EXHIBIT 9
PROPOSED REVISIONS
TO THE
FORWARD AND BIOLOGICAL RESOURCES SECTION
OF THE
VENTURA COUNTY INITIAL STUDY ASSESSMENT GUIDELINES

RMA-Planning Division recommended changes are in legislative format with staff comments in [brackets] with blue text.

Forward

The purpose of these Initial Study Assessment Guidelines is to inform the public, project applicants, consultants and County staff of the threshold criteria and standard methodology used in determining whether or not a project (individually or cumulatively with other projects) could have a significant effect on the environment. Furthermore, these Guidelines provide instructions for completing the Initial Study and determining the type of environmental document for individual projects.

These Initial Study Assessment Guidelines have been prepared in accordance with the County of Ventura's Administrative Supplement to State CEQA Guidelines. These Guidelines were originally adopted in 1992 by the directors of those County agencies/departments responsible for evaluating environmental issues and by the County's Environmental Quality Advisory Committee. Prior to their adoption, public notification and workshops were conducted, and appropriate revisions were made. Similarly, all subsequent amendments to these Guidelines have included public notification and review prior to their adoption in accordance with State CEQA Guidelines and the County's Administrative Supplement.

The Initial Study Assessment Guidelines present a range of quantitative, qualitative, and performance levels for particular environmental effects. Normally, in the absence of substantial evidence to the contrary, an affirmative response to any one threshold will mean the project will result in a significant effect, whereas effects that do not meet any of the thresholds will normally be determined to be "less than significant." Section 15064(b) of the State CEQA Guidelines states:

> "The determination whether a project may have a significant effect on the environment calls for careful judgment on the part of the public agency involved, based to the extent possible on factual and scientific data. An ironclad definition of significant effect is not always possible because the significance of an activity may vary with the setting."

These Initial Study Assessment Guidelines assist in providing a consistent, objective and predictable evaluation of significant effects. These Guidelines are not binding on any decision-maker and should not be substituted for the use of independent judgment to determine significance or the evaluation of evidence in the record. The County reserves the right to modify these Guidelines in the event of scientific discovery or alterations in factual data that may alter the common application of a threshold.

> [*The above paragraphs have been added to the Forward for the Initial Study Assessment Guidelines in response to the suggestion from VCCOLAB that the purpose and limitations of the thresholds contained in this document be explained in the document itself. VCCOLAB suggested language that is used in San Diego County's Guidelines for Determining Significance. They suggested that this language be included in the threshold criteria for the Biological Resources Section, but staff found that this language was appropriate for the entire Initial Study Assessment Guidelines document and all the thresholds contained within it. Therefore, staff proposes that this language be added to the Forward, which is found just after the cover page of the document. This language was taken from San Diego County's document and modified to include the document titles and terms used by Ventura County.*]

4. Biological Resources

A. Definition of Issue

Biological resources include plant and animal species and their habitats, plant communities and ecosystems. For the purpose of assessing impacts to biological resources, the issue is organized into three categories: *species*, *ecological communities*, and *habitat connectivity*.

B. Definition of Terms

Biological Resources Assessment – An on-site survey, literature review, and written report conducted and prepared by a *qualified biological consultant* approved by the County to identify the biological resources on a project site and evaluate the potential impacts of a proposed project on those resources.

California Fully Protected Species – Animals which are rare or face possible extinction and are protected by California Department of Fish and Game pursuant to Fish & Game Code Sections 3511, 4700, 5050, and 5515.

Candidate Species –

> Federal Candidate Species are ~~P~~plants and animals for which the U.S. Fish and Wildlife Service has sufficient information on their biological status and threats to propose them as endangered or threatened under the Endangered Species Act, but for which development of a proposed listing regulation is precluded by higher priority listing activities.
>
> State Candidate Species are native species or subspecies of a bird, mammal, fish, amphibian, reptile, or plant that the commission has formally noticed as being under review by the department for addition to either the list of endangered species or the list of threatened species, or a species for which the commission has published a notice of proposed regulation to add the species to either list. State Candidate Species have equal legal protection as State listed threatened and endangered species under Fish and Game Code Section 2081.
>
> [*The language suggested by VCCOLAB was not added to this definition. VCCOLAB referenced CEQA Guidelines Section 15380 and stated that "Candidate Species should not be presumed to qualify as Endangered, Rare or Threatened species." However, CEQA Guidelines Section 15380(d) states that "a species not included in any listing identified in subdivision (c) [officially listed under state and federal Endangered Species Act] shall nevertheless be considered to be endangered, rare or threatened, if the species can be shown to meet the criteria in subdivision (b)." Candidate Species meet the criteria in subdivision (b) of CEQA Guidelines Section 15380.]*

Chokepoint – A narrow, impacted, or otherwise tenuous *wildlife movement corridor* or *linkage* (like the chokepoint of an hourglass).

> [*VCCOLAB suggested adding the word "functioning" before linkage in this definition. However, an area would not be a linkage if it was not functioning as a linkage. Therefore, the word "functioning" is repetitive and not necessary, because a linkage, by definition, is a feature that functions. As revised, a linkage "supports or contributes to the long-term movement of wildlife and genetic exchange by providing live-in habitat that connects to other habitat areas," and that is its function.]*

Coastal Habitat – See *Environmentally Sensitive Habitat Areas* (ESHA).

Conservation Easement - any limitation in a deed, will, or other instrument in the form of an easement, restriction, covenant, or condition, granted to a qualified entity or organization under California Civil Code Section 815.3, which is or has been executed by or on behalf of the owner of the land subject to such easement and is binding upon successive owners of such land, and the purpose

of which is to retain land predominantly in its natural, scenic, historical, agricultural, forested, or open space condition for the preservation and protection of native plants, animals and biotic communities.

Core Habitat Areas – Extensive areas of habitat, usually containing more than one habitat type and supporting multiple wildlife species.

Development Footprint – Includes the proposed maximum limits of temporary or permanent direct land or vegetation disturbance for a project, including but not limited to the building pad(s), roads/road improvements, grading, septic systems, wells, drainage improvements, fire hazard brush clearance area(s), landscaping, storage/stockpile areas, construction staging areas, fire department turnarounds, utility trenching and other grading areas.

Direct Impacts – Physical changes in the environment which are caused by and immediately related to the project. *Direct impacts* on biological resources include, but are not limited to: the removal of habitat from grading activities, construction activities, and fire hazard vegetation clearance; the construction of a substantial barrier in a wildlife *corridor* that would impede wildlife movement; or loss of individual plants or animals due to construction activities.

Ecological Communities – Groups of interacting species occupying the same geographical area. The Ecological Communities category of the threshold criteria include the General Plan defined Wetland Habitat, Coastal Habitat, and Locally Important Communities.

Element Occurrence (EO) – A biological unit that has practical conservation value for a species or ecological community and sustains or contributes to the survival of a species or ecological community. An *element occurrence*, as used in the Threshold of Significance Criteria below, is a population of a species that is present and would be impacted by the project. The following ~~describes~~ examples of *element occurrences* are provided as guidance: ~~for the various categories of species elements:~~

> Plants – A population or group of populations found within 0.25 miles and not separated by significant habitat discontinuities.
>
> Animals with Limited Mobility (e.g., most invertebrates, amphibians, reptiles, small mammals, and resident birds) – A breeding population.
>
> Mobile Animals (e.g., migratory birds, fish and larger mammals) – The location of breeding areas (including nesting territories, dens, and leks) or parts of the range of a mobile population that contribute to the persistence of that population, such as roosts, overwintering areas, migration areas and staging areas.
>
> [*Based on comments received by RMA-Planning staff at the March 24, 2011 meeting on the special status species thresholds and comments provided by VCCOLAB, the above language was revised to clarify that an element occurrence is a unit that is based on the biology of the species being examined, and the examples provided are to be used as guidance. For example, the typical population size of one plant species could be different than the typical population size of another plant species. However, where such biological information may be lacking, the separation distance of 0.25 mile should be used to identify a plant population. The examples provided are based on NatureServe's Element Occurrence Data Standard (2002) and definitions developed by the California Department of Fish and Game's Biogeographic Data Branch.*]

Endangered, Rare or Threatened Species - Pursuant to CEQA Guidelines section 15380, *Endangered, Rare or Threatened Species* means:

(a) "Species" as used in this section means a species or subspecies of animal or plant or a variety of plant.

(b) A species of animal or plant is:

(1) "Endangered" when its survival and reproduction in the wild are in immediate jeopardy from one or more causes, including loss of habitat, change in habitat, overexploitation, predation, competition, disease, or other factors; or

(2) "Rare" when either:

(A) Although not presently threatened with extinction, the species is existing in such small numbers throughout all or a significant portion of its range that it may become endangered if its environment worsens; or

(B) The species is likely to become endangered within the foreseeable future throughout all or a significant portion of its range and may be considered "threatened" as that term is used in the Federal Endangered Species Act.

(c) A species of animal or plant shall be presumed to be endangered, rare or threatened, as it is listed in:

(1) Sections 670.2 or 670.5, Title 14, California Code of Regulations[1]; or

(2) Title 50, Code of Federal Regulations Sections 17.11 or 17.12 pursuant to the Federal Endangered Species Act as rare, threatened, or endangered.

(d) A species not included in any listing identified in subdivision (c) shall nevertheless be considered to be endangered, rare or threatened, if the species can be shown to meet the criteria in subdivision (b).

(e) This definition shall not include any species of the Class Insecta which is a pest whose protection under the provisions of CEQA would present an overwhelming and overriding risk to man as determined by:

(1) The Director of Food and Agriculture with regard to economic pests; or

(2) The Director of Health Services with regard to health risks.

[*Under section (c) above, VCCOLAB suggested changing the word "as" to "if." However, this is inconsistent with the CEQA Guidelines. The definition above comes directly from the CEQA Guidelines.*]

Environmentally Sensitive Habitat Areas (ESHA) – Any area in the Coastal Zone 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 harmed by human activities and development (California Public Resources Code, Division 20, California Coastal Act, Section 30107.5). ESHA includes Areas of Special Biological Significance as identified by the State Water Resource Control Board; rare and *endangered species'* habitats identified by the State Department of Fish and Game; all coastal wetlands and lagoons; all marine, wildlife, and education and research reserves; nearshore reefs; stream corridors; lakes; tidepools; seacaves; islets and offshore rocks; kelp beds; significant coastal dunes; indigenous dune plant habitats; and wilderness and primitive areas (*Ventura County Coastal Zoning Ordinance*, §8172-1). ESHA includes coastal dunes, beaches, tidepools, wetlands, creek corridors, and certain upland habitats in the Santa Monica Mountains (*Ventura County Coastal Area Plan*). ESHA within upland habitats of the Santa Monica Mountains can be identified using the Coastal Commission's methodology (Memorandum from the Coastal Commission to Ventura Staff titled "Designation of ESHA in the Santa Monica Mountains," 2003).[2]

[*The above change was suggested by VCCOLAB, and staff has made the change in response. ESHA is a term that is specific to the Coastal Zone.*]

Habitat Connectivity – The degree to which the landscape facilitates movement of organisms among *habitat patches,* providing for seasonal wildlife migration, foraging, finding mates, dispersal of

[1] California Endangered Species Act

[2] The memorandum from the Coastal Commission to Ventura Staff titled "Designation of ESHA in the Santa Monica Mountains" is available at: http://www.ventura.org/rma/planning/.

offspring, and the ability to react to environmental changes. Key *habitat connectivity* features include *linkages*, *wildlife movement corridors*, *stepping stones* and *chokepoints*.

