COUNTY OF SANTA BARBARA

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Draft Mitigated Negative Declaration 24NGD-00005

SoCal Gas Dig 10 Anomaly Repair

22CDH-OOOOO-00002

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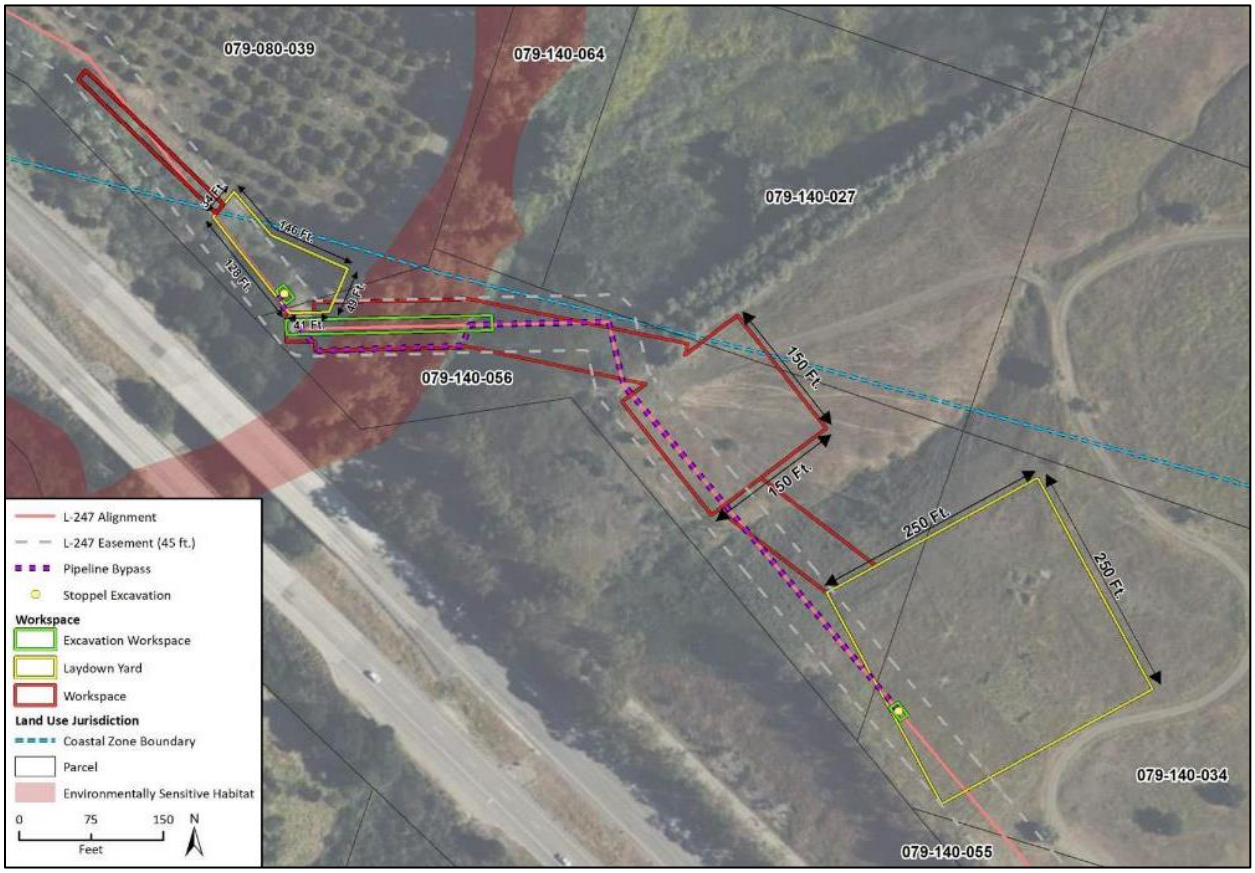


FIGURE 1. SITE PLAN SHOWING THE EXCAVATION AREA IN GREEN, LAYDOWN YARDS IN YELLOW, AND WORKSPACE IN RED.

1.0 REQUEST/PROJECT DESCRIPTION

The applicant, SoCal Gas, is requesting a Coastal Development Permit, Case No. 22CDH-00000-00002, for the inspection and repair of a 215-foot long section of Line 247 (L247) running within the bed of Dos Pueblos creek, which contains anomalies detected in previous investigations. Repair will include installation of stopple fittings and the temporary 12-inch diameter bypass line for isolation of the inspection/replacement segment, dewatering of the creek, excavation and replacement of the 215-foot section of L247 under the creek, followed by backfilling of the trench, and restoration of the site. The area will return to pre-project contours and vegetation will be restored. Equipment and staging will occur within two laydown yards on either side of the excavation site. Access is provided from Highway 101 and existing travel routes to the SoCal Gas easement on Calle Real and private roads. Excavation will occur within SoCal Gas easement and all impacts will be temporary. No new roads are proposed. The Project is necessary to comply with U.S. Department of Transportation Pipeline Hazardous Materials and Safety Administration, Office of Pipeline Safety and the California Public Utilities Commission (CPUC) regulations to conform with the Pipeline Safety and Improvement Act of 2002.

Anomaly Repair. Excavation of L247 will occur in an approximately 215-foot-long, 15-foot-wide, and 15-foot-deep trench, using hand tools, a backhoe and excavator. The western staging area (7,100-sf) closest to the excavation workspace is within a previously disturbed agricultural access road and is located on APN's 079-080-039 and 079-140-056. The use of the 12-ft-wide workspace parallel to and directly south of the existing access road will require clearing vegetation to accommodate equipment movement and staging. A water diversion plan and dewatering plan will be implemented to provide safe access to the pipeline below the creek bed, and limit work within ponded or flowing water. The 215-ft segment of the pipeline will be removed and replaced in-kind. Upon completion of repairs, the pipeline will be covered

with fine material to protect it during backfill and minimize erosion. The channel bed will be returned to pre-project contours and vegetation will be restored consistent with the Habitat Restoration Plan (HRP).

Stopple Fittings/Temporary Bypass Line. Installation of two stopple fittings will allow for isolation of the inspection/replacement segment of the pipeline by installing a temporary 12-inch above-ground bypass pipeline (bypass) to allow for the continued service of regional natural gas during project construction. Work includes installing an upstream stopple (600-ft east of Dos Pueblos Creek) on APN: 079-140-034 and downstream stopple (directly west of Dos Pueblos Creek) on APN: 079-080-039. The upstream (east) stopple will be accessed through an existing ranch road off private Bear Road. The stopple installation will occur within the eastern laydown yard. The laydown yard for the eastern stopple will be 1.43-acres (62,500-sf) located in grazed agricultural fields dominated by mustard plant. A 150-ft by 150-ft bypass workspace and a 25-ft workspace on either side of the bypass is proposed to accommodate equipment access. The upstream eastern stopple will be located entirely within existing agricultural rangeland devoid of native trees and outside of the Dos Pueblos Canyon Creek Environmentally Sensitive Habitat (ESH). The downstream (western) stopple is proposed entirely within the 7,092-sf western laydown yard. Temporary excavation of each stopple will be 8 to 10-ft wide by 15 to 17-ft long to a depth of up to 10-ft (up to 63-cubic-yards each). The stopples and temporary pipeline bypass between the stopples will be installed before the anomaly repair and removed after Line 247 is put back into service. The stopple areas and workspaces will be backfilled and hydroseeded/stabilized consistent with the HRP and Stormwater Pollution Prevention Plan (SWPPP).

Dewatering. A Water Diversion plan was submitted to provide safe access to the pipeline below the creek bed, and limit work within ponded or flowing water. Any groundwater encountered during excavation will be hauled off site to approved disposal facilities or discharged to the ground/surface water as authorized under the Statewide General Order for Discharge from Natural Gas Utility Construction, Operation, and Maintenance Activities (Order 2017-0026-DWQ). Best management practices (BMPs) will be implemented during construction and will include, but not be limited to, prevention of track out, dust control with water, straw wattles or silt screens to prevent erosion and sedimentation, and secondary containment around equipment.

Impacts to ESH and Trees. Excavation work will occur within Environmentally Sensitive Habitat and will temporarily impact 0.17-acres of coastal ESH and 0.05-acres of Inland ESH. One western sycamore tree is proposed for removal and will be replaced at a 10:1 ratio. Three avocado trees must be removed to accommodate equipment and will be replaced when the project is completed. One oak tree may be trimmed to allow for equipment access. The branch is less than 20% of the tree canopy and will result in minor encroachment. Impacts to fourteen arroyo willow trees will be replaced with 140 willow sprigs within the SoCalGas easement. The measures included in the Biological Resources Assessment are proposed as part of the project description for consistency with the Gaviota Coast Plan, existing regulations, and SoCalGas Best Management Practices.

Total area of disturbance of the project will be 3.28-acres (142,877-sf) including workspaces and laydown yards. Approximately 1,918-cubic-yards of temporary cut entirely within the existing easement is proposed for removal, including approximately 1,792-cubic-yards of cut for Anomaly Repair (215-ft long, 15-ft wide, and 15-ft deep trench) and up to 63-cubic-yards for each stopple fittings (8-10 ft x 15-17 ft x 10-ft each, two stopple fittings). The project is anticipated to take approximately 12 weeks to complete. Equipment to be used for the excavation includes an excavator, backhoe, front loader, side boom, crane or heavy lift, gang truck, flatbed truck, welding truck, pickup truck, portable equipment such as generators and air compressors, crew trucks, and portable restrooms. Extended night and weekend work with lighting may be required up three days for the hydrotest and tie-in. All elements of the anomaly repair will be underground. The stopple fittings and temporary bypass will protrude above ground temporarily for the duration of construction and will be removed. Work is proposed on four parcels that comprise a total of 512.30-acres (APNs 079-140-056, 079-140-027, 079-080-039, & 079-140-034). All parcels are within the

Agricultural (AG-II-100) land use designation and zone district. The site is located within the Gaviota Coast Plan Area within the Third Supervisorial District.

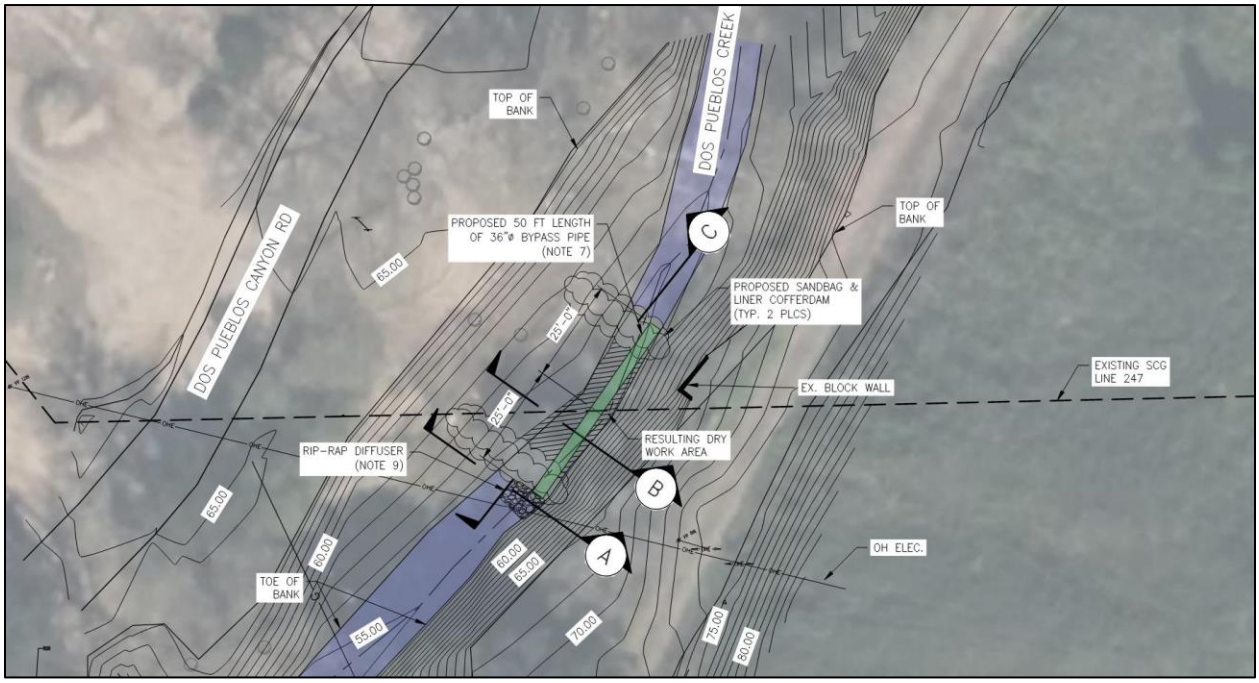


FIGURE 2. DOS PUEBLOS CREEK DIVERSION PLAN.

