify CDFW before beginning an activity that will substantially modify a river, stream or lake.

Permit Triggers: A Streambed Alteration Agreement (SAA) is triggered when a project involves altering a stream or disturbing riparian vegetation, including any of the following activities:

- Substantially obstructing or diverting the natural flow of a river, stream or lake
- Using any material from these areas
- Disposing of waste where it can move into these areas

Some projects that involve routine maintenance may qualify for long-term maintenance agreements from CDFW. Discuss this option with CDFW staff.

Ventura County General Plan

The Ventura County General Plan contains policies which also strongly protect wetland habitats.

Biological Resources Policy 1.5.2-3 states**:**

> Discretionary development that is proposed to be located within 300 feet of a marsh, small wash, intermittent lake, intermittent stream, spring, or perennial stream (as identified on the latest USGS 7½ minute quad map), shall be evaluated by a County approved biologist for potential impacts on wetland habitats. Discretionary development that would have a significant impact on significant wetland habitats shall be prohibited, unless mitigation measures are adopted that would reduce the impact to a less than significant level; or for lands designated "Urban" or "Existing Community", a statement of overriding considerations is adopted by the decision-making body.

Biological Resources Policy 1.5.2-4 states:

> Discretionary development shall be sited a minimum of 100 feet from significant wetland habitats to mitigate the potential impacts on said habitats. Buffer areas may be increased or decreased upon evaluation and recommendation by a qualified biologist and approval by the decision-making body. Factors to be used in determining adjustment of the 100 foot buffer include soil type, slope stability, drainage patterns, presence or absence of endangered, threatened or rare plants or animals, and compatibility of the proposed development with the wildlife use of the wetland habitat area. The requirement of a buffer (setback) shall not preclude the use of replacement as mitigation when there is no other feasible alternative to allowing a permitted use, and if the replacement results in no net loss of wetland habitat. Such replacement shall be "in kind" (i.e. same type and acreage), and provide wetland habitat of comparable biological value. On-site replacement shall be preferred wherever possible. The replacement plan shall be developed in consultation with CDFW.

Coastal Habitat Regulations

Ventura County's Coastal Area Plan and the Coastal Zoning Ordinance, which constitute the "Local Coastal Program" (LCP) for the unincorporated portions of Ventura County's coastal zone, ensure that the County's land use plans, zoning ordinances, zoning maps, and implemented actions meet the requirements of, and implement the provisions and polices of California's 1976 Coastal Act at the local level.

Environmentally Sensitive Habitats

The Coastal Act specifically calls for protection of "environmentally sensitive habitat areas" or ESHA, which it defines as: "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 which could be easily disturbed or degraded by human activities and developments" (Section 30107.5).

Section 30240 of the Coastal Act states:

(a) "Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on such resources shall be allowed within such areas."

(b) "Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade such areas, and shall be compatible with the continuance of such habitat areas."

There are three important elements to the definition of ESHA. First, a geographic area can be designated ESHA either because of the presence of individual species of plants or animals or because of the presence of a particular habitat. Second, in order for an area to be designated as ESHA, the species or habitat must be either rare or it must be especially valuable. Finally, the area must be easily disturbed or degraded by human activities.

Protection of ESHA is of particular concern in the southeastern part of Ventura County, where the coastal zone extends inland (~5 miles) to include an extensive area of the Santa Monica Mountains. For ESHA identification in this location, the Coastal Commission, the agency charged with administering the Coastal Act, has described the habitats that are considered ESHA. A memo from a Coastal Commission biologist that describes ESHA in the Santa Monica Mountains can be found at: http://www.ventura.org/rma/planning/ceqa/bio_resource_review.html.

The County's Local Coastal Program outlines other specific protections to environmentally sensitive habitats in the Coastal Zone, such as to wetlands, riparian habitats, dunes, and upland habitats within the Santa Monica Mountains (M Overlay Zone). Protections in some cases are different for different segments of the coastal zone.

Copies of the Coastal Area Plan and the Coastal Zoning Ordinance can be found at: http://www.ventura.org/rma/planning/Programs/local.html.