[*VCCOLAB suggested removing stepping stones from this definition and removing the term stepping stones altogether from the Guidelines. Staff recommends, however, that this term "stepping stones" remain in the Guidelines, and an explanation for this recommendation is provided under the definition of "Stepping Stones" below.]*

Habitat Patch – An area that supports wildlife and is distinguished from its surroundings by discontinuities in vegetation or habitat. Often an area of native or naturalized habitat surrounded by non-native/urbanized conditions.

Indirect Impacts – Physical changes in the environment which are not immediately related to the project, but with are caused indirectly by the project. If a direct physical change in the environment in turn causes another change in the environment, then the other change is an indirect physical change in the environment. Unlike *direct impacts* which typically occur at one point in time, *indirect impacts* often persist over extended periods of time and may increase in severity. *Indirect impacts* commonly result near the periphery of a project site. *Indirect impacts* can include, but are not limited to, the following:

- The introduction of urban mesopredators (e.g. rats) into a relatively undisturbed ecological community;
- Increased or polluted water runoff into a biological system (from increased impervious cover);
- The introduction of invasive, non-native plant species into a biological system;
- Increased levels of noise and nighttime lighting (from both construction/demolition and operational phases of a project);
- Alteration of stream flow characteristics or fire cycles;
- Increased inputs of sediment, nutrients, pesticides, chlorides and other pollutants into wetlands;
- Fragmentation of habitats (resulting from direct loss of habitat) ~~in smaller habitat patches and increased habitat edges adjacent to development and human activity)~~;
- Fencing along the perimeter of properties as a result of an increased number of residences; and
- Increased human activity as a result of increased development intensity.

[*VCCOLAB suggested deleting the bullet point above for fragmentation of habitats, because the words "increased habitat edges" were confusing. Because staff has received comments from the National Park Service (Santa Monica Mountains National Recreation Area) and the California Department of Fish and Game that fragmentation of habitats is an important impact to consider, staff has retained this bullet point in the list and explained that fragmentation is an indirect effect that may result from direct loss of habitat.*

The National Park Service recommended retaining the term edge effects by incorporating it into the definition of indirect impacts above. NPS also recommended an additional indirect impact regarding the increased use of rodenticides associated with development that enter the food chain and adversely impact native predators, such as bobcats, mountain lions and coyotes. Staff has already incorporated several examples of edge effects into the definition above without using the term edge effect, and the above definition does not limit review to only those examples of indirect impacts listed above.]

Linkage – An area of land that supports or contributes to the long term movement of wildlife and genetic exchange by providing live-in habitat that connects to other habitat areas. ~~A regional *wildlife movement corridor* that provides a connection for wildlife and natural processes between regional~~

~~*core habitat areas*. *Linkages* are large enough to function as *corridors* for multiple species as well as live-in habitat for some species.~~

[*As suggested by VCCOLAB, the above definition was revised to match the definition used by San Diego County in their Guidelines for Determining Significance. County staff finds that this new definition clarifies the term linkage and therefore accepts this change.*]

Locally Important Species – The General Plan defines a *locally important species* as a plant or animal species that is not an *endangered, threatened*, or *rare species*, but is considered by qualified biologists to be a quality example or unique species within the County and region. The following criteria further define what local qualified biologists have determined to be *locally important species:*

Locally Important Plants

- Taxa that are declining throughout the extent of their range AND have a maximum of five (5) *element occurrences* in Ventura County.

Locally Important Animals

- Taxa for which the population(s) in Ventura County represents 10 percent or more of the known extant global distribution; or
- Taxa for which there are five or fewer *element occurrences*, or less than 1,000 individuals, or less than 2,000 acres of habitat that sustains populations in Ventura County; or,
- Native taxa that are generally declining throughout their range or are in danger of extirpation in Ventura County.

[*At the RMA-Planning public meeting on the thresholds for special status and locally important species held on March 24, 2011, staff reached an agreement with those present, which included biologists, representatives and members of VCCOLAB and other members of the public, that the Planning Division would begin updating the lists of Locally Important Plants and Locally Important Animals on an annual basis. Currently these lists are only updated when a nomination is received to add a species to or remove a species from the list and when sufficient information is provided to justify the nomination. Those present at the meeting agreed that the criteria which was developed by qualified biologists in 2004 (the criteria above) should be incorporated into the Initial Study Assessment Guidelines as long as the lists of Locally Important Species are updated annually by the County with input from local qualified biologists. Revisions were made to the Methodology Section, Step 3, Part a, to state that these lists will be updated annually.*]

Qualified Biological Consultant – Any person or firm who meets Ventura County's Minimum Qualifications as listed in Attachment 1.

Restrictive Covenant - ~~a~~n written agreement between a property owner and the County usually, but not always in a deed or lease, that restricts certain future alterations or uses ~~the alteration or use~~ of real property or requires additional County review and approval prior such future alterations or uses.

[*Based on comments from VCCOLAB, the above revisions were made to clarify that "certain" alterations and uses are restricted, depending on the potential environmental impacts of a project, and to inform applicants that in many cases, the restrictive covenant is not permanent and requires additional review and approval by the County to modify.*

The National Park Service commented that a restrictive covenant is a written agreement and this definition should state that. Staff agrees that a restrictive covenant is a written agreement, and therefore "written" has been added to clearly communicate this point.]

Riparian/Riparian Habitat – Riparian refers to the bank of a stream, creek or river. Riparian habitat is the aquatic and terrestrial habitats that occur along streams, creeks and rivers.

[*The National Park Service recommended retaining the previous staff-recommended phrase "a type of wetland habitat" in the definition above. However, the term wetland habitat is used in the thresholds to specifically refer to wetland habitat as defined by the County General Plan. Not all riparian habitat would meet the County General Plan definition of wetland habitat.*]

Sensitive Plant Communities – Plant communities that are ranked as G1 or S1 (critically imperiled globally or subnationally [state]), G2 or S2 (imperiled), or G3 or S3 (vulnerable to extirpation or extinction) through NatureServe's Natural Heritage Program and the California Natural Diversity Database (California Department of Fish and Game, Vegetation Classification and Mapping Program, List of California Vegetation Alliances, as amended); and oak woodlands, pursuant to Section 21083.4 of the California Public Resources Code. These plant communities are locally important plant communities as defined by the Ventura County General Plan.

Special Status Species – Species listed as Endangered, Threatened, or Rare under the federal or state Endangered Species Acts, *Candidate Species, California Fully Protected Species*, and, pursuant to CEQA Guidelines Section 15380(d), all other species tracked by the California Natural Diversity Database (CNDDB), which are considered by the California Department of Fish and Game (CDFG) to be those species of greatest conservation concern, and *locally important species* as defined by the Ventura County General Plan. Plant species with a California Rare Plant Rank (Rank) of 1 (plants presumed extinct in California, or rare, threatened, or endangered in California and elsewhere), 2 (plants that are rare, threatened, or endangered in California but more common elsewhere) or 4 (plants of limited distribution in California) are included in this definition, but plant species with a Rank of 3 (plants for which insufficient information is available to determine their status) are not included in this definition. Species tracked by the CNDDB are listed in CDFG's lists of Special Plants and Special Animals~~, which include plants listed by the California Native Plant Society's Inventory of Endangered and Rare Plants, lichens with sufficient information to be considered rare by the California Lichen Society, birds listed on the United States WatchList of Birds of Conservation Concern, as well as rare species listed by federal agencies~~.

[*VCCOLAB suggested that Locally Important Species should be removed from this definition, because they believe that these species should have a different threshold of significance from other special status species. However, the County General Plan, which is the County's guiding land use document (Gov. Code §§ 65300, 65302 and 65303), identifies Locally Important Species as significant biological resources to be "[preserved and protected]…from incompatible land uses and development" (Goal 1.5.1). Considering that Locally Important Species have been further defined by local qualified biologists to be those with 5 or fewer element occurrences in the County, the loss of one or more element occurrences of a Locally Important Species is an appropriate threshold. Therefore, Locally Important Species was not removed from this definition.*

VCCOLAB also suggested removing other species from this definition, especially the California Rare Plant Ranks 3 and 4. Staff further investigated the criteria for the 3 and 4 ranks. Rank 3 includes plants that may qualify for Ranks 1, 2, or 4, but there is insufficient information to conclude that they meet the criteria for these other ranks. Based on this information, staff recommends that Rank 3 plants not be included in the definition of special status species. For a plant to qualify for Rank 4, there must be evidence that it is of limited distribution in the State, and therefore though these plants are not as rare as Rank 1 and 2 plants, there is still sufficient information that these plants should be considered "special status" and impacts to these plants should be evaluated. An explanation for the threshold for special status species is provided below under Threshold Criteria.

The examples of species lists that are compiled into the State's lists of Special Animals and Special Plants were removed. Providing such examples and leaving others out can be misleading.]

Species – Generally, a group of organisms which can interbreed and produce fertile offspring. The Species category of the threshold criteria include the General Plan defined Endangered, Threatened, and Rare Species and Locally Important Species.

Stepping Stones – A type of *wildlife movement corridor* which consists of a series of isolated patches of suitable habitat, often only for temporary occupancy, that relatively mobile organisms use to move in steps from one survival patch to another.[3]

> [*VCCOLAB suggested the removal of this term, because they believe the identification of "stepping stones" would be based on speculation. However, given that the definition includes "a type of wildlife movement corridor," stepping stones must be a "space identifiable by species using it." This means that there must be evidence that species are using the stepping stones to move from one survival patch to another and not just speculation.*]

Survey Area – The physical area a biologist evaluates as part of a *biological resources assessment*. This includes all areas that could be subject to *direct* and *indirect impacts* from the project.

Waters and Wetlands – For the purposes of impact assessment, waters and wetlands that meet the definition for waters, wetlands or streambeds used by one or more of the following agencies: U.S Army Corps of Engineers (Section 404 of the Clean Water Act), CDFG (California Fish and Game Code, Section 1602), the California Coastal Commission (in Coastal Zone only, Section 30121 of the California Coastal Act), or Ventura County (as defined in the *Ventura County General Plan*).

