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September 11, 2023

Governor's Office of Planning & Research

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September 11 2023

STATE CLEARINGHOUSE

Subject: Draft Programmatic Environmental Impact Report for the Agricultural Enterprise Ordinance, SCH #2021110353, Santa Barbara County

Dear Julie Harris:

The California Department of Fish and Wildlife (CDFW) has reviewed a Draft Programmatic Environmental Impact Report (PEIR) from Santa Barbara County (County) for the Agricultural Enterprise Ordinance (Project). CDFW appreciates the opportunity to provide comments regarding aspects of the Project that could affect fish and wildlife resources and be subject to CDFW's regulatory authority under the Fish and Game Code.

CDFW's Role

CDFW is California's Trustee Agency for fish and wildlife resources and holds those resources in trust by statute for all the people of the State [Fish & G. Code, §§ 711.7, subdivision (a) & 1802; Pub. Resources Code, § 21070; California Environmental Quality Act (CEQA) Guidelines, § 15386, subdivision (a)]. CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species (Id., § 1802). Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect State fish and wildlife resources.

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CDFW is also submitting comments as a Responsible Agency under CEQA (Pub. Resources Code §21069; CEQA Guidelines, §15381). CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code, including lake and streambed alteration regulatory authority (Fish & G. Code, § 1600 *et seq.*). Likewise, to the extent implementation of the Project as proposed may result in "take", as defined by State law, of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 *et seq.*), or CESA-listed rare plant pursuant to the Native Plant Protection Act (NPPA; Fish & G. Code, §1900 *et seq.*), CDFW recommends the Project proponent obtain appropriate authorization under the Fish and Game Code.

Project Summary

General County Description: Santa Barbara County (County) encompasses approximately 3,790 square miles. The County is bounded to the east by Ventura County, the south and west by the Pacific Ocean, and to the north by San Luis Obispo County. The County includes the incorporated areas of Buellton, Carpinteria, Goleta, Guadalupe, Lompoc, Santa Barbara, Santa Maria, and Solvang. Additionally, the County includes the unincorporated areas of Montecito, Summerland, eastern Goleta Valley, Cuyama, Sisquoc Ballard, and Los Olivos. Geographically, the County is separated into the southern coastal area and the northern interior by the Santa Ynez Mountains. Four major rivers that flow through the County include the Santa Ynez River, Santa Maria River, Sisquoc River, and Cuyama River. The Project area is limited to agriculturally zoned land within unincorporated areas throughout the County (see Location below).

Objective: The proposed Project is a regulatory program that seeks to expand allowable uses on unincorporated lands that are zoned Agricultural II (AG-II), as well as allow incidental food service at winery tasting rooms on agricultural lands zoned Agricultural I (AG-I). The Project would adopt a set of ordinance amendments and supporting actions that would broaden the range of agricultural and non-agricultural uses, establish a tiered permitting structure for supplemental agricultural enterprise uses, and streamline the permit process for supplemental agricultural enterprise uses and larger structural agricultural developments. The Santa Barbara County Land Use Development Code (LUDC), Article II Coastal Zoning Ordinance (CZO), and the County's Uniform Rules for Agricultural Preserves and Farmland Security Zones (Uniform Rules) would be amended to allow for supplementary agricultural uses and rural recreational uses. Although the Project proposes several agricultural enterprise uses, these proposed uses would be supplementary to the primary use of

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agriculture on these agricultural lands. The Project proposes the following rural recreational uses on unincorporated lands zoned AG-II:

- small-scale campground;
- farm stays (transient lodging);
- educational experience or opportunity (e.g., small, guided tours, training, workshops);
- fishing and hunting;
- horseback riding;
- incidental food service (e.g., pre-packaged food, food truck, catered food); and,
- small-scale events (e.g., farm-to-table dinners, cooking classes, weddings).

Additionally, the Project proposes the following supplementary agricultural uses on unincorporated lands zoned AG-II:

- agricultural processing beyond the raw state (small-scale);
- agricultural product preparation;
- aquaponics;
- composting;
- farm stand;
- firewood processing and sales;
- lumber processing and milling; and,
- tree nut hulling.