2.0 PROJECT LOCATION

L247 is used to transfer natural gas from the SoCalGas La Goleta gas storage facility in Santa Barbara County to Gaviota Station on Mariposa Reina. The project is located in unincorporated Santa Barbara County in the Dos Pueblos Canyon United States Geological Survey (USGS) 7.5-minute topographic quadrangle (quad). The majority of the project footprint is located in the Assessor's Parcel Number (APN) 079-140-056, and access roads are located on APN 079-140-064 and APN 079-080-039. More generally, the project is located northeast of U.S. Highway 101 and east of Dos Pueblos Canyon Road on Dos Pueblos Ranch within the Third Supervisorial District.

2.1 Site Information	
Comprehensive Plan Designation	Coastal, Coastal Commission Appeals Jurisdiction, Inland Gaviota Coast Plan Area: AC (Commercial Agriculture). Agriculture II/Minimum Lot Size – 100 acres
Zoning District, Ordinance	Article II Coastal Zoning Ordinance Land Use Development Code AG-II-100 Environmentally Sensitive Habitat Overlay – Gaviota Coast Critical Habitat - Steelhead, Critical Viewshed Overlay
Site Size	512.30-acres (APNs 079-140-056, 079-140-027, 079-080-039, & 079-140-034)
Present Use & Development	Avocado Orchards, Open Space, Dos Pueblos Creek
Surrounding Uses/Zoning	North: AG-II-100 / Orchard, open space, Dos Pueblos Canyon South: Transportation Corridor – Highway 101 East: NTS Residential – Naples Townsite / Vacant West: AG-II-100 / Orchard & open space

Access	Dos Pueblos Canyon Road , Naples Access Road, Highway 101	
Public Services	Water Supply:	Not Applicable
	Sewage:	Not Applicable
	Fire:	Santa Barbara County Fire Department

3.0 ENVIRONMENTAL SETTING

3.1 PHYSICAL SETTING

The project area is located within an agricultural area in unincorporated Santa Barbara County approximately 65 to 100 feet above mean sea level. The unincorporated community of Naples, California is located approximately 0.25 miles to the east and south, although agricultural areas surround the project area. Agricultural operations in the eastern Gaviota Coast area support cattle operations as well as a wide variety of crops including avocado, citrus and cherimoya orchards, flowers, cattle grazing and an abalone aquaculture operation near Dos Pueblos Creek. The project area is located within the central portion of the Dos Pueblos Canyon – Frontal Santa Barbara Channel Watershed (Hydrologic Unit Code 180600130106) (USGS 2021). Surface waters in the project area are fed by Dos Pueblos Creek which originates from a narrow mountain tributary in the Santa Ynez Mountains and flows are conveyed southerly through the project area for approximately 0.65 mile before terminating in the Pacific Ocean. The eastern portion of the project site includes hilly vacant land covered in native grasses, mostly mustard grasses and dense trees. Dos Pueblos creek is rocky and the western portion of the project area includes dirt roads surrounding existing avocado orchards. The above ground infrastructure within Dos Pueblos Creek is not SoCal Gas property.

3.2 ENVIRONMENTAL BASELINE

The environmental baseline from which the project's impacts are measured consists of the physical environmental conditions in the vicinity of the project, as described above. In addition to the on the ground conditions described above, the environmental baseline from which the project's impacts are measured includes the existing Line 247 which runs through Dos Pueblos Creek.

4.0 POTENTIALLY SIGNIFICANT EFFECTS CHECKLIST

The following checklist indicates the potential level of impact and is defined as follows:

Potentially Significant and Unavoidable Impact: A fair argument can be made, based on the substantial evidence in the file, that an effect may be significant.

Significant but Mitigable: Incorporation of mitigation measures has reduced an effect from a Potentially Significant Impact to an Insignificant Impact.

Insignificant Impact: An impact is considered adverse but does not trigger a significance threshold.

No Impact: There is adequate support that the referenced information sources show that the impact simply does not apply to the subject project.

Beneficial Impact: There is a beneficial effect on the environment resulting from the project.

Reviewed Under Previous Document: The analysis contained in a previously adopted/certified environmental document addresses this issue adequately for use in the current case and is summarized in the discussion below. The discussion should include reference to the previous documents, a citation of the page(s) where the information is found, and identification of mitigation measures incorporated from the previous documents.

4.1 AESTHETICS/VISUAL RESOURCES

Will the proposal result in:	Potent. Signif. and Unavoid.	Significant but Mitigable	Insignif.	No Impact / Beneficial Impact	Reviewed Under Previous Document
a. The obstruction of any scenic vista or view open to the public or the creation of an aesthetically offensive site open to public view?			X		
b. Change to the visual character of an area?			X		
c. Glare or night lighting which may affect adjoining areas?		X			
d. Visually incompatible structures?			X		

Existing Setting. The project area is located within an agricultural area in unincorporated Santa Barbara County approximately 65 to 100 feet above mean sea level. The unincorporated community of Naples, California is located approximately 0.25 miles to the east and south, although agricultural areas surround the project area to the north and west. Dos Pueblos Creek runs through the site. The project site is within the Critical Viewshed Corridor Overlay for Highway 101. Excavation will occur within SoCalGas easement on the northern side of Highway 101. This section of the highway is elevated above the Dos Pueblos Creek.

FIGURE 3. VIEW OF PROJECT SITE TRAVELING NORTHBOUND ON HIGHWAY 101. WORK AREA IS AT GROUND LEVEL WHILE THIS SECTION OF THE HIGHWAY IS ELEVATED TO ALLOW DOS PUEBLOS CREEK TO FLOW UNDERNEATH.

Impact Discussion:

(a, b, d). The project area includes an excavation area to expose and replace a 215-linear foot alignment of existing L247, two workspaces, two existing access roads, and two laydown yards, all within the Critical Viewshed Corridor Overlay for Highway 101. All work will occur on the northern side of Highway 101, most of which will be within the SoCalGas easement. A majority of the construction work will be accessed from Dos Pueblos Canyon Road which is not accessible to the public. This road traverses under Highway 101 and along the perimeter of the existing orchard on the western side of

FIGURE 4. VIEW OF EASTERN LAYDOWN YARD AND WORK AREA, TRAVELING NORTHBOUND ON HIGHWAY 101. THE WORK AREA IS BEHIND THE EXISTING VEGETATION, APPROXIMATELY 320-FEET FROM THE HIGHWAY.

the Creek. This area is at a much lower elevation than the adjacent section of Highway 101. Additionally, the work areas on the northern side of the Creek will be within an active orchard and the presence of machinery will not be out of character for this area. Construction activities will not be visible from Highway 101 because work will occur at a lower elevation than the public viewshed and the corridor is lined with dense vegetation from Dos Pueblos Creek (Figure 3).

Trees within the workspace on the eastern side of the creek will be limbed and replacement of the pipeline segment will require removal of 14 arroyo willow trees. This minor work will not be visible from any public viewpoints as it is within a densely vegetated area of the canyon. The laydown yard and work space on the eastern side of the creek (on APNs 079-140-056 & 079-140-034) will be accessed by an existing dirt road connecting to Bear Road. Construction equipment stored in the eastern laydown yard may be temporarily visible from Highway 101. This area is at a higher elevation than Highway 101, and with vehicles traveling at average speeds of 65 miles per hour (mph), visibility of project features will be minor in nature. Additionally, two layers of existing vegetation will screen the work area (Figure 4).

Exiting natural gas transmission Line 247 (L247) is completely underground, and all elements of the anomaly repair will be underground. The stopple fittings and temporary bypass will protrude above ground temporarily for the duration of construction and will be removed. The stopple fittings and temporary bypass will protrude above ground temporarily for the duration of the approximately 12-week construction period then will be removed. The pipeline will be replaced in-kind, all elements of the anomaly repair will be underground, and any vegetation removed or impacted will be replaced and the area restored, therefore the project will not result in any permanent or long-term changes to the visual character of an area. Once replacement is complete, the project footprint will be returned to pre-project contours and the native riparian habitat will be re-established as described in the Habitat Restoration Plan (MM-BIO-11). The post-construction visual contrast should diminish quickly

as the affected areas will be revegetated with the local native vegetation. The proposed project will not obstruct views from any public road or recreation area to, and along the coast, nor will it introduce a visually incompatible structure to the area. Therefore, impacts to the visual character of the Gaviota Coast will be *less than significant*.

(c). Extended night and weekend work with lighting may be required up three days to secure the tie-in and hydrotest. If construction must occur at night (between dusk and dawn), all lighting will be shielded and directed away from Highway 101 to minimize a lighting nuisance for drivers along Highway 101, as required by MM-Aesth-01. The project does not propose permanent installation of lighting fixtures once constructed, therefore, impacts will be temporary and the project will not affect neighboring areas with glare or night lighting. There impacts from lighting are *less than significant with mitigation*.

Cumulative Impacts. The implementation of the project is not anticipated to result in any substantial change in the aesthetic character of the area since all construction features are either replaced in-kind or will be onsite temporarily. Additionally, views of the project will be limited because the site is at a lower elevation than visible from the public viewshed of Highway 101. The laydown yard will be screened by existing vegetation and topography. Thus, the project will not cause a cumulatively considerable effect on aesthetics.

Mitigation and Residual Impact. The following mitigation measures will reduce the project's aesthetic impacts to an insignificant level:

MM-Aest-01 Lighting. The Owner/Applicant shall ensure any night lighting used during project construction is of low glare design, minimum feasible height, and shall be hooded to direct light downward onto the subject lot and prevent spill-over into adjacent areas to the extent feasible. Lighting shall be oriented such that it is directed away from the freeway and will not impact cars travelling on highway 101. No unobstructed beam of exterior light shall be directed toward any area developed residential. **PLAN REQUIREMENTS**: The Owner/Applicant shall develop a Lighting Plan for P&D approval incorporating these requirements and showing locations and height of all exterior lighting fixtures. **TIMING**: P&D shall review a Lighting Plan for compliance with this measure prior to issuance of a Zoning Clearance. **MONITORING:** Compliance Monitoring staff shall inspect upon completion to ensure that exterior lighting fixtures have been installed consistent with their depiction on the final Lighting Plan prior to drilling activities.

With the incorporation of these measures, residual impacts will be insignificant.

4.2 AGRICULTURAL RESOURCES

Will the proposal result in:	Poten. Signif. and Unavoid.	Significant but Mitigable	Insignif.	No Impact / Beneficial Impact	Reviewed Under Previous Document
a. Convert prime agricultural land to non-agricultural use, impair agricultural land productivity (whether prime or non-prime) or conflict with agricultural preserve programs?			X		
b. An effect upon any unique or other farmland of State or Local Importance?			X		

Existing Setting. Dos Pueblos Canyon Creek contains a mix of boulders, cobble, and sandy soil. The study area contains approximately 60 percent of Agueda-Goleta complex, 2 to 9 percent slopes (AbC), which is a well-drained soil consisting of silt clay loam. The study area also contains approximately 25 percent of

Ayar clay, 30 to 50 percent slopes, eroded (AhF2), which is a well-drained soil consisting of clay topsoil and weathered bedrock below. Both soil types have a high clay content, which restricts infiltration and results in rapid runoff. These soil map units are not hydric. Also present is Gullied land, which is a well-drained soil occurring on foot slopes and risers slopes of terraces. A typical gullied land soil is derived from alluvium. The study area contains approximately 15 percent of gullied land (GU). This soil map unit is not hydric.

Work is proposed on four parcels that comprise a total of 512.30-acres (APNs 079-140-056, 079-140-027, 079-080-039, & 079-140-034). All parcels are within the Agricultural (AG-II-100) land use designation and zone district. APN 079-080-039 currently supports an avocado orchard. Agricultural operations in the eastern Gaviota Coast area support cattle operations as well as a wide variety of crops including avocado, citrus and cherimoya orchards, flowers, cattle grazing and an abalone aquaculture operation near Dos Pueblos Creek.

APN 079-080-039 is within a Williamson Act Contract, No. 12-AP-028 (12AGP-00000-00028), which consists of six APNs: 079-080-034 (514.5-acres), a portion of 079-060-056 (150-acres), 079-060-066 (997-acres), 079-080-034 (514.5-acres), 081-240-018(47-acres), and a portion of 079-090-030 (135-acres), with a total of 2,03.5-acres, located at 100-695 North Dos Pueblos Canyon Road in the Gaviota Coast Area. The 'Dos Pueblos Ranch Agricultural Preserve' became effective January 1, 2015 and devotes the encompassed land to agricultural uses and uses compatible with agriculture. The 2,003.5-acres encompasses Orchards and grazing land and lasts 10 years. The proposed project was reviewed by the Agricultural Preserve Advisory Committee (APAC) on March 14, 2024 to determine if the development conforms with the limitations of the contract and the County Ag Preserve Uniform Rules (Attachment 2). The APAC found the project compatible with the County's Uniform Rules.