Wetland Habitats – Plant communities that inhabit wetlands as defined by the *Ventura County General Plan* Glossary.

Wildlife Movement Corridor (Corridor) – A space identifiable by species using it, which facilitates the movement of animals and plants over time between two or more patches of otherwise disjunct habitat.[4] ~~These features prevent fragmentation and isolation of habitats.~~ Examples include riparian pathways along streams and creeks and other remaining pathways of natural vegetation between developed areas that are ~~utilized~~ frequented by wildlife moving between habitats.

> [*The second sentence above was deleted, because it is not necessary to the definition.*
>
> *In addition, VCCOLAB suggested returning to the word "frequented," where it was replaced by the word "utilized" in staff's recommendations of the March 1, 2011 Board letter. Staff agrees that the word "frequented" suits the definition of wildlife movement corridor better than the word "utilized." "Frequented" means to associate with, be in, or resort to often or habitually. "Utilize" means to make use of or turn to practical use. "Frequented" better suits the concept of wildlife moving between habitats.*]

C. General Plan Goals and Policies

The following goals and policies of the Ventura County General Plan are applicable to this issue:

Countywide Goals, Policies and Programs:

Goal 1.5.1
Policies 1.5.2-1 through -6

Coastal Area Plan:

Coastal Act – Environ. Sensitive Habitats:

§ 30230,§ 30231,§ 30233,
§ 30236,§ 30240 & § 30607.1

El Rio/Del Norte Area Plan:

Goals 1.4.1-1 and -2
Policies 1.4.2-1 through -3

Lake Sherwood/Hidden Valley Area Plan:

[3] Hilty, J.A., W.Z. Lidicker, Jr., and A.M. Merenlender. 2006. *Corridor Ecology: The Science and Practice of Linking Landscapes for Biodiversity Conservation.* Washington, D.C.: Island Press.
[4] Ibid.

North Coast - ESHA:

A. Tidepools and Beaches

Objective
Policies 1 through 7

B. Creek Corridors

Objective
Policies 1 through 4

Central Coast - ESHA:

A. Coastal Dunes

Objective
Policies 1 through 4

B. Wetlands

Objective
Policies 1 through 9

South Coast - ESHA:

A. Coastal Dunes

Objective
Policy 1

B. Tidepools

Objective
Policies 1 through 6

C. Creek Corridors

Objective
Policies 1 through 6

D. Santa Monica Mountains

Objective
Policies 1 through 6

E. Mugu Lagoon and San Nicholas Island

Objective
Policies 1 through 6

Oak Park Area Plan:

Goals 1.3.1-1 through -5
Policies 1.3.2-1 through -9

Ojai Valley Area Plan:

Goals 1.4.1-1 through -3
Policies 1.4.2-1 through -8

Piru Area Plan:

Goals 1.5.1-1 through -3
Policies 1.5.2-1 through -3

Saticoy Area Plan:

Goal 1.3.1
Policies 1.3.2-1 through -4

Thousand Oaks Area Plan:

Goals 1.3.1-1 through -8
Policies 1.3.2-1 through -6

D. Threshold of Significance Criteria

The *State CEQA Guidelines* [California Code of Regulations, Title 14, Chapter 3, §15065(a)] Section 15065(a) states that a lead agency shall find that a project may have a significant effect on the environment if it has the potential to: "…

- Substantially reduce the habitat of a fish or wildlife species;
- Cause a fish or wildlife population to drop below self sustaining levels;
- Threaten to eliminate a plant or animal community;
- Substantially reduce the number or restrict the range of an *endangered*, *rare* or *threatened species*; …"

The *State CEQA Guidelines* [§15064(d)] provide additional guidance on the evaluation of the significance of potential impacts to biological resources; they state:

> *"In evaluating the significance of the environmental effect of a project, the lead agency shall consider direct physical changes in the environment which may be caused by the project and*

reasonably foreseeable indirect physical changes in the environment which may be caused by the project."

Given the complexity and variety of biological systems in Ventura County, it may not always be feasible to provide numerical thresholds of significance for biological resources. These guidelines are, however, presented to identify the general parameters of potentially significant impacts to biological resources and a list of significance thresholds is provided for project-specific impacts for each of the biological resource categories.

In the absence of biologically-based, substantial evidence to the contrary, if an impact from a project has the potential to meet or exceed the following thresholds of significance, such impact will be considered a significant impact. If biologically-based, site specific, substantial evidence is presented during the biological resources assessment that indicates that there is no potential for significant environmental impacts on a biological resource, that evidence may be considered by the County in finding that the project's impacts on this biological resource are less than significant.

[*Staff did not make the changes suggested by VCCOLAB to the paragraphs above. First, VCCOLAB suggested adding a paragraph that describes the purpose and limitations of the Initial Study Assessment Guidelines, and though staff agreed with some of this language, it is more appropriate in the Forward to the Initial Study Assessment Guidelines, because it applies to the entire document and not just the Biological Resources Section. See the first page of this document for recommended revisions to the Forward of the Initial Study Assessment Guidelines.*

Second, VCCOLAB suggested revisions to the last paragraph above, including changing the words "substantial evidence" to "information," and "thresholds of significance" to just "thresholds." These revisions were not made, because they would be inconsistent with CEQA. According to CEQA Guidelines Section 15064(f)(5), substantial evidence includes facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts. The threshold criteria use such substantial evidence, and the paragraph above explains that if biologically based, substantial evidence to the contrary is presented, it may outweigh the evidence used in the threshold criteria below, and the County may use that evidence to make a finding that differs from the thresholds. In addition, San Diego County, like the County of Ventura, uses "substantial evidence" in their explanation on the purpose and limitations of their thresholds of significance (see changes to the Forward on the first page).]

1. Species

Project Impact Thresholds

A project will have a direct or indirect physical impact to a plant or animal species if a project, directly or indirectly:

(a) reduces a species' population,

(b) reduces a species' habitat,

(c) increases habitat fragmentation, or

(d) restricts reproductive capacity.

The determination of whether a project's impact is significant or not shall be based on both the current conservation status of the species affected and the severity or intensity of impact caused by the project. *Endangered, rare and threatened species*, as well as *special status species*, are more susceptible to project impacts than a more common species. If a project's impact is severe or intense, it may cause a population of a more common species to decline substantially or drop below self-sustaining levels, which would be considered a significant impact.

[*VCCOLAB suggested adding the word "some" before "special status species are more susceptible to project impacts…" Staff did not make this change, because all special status species are considered special status because they are rarer than common species, and therefore it is reasonable to state that such species would experience greater impacts from a project than a more common species.*]

The following types of impacts to plant and animal species or their habitats are considered potentially significant:

- Loss of one or more individuals, occupied habitat or Critical Habitat designated by the U.S. Fish and Wildlife Service of a species officially listed as Endangered, Threatened or Rare under the federal Endangered Species Act (Title 50, Code of Federal Regulations Sections 17.11 or 17.12) or California Endangered Species Act (Sections 670.2 or 670.5, Title 14, California Code of Regulations), a ~~Federal~~ *Candidate Species*, or a *California Fully Protected Species*.

  [*VCCOLAB suggested deleting Critical Habitat from the Guidelines. Critical Habitat is defined on the basis of the biology of a federally listed species. It is a specific geographic area that contains features essential for the conservation of a threatened or endangered species. The designation of Critical Habitat is a public process and the final designations are published in the Federal Register. The information provided by the Critical Habitat designations is evidence that a potentially significant biological resource is present, and unless site specific substantial evidence is provided to the contrary, loss of Critical Habitat is and should be considered a potentially significant impact under CEQA.*

  VCCOLAB also suggested the removal of Candidate Species from the above threshold. However, Candidate Species qualify as endangered or threatened species, although they have not yet been officially listed under the federal or state endangered species acts. Therefore, there is sufficient information to consider Candidate Species equal to listed species. In addition, under the California Endangered Species Act, "take" of a Candidate Species requires an incidental take permit and mitigation, the same as formally listed endangered or threatened species.

  The US Fish and Wildlife Service commented that the "loss" of one or more individuals, as it is worded in the threshold above, implies mortality, and to be consistent with the federal Endangered Species Act (ESA), this threshold should include other impacts that are defined as "take" under the ESA. Staff intends for these thresholds to be consistent with federal regulations, such as the ESA. After considering this comment, staff found that the other thresholds listed below, including project-associated noise levels and other indirect impacts resulting from increased human access at levels that would adversely affect special status species, covers the potential project related impacts that could result in "take" of a species protected under the ESA.]

- Impacts that would eliminate or threaten to eliminate one or more *element occurrences* of a *special-status species* not otherwise listed under the federal Endangered Species Act or California Endangered Species Act, or as a *Candidate Species* or *California Fully Protected Species*.

  [*VCCOLAB suggested breaking this threshold up into multiple categories:*

  - *"special status species – high sensitivity," including the rarest species on CDFG's list of Special Animals and California Rare Plant Rank 1 and 2 species;*

- *"special status species – low sensitivity," including California Rare Plant Rank 3 and 4 species; and*
- *Locally Important Species.*

VCCOLAB commented that the Rank 3 and 4 plant species should have a less stringent threshold than Rank 1 and 2 plant species. Staff considered this suggestion during a public meeting held on March 24, 2011 that specifically covered the topic of special status species. There were differing points of view between representatives of VCCOLAB and local agency and consulting biologists who attended this meeting. Staff agreed to take input from each of the biologists present at the meeting, including the biologist who represents VCCOLAB, and to develop a threshold for Rank 3 and 4 plants based on that input.

The agency and consulting biologists within Ventura County who subsequently responded to the County RMA-Planning Division suggested more stringent thresholds than staff had originally proposed. Examples of their input include:

- *the loss of one individual up to 10 percent of an element occurrence (local population) of a Rank 1 or 2 plant species would normally be considered significant; and*
- *the loss of 50 percent to 100 percent of an element occurrence of a Rank 3 or 4 species would normally be considered significant.*

On the other hand, VCCOLAB's biologist recommended maintaining the threshold of one element occurrence (i.e., population) for Rank 1 and 2 plants, but for Rank 3 and 4 plants and other "low sensitivity special status species," the following threshold was recommended:

- *"the project would impact the viability of a low sensitivity special status species or Locally Important Species within Ventura County."*

Staff finds that strict adherence to VCCOLAB's threshold would mean that an impact to one of these species would only be considered significant if a project would eliminate or threaten to eliminate the last remaining population of the species in Ventura County. This would be a substantial weakening of the standard currently used by County staff and is inconsistent with the goals and polices of the County General Plan.

Staff considered the input from these local biologists and VCCOLAB and concluded that the previously staff proposed threshold of the loss of one element occurrence, which is defined as a population for plants, is the middle ground between these differing views and suggestions. Therefore, staff does not propose any significant changes to this threshold, with the exception of the removal of Rank 3 plants from the definition of special status species, which is explained above in the Definition of Terms section.