Alternatives

The PEIR proposes three alternatives to the proposed Project. These alternatives include a, “No Project” Alternative, “Reduced Vehicle Miles Traveled (VMT)” Alternative, and “Reduced Project” Alternative.

“No Project” Alternative: Under the “No Project” Alternative, the County would not approve the proposed Project and would not amend the LUDC, CZO, or the Uniform Rules. Current permitted uses on agriculturally zoned land would remain. Under the “No Project” Alternative, specialized agricultural uses (e.g., agricultural processing) and non-agricultural uses (e.g., campgrounds, special events) would require a MCUP or CUP. Moreover, this alternative would eliminate a tiered permitting structure and streamlined process for obtaining permits.

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“Reduced VMT” Alternative: Under the “Reduced VMT” Alternative, the scope of the Agricultural Enterprise Ordinance would be revised by removing farm stays and eliminating the streamlined permitting tiers for campgrounds, small-scale events, and educational experiences and opportunities. Additionally, the proposed use of supplemental small-scale agricultural processing and product preparation would be limited. This alternative would retain the current zoning ordinance limits and require at least 51 percent of the products originate from the premises; thus, limiting the source of the agricultural products that would be processed on the premises to Santa Barbara, Ventura, and San Luis Obispo. Amendments to LUDC, CZO, and Uniform Rules would continue, consistent with the proposed Project. The remaining proposed uses would be retained and would be subject to development standards and criteria set forth in the ordinance. Overall, this alternative would substantially reduce VMT impacts, air pollution, and greenhouse gas emissions.

“Reduced Project” Alternative: Under the “Reduce Project” Alternative, all of the proposed uses in the Project would be retained. This alternative would reduce the levels of intensity for several of the highest VMT generating uses that could qualify for an exemption or low-level permit under the proposed Project. Supplemental small-scale agricultural processing and product preparation uses would result in the same limitations discussed under the “Reduced VMT” Alternative. This alternative also would reduce the potential for stacking of overnight accommodations by allowing either one campground or one farm stay per premises, but not both. Amendments to LUDC, CZO, and Uniform Rules would continue, consistent with the proposed Project. Similar to the “Reduced VMT” Alternative, the remaining proposed uses would be allowable and subject to development standards and criteria set forth in the ordinance.

Location: The Project area would encompass unincorporated lands that are zoned AG-II within the County’s rural areas. The majority of land with a zoning designation of AG-II are within the Santa Maria, Cuyama, Santa Ynez, and Lompoc Valleys. Additionally, the proposed use of incidental food service would be considered for winery tasting rooms on unincorporated lands zoned AG-I. The Project area excludes lands within Montecito, land under the jurisdiction of the eight incorporated cities, Federal government land, University of California Santa Barbara, or land under the Santa Ynez Band of Chumash Indians.

Comments and Recommendations

CDFW offers the recommendations below to assist the County in adequately identifying the Project’s significant, or potentially significant, direct, and indirect

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impacts on fish and wildlife (biological) resources. CDFW recommends the County consider our comments and recommendations when preparing an environmental document that may provide adequate and complete disclosure of the Project's potential impacts on biological resources [Pub. Resources Code, § 21061; CEQA Guidelines, §§ 15003(i), 15151].

Specific Comments

Comment #1: Impacts of Recreational Uses on Biological Resources

Issue: The addition of active and passive recreational uses on agricultural lands, such as camping, fishing and hunting, and horseback riding, will impact a wide variety of sensitive habitats and wildlife throughout the Project area.

Specific Impact: The Project will result in indirect, direct, and cumulative impacts on biological resources through increased human presence, increased vehicular use, development of large structures, vegetation removal, or on-going events. Impacts to wildlife could result in mortality or injury to wildlife, increased human disturbance in areas supporting habitat, reproductive suppression during breeding season, or population decline of a special-status, sensitive, or rare species. Trail creation and/or increased foot and horse traffic on trails could exacerbate edge effects adjacent to sensitive habitats and rare plant communities.

Why impacts would occur: According to the PEIR, the County has observations of 21 federally- and/or state-listed rare, threatened, or endangered species, and 11 federally- and/or state listed rare, threatened, or endangered plant species based on the California Natural Diversity Database (CNDDDB) (page 3.4-11). In addition to the special-status species that occur throughout the County, the PEIR mentions that the County contains federally-designated critical habitats for 14 species and identifies 14 ecological communities as ecological communities as either rare and/or endangered (page 3.4-6).