Wildlife Migration Regulations

The Ventura County General Plan specifically includes wildlife migration corridors as an element of the region's significant biological resources. In addition, protecting habitat connectivity is critical to the success of special status species and other biological resource protections. Potential project impacts to wildlife migration are analyzed by biologists on a case-by-case basis. The issue involves both a macro-scale analysis—where routes used by large carnivores connecting very large core habitat areas may be impacted—as well as a micro-scale analysis—where a road or stream crossing may impact localized movement by many different animals.

Locally Important Species/Communities Regulations

Locally important species/communities are considered to be significant biological resources in the Ventura County General Plan, thus one of the County's threshold criteria for the evaluation of impacts to biological resources is whether the project impacts locally important species/communities.

Locally Important Species

The following criteria were developed with the assistance of local biologists:

Locally Important Animal Species Criteria

1. Taxa for whom habitat in Ventura County is crucial for their existence either globally or in Ventura County. This includes taxa for whom:

- Populations in Ventura County represents 10% or more of the known extant global distribution; or
- In Ventura County, there are less than 6 element occurrences, or less than 1,000 individuals, or less than 2,000 acres.

2. Native taxa that are generally declining throughout their range and/or are in danger of extirpation in Ventura County.

Locally Important Plant Species Criteria

A locally important plant is a taxon that is declining throughout the extent of its range AND has a maximum of five (5) element occurrences in Ventura County.

Locally Important Animal and Plant Species Criteria

In some cases, to be determined on an individual basis, there are taxa whose population(s) does not qualify as locally important species; however, certain locations where a taxon occurs will be defined as locally important. This includes:

- If known, the published type locality for a holotype specimen.
- The edge of a taxon's range. This criterion does not apply to non-native taxa or those taxa whose range and population(s) size is expanding.

The County maintains a list of locally important species, which can be found on the Planning Division website at: http://www.ventura.org/rma/planning/ceqa/bio_resource_review.html. *This list should not be considered comprehensive.* Any species that meets the criteria qualifies as locally important, whether or not it is included on this list.

Locally Important Communities

The Ventura County Initial Study Assessment Guidelines defines a locally important community as one that is considered by qualified biologists to be a quality example characteristic of or unique to the County or region, with this determination being made on a case-by-case basis. The County has not developed a list of locally important communities. Oak woodlands have however been deemed by the Ventura County Board of Supervisors to be a locally important community.

The state passed legislation in 2001, the Oak Woodland Conservation Act, to emphasize that oak woodlands are a vital and threatened statewide resource. In response, the County of Ventura prepared and adopted an Oak Woodland Management Plan that recommended, among other things, amending the County's Initial Study Assessment Guidelines to include an explicit reference to oak woodlands as part of its definition of locally important communities. The Board of Supervisors approved this management plan and its recommendations.

Appendix Two

Observed Species Tables

Species Observed Plants			
Scientific name	**Common Name**	**Native**	**Family/Notes**
Ambrosia psilostachya var. *californica*	western ragweed	Yes	Asteraceae
Anagallis arvensis	scarlet pimpernel	No	Primulaceae
Avena barbata	slender wild oat	No	Poaceae
Baccharis salicifolia	mulefat	Yes	Asteraceae
Beta vulgaris	sugar beet	No	Amaranthaceae
Bromus diandrus	ripgut grass	No	Poaceae
Bromus hordeaceus	soft chess	No	Poaceae
Bromus rubens	red brome	No	Poaceae
Carduus pycnocephalus	Italian thistle	No	Asteraceae
Chenopodium californicum	California goosefoot	Yes	Chenopodiaceae
Citrus limon	lemon tree	No	Rutaceae
Citrus sinensis	orange tree	No	Rutaceae
Datura wrightii	jimsonweed	Yes	Solanaceae
Erodium cicutarium	storksbill	No	Geraniaceae
Eucalyptus camaldulensis.	Redgum	No	Myrtaceae
Hirschfeldia incana	summer mustard	No	Brassicaceae
Lactuca serriola	prickly wild lettuce	No	Asteraceae
Lepidium latifolium	broadleaf peppergrass	No	Brassicaceae
Malva parviflora	cheeseweed	No	Malvaceae
Matricaria discoidea	pineapple weed	No	Asteraceae
Marah macrocarpa var. *macrocarpa*	large-fruited man-root	Yes	Cucurbitaceae
Marrubium vulgare	white horehound	No	Lamiaceae
Melilotus albus	white sweet clover	No	Fabaceae
Persea americana	avocado tree	No	Lauraceae
Poa annua	annual bluegrass	No	Poaceae
Sonchus oleraceus	common sow-thistle	No	Asteraceae
Tribulus terrestris	puncture vine	No	Zygophyllaceae