Impact Discussion:

(a, b). The project will not have a significant impact given the temporary nature of the project. Three avocado trees must be removed from the existing orchard to accommodate equipment used to install the temporary bypass line, pipeline replacement, and stopple installation. These three avocado trees will be replaced and brought back into production after completion of pipeline replacement activities (approximately 12 weeks). Agricultural land surrounding the project will remain viable for the duration of project implementation. Additionally, the, alteration or maintenance of gas utility facilities are compatible uses within the Ag-II zone and are considered consistent with the Uniform Rules for AG Preserves. Often utility pipelines run through or adjacent to prime Ag land. A 45-foot wide SoCal Gas Easement for Line 247 runs through the property. However, additional space outside of the easement is temporarily needed to allow the replacement equipment to access the site. The project will not convert prime agricultural land to non-agricultural use because of work is temporary and the area will be restored to existing conditions post construction work.

The proposed Project was reviewed by the Agricultural Preserve Advisory Committee on March 14, 2024, who voted 5-0 to find the project consistent with uniform rule 2-9, and find contract 12-AP-028 meets ongoing eligibility requirements. Therefore, the Project will not conflict with the existing agricultural preserve contract onsite (12-AP-028), and its impacts to agricultural recourses will be less than significant.

Cumulative Impacts. The County's Environmental Thresholds were developed, in part, to define the point at which a project's contribution to a regionally significant issue constitutes a significant effect at the project level. In this instance, the project has been found not to exceed the threshold of significance for agricultural resources. Therefore, the project's contribution to the regionally significant loss of agricultural resources is not considerable, and its cumulative effect on regional agriculture is insignificant.

Mitigation and Residual Impact. Since the proposed project will not have a significant impact on the environment, no additional mitigation is necessary. Therefore, residual impacts will be less than significant.

4.3a AIR QUALITY

Will the proposal result in:	Poten. Signif. and Unavoid.	Signif. But Mitigable	Insignif.	No Impact / Beneficial Impact	Reviewed Under Previous Document
a. The violation of any ambient air quality standard, a substantial contribution to an existing or projected air quality violation, or exposure of sensitive receptors to substantial pollutant concentrations (emissions from direct, indirect, mobile and stationary sources)?		X			
b. The creation of objectionable smoke, ash or odors?			X		
c. Extensive dust generation?		X			

County Environmental Threshold. Chapter 5 of the Santa Barbara County Environmental Thresholds and Guidelines Manual (as revised in July 2015) addresses the subject of air quality. The thresholds provide that a proposed project will not have a significant impact on air quality if operation of the project will:

- emit (from all project sources, mobile and stationary), less than the daily trigger for offsets for any pollutant (currently 240 pounds per day for NOx and ROC, and 80 pounds per day for PM_{10});
- emit less than 25 pounds per day of oxides of nitrogen (NOx) or reactive organic compounds (ROC) from motor vehicle trips only;
- not cause or contribute to a violation of any California or National Ambient Air Quality Standard (except ozone);
- not exceed the APCD health risk public notification thresholds adopted by the APCD Board; and
- be consistent with the adopted federal and state Air Quality Plans.

No thresholds have been established for short-term impacts associated with construction activities. However, the County's Grading Ordinance requires standard dust control conditions for all projects involving grading activities. Long-term/operational emissions thresholds have been established to address mobile emissions (i.e., motor vehicle emissions) and stationary source emissions (i.e., stationary boilers, engines, and chemical or industrial processing operations that release pollutants).

Impact Discussion:

(a - c). Potential Air Quality Impacts. The scope of the project includes installing a temporary bypass line, dewatering Dos Pueblos Creek, replacing the 215-foot-long pipeline segment containing the anomaly, and restoring the site. The project is anticipated to take approximately 12 weeks to complete. Equipment to be used for the excavation includes an excavator, backhoe, front loader, side boom, crane or heavy lift, gang truck, flatbed truck, welding truck, pickup truck, portable equipment such as generators and air compressors, crew trucks, and portable restrooms.

Short-Term Construction Impacts. Project-related construction activities will require grading that has been minimized to the extent possible under the circumstances and contribute to regional emissions of PM10 and PM2.5. Dust emissions resulting from project-related construction will be reduced to the extent feasible through the implementation of County Grading Ordinance and the Air Pollution Control District requirements, which require the implementation of standard dust control measures.

In addition, County APCD reviewed the project description and recommended additional standard dust mitigation measures, included as Attachment 3. With the incorporation of these dust measures, short-term dust emissions from project related grading will be less than significant. The project will not be a substantial long-term source of dust emissions, and the project's potential dust emissions will not be cumulatively considerable.

Emissions of ozone precursors (NO_x and ROC) during project construction will result primarily from the on-site use of heavy earthmoving equipment. Due to the limited period of time that grading activities will occur on the project site, construction-related emissions of NO_x and ROC will not be significant on a project-specific or cumulative basis. However, due to the non-attainment status of the air basin for ozone, the project should implement measures recommended by the APCD to reduce construction-related emissions of ozone precursors to the extent feasible (Attachment 3). Compliance with these measures is routinely required for all new development in the County.

Short-term thresholds for NOx and ROC emissions from construction equipment have not been established in the County. Per the Santa Barbara County Environmental Thresholds and Guidelines Manual Published January 2021, emissions of NOx from construction equipment in the County are estimated at 1,000 tons per year of NOx. When compared to the total NOx emission inventory for the County of approximately 17,000 tons per year, construction emissions comprise approximately six percent of the 1990 county-wide emission inventory for NOx (Santa Barbara County 1993 Rate-of Progress Plan). In general, this amount is considered insignificant. However, due to the non-attainment status of the air basin for ozone, contractors will be required to adhere to diesel particulate and NOx emission reduction measures as required by County, and outlined in Attachment 3, to reduce construction-related emissions of ozone precursors to the extent feasible. Compliance with these measures is routinely required for all new development in the County. The implementation of these standard conditions is routinely required for all new development in the County.

No post remedial activities or permanent structures are proposed at the site and therefore the project will not generate traffic (Section 4.13, Transportation/Circulation) aside from those trips associated with the temporary construction activities. The project will not result in substantial direct or indirect emissions from stationary sources or result in industrial or other operations that will have the potential to result in emissions of smoke, ash, or objectionable odors. Therefore, the project will not be a substantial long-term source of emissions and will result in less than significant project-specific air emission impacts.

With implementation of standard County Air Quality conditions specified in Air-01 and the additional standard dust mitigation measures, included as Attachment 3, the project's air emissions will not be substantial. Therefore, the project will have a *less than significant impact with mitigation* on air emission.

Cumulative Impacts. The County's Environmental Thresholds were developed, in part, to define the point at which a project's contribution to a regionally significant impact constitutes a significant effect at the project level. In this instance, the project has been found not to exceed the significance criteria for air quality. Therefore, the project's contribution to regionally significant air pollutant emissions is not cumulatively considerable, and its cumulative effect is insignificant.

Mitigation and Residual Impact. The following mitigation measures will reduce the project's air quality impacts to a less than significant level:

Air-01 Dust Control. The Owner/Applicant shall comply with the following dust control components at all times when work activities are being conducted including weekends and holidays:

a. Dust generated by the development activities shall be kept to a minimum with a goal of retaining dust on the site.

b. During clearing, grading, earth moving, excavation, or transportation of cut or fill materials, use water trucks or sprinkler systems to prevent dust from leaving the site and to create a crust after each day's activities cease.
c. During construction, use water trucks or sprinkler systems to keep all areas of vehicle movement damp enough to prevent dust from leaving the site.
d. Wet down the construction area after work is completed for the day and whenever wind exceeds 15 mph.
e. When wind exceeds 15 mph, have site watered at least once each day when work activities are being conducted including weekends and/or holidays.
f. Order increased watering as necessary to prevent transport of dust off-site.
g. Cover soil stockpiled for more than two days or treat with soil binders to prevent dust generation. Reapply as needed.
h. If the site is graded and left undeveloped for over four weeks, the Owner/Applicant shall immediately: (i) Seed and water to re-vegetate graded areas; and/or (ii) Spread soil binders; and/or; (iii) Employ any other method(s) deemed appropriate by P&D or APCD.

PLAN REQUIREMENTS: These dust control requirements shall be noted on all grading and building plans. **PRE-CONSTRUCTION REQUIREMENTS**: The contractor or builder shall provide P&D monitoring staff and APCD with the name and contact information for an assigned onsite dust control monitor(s) who has the responsibility to:

a. Assure all dust control requirements are complied with including those covering weekends and holidays.
b. Order increased watering as necessary to prevent transport of dust offsite.
c. Attend the pre-construction meeting.

TIMING: The dust monitor shall be designated prior to grading permit. The dust control components apply from the beginning of any grading or construction throughout all development activities until Final Building Inspection Clearance is issued. **MONITORING**: P&D processing planner shall ensure measures are on plans. P&D grading and building inspectors shall spot check; Grading and Building shall ensure compliance onsite. APCD inspectors shall respond to nuisance complaints.

Implementation of standard conditions placed on the grading plan as implemented through Chapter 14 (Grading Ordinance) of the County Code, along with standard APCD conditions listed in Attachment 3 will reduce potential short-term air quality impacts to a less than significant level. The project will not result in significant project-specific long-term air quality impacts. No further mitigation measures are required.

4.3b AIR QUALITY - GREENHOUSE GAS EMISSIONS

Greenhouse Gas Emissions - Will the project:	**Poten. Signif. and Unavoid.**	**Signif. But Mitigable**	**Insignif.**	**No Impact / Beneficial Impact**	**Reviewed Under Previous Document**
a. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?			X		
b. Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?				X	

Existing Setting. The County of Santa Barbara's Final Environmental Impact Report (EIR) for the Energy and Climate Action Plan (ECAP) (PMC, 2015) and the *2016 Greenhouse Gas Emissions Inventory Update and Forecast* (County of Santa Barbara Long Range Planning Division, 2018) contain a detailed description

of the proposed project's existing regional setting as it pertains to GHG emissions. Regarding non-stationary sources of GHG emissions within Santa Barbara County specifically, the transportation sector produces 38% of the total emissions, followed by the building energy (28%), agriculture (14%), off-road equipment (11%), and solid waste (9%) sectors (County of Santa Barbara Long Range Planning Division 2018).

Environmental Threshold. Santa Barbara County adopted the Energy and Climate Action Plan (ECAP) in 2015 as a qualified GHG emission reduction plan. By the end of 2020, the County either initiated or completed 41 out of 53 (77%) ECAP emission reduction measures and achieved 44% of the target emission reductions needed to meet the County's 2020 goal. The County is currently working on its 2030 Climate Action Plan (CAP), with an ultimate goal of achieving carbon neutrality by 2045 or sooner. The 2030 CAP is expected to be adopted in 2023. Therefore, at this time, a significance threshold is more appropriate for project-level GHG emission analysis, rather than tiering off the ECAP's Environmental Impact Report (EIR).

The thresholds framework consists, first, of a numerical threshold (Screening Threshold) and, second, an efficiency threshold (Significance Threshold). The County based the Screening Threshold on the types of land uses that the County permitted over a 10-year period (2010 –2019). The County set the Screening Threshold at a level that captures the "fair share" of emissions from new development consistent with its 2030 GHG emissions target. The County based the Significance Threshold on the targeted level of emissions from new development in 2030 and projected population and employment for the unincorporated county for the same year. The Interim GHG Thresholds recommend that land use projects be first assessed against a screening threshold of 300 $MTCO_2e$/year. Staff will compare the quantified GHG emissions against the 300 $MTCO_2e$/year Screening Threshold using the Board-adopted Size-Based Project Screening Criteria Table, which lists the types and sizes of projects that will typically emit less than 300 $MTCO_2e$/year. If the estimated GHG emissions are less than the Screening Threshold, staff can conclude that project will have an insignificant environmental impact, and the project will require no further analysis. For projects that exceed the screening threshold, a service population threshold of 3.8 $MTCO_2e$ is recommended.

On May 19, 2015, the Board of Supervisors (Board) adopted a numerical threshold of significance for GHG emissions from industrial stationary source facilities. The numerical threshold applies to oil and gas production and surface mining projects, but may also apply to other industrial stationary sources of GHG emissions within the unincorporated County areas. On January 26, 2021, the Board adopted interim GHG emissions thresholds of significance (interim thresholds). The interim thresholds apply to non-exempt discretionary land use projects and plans that do not contain industrial stationary sources of GHG emissions.