Allowing campgrounds and farm stays on agricultural lands will lead to an elevated level of human presence, which will produce a multitude of adverse impacts, including but not limited to, increase of human-wildlife interactions, increased vehicular use, encroachment on protected species and supporting habitat, increased potential of human-wildlife conflict, introduction of non-native species, injury or death of wildlife, and destruction of riparian and other natural communities. Elevated levels of human presence near or within wildlife breeding grounds may result in reduced reproductive success and an overall

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reduced local species population. Moreover, operation of campgrounds and farm stays may also alter wildlife behavior through introduction of elevated noise, increased trash or debris, unnatural food sources via trash receptacles, and new artificial lighting. Finally, the introduction of or increase in the amount of horseback may cause increased predation through providing habitat for brown headed cowbird (*Molothrus ater*).

Evidence impact would be significant: Impacts to special-status species should be considered significant under CEQA unless they are clearly mitigated below a level of significance. Inadequate avoidance, minimization, and mitigation measures for impacts to special status plant or wildlife species will result in the Project continuing to have a substantial adverse direct, indirect, and cumulative effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by CDFW or USFWS.

Additionally, plants that have a CNPS California Rare Plant Rank (CRPR) of 1A, 1B, 2A, and 2B are rare throughout their range, endemic to California, and are seriously or moderately threatened in California. All plants constituting CRPR 1A, 1B, 2A, and 2B meet the definitions of CESA and are eligible for State listing. Impacts to these species or their habitat must be analyzed during preparation of environmental documents relating to CEQA, as they meet the definition of rare or endangered (CEQA Guidelines, § 15380).

Recommended Potentially Feasible Mitigation Measure(s) Required for Individual Projects Facilitated by the Agricultural Enterprise Ordinance:

Recommendation #1: Increased Human Presence – Given that the increase in recreational impacts to biological resources from camping and horseback riding presents a possible significant impact, CDFW recommends that the County adopt the “Reduced VMT” Alternative, which would significantly reduce impacts to biological resources as a result of recreational impacts, per CEQA Guidelines sections 15021(c) and 15002(a)(3). Alternatively, the final PEIR should include a discussion of the impacts of recreation on biological resources, which should include a mitigation measure or measure which address these impacts.

Recommendation #2: Brown Headed Cowbird – The recreational use of horseback riding may introduce or increase brown headed parasitism on individual premises. Brown headed cowbirds are a known parasite of passerine nests and can reduce the reproductive success of passerines. The final PEIR should discuss the potential impacts that may result from horseback riding (e.g.,

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trails, introduction of brown headed cowbirds). Additionally, the County should consider incorporating appropriate mitigation measures that would require individual entities to develop a cowbird trapping and monitoring plan for Projects which include horse elements. The plans should identify the entity that would be responsible for incorporating trapping and monitoring activities.

Recommendation #3: CDFW Consultation – If CESA-listed species are detected during Project-specific assessments, and impacts cannot be avoided, CDFW should be consulted for appropriate take authorization (pursuant to Fish & Game Code, § 2080 *et seq.*). Individual project applicants should obtain a fully executed take authorization prior to any ground-disturbance and vegetation removal.

Recommendation #4: ESA Consultation – Take under the ESA also includes significant habitat modification or degradation that could result in death or injury to a listed species by interfering with essential behavioral patterns such as breeding, foraging, or nesting. CDFW recommends individual Projects facilitated under the Project that may result in potential take, consult with United States Fish and Wildlife Service (USFWS), in order to comply with ESA, well in advance of any ground-disturbing activities and/or vegetation removal that may impact federally listed species.