Also, staff does not recommend a separate, lower threshold for Locally Important Species. As described under the definition for special status species above, Locally Important Species are considered "special status," because they are identified as significant biological resources in the General Plan. Also, the VCCOLAB recommended threshold for Locally Important Species that is used in the current Initial Study Assessment Guidelines, is not legally defensible, because it bases the threshold on the ad hoc, subjective opinion of the biologist reviewing a project rather than objective criteria.]

- Impacts that would threaten the viability of a habitat that sustains a population of a *special-status* wildlife species.

- Impacts that would restrict the reproductive capacity of a *special-status species*.
- "Take" of birds protected under the California Fish and Game Code (Sections 3503.5, 3511, and 3513) and the federal Migratory Bird Treaty Act (MBTA), as "take" is defined in the Fish and Game Code and MBTA.
- Increases in noise and/or nighttime lighting to a level above ambient levels that would adversely affect a *special status species.*
- Increases in human access, predation or competition from domestic animals, pests or exotic species, or other indirect impacts, to levels that would adversely affect *special status species.*
- Impacts severe enough to substantially reduce the habitat of a wildlife species or cause a wildlife population to decline substantially or drop below self-sustaining levels, pursuant to Section 15065 of the CEQA Guidelines, Mandatory Findings of Significance.

Cumulative Impact Thresholds

The threshold criteria listed above under Project Impact Thresholds are used to determine whether cumulative impacts are significant. The evaluation of cumulative impacts must consider the project AND other projects causing related impacts. The other projects considered in the cumulative analysis for plant and animal species are recently approved, present, and reasonable foreseeable probable future projects that may directly or indirectly impact the *element occurrence* of a plant or animal species that was evaluated for project impacts.

For example, a project that would remove a few individuals of a population of a *special status* plant species (*element occurrence*) may not have a significant impact on its own, but when combined with other impacts caused by projects located near the *element occurrence*, the cumulative impact may threaten the viability of that *element occurrence*, in which case the project's cumulative impact would be considered potentially significant.

> [*VCCOLAB suggested replacing "element occurrence" with "plant population" in the paragraph above. However, at the March 24, 2011 meeting on special status species' thresholds, the term element occurrence was discussed, and revisions were made to the definition of element occurrence that were agreeable to both VCCOLAB and local biologists at the meeting.*]

2. Ecological Communities

a. Sensitive Plant Communities

Project Impact Thresholds

The following types of impacts to *sensitive plant communities* are considered potentially significant:

- Construction, grading, clearing, or other activities that would temporarily or permanently remove *sensitive plant communities*. Temporary impacts to sensitive plant communities would be considered significant unless the sensitive plant community is restored once the temporary impact is complete.
- *Indirect impacts* resulting from project operation at levels that would degrade the health of a *sensitive plant community.*

> [*VCCOLAB suggested inserting a paragraph here to explain that minor impacts to a sensitive plant community that provides no wildlife habitat or biological value can be evaluated on a case-by-case basis to determine whether an impact may be less than significant. However, while County staff agrees that under some circumstances the removal of a sensitive plant community may be less than significant if that sensitive plant community is*

degraded and has no biological value, staff finds that this circumstance can occur for all biological resources listed in the thresholds. Therefore, instead of adding such a paragraph under each threshold, staff has included introductory paragraphs to the threshold criteria that explain that biologically-based, site specific evidence can be provided in the biological resources assessment to support a finding that is different from these thresholds.

VCCOLAB also suggested inserting the word "substantially" in the second bullet point before "degrade the health of a sensitive plant community." The word substantially is not a helpful qualifier in this threshold, because substantial is defined as "significant," and the purpose of the threshold criteria is to define significant impacts. Instead, the qualifiers used are "degrade the health" and a "sensitive plant community."]

Cumulative Impact Thresholds

The threshold criteria listed above under Project Impact Thresholds are used to determine whether cumulative impacts are significant. The evaluation of cumulative impacts must consider the project AND other projects causing related impacts. The other projects considered in the cumulative analysis for *sensitive plant communities* are recently approved, present, and reasonable foreseeable probable future projects that may directly or indirectly impact the *sensitive plant community* that was evaluated for project impacts.

For example, a project that would cause *indirect impacts* to a *sensitive plant community* may not have a significant impact on its own, but when combined with other *indirect impacts* caused by projects located near the *sensitive plant community*, the cumulative impact may substantially degrade the *sensitive plant community*, in which case the project's cumulative impact would be considered potentially significant.

b. Waters and Wetlands

All *waters and wetlands* are considered important resources to Ventura County, because of the documented loss of *waters and wetlands* throughout California and the Nation and the valuable ecological functions wetlands provide to plant and animal species. In urban areas, remaining wetlands can still support important plant and animal species. Though many of these wetlands are disturbed by human activities, they can still be considered significant resources.

Project Impact Thresholds

An analysis of potential project impacts to *waters and wetlands* must examine the *direct* and *indirect impacts* to the entire aquatic or wetland ecosystem potentially impacted by the project, including impacts within the watershed that would adversely affect the aquatic or wetland ecosystem. *Waters and wetlands* depend on a source of water, and therefore impacts to the quality, quantity, flow rate, or timing of that water source can adversely impact a water or wetland just as much as direct development impacts to aquatic or wetland habitat.

Wetlands perform numerous beneficial functions, including groundwater recharge, stream recharge, pollution filtration, flood control, and wildlife habitat. Impacts that reduce or eliminate the functions provided by a wetland would be considered significant.

The following project impacts to *waters and wetlands* are considered potentially significant:

- Any of the following activities that would adversely affect *waters and wetlands* as defined in Section B above:
    - removal of vegetation;
    - grading;
    - obstruction or diversion of water flow;
    - change in velocity, siltation, volume of flow, or runoff rate;
    - placement of fill;

- placement of structures;
- construction of a road crossing;
- placement of culverts or other underground piping; and/or
- any disturbance of the substratum.

[*VCCOLAB commented that the direct impacts described above must be substantial in order to be considered significant. Again, the word substantial is defined as "significant" for CEQA purposes, and therefore it does not provide a useful measurement to determine which impacts are considered significant. In the public meeting that was held on March 29, 2011, staff and VCCOLAB agreed that there may be circumstances where a direct impact to a wetland that is degraded and has no biological value would be considered less than significant. However, staff finds this to be true for all biological resources listed in the thresholds. Therefore, instead of adding the word substantial or a paragraph explaining this possible circumstance under every threshold, staff has included introductory paragraphs to the threshold criteria that explain that biologically-based, site specific evidence can be provided in the biological resources assessment to support a finding that is different from these thresholds.*]

- Disruptions to *wetland* or *riparian* plant communities that would isolate or substantially interrupt contiguous habitats, block seed dispersal routes, or increase vulnerability of wetland species to exotic weed invasion or local extirpation. An example would be disruption of adjacent upland vegetation to a level that would adversely affect the ecological function of the wetland, such as where such vegetation plays a critical role in supporting *riparian*-dependent wildlife species (e.g., amphibians), or where such vegetation aids in stabilizing steep slopes adjacent to the *riparian habitat*, which reduces erosion and sedimentation potential.

- Interference with ongoing maintenance of hydrological conditions in a *water or wetland.* The hydrology of wetlands systems must be maintained if their function and values are to be preserved. Adverse hydrological changes might include altered freshwater input; changes in the watershed area or run-off quantity, quality, or velocity; drawing down of the groundwater table to the detriment of groundwater-dependent habitat; substantial increases in sedimentation; introduction of toxic elements or alteration of ambient water temperature.

- The project does not provide an adequate buffer for protecting the functions and values of existing *waters* or *wetlands*. The buffer is measured from the top-of-bank or edge of *wetland* or *riparian habitat*, whichever is greater. Ventura County General Plan Policy 1.5.2-4 requires a minimum buffer of 100 feet from significant *wetland habitat*. In accordance with this policy, 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.[5] ~~Therefore, a buffer of less than 100 feet is only considered adequate if there is evidence that a reduced buffer would not have a substantially adverse effect on the functions and values of the *waters* or *wetlands*. In some cases a buffer greater than 100 feet is warranted to protect *waters* or *wetland* functions and values.~~

  ~~Wetland buffers of greater than 100 feet are appropriate for *waters* or *wetlands* that function as *wildlife movement corridors or* wetlands that support significant populations of wetland-associated *special status species* or where stream meanders, erosion, or other physical factors indicate a wider buffer may be necessary to preserve the existing~~

[5] Ventura County General Plan, Policy 1.5.2-4

~~functions and values of the wetland. When a land use that could result in a high degree of *indirect impacts* is proposed adjacent to a *water* or *wetland*, a buffer greater than 100 feet may be appropriate, depending on the functions and values of the water or wetland.~~

[*Based on comments received from VCCOLAB, additional revisions were made to this threshold to simplify the discussion on wetland buffers. This new language is based on General Plan policy language related to this environmental issue area.*]

Note: ACOE or CDFG permits may not be required for *waters* or *wetlands* that do have biological significance (such as isolated wetlands). In addition, a permit from a Federal or State agency may not address Ventura County's General Plan protections of wetlands.

Cumulative Impact Thresholds

The threshold criteria listed above under Project Impact Thresholds are used to determine whether cumulative impacts are significant. The evaluation of cumulative impacts must consider the project AND other projects causing related impacts. The other projects considered in the cumulative analysis for *waters and wetlands* are recently approved, present, and reasonable foreseeable probable future projects that may directly or indirectly impact the *waters and/or wetlands* that were evaluated for project impacts.

Due to the cumulative loss of *waters and wetlands* in the County and State, a significant direct project impact to *waters and wetlands* is considered to be a cumulatively considerable impact, unless mitigated to a less than significant project level impact.

[*VCCOLAB suggested deleting the above statement, because they believe that if all significant project level impacts to wetlands are considered to be significant cumulative impacts, then there would be no way to mitigate such cumulative impacts without a County-wide mitigation program. However, project level significant impacts to wetlands are typically mitigated to less than significant through on-site or off-site enhancement or restoration of wetlands. When project level impacts are reduced to less than significant through mitigation, these impacts are no longer regarded as cumulatively considerable. The language above was added to clarify this point.*]

Project-level *indirect impacts* to *waters and wetlands* may not have a significant impact alone, but when combined with other *indirect impacts* caused by other projects to the *waters and wetlands* under evaluation, the cumulative impact may significantly degrade the *waters and wetlands*, in which case the project's cumulative impact would be considered potentially significant.