A numeric significance threshold is applicable to development projects of various land use types, such as residential, commercial, and mixed-use. The numeric threshold is the emissions level below which a project's incremental contribution to global climate change is less than "cumulatively considerable" and, therefore, the project will have an insignificant impact. The numeric screening threshold is 300 $MTCO_2E$ per year and is used to determine the significance of the project's GHG emissions.

Impact Discussion:

(a). Generate GHG Emissions. Typical construction equipment will be used during grading and construction activities. The limited nature and duration of construction activities will not generate considerable greenhouse gas emissions. Once constructed, the project will not require vehicular trips that will generate emissions GHG emissions. Therefore, the project will not exceed the County's Screening Threshold of 300 MTCO2e/year for non-industrial stationary source projects, and the impact will be *less than significant*.

(b). Conflict with an applicable regulations. The project will *not conflict* with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases.

Cumulative Impacts. The proposed project's total greenhouse gas emissions will be less than the applicable threshold. Therefore, the project's incremental contribution to a cumulative effect is not cumulatively considerable and the project's greenhouse gas emissions will not have a significant impact on the environment.

Mitigation and Residual Impact. Since the proposed project will not have a significant impact on the environment, no additional mitigation is necessary. Therefore, residual impacts will be less than significant.

4.4 BIOLOGICAL RESOURCES

Will the proposal result in:	Poten. Signif. and Unavoid.	Signif. But Mitigable	Insignif.	No Impact / Beneficial Impact	Reviewed Under Previous Document
Flora					
a. A loss or disturbance to a unique, rare or threatened plant community?		X			
b. A reduction in the numbers or restriction in the range of any unique, rare or threatened species of plants?		X			
c. A reduction in the extent, diversity, or quality of native vegetation (including brush removal for fire prevention and flood control improvements)?		X			
d. An impact on non-native vegetation whether naturalized or horticultural if of habitat value?			X		
e. The loss of healthy native specimen trees?		X			
f. Introduction of herbicides, pesticides, animal life, human habitation, non-native plants or other factors that will change or hamper the existing habitat?		X			
Fauna					
g. A reduction in the numbers, a restriction in the range, or an impact to the critical habitat of any unique, rare, threatened or endangered species of animals?		X			
h. A reduction in the diversity or numbers of animals onsite (including mammals, birds, reptiles, amphibians, fish or invertebrates)?		X			
i. A deterioration of existing fish or wildlife habitat (for foraging, breeding, roosting, nesting, etc.)?		X			
j. Introduction of barriers to movement of any resident or migratory fish or wildlife species?			X		
k. Introduction of any factors (light, fencing, noise, human presence and/or domestic animals) which could hinder the normal activities of wildlife?		X			

Existing Plant and Animal Communities/Conditions. *Background and Methods:*

Field surveys conducted for the project include a general biological resources reconnaissance survey, jurisdictional delineations, vegetation mapping, protocol wildlife and rare plant surveys took place on September 25, 2020, June 27, 2022, and August 24, 2022. An arborist survey took place May 11 and 14, 2021. For the purpose of the Biological report, the project footprint, plus a 100-foot buffer around this location,

totaling 8.55-acres, is collectively referred to as the study area. The tree inventory and health assessment was restricted to all native trees found within the project footprint. Trees less than six inches in diameter at 4.5 feet (54 inches) above mean natural grade, were not included in the inventory. The Biological Resources Analysis prepared by Rincon Consultants, Inc. dated April 12, 2023 is included as Attachment 4.

Soils:

Dos Pueblos Canyon Creek contains a mix of boulders, cobble, and sandy soil. The soil was saturated with silty residue indicating hydric conditions could form but were not present at the time of the survey. The study area contains approximately 60% of Agueda-Goleta complex, 2 to 9% slopes (AbC), which is a well-drained soil consisting of silt clay loam. The study area also contains approximately 25% of Ayar clay, 30 - 50% slopes, eroded (AhF2), which is a well-drained soil consisting of clay topsoil and weathered bedrock below. Both soil types have a high clay content, which restricts infiltration and results in rapid runoff. These soil map units are not hydric. Also present is Gullied land, which is a well-drained soil occurring on foot slopes and rising slopes of terraces. A typical gullied land soil is derived from alluvium. The study area contains approximately 15 percent of gullied land (GU). This soil map unit is not hydric.

FIGURE 5. VIEW OF L247 ALIGNMENT FROM BED OF DOS PUEBLOS CANYON CREEK, FACING NORTH. ABOVE GROUND UTILITY NOT ASSOCIATED WITH SOCAL GAS OR PROPOSED PROJECT.

Hydrology:

A jurisdictional delineation was conducted during the September 25, 2020 field survey. The project site is located within the central portion of the Dos Pueblos Canyon, and runs through Dos Pueblos Canyon Creek, which originates from a narrow mountain tributary in the Santa Ynez Mountains. Flows are conveyed through the study area before terminating in the Pacific Ocean 0.65 miles to the south. The creek is mapped as a non-tidal forested palustrine system.

Hydrology within Dos Pueblos Canyon Creek is supplied primarily by storm flows and urban runoff from upstream, as well as sheet flow from the adjacent uplands. The perennial drainage contained evidence of flow, including scouring, drift deposits, and/or changes in vegetation. A defined Ordinary High Water Mark

(OHWM) and bed and bank were present. The top of bank was approximately 8 to 10 feet high, and the banks were steeply incised. Riparian vegetation was present, in the form of California sycamore woodlands, which extend beyond the top of bank. Primary indicators of wetland hydrology were present, including surface water, a high-water table, saturation, water-stained leaves, and aquatic invertebrates. Dos Pueblos Canyon Creek meets the USACE jurisdictional standards and is considered a water of the U.S. The creek and may also be regulated by the RWQCB under the Porter-Cologne Act. In addition, this system is consistent with CDFW-jurisdictional streambeds, and a California Coastal Act Wetland regulated by the County pursuant to the GCP. The portion of Dos Pueblos Canyon Creek characterized as the California sycamore woodland vegetation community is considered a California Coastal Act Wetland. Arroyo willow thickets are under the jurisdiction of the CDFW and the RWQCB. The Table 1 below identifies the USACE, RWQCB, and CDFW Jurisdiction within the Study Area.

Table 1. USACE, RWQCB, and CDFW Jurisdiction within the Study Area.

	USACE Jurisdiction		RWQCB Jurisdiction		CCC/County Jurisdiction	CDFW Jurisdiction
Feature	Waters of the U.S. (acres/linear feet)	Wetland Waters of the U.S. (acres/linear feet)	Waters of the State (acres/linear feet)	Wetland Waters of the State (acres/linear feet)	Coastal Wetland (acres/linear feet)	Streambed and Associated Riparian Habitat (acres/linear feet)
Dos Pueblos Canyon Creek	0.05/289	N/A	0.76/289	N/A	0.63/238	0.76/289
Arroyo Willow Thicket	N/A	N/A	1.08/200	N/A	0.54/67	1.08/200

Habitats:

The study area is located within the coastal zone boundary, adjacent to and partly within the channel of Dos Pueblos Canyon Creek and approximately 200 feet north of U.S. Highway 101. Most of the Gaviota Coast coastal plain has been historically disturbed by agricultural uses, transportation and oil/gas development. Native vegetation in the project vicinity is fragmented, but includes riparian and upland woodlands, native and non-native grasslands, and wetlands. Relatively undisturbed habitats are present along narrow riparian corridors, in scattered undeveloped lands of varying sizes, and in protected open space areas. The Pacific Ocean is approximately 0.65 mile south of the study area. Existing land uses surrounding the study area include open space, low density residential, agricultural, and transportation corridors roadways. The study area ranges between approximately 65 and 100 feet above mean sea level. Dos Pueblos Canyon Creek is designated as critical habitat for southern California steelhead in the study area. No other critical habitat designations are located within the study area.

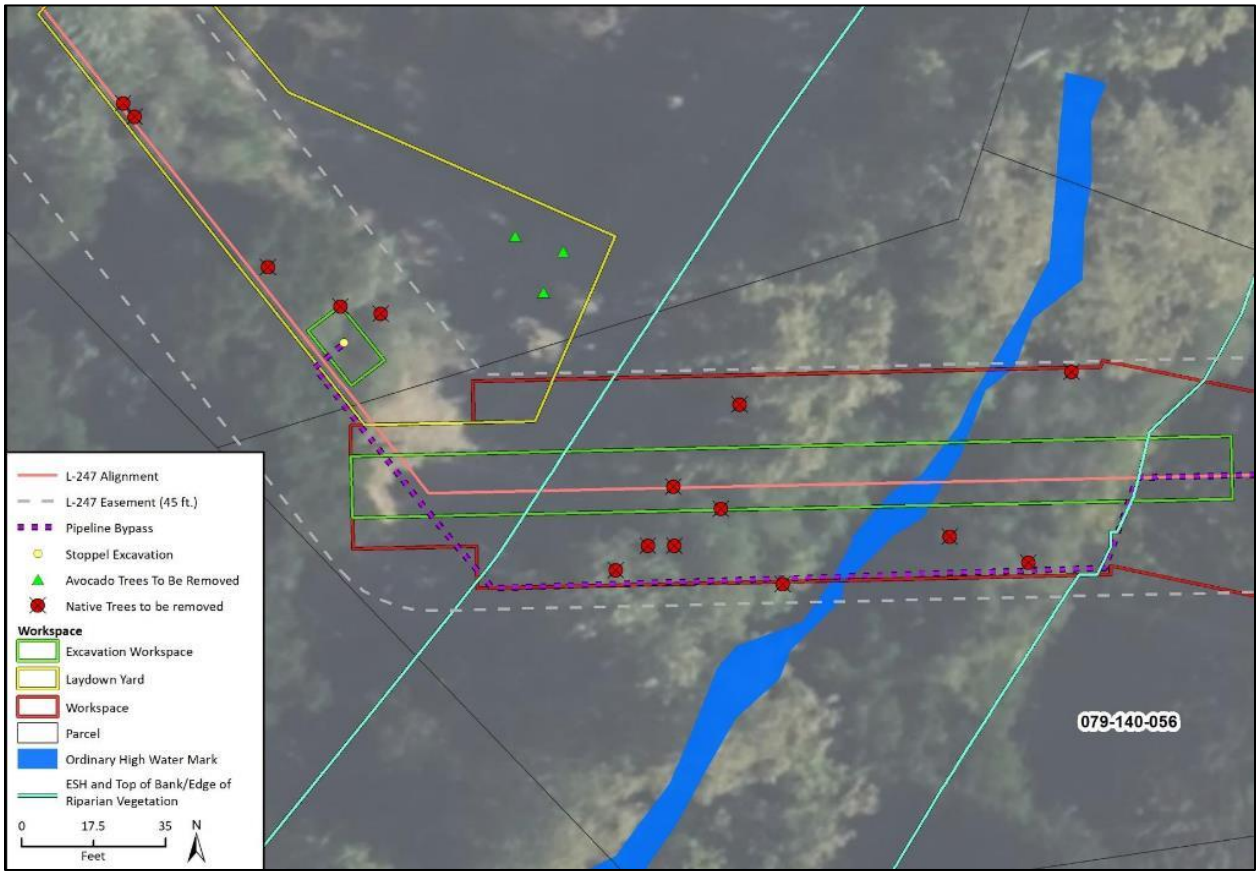


FIGURE 6. TREES REMOVED, DOS PUEBLOS CREEK CHANNEL, AND EXTENT OF STATE JURISDICTION.

Vegetative Communities:

The 8.55-acre study area consists primarily of Arroyo Willow Thickets, California Sycamore Woodland, Riverwash, Coast Live Oak Woodland, and orchards. Ten Vegetative Communities were identified during the field surveys, which are described below.

Table 2. Summary of Vegetation and Land Cover Types in the Study Area

Vegetation Community	Study Area (acres)	Project Site (acres)	CDFW Sensitive Natural Community Rank/County ESH (Y/N)
Arroyo Willow Thickets	1.0808	0.05	G4S4; inland & coastal ESH
California Sycamore Woodland	1.39	0.17	G3S3; Yes
Riverwash	0.08	0.01	None; Yes
Coast Live Oak Woodland	0.19	-	G5S4; inland ESH per GCP
Coyote Brush Scrub	0.38	-	G5S5; No
Disturbed/Developed	0.58	0.07	None; No
Eucalyptus Grove	0.26	0.01	None; No
Ice Plant Mats	0.08	-	None; No
Orchard	3.1	0.76	None; No
Upland Mustards	1.34	0.08	None; No
total	**8.55**	**1.15**	

Arroyo Willow Thickets (Salix lasiolepis Shrubland Alliance). The majority of the study area south of the access road in the central portion of the study area is characterized as arroyo willow thickets. This vegetation community (ranked G4S4 at the alliance level) is considered a sensitive natural riparian community. While not mapped as ESH under the CGP, this area is considered ESH per GCP Policy NS-4 since it is a riparian community. The study area contains 1.08-acres (13.4%) of this vegetation community to the south of the access road and access road workspace.