Mitigation Measure #1: Biological Resources Assessment (BRA) – The County shall require a BRA for individual Projects facilitated by the Project that require a permit (i.e., ZC, LUP, CDP, MCUP, CUP). A BRA report shall be submitted prior to issuance of permits. The BRA shall be conducted by a qualified biologist and include biological survey(s) of the individual site to characterize the extent and quality of habitat and record observations of plant and wildlife that would be impacted by proposed use(s). Surveys shall include baseline surveys, protocol-level surveys, and tree inventories to confirm the presence of any special status species within or immediately adjacent to proposed impact areas. If suitable habitat is present, focused species-specific surveys shall be required. Surveys shall be in accordance with CDFW and/or USFWS survey protocols for target species. The BRA shall include the following information:

- a) Information on the regional setting that is critical to an assessment of environmental impacts, with special emphasis on resources that are rare or unique to the region [CEQA Guidelines, § 15125(c)]. The CEQA document shall include measures to fully avoid and otherwise protect Sensitive Natural Communities from Project-related impacts. CDFW considers these communities as threatened habitats having both regional and local

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significance. Plant communities, alliances, and associations with a state-wide ranking of S1, S2, and S3 shall be considered sensitive and declining at the local and regional level. These ranks can be obtained by visiting the [Vegetation Classification and Mapping Program - Natural Communities](#) webpage (CDFW 2023a);

- b) A thorough, recent, floristic-based assessment of special status plants and natural communities following CDFW's [Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities](#) (CDFW 2018). Adjoining habitat areas shall be included where Project construction and activities could lead to direct or indirect impacts off site;
- c) Floristic, alliance- and/or association-based mapping and vegetation impact assessments conducted at a project site and within the neighboring vicinity. The [Manual of California Vegetation Online](#) shall also be used to inform this mapping and assessment (CNPS 2023). Adjoining habitat areas shall be included in this assessment if the Project could lead to direct or indirect impacts off site. Habitat mapping at the alliance level will help establish baseline vegetation conditions;
- d) A complete, recent, assessment of the biological resources associated with each habitat type on site and within adjacent areas that could also be affected by a Project. California Natural Diversity Database in Sacramento shall be contacted to obtain current information on any previously reported sensitive species and habitat. An assessment shall include a nine-quadrangle search of the CNDDDB to determine a list of species potentially present at a project site. A lack of records in the CNDDDB does not mean that rare, threatened, or endangered plants and wildlife do not occur on the project site. Field verification for the presence or absence of sensitive species is necessary to provide a complete biological assessment for adequate CEQA review [CEQA Guidelines, § 15003(i)];
- e) A complete, recent, assessment of rare, threatened, and endangered, and other sensitive species on site and within the area of potential effect, including California Species of Special Concern and California Fully Protected Species (Fish & G. Code, §§ 3511, 4700, 5050, and 5515). Species to be addressed shall include all those which meet the CEQA definition of endangered, rare, or threatened species (CEQA Guidelines, § 15380). Seasonal variations in use of a project site shall also be addressed such as wintering, roosting, nesting, and foraging habitat. Focused species-specific

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surveys, conducted at the appropriate time of year and time of day when the sensitive species are active or otherwise identifiable, may be required if suitable habitat is present. See CDFW's [Survey and Monitoring Protocols and Guidelines](#) for established survey protocol for select species (CDFW 2023b). Acceptable species-specific survey procedures may be developed in consultation with CDFW and the USFWS; and,

- f) A recent wildlife and rare plant survey. CDFW generally considers biological field assessments for wildlife to be valid for a 1-year period, and assessments for rare plants may be considered valid for a period of up to 3 years. Some aspects of a proposed Project may warrant periodic updated surveys for certain sensitive taxa, particularly if build out could occur over a protracted time frame or in phases.

Mitigation #2: Compensatory Mitigation – For individual Projects under the Project that will result in permanent loss of supporting habitat for special-status species, the project applicant shall be required to provide replacement habitat at no net loss for the total acreage impacted. Replacement habitat shall be protected in perpetuity under a conservation easement dedicated to a local land conservancy or other appropriate entity that has been approved to hold and manage mitigation lands. An appropriate endowment shall be provided for the long-term management of mitigation lands. A conservation easement and endowment funds shall be fully acquired, established, transferred, or otherwise executed by the project applicant prior to any ground-disturbing activities or vegetation removal.

Mitigation #3: Rodenticides – To prevent harmful effects on wildlife, individual Projects facilitated under the Project, shall be prohibited from use of any second-generation anticoagulant rodenticides.

Comment #2: Impacts to Nesting Birds

Issue: Individual project activities facilitated by the Project will impact nesting birds.