According to General Plan Policy 1.5.2-3, unless a project is located within lands designated "Urban" or "Existing Community," significant impacts to significant *wetland habitats* are prohibited with no provision for adopting a statement of overriding considerations. Therefore, significant project impacts to significant *wetland habitat* must be avoided or mitigated to less than significant, which would reduce impacts to less than cumulatively considerable.

c. ESHA (Applies to Coastal Zone Only)

In the Coastal Zone, *Environmentally Sensitive Habitat Areas* (ESHA), as defined by the County's Coastal Area Plan, the State Coastal Act, and Title 14, California Code of Regulations, Division 5.5, are protected. 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). The identification of ESHA within upland habitats of the Santa Monica Mountains will be determined by using the Coastal

Commission's methodology (Memorandum from the Coastal Commission to Ventura County Staff titled "Designation of ESHA in the Santa Monica Mountains," 2003). [6]

Section 8174-9 of the County's Coastal Zoning Ordinance permits only the following uses within ESHA or ESHA buffer areas:

- Nature study;
- Developments where the primary function is habitat enhancement or restoration;
- Shoreline protective devices;
- Passive recreational uses not involving structures;
- Uses dependent on habitat values such as aquiculture and scientific research;
- Public Works facilities in accordance with this Article and Section 8175-5.9, and all other applicable provisions of this Chapter and the LCP Land Use Plan.

Within ESHA buffer areas, the Coastal Zoning Ordinance does allow for new principal structures if prohibition of the structure from the buffer will preclude the utilization of the larger parcel for its designated use, but impacts to the ESHA buffer must be eliminated or reduced to a less than significant level.

> [*VCCOLAB suggested that the exception to the allowable uses in ESHA buffers be added here. The previous language focused on ESHA and did not describe the allowable uses in ESHA buffers. However, in response to these concerns, the Coastal Zoning Ordinance language on ESHA buffers has been summarized here.*]

Therefore, all ESHA on a project site shall be identified and mapped during a *biological resources assessment*., ~~and~~ Within the M Overlay Zone (the Coastal Zone portion of the Santa Monica Mountains) a restrictive covenant shall be recorded on all ~~mapped~~ ESHA identified on a project site to assure that such habitat areas are permanently maintained in open space.[7] ~~, restricting uses to those listed above.~~

> [*The County Coastal Zoning Ordinance § 8177-4.2.2(a) that requires a restrictive covenant, deed restriction or easement to permanently protect ESHA on project sites is relevant only in the M Overlay Zone, not throughout the entire Coastal Zone. The above language was revised to be consistent with that ordinance provision.*]

Project Impact Thresholds

The following types of impacts to ESHA are considered potentially significant:

- Construction, grading, clearing, or other activities and uses that would temporarily or permanently remove ESHA or disturb ESHA buffers. (ESHA buffers are within 100 feet of the boundary of ESHA as defined in Section 8172-1 of the Coastal Zoning Ordinance).
- *Indirect impacts* resulting from project operation at levels that would degrade the health of an ESHA.

Cumulative Impact Thresholds

The threshold criteria listed above under Project Impact Thresholds are used to determine whether cumulative impacts are significant. The evaluation of cumulative impacts must consider the project AND other projects causing related impacts. The other projects considered in the cumulative analysis for ESHA are recently approved, present, and reasonable foreseeable probable future projects that may directly or indirectly impact the ESHA that was evaluated for project impacts.

[6] The memorandum from the Coastal Commission to Ventura Staff titled "Designation of ESHA in the Santa Monica Mountains" can be found at http://www.ventura.org/rma/planning/.
[7] Ventura County Coastal Zoning Ordinance Section 8177-4.2.2(a).

Due to the State and County policies protecting ESHA, all potentially significant ~~direct and indirect,~~ project ~~and cumulative~~ impacts to ESHA are considered ~~significant and~~ cumulatively considerable, unless mitigated to a less than significant project level.

> [*VCCOLAB suggested deleting the above statement, because they believe that if all significant project level impacts to ESHA are considered to be significant cumulative impacts, then there would be no way to mitigate such cumulative impacts without a County-wide mitigation program. However, when project level impacts are reduced to less than significant through mitigation, which does regularly occur, these impacts are no longer cumulatively considerable. The above language was added to clarify this point.*]

~~For wetland ESHA, General Plan Policy 1.5.2-3 applies. According to this policy, unless a project is located within lands designated "Urban" or "Existing Community," significant impacts to *wetland habitats* are prohibited with no provision for adopting a statement of overriding considerations. Therefore, significant project impacts to wetland ESHA must be avoided.~~

> [*VCCOLAB commented that the language above was not fully consistent with the General Plan policy. Because this policy on significant wetland habitats is described under the section on Waters and Wetlands above, this paragraph was unnecessary and therefore was deleted.*]

3. Habitat Connectivity

Project Impact Thresholds

A project would impact *habitat connectivity* if it would: (a) remove habitat within a *wildlife movement corridor;* (b) isolate habitat; (c) construct or create barriers that impede fish and/or wildlife movement, migration or long term connectivity; or (d) intimidate fish or wildlife via the introduction of noise, light, development or increased human presence. ~~The evaluation of a project for potential impacts on *habitat connectivity* must address available and relevant published studies on *linkages* and other *wildlife movement corridors* in Ventura County.~~

> [*VCCOLAB suggested inserting the word substantial in (a) above. This change is not recommended by staff, because the purpose of the above paragraph is to describe the types of effects a project could have on habitat connectivity, and the bullet points below describe when these effects are considered potentially significant.*
>
> *The last sentence above was moved to the Methodology Section, Step 3, Part c, Biological Inventory, where it is more appropriate.*]

The following types of impacts to *habitat connectivity* are considered potentially significant:

- ~~An observed and/or documented~~ *habitat connectivity* feature (e.g., a *linkage*, *corridor*, *chokepoint* or *stepping stone*) would be severed, substantially interfered with, or potentially blocked.

> [*VCCOLAB suggested deleting the word "documented" and adding the word "functioning" before the term habitat connectivity feature. Since the threshold requires the use of substantial evidence, it is not necessary to specify the form of substantial evidence in the threshold. Therefore, staff recommends that observations and use of published documents be clarified in the Methodology section and eliminated here.*
>
> *The word "functioning" is not necessary. The terms habitat connectivity feature, wildlife movement corridor, and linkage clearly indicate features that are functioning. The fact that these features are functioning is inherent in their definitions. The definition of a linkage includes the following: "an area of land that supports or contributes to the long term movement…" The definition*

of a wildlife movement corridor includes the following: "a space identifiable by species using it, which facilitates the movement..." Each of the terms associated with habitat connectivity is defined by its function as a connection among habitats that allows for wildlife movement and genetic exchange. An area of land that did not function as a connection among habitats would not be a linkage or corridor.

The description in the Methodology Section, Step 3, Part c, Biological Inventory, regarding how the qualified biological consultant should identify a habitat connectivity feature, has been enhanced to address the VCCOLAB's fear that unsubstantiated linkages would be considered a significant biological resource.]

- Wildlife access to foraging habitat, breeding habitat, water sources, or other areas necessary for their reproduction would be prevented or substantially interfered with.

  [*VCCOLAB suggested inserting the word "substantial" before "foraging habitat" and "breeding habitat" in the bullet point above. However, in this case, the qualifier is "necessary for their reproduction." The word substantial is not needed here since the foraging or breeding habitat is already described as necessary for the reproduction of a wildlife species.*]

- Wildlife would be forced to use routes that endanger their survival. For example, constraining a *corridor* for mule deer or mountain lion to an area that is not well-vegetated or that runs along a road instead of through a stream corridor or along a ridgeline.

- Lighting, noise, domestic animals, or other *indirect impacts* that could hinder or discourage fish and/or wildlife movement within a~~n observed and/or documented~~ habitat connectivity feature (e.g., a *linkage*, *corridor*, *chokepoint* or *stepping stone*) would be introduced.

  [*Since the threshold requires the use of substantial evidence, it is not necessary to specify the form of substantial evidence in the threshold. Therefore, staff recommends that observations and use of published documents be clarified in the Methodology section and eliminated here.*]

- The width of a~~n observed and/or documented~~ *linkage*, *corridor* or *chokepoint* would be reduced to less than the sufficient width for movement of the target species (the species relying upon the connectivity feature). The adequacy of the width shall be based on the biological information for the target species; the quality of the habitat within and adjacent to the *linkage*, *corridor*, or *chokepoint*; topography; and adjacent land uses.

  [*VCCOLAB suggested deleting the word "documented" and adding the word "functioning" before the terms linkage, corridor or chokepoint. Since the threshold requires the use of substantial evidence, it is not necessary to specify the form of substantial evidence in the threshold. Therefore, staff recommends that observations and use of published documents be clarified in the Methodology section and eliminated here. As explained previously, since a habitat connectivity feature is identified by species using it, there is no need to add the term "functioning."*]

- For wildlife relying on visual cues for movement, visual continuity (i.e., lines-of-sight) across highly constrained wildlife *corridors,* such as highway crossing structures or *stepping stones*, would not be maintained.

Cumulative Impact Thresholds

The threshold criteria listed above under Project Impact Thresholds are used to determine whether cumulative impacts are significant. The evaluation of cumulative impacts must consider the project AND other projects causing related impacts. The other projects considered in the cumulative analysis for habitat connectivity are recently approved, present,

and reasonable foreseeable probable future projects that may directly or indirectly impact the habitat connectivity feature that was evaluated for project impacts.

For example, a project that would only partially constrict a habitat connectivity feature may not have a significant impact on its own, but when combined with other impacts caused by projects located within or near the habitat connectivity feature, the cumulative impact may substantially interfere with or potentially block the feature, in which case the project's cumulative impact would be considered significant.

E. Methodology

The following outlines the process to be used in completing the Initial Study and consulting with appropriate agencies:

Step 1 - Define Impact Area

Many development projects have a clearly defined area of *direct impact* to the land, and this area should be used to define the potential biological resources impact area. For instance, vegetation trimming or removal, grading, and construction (i.e., the *development footprint*) have clear boundaries for the area of *direct impact. Indirect impacts* extend beyond the area of *direct impact,* and include ~~edge effects from~~ potential project related changes to the environment such as light and noise pollution, and reasonably foreseeable indirect impacts related to increased presence of humans and domestic animals. The extent of *indirect impacts* from the location of the *development footprint* varies*,* depending on the type of project proposed and level of development intensity and human activity expected. Both *direct* and *indirect impacts* must be considered when defining the impact area, and the identified impact area should be reviewed by the County agency responsible for administering the project prior to commencement of the *biological resources assessment*. When reviewing proposed development projects that have clearly defined boundaries for impacts (e.g., Planned Development Permit, Conditional Use Permit) proceed to Step 2.

Other projects, such as land subdivisions, may not have clearly defined areas of direct or indirect impacts. For subdivisions (including parcel maps and tract maps), lot line adjustments, and conditional certificates of compliance, a feasible buildable area on the property must be defined and mapped. It should be noted that the applicant is not required to build within the buildable area depicted on a tentative subdivision map or lot line adjustment. ~~designated buildable area, unless a restrictive covenant is recorded that~~ However, the applicant can propose to limit~~s~~ the location of ~~future~~ development ~~to the buildable area~~ on proposed lots to avoid a biological assessment of the entire property as discussed below.