California Sycamore Woodland (Platanus racemosa — Quercus agrifolia Woodland Alliance). This alliance is typically found within gullies, intermittent streams, springs, seeps, stream banks, and terraces adjacent to floodplains that are subject to high-intensity flooding, between 0-2,400 meters in elevation. California sycamore woodlands are a CDFW sensitive natural community, with a rarity rank of G3S3 and is considered ESH in the Gaviota Coast Plan. The study area contains 1.39 acres (16.3%) of this vegetation community.

Coast Live Oak Woodland (Quercus agrifolia Woodland Alliance). This woodland alliance is typically found along alluvial terraces, canyon bottoms, stream banks, slopes, and flats between 0 to 3,940 feet (0 to 1,200 meters) in elevation. Coast live oak occurs at over 50 percent cover in the tree layer. This vegetation community is ranked G5S4, which is not considered sensitive by CDFW. However, the community is considered sensitive ESH per the Gaviota Coast Plan. In the study area, coast live oak is the sole member of the tree layer, which forms a closed canopy. The study area contains 0.19 acres (2.22%) of this alliance.

Coyote Brush Scrub (Baccharis pilularis Shrubland Alliance). Coyote brush scrub is common in river mouths, stream sides, terraces, stabilized dunes of coastal bars, spits along the coastline, coastal bluffs, open slopes, and ridges (Sawyer et al. 2009). This vegetation community (ranked G5S5) is not considered a sensitive natural community. The GCP does not distinguish this community as ESH. The study area contains 0.38 acres (4.39%) of this alliance.

Riverwash. The portion of the survey area that comprises the flowing water without vegetation is characterized as riverwash. Water was flowing during the time of the survey and approximately 1.5 feet deep on average. The overstory consists of California sycamore woodland. The study area contains 0.08 acre (0.92 percent) of this land cover type. The onsite riverwash is considered sensitive ESH per the GCP since the overstory is California sycamore woodland alliance.

Other Non-native communities found within the study area include:

- 0.58 acres (6.81 percent) of developed land;
- 0.26 acres (3.06 percent) of red gum eucalyptus;
- 0.08 acres (0.92 percent) of Ice Plant mats;
- 3.10 acres (36.3 percent) of avocado orchard; and
- 1.34 acres (15.6 percent) of upland mustards.

Flora:

Based on the database and literature review, 10 special status plant species have the *potential* to occur in the study area. However, based on the field reconnaissance survey, two special status plant species from this list have a low potential to occur within the study area (mesa horkelia and Santa Barbara honeysuckle) and the remaining eight are not expected to occur. This is based on a variety of factors, including the disturbance history of the site, lack of suitable soils or habitat, elevation of the site, or inappropriate hydrologic conditions.

FIGURE 7. VEGETATIVE COMMUNITIES NEAR THE PROJECT SITE.

A total of 15 native plant species were observed throughout the project area. Species observed included mugwort, coyote brush (Baccharis pilularis), flatsedge (Cyperus eragrostis), willow herb (Epilobium ciliatum), common horsetail (Equisetum arvense), California poppy (Eschscholzia californica), western stinging nettle (Hesperocnide tenella), duckweed (Lemna spp.), watercress (Nasturtium officinale), western sycamore, coast live oak, pacific blackberry, arroyo willow, yellow willow, and Douglas' nightshade. Within the project area, the stream banks are densely vegetated and consist primarily of western sycamore (Platanus racemosa) and arroyo willow trees (Salix lasiolepis). The banks of Dos Pueblos Creek within the project area had an herbaceous understory, consisting of native species such as mugwort (Artemisia douglasiana), pacific blackberry (Rubus ursinus), and Douglas' nightshade (Solanum douglasii). Avocado trees (Persea americana) are present within the orchards in the adjacent upland area to the northwest of the project area. The upland areas adjacent to Dos Pueblos Creek have been previously modified for agricultural purposes, and are dominated by non-native plant species.

Santa Barbara honeysuckle is a CRPR 1B.2 and locally sensitive perennial evergreen vining shrub that typically blooms between May and August and can grow between 2 and 5 feet tall. It occurs at elevations that range from approximately 5 to 825 meters above mean sea level. An occurrence of this community is reported 0.11 miles upstream from the study area.

Mesa Horkelia is a CNPS Rank 1B.1 and is found in chaparral, woodland, and coastal scrub. It typically blooms between February and July.

Twenty-two non-native plant species were detected within the project area during the field survey, including slender oat (Avena barbata), black mustard (Brassica nigra), ripgut brome (Bromus diandrus), red brome (Bromus madritensis), Italian thistle (Carduus pycnocephalus), ice plant (Carpobrotus edulis), bull thistle (Cirsium vulgare), poison hemlock (Conium maculatum), red gum (Eucalyptus camaldulensis), English ivy (Hedera helix), bristly ox-tongue (Helminthotheca echioides), juniper (Juniperus spp.), prickly wild lettuce (Lactuca serriola), cheeseweed (Malva parviflora), kikuyu grass (Pennisetum clandestinum), English plantain (Plantago lanceolata), rabbitsfoot grass (Polypogon monspeliensis), castor bean (Ricinus communis), curly dock (Rumex crispus), prickly sow-thistle (Sonchus asper), smilo grass (Stipa miliacea), and Mexican fan palm (Washingtonia robusta).

A total of 54 protected trees, including 13 coast live oak (Quercus agrifolia) trees, 12 California sycamore (Platanus racemosa) trees, and 29 arroyo willow (Salix lasiolepis) trees were recorded within 50 feet of the project area within Dos Pueblos Creek, and within 25 feet of the proposed access roads in upland areas outside the creek.

Fauna:

Based on the database and literature review, 22 special status wildlife species are known or have the potential to occur within five miles of the study area. Of these 22 species, five have a moderate or high potential to occur within the study area and two protected species have a low potential. The remaining 15 special status species are not expected to occur.

California red-legged frog (Rana draytonii, Foraging and Breeding) (SSC, federally threatened). California red-legged frog (Rana draytonii; CRLF), a federally threatened and state species of special concern, occurs in lowlands and foothills in or near permanent sources of deep water with dense, shrubby or emergent riparian vegetation. Primary constituent elements require that for CRLF, and area must have two (or more) suitable breeding locations, a permanent water source, and associated uplands surrounding these water bodies up to 300 feet from the water's edge. Breeding for CRLF generally occurs between November and April in permanent and semi-permanent natural ponds or backwater portions of streams. This species requires 11-20 weeks of permanent water for larval development. CRLF movements are variable, and dispersing individuals can travel over land between breeding sites up to 1.7 miles. Movements often occur along riparian corridors; however, drier upland sites are utilized during the rainy season.

CRLF is determined to have high potential to occur within the study area based upon the presence of suitable habitat. CRLF were documented within Dos Pueblos Canyon Creek in September 2017. Red-legged frogs occur in the Eagle Canyon, Tomate Canada, and Dos Pueblos Canyon Creek watersheds and may move between aquatic habitats in these watersheds by traversing hundreds or thousands of feet of intervening grassland, coastal scrub, and oak woodland habitats to access these aquatic sites.

White-tailed kite (Elanus leucurus; Nesting). White-tailed kite is a state fully protected species, is a regular breeder along the Santa Barbara coastline. They nest in trees, usually with a dense canopy, but nest trees can vary from single, isolated trees to trees within large woodlands. The study area provides suitable nesting habitat for the species in the coast live oak and arroyo willows onsite. Therefore, white-tailed kite has a high potential to occur within the study area.

Western Pond turtle (Emys marmorata) (SSC). The Western Pond turtle is an aquatic turtle that occurs in ponds, marshes, rivers, streams and irrigation ditches that typically support aquatic vegetation. It requires downed logs, rocks, mats of vegetation, or exposed banks. Those that reside in creeks, are also known to over-winter in upland habitats, or during the dry season when waterways are dry. Upland movements can reach hundreds of meters from aquatic habitats. The typical nesting season is usually from April through August. Portions of Dos Pueblos Canyon Creek within the study area

provide suitable habitat for the western pond turtle, and recent EIRs have identified the species in the lower reaches Dos Pueblos Canyon Creek. The closest documented CNDDB occurrence of this species is approximately 3.9 miles northwest within El Capitan Creek. Therefore, this species has moderate potential to occur in the study area.

Coast range newt (Taricha torosa) (SSC). The coast range newt (Taricha torosa), a CDFW species of special concern, is a stocky, medium-sized Salamander. They are found in coastal drainages, lives in terrestrial habitats under woody debris or in crevices, and will migrate over one kilometer to breed in ponds, reservoirs, and slow-moving streams. Moderately suitable habitat (e.g., slow-flowing or standing freshwater) is present in the study area within the Dos Pueblos Canyon Creek; however, there is no CNDDB record of this species within a five-mile radius of the study area. Therefore, this species has moderate potential to occur within the study area due to the presence of suitable habitat.

California horned lark (Eremophila alpestris actia) (WL). California horned lark is a watchlist species, is a small, ground-dwelling songbird that inhabits areas of bare ground with sparse vegetative cover. The closest CNDDB occurrence for this species is approximately 4.75 miles southeast. Given the suitable habitat and the recorded occurrence, this species has moderate potential to occur within the study area.

Southern California steelhead (Oncorhynchus mykiss). Southern California steelhead (Oncorhynchus mykiss) is a federally listed endangered and state candidate fish and are currently the only species of this group that naturally reproduces within the coastal watersheds of southern California. Steelhead serve as an indicator of the health of southern California watersheds. There are no CNDDB records of this species within five miles of the study area, but steelhead were observed downstream of the study area south of US 101 in 2001. While Dos Pueblos Canyon Creek contains suitable water depths for steelhead, there are two partial barriers to fish migration approximately 0.1 and 0.6 miles downstream of the study area. Due to these barriers potentially obstructing upstream migration, steelhead is determined to have low potential to occur within the study area.

Monarch butterfly (Danaus plexippus). The monarch butterfly species is not listed, but are currently classified as a Candidate for listing under the FESA and action is expected to occur in 2024 and habitat and overwintering roosts are considered ESH by the County. During the fall, monarch butterflies migrate to California coastal areas area and form large wintering aggregations in groves of trees, often blue gum eucalyptus. GCP DevStd NS-6 prohibits construction within 200 feet of a monarch roost from November 1 to April 1. The study area contains a grove of mature red gum eucalyptus trees. The closest known overwintering site for monarch butterflies is approximately 0.5 miles northwest of the study area in Dos Pueblos Ranch south of Highway 101. The monarch butterfly overwintering roosts have low potential to occur within the study area.

Thresholds. Santa Barbara County's Environmental Thresholds and Guidelines Manual (2008) includes guidelines for the assessment of biological resource impacts. The following thresholds are applicable to this project:

Wetlands: Projects which result in a net loss of important wetland area or wetland habitat value, either through direct or indirect impacts to wetland vegetation, degradation of water quality, or will threaten the continuity of wetland-dependent animal or plant species are considered to have a potentially significant effect on the environment. Projects which substantially interrupt wildlife access, use and dispersal in wetland areas will typically be considered to have a potentially significant impact. Projects which disrupt the hydrology of wetlands systems will be considered to have a potentially significant impact.

Riparian Habitats: Project created impacts may be considered significant due to: direct removal of riparian vegetation; disruption of riparian wildlife habitat, particularly animal dispersal corridors and or understory vegetation; or intrusion within the upland edge of the riparian canopy leading to potential disruption of

animal migration, breeding, etc. through increased noise, light and glare, and human or domestic animal intrusion; or construction activity which disrupts critical time periods for fish and other wildlife species.

Native Grasslands: In general, project created impacts to native grasslands may be considered significant if they involve removal of or severe disturbance to a patch or a combined patch area of native grasses that is greater than one-quarter (1/4) acre in size. The grassland must contain at least 10 percent relative cover of native grassland species (based on a sample unit). Impacts to patch areas less than one-quarter acre in size that are clearly isolated and not part of a significant native grassland or an integral component of a larger ecosystem are usually considered insignificant.