Specific impacts: Proposed uses facilitated by the Project that require vegetation removal and construction during the breeding season of nesting birds could result in the incidental loss of fertile eggs or nestlings or otherwise lead to nest abandonment in trees.

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Why impact would occur: The PEIR does not provide any avoidance or minimization measures for nesting birds. Without any protective measures, impacts to nesting birds could result from ground-disturbing activities related to campgrounds, farm stays, vehicular use, vegetation removal, construction of structures, events, and other proposed uses. Impacts could result from noise disturbances, increased human activity, increased lighting, dust, vegetation clearing, ground-disturbing activities (e.g., staging, access, grading), and vibrations caused by heavy equipment. Project disturbance activities could result in mortality or injury to nestlings, as well temporary or long-term loss of suitable foraging habitats. Additionally, construction during the breeding season of nesting birds could result in the incidental loss of breeding success or otherwise lead to nest abandonment.

Evidence impact would be significant: The loss of occupied habitat or reductions in the number of rare bird species, either directly or indirectly through nest abandonment or reproductive suppression, would constitute a significant impact absent appropriate mitigation. Furthermore, nests of all native bird species are protected under state laws and regulations, including Fish and Game Code sections 3503 and 3503.5.

Recommended Potentially Feasible Mitigation Measure(s) Required for Individual Projects Facilitated by the Agricultural Enterprise Ordinance:

Mitigation Measure #4: Breeding Season Avoidance – Individual Projects with ground-disturbing and construction activities, shall avoid work during the nesting bird breeding season (February 1 through September 15, as early as January 1 for some raptors).

Mitigation Measure #5: Nesting Bird Surveys – If avoidance during the nesting season is not feasible, individual Projects with ground-disturbing and construction activities shall conduct a nesting bird survey. Prior to starting ground-disturbing activities and vegetation removal, a qualified biologist shall conduct nesting bird and raptor surveys within 72 hours prior to the start of project activities. If nests are identified, a qualified biologist shall establish no-disturbance buffers to minimize impacts on those nests. The qualified biologist will implement a minimum 300-foot no-disturbance buffer around passerine nests. For raptors, the no-disturbance buffer shall be expanded to 500 feet and 0.5 mile for special status species (e.g., CESA-listed). Personnel working on the Project, including all contractors working on site, shall be instructed on the presence of nesting birds, area sensitivity, and adherence to no-disturbance buffers. These buffers shall be maintained until the breeding season has ended

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or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or parental care for survival.

Mitigation Measure #6: Nesting Bird Mitigation – Individual Projects facilitated by the Project shall provide compensatory mitigation to compensate for the permanent removal of nesting habitat within a project site. Mitigation shall be based on acreage of impact and vegetation composition. CDFW shall be consulted to determine proper mitigation for impacts to occupied habitat depending on the status of the bird species. Mitigation ratios would increase with the occurrence of a California Species of Special Concern and would further increase with the occurrence of a CESA-listed species. Temporary halt of individual project activities within nesting buffers during nesting season does not constitute effective mitigation for the purposes of offsetting Project impacts associated with habitat loss.

Additional Recommendations

Recommendation #5: Mitigation Measure BIO-1 – Mitigation Measure BIO-1 requires a setback of a minimum of 100 feet from the edge of sensitive habitats for individual Projects with agricultural enterprise uses and development. The final PEIR should provide full disclosure on how the County derived a 100-foot setback as a suitable buffer to prevent impacts to the sensitive habitats listed in the mitigation measure. The final PEIR should also provide a discussion related to the circumstances in which the 100-foot setback would be increased. Moreover, the mitigation measure should be revised to outline under what conditions the 100-foot setback would be increased.

Recommendation #6: Fishing Operation – The proposed use of fishing would currently be exempt if there is a daily maximum of 20 participants and no new structures or additions requiring permits are proposed. Fishing in major water courses that support special-status fish species may result in incidental take and violation of state and federal regulations. CDFW recommends that the PEIR elaborates where fishing would be allowed to occur on agricultural land. The PEIR should also discuss the Projects impacts on fishing operations as it pertains to special-status fish species.