To address biological impacts from subdivision projects, the survey area for the *biological resources assessment* must be carefully delineated under the direction of the County agency responsible for administering the project and in consultation with the *qualified biological consultant*. If the project proponent volunteers to include a *Restrictive Covenant* in the permit application, then the proposed *development footprint(s)* and any other portions of the property not protected by the *Restrictive Covenant* that are potentially subject to direct and indirect impacts from the proposed subdivision must be surveyed for the *biological resources assessment.* Future proposed modifications of the restrictive covenant would require a *biological resources assessment* and mitigation of potentially significant impacts at that time. If the project proponent does not include a *Restrictive Covenant* in the permit application, then a *biological resources assessment* is required for all areas potentially subject to reasonably foreseeable direct and indirect impacts from the proposed subdivision, as determined by the County agency responsible for administering the project~~, which is typically the entire parcel or parcels~~. In some cases the entire property may not be subject to reasonably foreseeable direct and indirect impacts from a proposed subdivision, in which case the entire property would not be required to be surveyed. Factors to be considered in making this determination include, but are not limited to, physical geographic barriers on the project site and existing land uses that preclude the potential for additional effects.

[*The above changes were suggested by VCCOLAB. A few of the suggested changes were not made. In the first paragraph, they suggested including the word "may" to state that indirect impacts may extend beyond the area of direct impact. However, indirect impacts, such as introduction of invasive plants or increased pollutants or sediments always extend beyond the area of direct impact; otherwise they would be direct impacts.*

VCCOLAB also suggested that the area subject to the biological survey, as described in the last paragraph above, be determined by the County "in consultation with the Qualified Biological Consultant." Staff disagrees. While the extent of direct and indirect impacts caused by a project should be determined in consultation with someone with knowledge of biological resources, the County's exercise of its land use and CEQA discretion should not be limited by a requirement to consult with the applicant's biological consultant to make this determination. CEQA already provides for the CEQA lead agency to consult directly with any person who has special expertise with respect to any environmental impact involved (CEQA Guidelines § 15086(b)(1).)]

Step 2 - Preliminary Assessment

The purpose of the preliminary assessment is to determine if:

(a) the project clearly has no potential to impact biological resources; or

(b) the project has the potential to impact biological resources but project conditions or mitigation measures can be developed and implemented to reduce or avoid those impacts to a less than significant level without a *biological resources assessment* conducted by a *qualified biological consultant* (such as avoiding impacts to nesting birds); or

(c) the project has the potential to impact biological resources, but a field survey is necessary to determine whether such project impacts would be significant and thus a *biological resources assessment* to be completed by a *qualified biological consultant* is required.

Preliminary assessments shall be completed by County staff using the County's mapped biological resource data and aerial imagery, but, on occasion, may require a site visit by a *qualified biological consultant*. The preliminary assessment involves looking at the County's aerial imagery and other relevant biological GIS data layers such as wetlands, waterbodies, vegetation and habitat connectivity to determine whether a field survey and *biological resources assessment* is necessary to evaluate the potential for biological impacts.

Because biological resources are variable, dynamic, and adaptable, a field survey is often required to determine that a project will or will not directly or indirectly have the potential to cause a significant impact to biological resources. For example, endangered birds can use agricultural trees for habitat; vacant fields that provide no other significant biological value may in fact be very important for *habitat connectivity* and wildlife movement; and native birds are protected by law when nesting in any location.

Examples of project types that would **not** require a *biological resources assessment* may include, but are not limited to:

- Remodeling an existing structure that does not extend past the existing structure footprint.
- Additions to existing structures that are within a previously permitted graded pad area or, if there is no graded pad, an existing developed/landscaped area, if additional fuel modification is not required.
- Demolition of an existing structure and construction of a new structure within the existing building pad area where no additional fuel modification is required.

- New structures and landscaping proposed within the permitted graded pad or, if there is no graded pad, a development area, authorized in a previously approved land use permit.
- Projects on land consisting of non-native grasslands totaling less than 1.0 acre that are completely surrounded by existing urban development (such as urban infill lots).

Step 3 - Biological Resources Assessment Conducted by a Qualified Biological Consultant

When a field survey is needed to evaluate potential impacts to sensitive biological resources, a *biological resources assessment* is required. The *biological resources assessment* procedures described below must be performed by a *qualified biological consultant*. Each Lead Agency is responsible for establishing procedures to ensure that a biologist who meets the minimum qualifications for qualified biological consultants (Attachment 1) conducts the *biological resources assessment*.

For all *biological resources assessments*, the *qualified biological consultant* is required to review existing data, such as any previous reports or surveys conducted in the project area, conduct a field survey, provide an inventory of the biological resources on the project site, and provide recommendations for the impact analysis and mitigation measures. The following describes these steps and outlines the required contents of a *biological resources assessment* report:

a. Review Existing Data

Prior to conducting the field survey the biologist should compile lists of sensitive biological resources that could occur within the vicinity of the *survey area*. Available GIS data for the area should be consulted. The County's mapped GIS data include, but are not limited to:

- Wetlands (e.g, National Wetlands Inventory)
- Streams and Waterbodies (e.g., National Hydrographic Dataset, Watershed Protection District red-line streams)
- Habitat Linkages (e.g., South Coast Missing Linkages Project)
- Vegetation (e.g., Vegetation Classification of the Santa Monica Mountains National Recreation Area and Environs, GAP Analysis, US Forest Service Vegetation Maps)
- Past Biological Reports (showing parcels studied and a link to the full study)[8]

A form for ordering biological resources maps from the County for a given project can be found on the Planning Division's website at http://www.ventura.org/rma/planning/.

Existing mapped biological information has limitations, and therefore it should be used in combination with evidence from other published studies and evidence found during the field survey to evaluate the significance of potential project impacts to a biological resource.

[*Due to VCCOLAB's concern that the South Coast Missing Linkages Project could be misused to determine that projects within the linkages identified by this study will always have the potential to cause significant impacts to wildlife, staff has added the above paragraph in place of the previous footnote below. Staff agrees that all of the above listed existing mapped information has limitations, and anyone using the information should be made aware of its limitations.*]

The biologist should also research the California Natural Diversity Database (CNDDB) for *special status species* observations near the project, as well as other data available on BIOS, the CDFG online biological spatial data server. For example, the County's land use designations and overlay zone boundaries are available on BIOS, as is other biological data

[8] ~~The County's mapped biological data are not comprehensive and the accuracy varies considerably. . The limitations of these data must be thoroughly understood by anyone using them for analysis of potential impacts to biological resources. Field surveys are always required for ISBAs.~~

collected by State and Federal agencies. Information on how to access this data is found on the Planning Division's website.

The biologist should consult the lists of Locally Important Plants and Locally Important Animals, which include species known to meet the criteria for *Locally Important Species.* These lists will be updated annually and are found on the Planning Division's website.

> [*At the RMA-Planning public meeting on the thresholds for special status and locally important species on March 24, 2011, staff reached an agreement with those present (i.e., biologists, representatives and members of VCCOLAB and other members of the public), that the Planning Division would begin updating the lists of Locally Important Plants and Locally Important Animals on an annual basis. Currently these lists are only updated when a nomination is received to add a species to or remove a species from the list and when sufficient information is provided to justify the nomination. Those present at the meeting agreed that the criteria that were developed by qualified biologists in 2004 should be incorporated into the Initial Study Assessment Guidelines as long as the lists of Locally Important Species are updated annually by the County with input from local qualified biologists.*]

b. Conduct Field Survey

Prior to the field survey, the biologist should also formulate questions and issues that need to be investigated at the *survey area*. Pertinent questions include: What is the significance of the impacted resources on a local or regional scale? What is the rarity or abundance of the resource in the region and elsewhere? What is the resilience of the resource?

All *biological resources assessment*s require a minimum of one field survey to determine the type and nature of any biological resources on or adjacent to the *survey area*, and to investigate any issues revealed by mapped data. Additional surveys may be necessary to determine the presence or absence of a special-status species, especially if the species is only identifiable during a particular season or when a responsible agency requires protocol surveys for a listed species.

Field surveys must be performed in the appropriate season when the most critical resources can best be identified and evaluated. Botanical surveys should be conducted in the spring months or during the blooming periods of the plants expected to occur on the project site. Some survey times are mandated per protocols established by State and Federal agencies for certain species. Surveys must result in full coverage of the *survey area* unless access is restricted. The survey area must include all areas potentially subject to direct and indirect impacts from the project, as identified in Step 1 above.

The biologist must walk the *survey area* to develop an accurate description of the site, determine the presence of sensitive habitats and species, and evaluate the potential impacts of the proposed project. The biologist must be sure to closely investigate areas of potential sensitivity found from the data search and aerial photo interpretation.

The survey will result in an inventory of the significant biological resources within the *survey area* along with a discussion of the extent and quality of resources. The biologist must document the locations of all significant biological resources found.

In the Coastal Zone, all ESHA on a project site shall be identified and mapped during a *biological resources assessment*, and a restrictive covenant shall be recorded on all mapped ESHA, restricting uses to those listed in Section 8174-9 of the Coastal Zoning Ordinance. ESHA includes coastal dunes, beaches, tidepools, wetlands, creek corridors, and certain upland habitats in the Santa Monica Mountains (Ventura County Coastal Area Plan). ESHA within upland habitats of the Santa Monica Mountains will be identified using the Coastal Commission's methodology (Memorandum from the Coastal Commission to Ventura County Staff titled "Designation of ESHA in the Santa Monica Mountains," 2003).[9]

A CNDDB California Native Species Field Survey Form and/or a California Natural Community Field Survey Form should be completed and sent to the CDFG when *special status species* or *sensitive plant communities* are observed.

c. Assess Impacts & Prepare Report

The *biological resources assessment* report contents must include the following:

Summary:

The summary will incorporate the findings of the report; no new information should be provided. The length of the summary depends directly on the nature and complexity of the biological resources within the *survey area*. For projects with little to no biological resources affected by the project, the summary should be quite brief. The purpose of the summary is to provide a quick reference for the public and decision makers. Therefore, the language should be less technical than that used in the remainder of the document.

Development Footprint Description:

Development Proposal Description - Describe the whole of the project, not just the immediate action being pursued. For example, a Tentative Map or Tentative Parcel Map proposes to subdivide property; the project in question is not just the increase in the number of lots, but the ultimate outcome of residential or commercial development on the proposed lots. Another example is an application for a grading permit. The project is not just the immediate grading, but also the end result for which the land will be graded (e.g., building a house). Describe all physical alterations that will occur to the existing site as a result of the project. Describe all proposed structures, their approximate size, location and purpose.