Oak Woodlands and Forests: Project created impacts may be considered significant due to habitat fragmentation, removal of understory, alteration to drainage patterns, disruption of the canopy, removal of a significant number of trees that will cause a break in the canopy, or disruption in animal movement in and through the woodland.

Individual Native Trees: Project created impacts may be considered significant due to the loss of 10% or more of the trees of biological value on a project site.

Other Rare Habitat Types: The Manual recognizes that not all habitat-types found in Santa Barbara County are addressed by the habitat-specific guidelines. Impacts to other habitat types or species may be considered significant, based on substantial evidence in the record, if they substantially: (1) reduce or eliminate species diversity or abundance; (2) reduce or eliminate the quality of nesting areas; (3) limit reproductive capacity through losses of individuals or habitat; (4) fragment, eliminate, or otherwise disrupt foraging areas and/or access to food sources; (5) limit or fragment range and movement; or (6) interfere with natural processes, such as fire or flooding, upon which the habitat depends.

Impact Discussion:

(a, c, f, k). Plant Communities. The section of L247 proposed for inspection and repair runs through the riparian ESH Overlay associated with Dos Pueblos Creek. The Project will require excavation of 1,800-cubic-yards of material within Dos Pueblos Creek, which will be redistributed onsite following repair. Site access, pipeline repair (partially within Dos Pueblos Creek channel), and workspace areas will occur within SoCal Gas' designated right-of-way (ROW) or along established roads and turnout areas. The existing L247 is approximately 15-feet deep and will therefore require a 2:1 slope to safely access the pipeline. The trench will be a total of 215-feet long and 15-feet wide. This will remove natural vegetation made up of both native and non-native plant communities along the banks of Dos Pueblos Creek. The project will have a temporary disturbance of approximately 0.18-acres (7,397-square-feet) of California sycamore woodlands within the excavation area through Dos Pueblos Creek. Approximately, 0.01-acres (344-square-feet) of riverwash will be disturbed from diverting the creek to allow a dry excavation area. Additionally, approximately 0.05-acres (2,083-square-feet) of arroyo willow thicket will be temporarily disturbed along the workspace and laydown area on the west side of the creek. Arroyo Willow thicket, California sycamore woodlands, and riverwash are considered environmentally sensitive habitat areas. Once the pipeline is repaired/replaced the project footprint will be returned to pre-project contours and sensitive habitat will be restored to the extent feasible as described in a Habitat Restoration Plan (MM-BIO-11).

Due to the limited space available for work and restoration within the SoCal Gas easement, compensatory mitigation higher than 1:1 replacement is not feasible onsite. Therefore, a habitat restoration plan will require replacement of all impacted vegetation at a 1:1 replacement ratio and outline performance standards that reach a 100% success rate. The applicant may expand habitat replacement beyond the area of impact, further into the SoCal Gas Construction Corridor, or onto neighboring property with the approval of the private owner, to ensure the quantities and qualitative 1:1 replacement ratio. The Restoration Plan shall include details on stabilizing soils and returning the area to pre-project contours, removing invasive species, and planting arroyo willow stakes in suitable habitat adjacent to the project

area. Spacing will be adjusted to emulate natural conditions. Willows are pioneers in riparian areas and are known to grow quickly. Finally, a single hand broadcast/hydroseed of native seed mix will be distributed within the restoration area. The goal of the Restoration Plan will be to restore ESH and riparian woodlands within the project's temporary impact area and encourage the establishment of native plant species, for a period of five years. In addition to the habitat restoration plan, vegetation trimming and excavation within CDFW jurisdiction is anticipated to require notification under California Fish and Game Code § 1602 (MM-BIO-04). The water diversion plan and dewatering plan will be reviewed and approved by CDFW and the RWQCB as part of their permitting process. Any groundwater encountered during excavation will be hauled off site to approved disposal facilities or discharged to the ground/surface water as authorized under the Statewide General Order for Discharge from Natural Gas Utility Construction, Operation, and Maintenance Activities (Order 2017-0026-DWQ).

Temporary impacts to USACE and RWQCB jurisdiction will require submittal of a Notice of Intent (NOI) to the State Water Resources Control Board consistent with the Pre-certified Water Quality Certification of the 2021 Nationwide Permits for work within waters of the United States (Order No. [WQ] 2020-0039-EXEC). Additionally, replacement in the same trench is the least damaging alternative. The project area bisects the Coastal Zone boundary, meaning 7,795-square-feet (0.17 acre) of coastal ESH and 2,028-square-feet (0.05 acre) of inland Arroyo Willow thicket ESH will be impacted. Upland vegetation does not require habitat restoration as all upland areas proposed to be temporarily impacted have already been disturbed and/or have pre-existing land uses (e.g., agriculture). A majority of the access and staging areas are proposed on the adjacent parcel to the northwest of the creek (APN 079-080-039), outside the coastal zone and ESH overlay.

Project construction may not result in impacts to all of the identified areas, and restoration will only be required for areas impacted by the project activities. Implementation of worker training (MM-BIO-01), biological monitoring (MM-BIO-02), habitat fencing (MM-BIO-05), appropriate equipment handling (MM-BIO-07 & MM-BIO-08), habitat restoration (MM-BIO-11), tree protection and replacement (MM-BIO-12 through MM-BIO-14) will protect against any future adverse impacts in the wetlands and natural vegetation communities. Indirect impacts from construction, such as erosion and runoff, will be minimized through compliance with SoCal Gas' stormwater manual and SoCal Gas' use of appropriate Best Management Practices (MM-BIO-10). With the proposed measures implemented, the project will be consistent with LCP/GCP riparian ESH protection requirements and temporary impacts will be *less than significant with implementation of applicant proposed measures*.

(b). Plant Species. Based on the results of the 2021 and 2022 field surveys, no special status plant species are present within the study area. However, two special status plant species, Mesa horkelia and Santa Barbara honeysuckle, have a low potential to occur within the study area. Direct impacts through injury or mortality to individual plant species during construction is possible from use of heavy construction equipment required for access or pipeline excavation. Accidental fuel spills during construction could also lead to contamination of soils, and habitat degradation. Indirect impacts could result from habitat modifications by the introduction of invasive plants from construction equipment. The project will not include new development or permanent impacts and restoration of temporary impacts will be included the Habitat Restoration Plan (MM-BIO-11). Effects will be further reduced though worker training (MM-BIO-01), biological monitoring (MM-BIO-02), pre-construction surveys (MM-BIO-03), habitat fencing (MM-BIO-05 & MM-BIO-06), best management practices (MM-BIO-10), tree protection and replacement (MM-BIO-12 through MM-BIO-14). Given the low probability to occur, potential direct and indirect impacts to special status plants will *be less than significant with mitigation.*

(d). Non-Native Vegetation. The Project will also impact approximately 1,850-square-feet of an avocado orchard for use of the northern laydown yard and workspace to accommodate equipment and require removal of three avocado trees which will be replaced when the project is completed. This area is within an Agricultural Preserve Contract. Impacts to agricultural resources are discussed further in Section 4.2.

Due to the constant maintenance and work that occur on the avocado orchards, this area is not deemed as providing valuable habitat. In some configurations, non-native tree groves provide roosting and nesting habitat for raptors, including white-tailed kite, as well as aggregation sites for monarch butterflies. The red gum eucalyptus tree grouping located on the eastern side of the creek is not sufficiently sized to provide habitat for monarch aggregation, and lacks the dense canopy often associated with white-tailed kite nest sites. These trees were also inspected for signs of raptor nests, and none were present. In the event raptors or nesting birds occupy the area prior to construction, appropriate buffers will be put in place for protection of the nests as discussed in subsection g. Impacts to non-native vegetation will be *less than significant.*

(e). Tree impacts. Of the 50 protected trees within the study area, 15 will be removed (1 California sycamore and 14 arroyo willows) and 14 will be encroached upon including five (5) coast live oak trees, 1 California sycamore tree, and 8 arroyo willows trees (Figure 6 & Table 3). Per the Biological Resources Analysis, 'encroachment' includes the trimming of branches less than 2 inches in diameter or work within 10% of the Tree Protection Zone, which would not require mitigation. Tree removal and encroachment is required because trees are located direct on top of the existing Line 247 and within the construction access areas, therefore, project redesign is not feasible. A certified arborist shall be onsite for all tree trimming and excavations associated with the project activities (CoA-BIO-10). Prior to project mobilization, where the project is adjacent to areas that will not be trimmed, temporary construction fencing shall be installed by the contractor at the edge of the temporary construction easement to avoid impacts to the habitat throughout the duration of construction. A County approved Tree Protection and Replacement Plan will be prepared and implemented (MM-BIO-12 through MM-BIO-14) to ensure no more trees are impacted during construction and restoration activities. Protected Trees including Coast Live Oak trees, Arroyo Willow and California Sycamore must be replaced at a 10:1 ratio, resulting in the replacement of 140 arroyo willow trees and 10 California Sycamore.

The Tree Restoration Plan shall identify locations within SoCal Gas' work corridor that have the ability to host the replacement trees without affecting the underground pipeline. These locations will be opportunistically planted within Dos Pueblos Creek's riparian corridor. Once the area within SoCal Gas' easement has been exhausted, individual trees may be planted upstream or downstream of the affected area to improve the overall health of the Creek, with property owner consent. Once replacement within these locations has been exhausted, the applicant may request off-site plantings to be approved by Planning and Development if needed. Any replaced trees will then be maintained and monitored for five years from the point of installation. A qualified biologist shall monitor the tree replacement progress for five years (MM-BIO-13). Additional protection measures including restricting areas to be graded and protective fencing, are recommended for protected trees that are proposed to be preserved within close proximity to project workspaces (MM-BIO-12). These measures will ensure protected trees are not inadvertently damaged. Therefore, impacts will be *less than significant with mitigation.*

Table 3. Number of impacted trees

Protected Trees	Encroached	Removed	Replacement
California Sycamore	1	1	10
Arroyo Willow	8	14	140
Coast Live Oak	5	0	0
Total	14	15	150

(g, h). Animal Species. Per the CNDDB results, there is a high potential for California red-legged frog and white-tailed kite to be present within the study area. There is a moderate potential for western pond turtle, coast range newt, and California horned lark, and a low potential for the monarch butterfly and southern California steelhead to occur.

The project site is not within the CRLF Critical Habitat Unit identified by the Service, and the species was not discovered during initial reconnaissance, jurisdictional, or special status species surveys. However, the project area is known to have suitable habitat for breeding and foraging activities and observers have reported the species in the action area. The most recent occurrences of California red-legged frog in the project site are known from California Natural Diversity Database (CNDDB) occurrences reported in 2017. The biological resource assessment noted that mature riparian vegetation supports the banks of Dos Pueblos Canyon Creek where California red-legged frog could seek refuge. Encounters of dispersing California red-legged frog in upland areas will likely be limited to during the wet season (November to April) or during suitable climatic conditions for movement (e.g., during rain events, dense fog, high humidity, etc.). The proposed project will not result in permanent impacts to aquatic non-breeding habitat; however, the project will temporarily result in 0.2-acre of disturbance to California red-legged frog habitat. Temporary disturbance will result from excavation activities as well as additional disturbances associated with access, surface water diversion, and temporary stockpiles. Personnel will utilize approximately 0.15-acre of laydown yard in areas deemed not suitable habitat for California red-legged frog. In a Formal Consultation letter dated June 16, 2023 (Attachment 6), the Service concluded that the project meets the criteria outlined in the Programmatic Biological Opinion (PBO) for projects that may result in adverse effects to the California red-legged frog but will not affect the long-term viability of the population in the action area. The Service's PBO is included as Attachment 5 for reference. The project will result in less than 0.5-acre of temporary disturbance and will not result in permanent impacts to California red-legged frog habitat. Measures to avoid and minimize impacts to California red-legged frog include worker awareness training (MM-BIO-01), biological monitoring (MM-BIO-02), pre-activity clearance surveys (MM-BIO-03), exclusionary fencing (BIO-06), and coordination with state and federal agencies (MM-BIO-04). Additionally, if the project complies with all the avoidance and mitigation measures outlined in the 2020 PBO, construction may proceed without further consultation from the Service (2023 USFWS Consultation Letter).

Fully Protected white-tailed kites are known to nest in trees with a dense canopy along the Gaviota coast, but nest trees can vary from single isolated trees to trees within large woodlands. The species may forage, breed, or roost in the study area due to the presence of suitable habitat. Direct impacts to birds may occur if individuals and/or active nests are present in the work area through direct mortality, physical impacts to active nests, or causing abandonment of nests. Additionally, indirect impacts from noise and human presence may cause disturbance if active nests or foraging individuals are within the vicinity of construction and could ultimately result in nest failure. Potential direct and indirect impacts to special status avian species will be reduced by Biological Resource Awareness Training (MM-BIO-01), pre-construction surveys and monitoring by an onsite biologist (MM-BIO-02 & MM-BIO-3), nesting bird surveys and buffers (MM-BIO-09), and general best management practices (MM-BIO-10).