Recommendation #7: Updating the CNDDB – CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database [i.e., CNDDB] which may be used to make subsequent or supplemental environmental determinations [Pub. Resources Code, § 21003, subd. (e)]. Information on special status species should be

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submitted to the CNDDDB by completing and submitting [CNDDDB Field Survey Forms](#) (CDFW 2023c). Information on special status native plant populations and sensitive natural communities, the [Combined Rapid Assessment and Relevé Form](#) should be completed and submitted to CDFW's Vegetation Classification and Mapping Program (CDFW 2023d).

Recommendation #8: Mitigation Measures – CDFW recommends the County update the Project's proposed Biological Resources Mitigation Measures and condition the environmental document to include mitigation measures recommended in this letter. CDFW provides comments to assist the County in developing mitigation measures that are specific, detailed (i.e., responsible party, timing, specific actions, location), and clear for a measure to be fully enforceable and implemented successfully via a mitigation monitoring and/or reporting program (CEQA Guidelines, § 15097; Pub. Resources Code, § 21081.6). The County is welcome to coordinate with CDFW to further review and refine the Project's mitigation measures. Per Public Resources Code section 21081.6(a)(1), CDFW has provided the County with a summary of our suggested mitigation measures and recommendations in the form of an attached Draft Mitigation and Monitoring Reporting Plan (MMRP; Attachment A).

Conclusion

CDFW appreciates the opportunity to provide comments and recommendations regarding the Project to assist Santa Barbara County in adequately analyzing and minimizing/mitigating impacts to biological resources. CDFW looks forward to reviewing an ensuing Project-related environmental document. If you have any questions or comments regarding this letter, please contact Julisa Portugal, Environmental Scientist, at Julisa.Portugal@wildlife.ca.gov or (562) 330-7563.

Sincerely,

DocuSigned by:

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Jennifer Turner, acting for
David Mayer
Environmental Program Manager
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References:

- [CDFW] California Department of Fish and Wildlife. 2018. Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities. Available at: <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=18959&inline>
- [CDFW] California Department of Fish and Wildlife. 2023a. Natural Communities. Available at: <https://wildlife.ca.gov/Data/VegCAMP/Natural-Communities>
- [CDFW] California Department of Fish and Wildlife. 2023b. Survey and Monitoring Protocols and Guidelines. Available at: <https://wildlife.ca.gov/conservation/survey-protocols>
- [CDFW] California Department of Fish and Wildlife. 2023c. Submitting Data to the CNDDDB. Available at: <https://wildlife.ca.gov/Data/CNDDDB/Submitting-Data>.
- [CDFW] California Department of Fish and Wildlife. 2023d. Combined Rapid Assessment and Releve Form. Available at: <https://wildlife.ca.gov/Data/VegCAMP/Natural-Communities/Submit>
- [CNPS] California Native Plant Society. A Manual of California Vegetation Online. 2023. Available at: <https://vegetation.cnps.org/>

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Attachment A: Draft Mitigation and Monitoring Reporting Plan

CDFW recommends the following language to be incorporated into the Project's environmental document.

Biological Resources (BIO)			
Mitigation Measure (MM) or Recommendation (REC)		Timing	Responsible Party
MM-BIO 1- Biological Resources Assessment	<p>The County shall require a BRA for individual Projects facilitated by the Project that require a permit (i.e., ZC, LUP, CDP, MCUP, CUP). A BRA report shall be submitted prior to issuance of permits. The BRA shall be conducted by a qualified biologist and include biological survey(s) of the individual site to characterize the extent and quality of habitat and record observations of plant and wildlife that would be impacted by proposed use(s). Surveys shall include baseline surveys, protocol-level surveys, and tree inventories to confirm the presence of any special status species within or immediately adjacent to proposed impact areas. If suitable habitat is present, focused species-specific surveys shall be required. Surveys shall be in accordance with CDFW and/or USFWS survey protocols for target species. The BRA shall include the following information:</p> <ul style="list-style-type: none"> a) Information on the regional setting that is critical to an assessment of environmental impacts, with special emphasis on resources that are rare or unique to the region. The CEQA document shall 	<p>Prior to issuance of permits</p>	<p>County/Project Applicant/ Qualified Biologist</p>