[*In the paragraph above, VCCOLAB suggested adding the word "ministerial" to the phrase "ultimate outcome of residential or commercial development" and commented that only ministerial development that would be allowed after a land division/subdivision should be evaluated under CEQA. However, this change was not made, because it would be inconsistent with CEQA. Under CEQA a "Project" means the whole of an action that has potential for resulting in either a direct physical change in the environment, or a reasonable foreseeable indirect physical change in the environment. The "whole of an action" includes all discretionary approvals by governmental agencies, ministerial actions as well as discretionary actions, and all constituent parts of a project. CEQA Guidelines §15003(h) states: "The lead agency must consider the whole of the action, not simply its constituent parts, when determining whether it will have a significant environmental effect."*]

Development Footprint Size - State the size of the area proposed for development, including such things as the buildable lot, fire hazard brush clearance areas, roads, and

[9] The memorandum from the Coastal Commission to Ventura County Staff titled "Designation of ESHA in the Santa Monica Mountains" is available on the Planning Division's website: http://www.ventura.org/rma/planning/.

fire department turnaround areas. An estimate of *development footprint* size is acceptable. [10]

Coastal Zone/Overlay Zones - Indicate if the project is within the coastal zone or any overlay zones.

Zoning Designation - Indicate the zoning designation(s) that apply to the parcel(s).

Elevation - Indicate the parcel(s) elevation. An elevation range can be provided when the site has significantly variable elevations.

Survey Area Description and Methodology:

Survey Area Description - Describe the *survey area*. Some projects will have more than one *survey area*. For each *survey area*, describe the location in the regional and local context; the *survey area* boundaries with reference to onsite features as well as to parcel boundaries; the *survey area* environmental setting; and the surrounding area environmental setting.

Cover - Provide a rough estimate, in percentages, of the cover of the *survey area* using the following categories: native vegetation, non-native vegetation, recently burned, ag/grazing, bare ground/cleared/graded, buildings, and paved roads or other impervious cover. Additional categories can be used if appropriate for a given project.

References - Cite all reference documents and sources of information used in the assessment, including any relevant past biological reports or surveys conducted on or near the project.

Survey Details - Provide information on the survey date(s), time period(s), methods, constraints, and the persons conducting the survey(s).

Biological Inventory:

Major Plant Communities Summary - Briefly summarize the major plant communities onsite, at the alliance level, using the State Vegetation Classification (SVC) as maintained by the Vegetation Classification and Mapping Program of the CDFG (www.dfg.ca.gov/biogeodata/vegcamp/pdfs/natcomlist.pdf). Include a description of each plant community's particular qualities at the project location. The description should address the ecological context of the plant community, in terms of relative size, diversity, structure, overall condition (i.e., disturbed, burned, or intact), and quality. Sensitive or protected plant communities, such as coastal ESHA or oak woodlands, must be identified.

Plant Communities Table and Map - Record in a table and delineate on a map the plant communities discussed in the plant communities summary. Include in the table the community's protection status, condition, approximate acres and acres potentially impacted.

Physical Features - Describe any physical features, such as rock outcroppings, riprap, caves or cliff faces that may be important to the site's biological resources.

Waters and Wetlands Summary - Describe the general location of all *waters and wetlands* located within 300 feet (in non-coastal zone) or 500 feet (in coastal zone) of the *development footprint*. If there are waters and wetlands within these distances extending off site that would not be directly impacted by the project, mapping of these resources using aerial imagery is acceptable. Describe the overall habitat quality of *waters and wetlands* that would potentially be impacted by the project in terms of disturbance, species diversity and connectivity to off-site habitat or hydrologic features. Discuss the local and regional importance of the *waters and wetlands*.

[10] The development footprint size will be smaller than the survey area size because it does not take into account areas of potential indirect impacts.

Note: For the purposes of the Initial Study, the boundaries of any *waters* or *wetlands* must be defined as the outermost limit of the *riparian* vegetation (canopy drip line or scrub line boundary), hydric soils, or the defined bed and bank of a drainage feature, whichever is greatest. If the project will not avoid impacts to the *waters* or *wetlands* thus identified, or to the County-required minimum 100′ setback buffer (see discussion below), then in most cases a formal wetland delineation should be recommended (through an additional study).

Waters and Wetlands Table - Summarize in a table all wetland features described in the Wetland Summary. For each distinct wetland feature observed describe the type of wetland, its name (if any), size, hydrologic status (i.e., dry, saturated, ponded, or flowing), primary water source (if known), its significance from the point of view of General Plan policies, and its distance from the project.

Wetland Buffers - Provide a recommendation for the appropriate buffer distance from any *waters* or *wetlands* based on the threshold criteria for buffers under Section D.2.b above. The General Plan does not define significant *wetland habitat*, and therefore the recommended buffer must be based on a wetland's biological functions and values, and justification for the buffer size must be provided in the report. Observed Species Table - List in a table the species observed during the site visit(s), and include the variety if necessary to differentiate a subspecies with a different status. If the species of an observed plant or animal is not known, indicate the genus and include any comments on the potential species. Include native and non-native species. Organize the list by the following plant categories: nonvascular (including lichens, algae, fungi, mosses, and liverworts), and vascular; and animal categories: invertebrates, fish, amphibians, reptiles, birds, and mammals.

Observed/Potential *Special Status Species* Table - List in a table all *special status species* directly observed and with the potential to occur within the *survey area* or in areas directly or indirectly affected by the project. For each species, describe the species' protection status, its potential to occur onsite (i.e., none, low, moderate, high, or observed), its habitat requirements, whether the habitat onsite is adequate, and the acres (if any) of habitat potentially impacted. Clear physical evidence (e.g., recent tracks, scat, burrows, and active nests) can be considered an observation. For observed species, provide the number of each species observed.

Include in the table the following potentially occurring species:

- All *special status species* that, though not directly observed, are recorded in the CNDDB within five miles of the *development footprint*.
- Any other *special status species* that, though not directly observed, have a moderate to high potential to be present on or adjacent to the *survey area*.
- Any other unobserved *special status species* that have a low potential to be present but for which, in the biologist's opinion, there is a reason to include the species or notes on the species.

Nesting Bird Summary - Describe the potential for nests of birds protected by the Federal Migratory Bird Treaty Act to be present in the *survey area*.

Wildlife Movement and Connectivity Features - Describe all connectivity features (i.e., *linkages*, *corridors*, routes, *chokepoints*, and *stepping stones*) within or adjacent to the *survey area*. Use evidence from published studies relevant to the project area and evidence observed during the field survey to identify connectivity features. Evidence of connectivity features, including but not limited to information obtained from remote camera surveys, radio collar tracking, evidence (e.g., tracks and sign) of wildlife routes found during the field survey, and critical *chokepoints* remaining between existing urbanized areas, must be provided to support the identification of a connectivity feature. List any species observed, either directly or through evidence, using the connectivity features.

[*RMA-Planning recommends adding the above language in order to address VCCOLAB's fear that unsubstantiated linkages would be considered a significant biological resource. Rather than add the word "functioning" to the threshold criteria, staff recommends that this concern be addressed in the Methodology Section by explaining the evidence a biologist uses to identify areas that function as connectivity features.*]

Connectivity Feature - Expected Species - Indicate any other species expected to use the connectivity feature. If specific species are not known, indicate which functional group(s) would be expected to use the feature. Functional groups include: large mammals, medium mammals, small mammals, birds and bats, aquatic/*riparian* reptiles and amphibians, and upland reptiles.

Connectivity Feature - Habitats Connected - Describe the habitats that the connectivity feature is connecting.

Crossing Structures - Describe all existing and proposed crossing structures (e.g., box culverts, pipe culverts, road underpasses, Arizona crossings, and roads) within or adjacent to the *survey area*. For each crossing structure indicate the type of structure, whether it is passable by wildlife, what species/functional groups are expected to use it, and any species (or evidence of species) observed using the structure.

Connectivity Barriers - Describe all barriers to connectivity within the *survey area*. A barrier to connectivity may include a road, housing development, fencing, or any other type of man-made barrier that restricts fish or wildlife movement. For each barrier observed indicate the barrier type and the species or functional groups that are/would be affected by the barrier.

Additional Information Needed - The *biological resources assessment* should note when additional information is necessary to determine the significance of impacts or to develop mitigation measures. For instance, there may be a high potential for several *special status* plants to occur in the *survey area*, but the biological survey was conducted in the fall, and focused plant surveys during the spring season are necessary to determine whether the impact would be significant. Also, whether a wetland is within the jurisdiction of the CDFG, as well as the mitigation that CDFG would require, is necessary to determine how an impact to a wetland would be mitigated and whether the mitigation would be sufficient to reduce the impact to a less than significant level.

Additional permits - Discuss the need for any additional permits or agreements from other agencies, such as jurisdictional delineations for *waters* or *wetlands* or permits (e.g., 401, 404, and 1600), or endangered species permits, etc.

Impact Assessment:

Evaluate the potential adverse effects of the project on the biological resources in the *survey area* using the threshold guidelines provided in Section C (above). Discuss/describe/quantify potential direct and indirect, short- and long-term, project- and cumulative-level impacts. For each impact, indicate its significance (No Impact, Less than Significant, Potentially Significant But Mitigable, or Potentially Significant) and provide substantial evidence as defined by the CEQA Guidelines Section 15384 (facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts) to support the recommended findings. If findings differ from the threshold criteria in Section C, biologically based evidence must be presented in the biological report to support the findings.

[*VCCOLAB suggested the addition of the word "adverse" above. Staff made this change, because it is the adverse effects on the environment that are evaluated under CEQA.*

VCCOLAB also suggested adding a sentence to the end of this paragraph to state that when evidence does not exist to suggest that there would be a

potential for an impact, the impact assessment would not need to "prove a negative." This sentence was not added, because all findings recommended by the qualified biological consultant and made by the County must be supported with evidence and an explanation. If, after proper on-site inventory and evaluation, no evidence exists that there are biological resources that could be impacted by a project, then that should be explained in the impact assessment.]

For oak woodlands, the publication "Oak Woodland Impact Decision Matrix: A Guide for Planner's to Determine Significant Impacts to Oaks as Required by SB 1334"[11] can be used as a guidance document for determining whether a project's impacts should be considered significant with regard to oak woodlands.

IMPORTANT: The Impact Assessment Section can only be completed if the field survey provided adequate information to make CEQA findings regarding potentially significant impacts and to develop mitigation measures necessary to mitigate potentially significant project and cumulative impacts. DO NOT complete the Impact Assessment section, or the significance checklist or recommend mitigation measures if the information from the field survey is inadequate, inconclusive or needs additional studies.

Mitigation Measures:

Sufficient, detailed information must be compiled for the record to justify the effectiveness of recommended mitigation measures. Do not provide mitigation measures if inadequate information was provided by the *biological resources assessment*.