Dos Pueblos Creek is within the range of the endangered Southern California Distinct Population Segment of steelhead (Oncorhynchus mykiss) and is designated critical habitat for this species. In a letter dated September 22, 2023 (Attachment 7) the Army Corps of Engineers (Corps) determined the proposed project is not likely to adversely affect endangered steelhead. The Corps' determination is based on an expectation no steelhead will be present in the action area at the time of construction and effects to critical habitat will be confined to a relatively small area, minimal in magnitude, and temporary in duration. Adverse effects on steelhead in Dos Pueblos Creek resulting from the proposed action are expected to be discountable. While water is expected in the action area throughout the year, steelhead are not expected to be present at the time of construction (late summer or early fall) owing in part to negligible surface flow. Further, the biological assessment for the project reports no steelhead were observed in the action area during habitat and steelhead surveys on September 24, 2020, June 27, 2022, and September 13, 2023.

Trees in the study area do not form a suitable grove with appropriate microhabitat for roosting monarch butterflies. Although individuals of species could fly through the study area, overwintering roosts are unlikely to be present in the study area. Should special status fish, reptile, amphibian, or insect species be encountered during the proposed project there could be direct impacts through injury or mortality to individuals that are present during construction. These could occur during the use of heavy construction equipment required for access or pipeline excavation by direct strikes to wildlife. Indirect impacts could result from habitat modifications by the introduction of invasive plants from construction equipment and contamination of soils and habitat degradation due to accidental fuel spills during construction, resulting in loss of cover and foraging opportunities. Impacts to aquatic resources, such as Dos Pueblos Canyon Creek, could negatively impact aquatic and semi-aquatic species such as the Steelhead, CRLF, and Coast range newt. Direct and indirect impacts could result from water quality degradation (e.g., increased turbidity, altered pH, decreased dissolved oxygen levels) due to working within flowing or ponded water. Potential direct and indirect impacts to special status fish, reptile, and amphibian species will be reduced by Biological Resource Awareness Training (MM-BIO-01), pre-construction surveys (MM-BIO-03), monitoring by an onsite biologist (MM-BIO-02), nesting bird surveys and buffers (MM-BIO-09), and general best management practices (MM-BIO-10) to a *less than significant* level.

(i). Unique Habitats. The study area is located in designated critical habitat for the southern California steelhead within Dos Pueblos Canyon Creek. The study area contains 0.08 acre (0.92 percent) of riverwash and will temporarily impact 0.01 acres to implement a Dos Pueblos Creek water diversion plan and dewatering plan which will provide safe access to the pipeline below the creek bed, and limit work within ponded or flowing water. Two sandbag cofferdams will be constructed to the north and south of L247 resulting in a dry work area. A 50-foot long 36-inch bypass pipe will be installed between the sandbag cofferdams to allow water to pass the dry work area should flow be present during construction activities. Within the last 80-years of record, there has only been four events of water flow within the creek between June and August. Therefore, flow is not expected to occur and the 36-inch bypass line is of sufficient size to allow drainage patterns to occur normally. In a letter dated September 22, 2023 (Attachment 7) the Army Corps of Engineers (Corps) determined the proposed project is not likely to adversely affect the designated critical habitat for steelhead in Dos Pueblos Creek because the project will be confined to a relatively small area, minimal in magnitude, and temporary in duration.

Effects from fine sediment incidentally entering surface water in the creek are expected to be insignificant for several reasons. Once the diversion is in place, in-channel construction will occur only in a dewatered work area, which eliminates the potential for excavation activities to contribute fine sediment to surface flow. A small amount of sediment from the creekbed may become disturbed and enter surface water during diversion installation and removal. However, the diversion will be installed and removed when creekflow is minimal (less than 1 cfs) so elevated sediment in surface flow is expected to remain localized (i.e., not extend beyond 50 feet downstream) and temporary (settling within less than an hour after the diversion is constructed or removed). This minimal amount of sediment temporarily entering the creek's surface flow, if observed, is not expected to diminish the functional value of critical habitat. The effects of incidental fine sediment input to the creek channel are expected to be insignificant. Construction activities (e.g., trench excavation) may disturb sediment particles in the creek channel making them more susceptible to mobilization. However, loose particles within the channel are expected to be composed of native creek alluvium that will redistribute and settle within the first few hours of elevated creek flow through the channel. Further, planting disturbed areas immediately after construction will ensure the establishment vegetation prior to the following wet-season. As a result, the likelihood fine sediment input from disturbed upland areas will be greatly reduced and not expected to result in measurable fine sediment input to the creek. As a result, these sediment disturbances are not expected to diminish the functional value of critical habitat.

Dos Pueblos Canyon Creek also provides highly suitable aquatic breeding and foraging habitat for the California Redd-legged frog, consisting of intermittent sources of slow-flowing or standing freshwater with structure for water pooling that may be occasionally present during the rainy season or the summer months following an above average rainfall season. In addition, the banks of Dos Pueblos Canyon Creek are supported by mature riparian vegetation where CRLF could seek refuge. Encounters of dispersing CRLF in upland areas will likely be limited to during the wet season (November 1 to April 30) or during suitable climatic conditions for movement (e.g., during rain events, dense fog, high humidity, etc.).

Impacts to steelhead critical habitat and potential CRLF aquatic breeding and foraging habitat will be reduced by preparation of a habitat restoration plan (MM-BIO-11) and general best practice measures (MM-BIO-10). Additionally, as part of the Clean Water Act Section 404 Certification the USACE will consult with the National Marine Fisheries Service to determine potential project effects on the steelhead population (MM-BIO-04). Therefore, impacts will be *less than significant with mitigation.*

(j). Movement Corridors. The study area provides limited opportunity for wildlife movement. The site is between a busy transportation corridor to the south (US 101) and fenced grazing operations to the north. Fencing is present along the eastern bank of Dos Pueblos Canyon Creek. However, the wetted stream channel of Dos Pueblos Canyon Creek provides a potential movement corridor within the study area and wildlife may use the creek to travel north and south of US 101. The creek contains habitat for aquatic and semi-aquatic species, and its associated riparian corridor contains sufficient tree canopy to provide suitable travel corridors for various birds and terrestrial wildlife species passing through surrounding agricultural and developed areas. The project will also require a temporary creek diversion/de-watering to support construction activities, but adverse effects of the proposed action on migration conditions for steelhead are expected to be insignificant. Once in-channel construction activities are complete, the diversion will be removed and the creek channel regraded to pre-construction elevations and composed of only native creek materials. Therefore, the physical structure (e.g., slope, shape, substrate size and composition) of the active creek channel is expected to be retained similar to existing conditions, which currently impose no impediment to steelhead passage. As a result, the creek bed in the action area is not expected to experience an alteration that will reduce the ability of the corridor to serve as a migration route for the species. The proposed project is not located within any known regional wildlife movement corridors. No special status plant species were observed within the study area during the field surveys. Additionally, to provide safe access to the pipeline below the creek bed, and limit work within ponded or flowing water, a water diversion plan and dewatering plan will be prepared and implemented. Therefore, impacts to barriers and movement are expected to be *less than significant*.

Cumulative Impacts. Since the project will not significantly impact biological resources onsite, it will not have a cumulatively considerable effect on the County's biological resources.

Mitigation and Residual Impact. The following mitigation measures will reduce the project's biological resource impacts to an insignificant level:

MM-BIO-01 Biological Resource Awareness Training. Before any ground disturbing work (including vegetation clearing and excavation) occurs in the construction footprint, a qualified biologist shall conduct a mandatory biological resources awareness training for all construction personnel about all sensitive species that may be encountered in the project area, materials including photographs to aid in identification of sensitive species that may be encountered, the laws and codes that regulate these species, and the protection measures that must be followed to avoid and minimize impacts. If new construction personnel are added to the project, the contractor shall ensure that the new personnel receive the mandatory training before starting work. The materials will advise project participants that federally-listed species, in particular California red-legged frog, are not be handled or in any way encouraged to leave the work area and can only be handled by an agency authorized biologist. The subsequent training of personnel can include videotape of the initial training and/or the use of written materials rather than in-person training by a biologist. **Plan Requirements:** This condition shall be

noted on any plans. A sign in sheet of construction workers who attended the training will be provided to Planning and Development (P&D) staff upon request. **Timing:** The training shall occur before any ground disturbing work (including vegetation clearing and excavation) occurs in the construction footprint. **Monitoring:** The Owner/Applicant shall demonstrate to P&D compliance monitoring staff. Confirmation of training shall be documented and kept onsite at all times. P&D processing planner shall ensure measures are on plans.

MM-BIO-02 Onsite Biologist. The Owner/Applicant shall designate a P&D-approved biologist to be onsite throughout all construction activities which may impact protected native trees and/or sensitive biological resources. Duties include the responsibility to ensure all aspects of the Biological Resources Assessment including the preconstruction surveys, responsibilities described in the Tree Protection & Tree Replacement Plans and Habitat Restoration Plan, and continued monitoring during construction. If any sensitive species occur within the project area, the County-approved biologist shall relocate the species out of harm's way. State or federally listed species may not be handled unless authorized by CDFW and/or USFWS, as applicable. CRLF may only be handled by a USFWS approved biologist as specified by the CRLF BO or any other agency permit. The biologist will have the authority to temporarily halt or redirect work to avoid impacts to special status species or other protected biological resources. Once initial ground disturbance and vegetation removal is complete, the monitoring effort may be reduced to a daily sensitive species survey prior to the beginning of construction activities, when those activities have the potential to create a hazard to wildlife (i.e., open trenches). **Plan Requirements:** This condition shall be noted on any plans. The contact information of the biological monitor shall be provided to P&D processing staff. **Timing:** The biological monitor shall be designated prior to issuance of the Coastal Development Permit. The biological components apply from the beginning of any construction activities until the project is complete. **Monitoring:** The Owner/Applicant shall submit to P&D compliance monitoring staff the name and contact information for the approved biologist prior to commencement of construction/pre-construction meeting. P&D compliance monitoring staff shall site inspect as appropriate.

MM-BIO-03 Special Status Surveys and Monitoring. A pre-activity clearance survey shall be conducted by a Service-approved biologist each morning prior to commencement of work. The daily surveys are required every day that any site work will occur. The survey will include all components in the project footprint including staging areas and a 200-foot buffer. The biologist will monitor initial clearing and grubbing of all sites during construction and restoration efforts and will be responsible for ensuring that conditions of approval are being enforced and that success criteria are being met. The Service-approved biologist will have the authority to temporarily halt activities if permit requirements and conditions are not being met. The following measures shall be implemented to further mitigate impacts to sensitive species:

- During the survey, the biologist shall gently disturb or rake the upper layers of exposed soil to inspect the site. All rodent burrows shall be identified and clearly marked by a qualified biologist for avoidance to the extent feasible, daily. This shall include all equipment staging areas and access routes. Rodent burrows within the project areas that overlap the Covered Species' habitat will be excavated by a Service-approved biologist using hand tools until it is certain that the burrows are unoccupied.

- Steep-walled excavations (e.g., trenches) that may act as pitfall traps will be inspected for wildlife at least once per day and immediately before backfilling. In lieu of daily inspections (weekends, etc.), exclusionary fencing, covers, ramps, or similar measures will be taken to prevent wildlife entrapment.

- All vehicles, equipment, and materials staged on site overnight shall be inspected each morning by a designated member of the construction crew. If special-status wildlife species are observed, the vehicle will not be moved until the animal has vacated the area on its own accord or has been relocated out of harm's way.

- No ground-disturbing project activities shall be conducted during rain events, within 24 hours of any predicted rain event (i.e., 50% chance of rain or greater), or during the 48 hours after these events if rain has occurred. If work extends into the rainy season, P&D and other agencies as appropriate shall be notified and construction may only extend to the first significant storm event, unless approved by the County biologist.
- No construction work will be initiated until a Service-approved biologist determines that the work area is clear of California red-legged frogs.
- If special-status wildlife species are observed within the project site and cannot be avoided by the project (e.g., unable to safely move out of the project site on its own, nests or roosts are observed within the project site), the biologist shall notify the County and coordinate all appropriate communication with the regulatory agencies (e.g., USFWS, CDFW).
- If listed plant species or CNPFS List 1B species are discovered, the County and regulatory agencies will be notified. The area will be avoided to the greatest extent feasible. If avoidance is not possible then a translocation plan will be established and approved by regulatory agencies prior to implementation. Rare plant populations will be mapped using a GPS unit and flagged prior to construction. The plant populations will be avoided to the greatest extent feasible. If avoidance is not possible then a revegetation/relocation plan will be developed, submitted to regulatory agencies for approval and implemented.
- Unless otherwise allowed via permit by the USFWS and CDFW, legally protected species (e.g., CRLF) shall not be handled or harassed and shall be avoided.
- Additionally, as part of this measure a qualified biologist will check the water diversion daily and ensure that the water diversion is in proper working function for the duration of the project.