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	<p>include measures to fully avoid and otherwise protect Sensitive Natural Communities from Project-related impacts. CDFW considers these communities as threatened habitats having both regional and local significance. Plant communities, alliances, and associations with a state-wide ranking of S1, S2, and S3 shall be considered sensitive and declining at the local and regional level. These ranks can be obtained by visiting the Vegetation Classification and Mapping Program - Natural Communities webpage;</p> <p>b) A thorough, recent, floristic-based assessment of special status plants and natural communities following CDFW's Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities. Adjoining habitat areas shall be included where Project construction and activities could lead to direct or indirect impacts off site;</p> <p>c) Floristic, alliance- and/or association-based mapping and vegetation impact assessments conducted at a project site and within the neighboring vicinity. The Manual of California Vegetation Online shall also be used to inform this mapping and assessment. Adjoining</p>		
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	<p>habitat areas shall be included in this assessment if the Project could lead to direct or indirect impacts off site. Habitat mapping at the alliance level will help establish baseline vegetation conditions;</p> <p>d) A complete, recent, assessment of the biological resources associated with each habitat type on site and within adjacent areas that could also be affected by a Project. California Natural Diversity Database in Sacramento shall be contacted to obtain current information on any previously reported sensitive species and habitat. An assessment shall include a nine-quadrangle search of the CNDDDB to determine a list of species potentially present at a project site. A lack of records in the CNDDDB does not mean that rare, threatened, or endangered plants and wildlife do not occur on the project site. Field verification for the presence or absence of sensitive species is necessary to provide a complete biological assessment for adequate CEQA review;</p> <p>e) A complete, recent, assessment of rare, threatened, and endangered, and other sensitive species on site and within the area of potential effect, including California Species of</p>		
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	<p>Special Concern and California Fully Protected Species. Species to be addressed shall include all those which meet the CEQA definition of endangered, rare, or threatened species. Seasonal variations in use of a project site shall also be addressed such as wintering, roosting, nesting, and foraging habitat. Focused species-specific surveys, conducted at the appropriate time of year and time of day when the sensitive species are active or otherwise identifiable, may be required if suitable habitat is present. See CDFW's Survey and Monitoring Protocols and Guidelines for established survey protocol for select species. Acceptable species-specific survey procedures may be developed in consultation with CDFW and the USFWS; and,</p> <p>f) A recent wildlife and rare plant survey. CDFW generally considers biological field assessments for wildlife to be valid for a 1-year period, and assessments for rare plants may be considered valid for a period of up to 3 years. Some aspects of a proposed Project may warrant periodic updated surveys for certain sensitive taxa, particularly if build out could occur over a protracted time frame or in phases.</p>		
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MM-BIO-2- Compensatory Mitigation	For individual Projects under the Project that will result in permanent loss of supporting habitat for special-status species, the project applicant shall be required to provide replacement habitat at no net loss for the total acreage impacted. Replacement habitat shall be protected in perpetuity under a conservation easement dedicated to a local land conservancy or other appropriate entity that has been approved to hold and manage mitigation lands. An appropriate endowment shall be provided for the long-term management of mitigation lands. A conservation easement and endowment funds shall be fully acquired, established, transferred, or otherwise executed by the project applicant prior to any ground-disturbing activities or vegetation removal.	Prior to ground-disturbing activities	Individual Project Applicant
MM-BIO-3 - Rodenticides	To prevent harmful effects on wildlife, individual Projects facilitated under the Project, shall be prohibited from use of any second-generation anticoagulant rodenticides.	Prior to and during Project activities	Individual Project Applicant
MM-BIO-3- Breeding Season Avoidance	Individual Projects with ground-disturbing and construction activities, shall avoid work during the nesting bird breeding season (February 1 through September 15, as early as January 1 for some raptors).	Prior to and during Project activities	Individual Project Applicant
MM-BIO-4- Nesting Bird Surveys	If avoidance during the nesting season is not feasible, individual Projects with ground-disturbing and construction activities shall conduct a nesting bird survey. Prior to starting ground-disturbing activities and vegetation removal, a qualified biologist shall conduct nesting bird and raptor surveys within 72 hours prior to	Prior to and during Project activities	Qualified Biologist