Use the following as guidance in the development of mitigation measures:

- Discuss the mitigation approaches listed in the *State CEQA Guidelines* (§ 15126.4 and 15370) (avoiding, minimizing, rectifying, reducing or eliminating, compensating) that are appropriate for the project to reduce impacts.
- Identify the mitigation measures that would avoid impacts and/or reduce impacts to less than significant.
- Consider a range of possibilities, including, but not limited to, avoidance, fencing, *restrictive covenants*, *conservation easements*, clustering and off-site mitigation. ~~Depending on feasibility, mitigation measures that avoid impacts would normally have higher priority than compensation for impacts~~.
- Identify the potential for the restoration of damaged habitats where appropriate and feasible.
- Identify measurable success criteria for each mitigation measure.
- Identify requirements for monitoring and reporting for mitigation measures.
- Any proposed mitigation areas must be mapped, including areas to be avoided and areas to be restored or protected.

[*VCCOLAB recommended that the statement above regarding avoidance of impacts be removed. Although staff intended this to be an informative statement that avoiding impacts to a resource is often easier and more effective than attempting to replace or offsetting the impacted resource, it is not absolutely necessary, and therefore it was removed. CEQA's mandate to mitigate a project's potential significant environmental impacts remains (see CEQA Guidelines §§ 15041, 15070(b)(1), 15097, 15126.4, and 15370).*]

For each significant impact, explicitly state whether the proposed mitigation measures would reduce the impacts to a less than significant level. If the

[11] The "Oak Woodland Impact Decision Matrix: A Guide for Planner's to Determine Significant Impacts to Oaks as Required by SB 1334" is available on-line at: http://www.ventura.org/rma/planning/.

mitigation measures would not reduce the impact to a less than significant level, an EIR must be prepared to continue with the project approval process.

For each mitigation measure, include a discussion of the impact the measure is meant to address, the goal of the measure, a description of the mitigation action, any monitoring or timing that is relevant, and the standard of success for the measure.

IMPORTANT: The formulation of mitigation cannot be deferred to some future time. A future study can only be called for as a mitigation measure if it addresses all the possible outcomes of the future study and outlines very specific performance measures for each outcome that reduce any potential impacts to less than significant. Such a mitigation measure must also be accompanied by a commitment by the applicant and the County to implement all the possible scenarios.

AVOIDING IMPACTS: If the mitigation measure selected to mitigate potentially significant impacts to biological resources is to avoid the impacts, then a *Restrictive Covenant* and/or *Conservation Easement* is used to ensure the protection of the resources being avoided. Such a *Restrictive Covenant* or *Conservation Easement* protects the delineated location of the sensitive resource and a buffer area recommended by a *qualified* ~~biologist~~ *biological consultant* and determined adequate by the County agency responsible for administering the project to ensure ~~survival of the protected resource and~~ protection from direct and indirect impacts of the proposed project.

> [*The above changes were made in response to comments from VCCOLAB that the purpose of the restrictive covenant is to ensure avoidance of impacts, not to ensure overall survival of the protected resource. Other factors unrelated to the project could affect the survival of a resource, and the project applicant is not held responsible for those factors or effects.*]

Photos:

Describe and insert in the report color photos taken of the *survey area*. Include a reasonable number of photos to adequately characterize the site, especially the proposed development site.

Maps:

Maps must be provided with all *biological resources assessment*s and include the following (if applicable):

If there are any sensitive biological resources within or adjacent to the *survey area*, these resources need to be mapped. Mapped data requirements in these cases include the following (if applicable):

- Development Footprint
- Survey Area boundaries
- Inaccessible areas
- Photo locations
- Impact areas (impacts not covered by the development footprint, such as runoff and lighting)
- Proposed mitigation measure locations (both on- and off-site), if data is adequate from the *biological resources assessment* and the measure can be mapped
- Plant communities
- Physical features
- Wetland boundaries
- Recommended wetland buffers
- Special status species – observed
- Special status species - potential (outline habitats where the species could potentially occur)
- Connectivity features

- Crossing structures
- Barriers to wildlife movement

Attachments:

Attach copies of all CNDDB California Native Species Field Survey Forms and California Natural Community Field Survey Forms sent to the CDFG to document observations of *special status species* or *sensitive plant communities* found in the *survey area*.

Step 4 - Review of Biological Resources Assessment

The *biological resources assessment* and its findings and recommended mitigation measures shall be reviewed by the County staff person responsible for the project to determine whether the *biological resources assessment* meets the standards of the Initial Study Assessment Guidelines. The recommended mitigation measures should also be reviewed by the applicant to determine the preliminary feasibility/ acceptability of the mitigation measures. The necessity for any further study recommended by the *qualified biological consultant*, and its potential cost and environmental document implications, should also be reviewed by County staff and the applicant.

Step 5 – Early Consultation with Resource Agencies

If the *biological resources assessment* finds potential impacts to federal or state listed Endangered, Threatened, or Rare species, County staff shall consult with the responsible permitting agency (US Fish and Wildlife Service or California Department of Fish and Game) regarding protocol surveys, mitigation measures and permitting requirements. Note that even if mitigation measures would reduce impacts to listed species to less than significant levels according to County thresholds, consultation with the appropriate responsible agency is required and permits may be required under the federal and/or state Endangered Species Acts. In addition, if the *biological resources assessment* finds potential impacts to waters or wetlands within the jurisdiction of the Army Corps of Engineers, California Department of Fish and Game, Regional Water Quality Control Board, or County Watershed Protection District, the responsible permitting agency shall be consulted by County staff.

Step 6 - Additional Studies

Sometimes additional studies are required before CEQA findings can be made, for example botanical surveys during the flowering season, protocol *special status species* surveys, or wetland delineations. When such additional studies are called for, these studies must be performed according to the current standards and guidelines of the relevant regulatory resource agency such as the California Department of Fish and Game and U.S. Fish and Wildlife Service (protocol species surveys) and the Army Corps of Engineers (wetland delineations).

Step 7 - Environmental Document Determination

The environmental document determination in relation to biological resource impacts will depend on 1) the *biological resources assessment* results; 2) the feasibility of any project redesign; and 3) the need for more extensive biological review.

a. ND/MND Determination - If the *biological resources assessment* finds no biological impacts or less than significant biological impacts, or if the *biological resources assessment* finds potentially significant biological impacts but the project can incorporate modifications and/or mitigation measures which reduce these impacts to a less than significant level and are agreed to by the applicant, then a Negative Declaration may be prepared (provided that no other significant environmental issues remain).

b. EIR Required - If the *biological resources assessment* indicates that the project could cause significant impacts and feasible mitigation measures cannot be implemented to reduce the impacts to a less than significant level, or if the applicant does not agree to the mitigation measures recommended in the *biological resources assessment*, then an EIR must be prepared.

If a project's cumulative impact is significant, and mitigation measures would reduce the project's cumulative impact to less than cumulatively considerable, an EIR would not be required for this reason. If a project's contribution to a cumulative impact is considerable, even with mitigation, then an EIR is required (CEQA Guidelines Section 15064(h)).

c. Further Biological Review - If the *biological resources assessment* finds that a project's potential to cause a significant impact to biological resources is inconclusive and it is indicated that further investigation is required to determine the nature and extent of these impacts, then either an EIR must be prepared, or a supplemental biological study (if time permits) must be prepared by a *qualified biological consultant*.

   If an EIR is being prepared for the project due to issues other than biology, then further biological review could be incorporated as part of the EIR. If an EIR would not otherwise be required, then a supplemental study can be prepared.

   If a supplemental study is prepared, one of two environmental document determinations shall be subsequently made:

   (1) Proceed with preparation of a Negative Declaration as in "a." above.

   (2) Proceed with preparation of an EIR or focused EIR as in "b." above if identified impacts cannot be reduced to a less than significant level.

Step 8 - Further Consultation

Per General Plan policy 1.5.2-5, Draft ND/MNDs and EIR NOPs which indicate potential impacts to significant biological resources shall be sent to CDFG, the U.S. Fish and Wildlife Service, the National Audubon Society and the California Native Plant Society. The National Park Service shall be sent such documents when the projects are within the Santa Monica Mountains or Oak Park Area.

Step 9 - Fish and Game Fees

Section 711.4 of the Fish and Game Code requires the project applicant to pay certain prescribed processing fees to the County Clerk of the Board at the time the Notice of Determination is filed. Each County Agency/Department must establish its own procedures to comply with these requirements.

The only projects exempt from these fees are:

(1) Projects the lead agency determines are not subject to CEQA;

(2) Projects the lead agency determines to be categorically exempt from CEQA; or

(3) Projects that have been reviewed by the Department of Fish & Game where a formal written determination of "no effect" has been made.

Attachments:

Minimum Qualifications for Qualified Biological Consultants

Attachment

Minimum Qualifications for Qualified Biological Consultants

The Environmental Quality Advisory Committee has established the following minimum qualifications for biological consultants for the purpose of conducting biological resources assessments. County agencies/departments responsible for administering projects may establish lists of approved biological consultants and may require additional qualifications as appropriate.

Education - An undergraduate or graduate degree in biology, botany, wildlife biology, natural resources, ecology, conservation biology or environmental biology. It may be determined on a case-by-case basis by the implementing agency that other degrees or combinations of experience and course work meet the intent of this minimum standard.

Experience – Each qualified biological consultant must have at least four years of professional experience with the preparation of biological resources assessments. At least four years of experience in all of the following areas are required (these qualifications can be met by one individual or by combined biologists within a firm who each have at least four years of experience in one or more of the following areas):

- At least four years of professional experience in writing and/or directing the preparation of biological resources assessment reports in compliance with CEQA Guidelines.
- At least four years of experience performing both botanical and wildlife surveys within the region (Ventura, Santa Barbara, Kern, San Luis Obispo or Los Angeles Counties).
- At least four years of professional experience with evaluating compliance with relevant federal and state regulations, policies and procedures, including the following:
    - California Environmental Quality Act
    - Federal Endangered Species Act
    - State Endangered Species Act
    - Army Corps Permitting for Waters and Wetlands of the US
    - CDFG Permitting for streambeds
    - Regional Water Quality Control Board Permitting
- Ability to map survey findings (e.g., plant communities, wetlands, special-status species) in a GIS or access to an individual or firm with the ability to map survey findings in a GIS.

Local and State Expertise -

- Familiarity with the Ventura County General Plan (including Area Plans), Zoning Ordinances, and Initial Study Assessment Guidelines.
- Experience or training using the Manual of California Vegetation (Sawyer/Keeler-Wolf) classification system to identify and map plant communities to the Alliance level.
- Access to an up-to-date subscription to the California Natural Diversity Database/BIOS and experience using its products and in keeping the dataset current using online tools, as well as experience using the CNDDB field survey form for reporting occurrences of rare plants, animals and natural community stands.