Species Observed Wildlife	
Scientific name	**Common Name**
Reptiles	
Sceloporus occidentalis bocourtii	coast range fence lizard
Birds	
Buteo jamaicensis	Red-tailed Hawk
Larus occidentalis	Western Gull
Zenaida macroura	Mourning Dove
Calypte anna	Anna's Hummingbird
Picoides pubescens	Downy Woodpecker
Falco sparverius	American Kestrel
Sayornis nigricans	Black Phoebe
Tyrannus verticalis	Western Kingbird
Tyrannus vociferans	Cassin's Kingbird
Aphelocoma californica	Western Scrub-jay
Corvus brachyrhynchos	American Crow
Corvus corax	Common Raven
Baeolophus inornatus	Oak Titmouse
Thryomanes bewickii	Bewick's Wren
Turdus migratorius	American Robin
Mimus polyglottos	Northern Mockingbird
Sturnus vulgaris	European Starling
Melozone crissalis	California Towhee
Euphagus cyanocephalus	Brewer’s Blackbird
Haemorhous mexicanus	House Finch
Spinus psaltria	Lesser Goldfinch
Junco hyemalis	Dark-eyed Junco
Setophaga coronata	Yellow-rumped Warbler
Mammals	
Sylvilagus bachmani	brush rabbit
Otospermophilus beecheyi	California ground squirrel
Sciurus niger	Fox squirrel
THomomys bottae	Botta;s pocket gopher

Appendix Three

USACE Determination Letter

DEPARTMENT OF THE ARMY
LOS ANGELES DISTRICT, U.S. ARMY CORPS OF ENGINEERS
VENTURA FIELD OFFICE
2151 ALESSANDRO DRIVE, SUITE 110
VENTURA, CA 93001

August 27, 2014

Steve Jones
BioResource Consultants, Inc.
310 E. Matilija Street
Ojai, California 93023

DETERMINATION OF NEED FOR A DEPARTMENT OF THE ARMY PERMIT

Dear Mr. Jones:

I am responding to your request (File No. SPL-2014-00503-AJS) dated August 25, 2014, for clarification whether a Department of the Army Permit is required for the Agromin Biogenic Energy Park project located near the city of Santa Paula, Ventura County, California (at lat: 34.30318N; long: 119.12627W).

The Corps' evaluation process for determining if you need a permit is based on whether or not the proposed project is located within or contains a water of the United States, and whether or not the proposed project includes an activity potentially regulated under Section 10 of the River and Harbor Act or Section 404 of the Clean Water Act. If both conditions are met, a permit would be required.

Based on the attached approved jurisdictional determination dated August 27, 2014, it appears the Agromin Biogenic Energy Park JD project site does not contain waters of the United States pursuant to 33 CFR Part 325.9. A small, ephemeral drainage feature within the property (labeled "W-1" in your request) was evaluated and determined to be an upland-excavated drainage ditch, draining only uplands, and therefore not a water of the United States.

If you have any questions, please contact me at 805-585-2147 or via e-mail at Antal.J.Szijj@usace.army.mil. Thank you for participating in the Regulatory Program. Please also complete the customer survey form at http://corpsmapu.usace.army.mil/cm_apex/f?p=regulatory_survey, which would help me to evaluate and improve the regulatory experience for others.

Sincerely,

Antal Szijj
Senior Project Manager
North Coast Branch

Enclosure

CF:
EPA
California DFW
RWQCB