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	<p>the start of project activities. If nests are identified, a qualified biologist shall establish no-disturbance buffers to minimize impacts on those nests. The qualified biologist will implement a minimum 300-foot no-disturbance buffer around passerine nests. For raptors, the no-disturbance buffer shall be expanded to 500 feet and 0.5 mile for special status species (e.g., CESA-listed). Personnel working on the Project, including all contractors working on site, shall be instructed on the presence of nesting birds, area sensitivity, and adherence to no-disturbance buffers. These buffers shall be maintained until the breeding season has ended or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or parental care for survival.</p>		
<p>MM-BIO-5- Nesting Bird Mitigation</p>	<p>Individual Projects facilitated by the Project shall provide compensatory mitigation to compensate for the permanent removal of nesting habitat within a project site. Mitigation shall be based on acreage of impact and vegetation composition. CDFW shall be consulted to determine proper mitigation for impacts to occupied habitat depending on the status of the bird species. Mitigation ratios would increase with the occurrence of a California Species of Special Concern and would further increase with the occurrence of a CESA-listed species. Temporary halt of individual project activities within nesting buffers during nesting season does not constitute effective mitigation for the purposes</p>	<p>Prior to Project activities</p>	<p>Individual Project Applicant</p>

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	of offsetting Project impacts associated with habitat loss.		
REC-1 – Increased Human Presence	CDFW recommends that the County adopt the “Reduced VMT” Alternative, which would reduce human presence compared to the proposed Project and achieve the majority of the County’s objectives.	Prior to the final PEIR	County
REC-2 – Brown Headed Cowbird	The final PEIR should discuss the potential impacts that may result from horseback riding (e.g., trails, introduction of brown headed cowbirds). Additionally, the County should consider incorporating appropriate mitigation measures that would require individual entities to develop a cowbird trapping and monitoring plan. The plans should identify the entity that would be responsible for incorporating trapping and monitoring activities.	Prior to the final PEIR	County
REC-2- CDFW Consultation	If CESA-listed species are detected and during Project-specific assessments, and impacts cannot be avoided, CDFW should be consulted for appropriate take authorization. Individual project applicants should obtain a fully executed take authorization prior to any ground-disturbance and vegetation removal.	Prior to Project activities	Individual Project Applicant
REC-3- ESA Consultation	Take under the ESA also includes significant habitat modification or degradation that could result in death or injury to a listed species by interfering with essential behavioral patterns such as breeding, foraging, or nesting. CDFW recommends individual Projects facilitated under the Project that may result in potential take, consult with United States Fish and Wildlife Service (USFWS), in order to comply with ESA, well in advance of	Prior to Project activities	Individual Project Applicant

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	any ground-disturbing activities and/or vegetation removal that may impact federally listed species.		
REC-4-MM-BIO-1	Mitigation Measure BIO-1 requires a setback of a minimum of 100 feet from the edge of sensitive habitats for individual Projects with agricultural enterprise uses and development. The final PEIR should provide full disclosure on how the County derived a 100-foot setback as a suitable buffer to prevent impacts to the sensitive habitats listed in the mitigation measure. The final PEIR should also provide a discussion related to the circumstances in which the 100-foot setback would be increased. Moreover, the mitigation measure should be revised to outline under what conditions the 100-foot setback would be increased	Prior to the final PEIR	County
REC-5- Fishing Operation	The proposed use of fishing would currently be exempt if there is a daily maximum of 20 participants and no new structures or additions requiring permits are proposed. Fishing in major water courses that support special-status fish species may result in incidental take and violation of state and federal regulations. CDFW recommends that the PEIR elaborates where fishing would be allowed to occur on agricultural land. The PEIR should also discuss the Projects impacts on fishing operations as it pertains to special-status fish species.	Prior to the final PEIR	County
REC-6-CNNDB	CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database [i.e., CNDDDB] which may be used to make subsequent or supplemental environmental determinations.	Prior to Project activities	Individual Project Applicant

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	<p>Information on special status species should be submitted to the CNDDDB by completing and submitting CNDDDB Field Survey Forms. Information on special status native plant populations and sensitive natural communities, the Combined Rapid Assessment and Relevé Form should be completed and submitted to CDFW's Vegetation Classification and Mapping Program.</p>		
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