PLAN REQUIREMENTS: This condition shall be noted on any plans. The contact information of the biological monitor shall be provided to P&D processing staff. **TIMING:** The biological monitor shall be designated prior to issuance of grading permits. The biological components apply from the beginning of any grading or construction throughout all development activities until Final Building Inspection Clearance is issued. **MONITORING:** The Owner/Applicant shall submit to P&D compliance monitoring staff the name and contact information for the approved arborist/biologist prior to commencement of construction / pre-construction meeting. P&D compliance monitoring staff shall site inspect as appropriate.

MM-BIO-04 Fish and Wildlife Jurisdiction Advisory. The project site is within the range of California red-legged frog, a species listed as Federally Threatened by the U.S. Fish and Wildlife Service, National Marine Fisheries Service and/or California Department of Fish and Wildlife. Based upon a report prepared by Rincon Consultants Inc., dated December 2022, it has been determined that the probability for California red-legged frog occurrence on the site is high. The issuance of this permit does not relieve the permit-holder of any duties, obligations, or responsibilities under the federal or California Endangered Species Act or any other law. The permit-holder shall contact the necessary jurisdictional agencies to ascertain his or her level of risk under the federal and California Endangered Species Act in implementing the project herein permitted.

Indemnity for Violation of the Endangered Species Act: The applicant shall defend, indemnify and hold harmless the County or its agents, officers and employees from any and all claims, actions, proceedings, demands, damages, costs, expenses (including attorneys fees), judgments or liabilities, against the County or its agents, offices or employees brought by any entity or person for any and all actions or omissions of the applicant or his agents, employees or other independent contractors arising out of this permit alleged to be in violation of the federal or California Endangered Species Acts (16 USC Sec. 1531 et seq.; Cal. Fish and Game Code Sec. 2050 et sec.). This permit does not authorize,

approved or otherwise support a "take" of any listed species as defined under the federal or California Endangered Species Acts. Applicant shall notify County immediately of any potential violation of the federal and/or California Endangered Species Act.

MM-BIO-05 Sensitive Habitat, Tree, and Wetland Fencing and Protection. Excavation or grubbing within or adjacent to sensitive habitats including native trees shall be avoided except where permitted. Where excavation must be performed within sensitive areas (as determined by P&D), it shall be performed with tracked construction equipment that has been checked and maintained daily to prevent leaks and using hand tools. Prior to project activities, a survey will refine the boundaries of sensitive habitats/ESH onsite. At the conclusion of the project, a post-construction survey will be conducted within seven days of project completion to document impacts to sensitive habitats removed as a part of the project. Sensitive habitats will be restored. Prior to project mobilization, where the project is adjacent to sensitive habitat and ESH, protected trees (i.e., California sycamore, arroyo willow, and coast live oak trees), and wetlands, temporary construction fencing shall be erected by the contractor at the edge of the temporary construction easement to avoid impacts to the habitat throughout the duration of construction. The fencing will serve as a visual boundary for construction personnel. The biological monitor shall ensure fencing is in place and ensure sensitive habitat avoidance for the duration of construction in the affected area. The temporary fencing shall be removed upon completion of the project. All heavy construction equipment and vehicles shall be restricted to established roadways and access roads to the maximum extent practicable to minimize habitat disturbance. If new temporary access roads are required, existing hydrology shall be maintained. Wetland mats shall be used within ESH and wetlands when heavy equipment must be used outside of the workspace, laydown area, and established roadways or access roads. The staging areas in native habitat will be mowed with no actual ground disturbance and the soil will be stabilized with water when the project is completed. Prior to excavation in sensitive habitats the topsoil will be segregated to preserve the existing seed bank, and the work area will be watered to stabilize the soil after work is completed (a water truck will be staged at this location and also utilized for fire control and dust control). Upon construction completion, the staging areas will be returned to pre-construction contours to the extent feasible. **Plan Requirements:** The above measure shall be noted on all construction plans. **Timing:** Construction fencing shall be erected by the contractor prior to ground disturbing activities. **Monitoring:** P&D compliance monitoring staff shall ensure compliance onsite during construction.

MM-BIO-06 Exclusionary Fencing. Prior to the start of remediation activities, the project site will be enclosed with silt fence or fabric material at the discretion of a Service-approved biologist to minimize the potential for California red-legged frogs to enter the worksite. Exclusionary fencing will be maintained for the duration of the project and inspected each work day during construction activities. The fence will be buried 6 inches deep and extend at least 30 inches above ground. When remediation activities have been completed, the fence material will be removed. If an individual of the Covered Species or other wildlife species is observed within an enclosed worksite, a portion of the fencing will be removed to allow the individual to vacate the area on its own. Alternatively, the animal may be relocated out of harm's way in consultation with CDFW and USFWS. **PLAN REQUIREMENTS AND TIMING:** This condition shall be printed on project plans submitted for Coastal Development Permit Issuance. Fencing shall be installed prior to ground disturbing activities. **MONITORING**: P&D processing planner shall ensure measures are on plans. P&D Compliance inspectors shall spot check; and shall ensure compliance onsite throughout construction activities.

MM-BIO-07 Equipment Storage-Construction. The Owner/Applicant shall designate one or more construction equipment filling and storage areas within the laydown yard to contain spills, facilitate clean-up and proper disposal and prevent contamination from discharging to the storm drains, street, drainage ditches, creeks, or wetlands. The areas shall be no larger than 50 x 50 foot unless otherwise approved by P&D and shall be located at least 100 feet from any storm drain, waterbody or sensitive

biological resources. **PLAN REQUIREMENTS**: The Owner/Applicant shall designate the P&D approved location on all Coastal Development & grading permit plans. **TIMING**: The Owner/Applicant shall install the area prior to commencement of construction. **MONITORING**: P&D compliance monitoring staff shall ensure compliance prior to and throughout construction.

MM-BIO-08 Equipment Washout-Construction. The Owner/Applicant shall designate one or more washout areas for the washing of concrete trucks, paint, equipment, or similar activities to prevent wash water from discharging to the storm drains, street, drainage ditches, creeks, or wetlands. Note that polluted water and materials shall be contained in these areas and removed from the site daily. The areas shall be located at least 100 feet from any storm drain, waterbody or sensitive biological resources. **PLAN REQUIREMENTS**: The Owner/Applicant shall designate the P&D approved location on all Coastal Development & grading permit plans. **TIMING**: The Owner/Applicant shall install the area prior to commencement of construction. **MONITORING**: P&D compliance monitoring staff shall ensure compliance prior to and throughout construction.

MM-Bio-09 Nesting Bird Surveys. To avoid disturbance of nesting birds, including raptorial species, protected by the Federal Migratory Bird Treaty Act (MBTA) and Sections 3503, 3503.5, and 3513 of the California Fish and Game Code (CFGC), the removal of vegetation, ground disturbance, exterior construction activities, and demolition shall occur outside of the bird nesting season (February 1 through August 31) whenever feasible. If these activities must occur during the bird nesting season, then a pre-construction nesting bird survey shall be performed by a County-qualified biologist. Pre-construction surveys for nesting birds shall occur within the area to be disturbed and shall extend outward from the disturbance area by 500 feet. The distance surveyed from the disturbance may be reduced if property boundaries render a 500-foot survey radius infeasible, or if existing disturbance levels within the 500-foot radius (such as from a major street or highway) are such that project-related activities will not disturb nesting birds in those outlying areas. If any occupied or active bird nests are found, a buffer shall be established and demarcated by the biologist with bright orange construction fencing, flagging, construction lathe, or other means to mark the boundary. The buffer shall be 300 feet for non-raptors and 500 feet for raptors, unless otherwise determined by the qualified biologist and approved by P&D. Buffer reductions shall be based on the known natural history traits of the bird species, nest location, nest height, existing pre-construction level of disturbance in the vicinity of the nest, and proposed construction activities. All construction personnel shall be notified as to the location of the buffer zone and to avoid entering the buffer zone during the nesting season. No ground disturbing activities or vegetation removal shall occur within this buffer until the County-qualified biologist has confirmed that nesting is completed, the young have fledged and are no longer dependent on the nest, or the nest fails, and there is no evidence of a second nesting attempt; thereby determining the nest unoccupied or inactive. If birds protected under MBTA or CFGC are found to be nesting in construction equipment, that equipment shall not be used until the young have fledged and are no longer dependent on the nest, and there is no evidence of a second nesting attempt. **PLAN REQUIREMENTS AND TIMING:** If construction must begin within the nesting season, then the pre-construction nesting bird survey shall be conducted no more than one week (7 days) prior to commencement of vegetation removal, grading, or other construction activities. Active nests shall be monitored by the biologist at a minimum of once per week until it has been determined that the nest is no longer being used by either the young or adults, and there is no evidence of a second nesting attempt. Bird survey results and buffer recommendations shall be submitted to County Planning and Development for review and approval prior to commencement of grading or construction activities. The qualified biologist shall prepare weekly monitoring reports, which shall document nest locations, nest status, actions taken to avoid impacts, and any necessary corrective actions taken. Active nest locations shall be marked on an aerial map and provided to the construction crew on a weekly basis after each survey is conducted. Active nests shall not be removed without written authorization from USFWS and CDFW. **MONITORING:** P&D shall be given the name and contact information for the

biologist prior to initiation of the pre-construction survey. Permit Compliance and P&D staff shall review the survey report(s) for compliance with this condition prior to the commencement of ground-disturbing activities and perform site inspections throughout the construction period to verify compliance in the field.

MM-BIO-10 General Best Management Practices. General requirements to be followed by construction personnel are listed below.

- During construction, all equipment used onsite shall be properly maintained such that no leaks of oil, fuel, or residues will take place. Provisions shall be in place to remediate any accidental spills in both the terrestrial and aquatic environments.
- During construction, the project footprint shall be clearly delineated in the field to prevent direct impacts outside of the designated areas. All sensitive species and sensitive species' habitats located within ESH and within 100 feet of construction activities shall be delineated with specific sensitive species labeling (e.g., signage stating, "No Entry – Environmentally Sensitive Habitat" attached to temporary construction fencing). Since the project is temporary, orange snow fencing will be sufficient for the duration of construction.
- No new areas of disturbance for lay down areas, parking, staging, stockpiling, or other support areas for the project are proposed. Only previously disturbed areas with compacted soils shall be employed to support these work zones.
- Dust generated by the project will be kept to a minimum and water trucks will be utilized to prevent dust from leaving the project area.
- BMPs shall be implemented throughout the project and will include, but not limited to, erosion and sediment controls to minimize erosion during construction. BMPs will be implemented for the duration of the project until disturbed areas have been stabilized by long-term erosion control measures.
- Prior to entering the project site, all vehicles and equipment will be clean and inspected for invasive plant seeds or plant parts.
- The contractor shall clearly delineate the construction limits and prohibit any construction-related traffic outside these boundaries. All equipment shall only be stored in the designated equipment staging areas.
- Project-related vehicles shall observe a 5-mile-per-hour speed limit within unpaved roads and a 20-mile-per-hour speed limit within the paved limits of construction
- Project-related vehicles and construction equipment shall restrict off-road travel outside of the designated construction area.
- All open trenches shall be fenced or sloped to prevent entrapment of wildlife species.
- All food-related trash items such as wrappers, cans, bottles, and food scraps generated during proposed project construction shall be cleaned up daily and disposed of in closed containers only.
- No deliberate feeding of wildlife shall be allowed.
- No pets shall be allowed on the project site.
- Except for authorized personnel, no firearms shall be allowed on the project site.
- If vehicle or equipment maintenance is necessary, it shall be performed in the designated staging areas.

- If construction must occur at night (between dusk and dawn), all lighting will be shielded and directed downward to minimize the potential for glare or spillover onto adjacent properties and to reduce impacts on local wildlife.
- Any observation of a dead, injured, or entrapped listed species shall immediately be reported to the construction foreman or biological monitor. The construction foreman or monitor shall immediately notify SoCal Gas. SoCal Gas will coordinate all appropriate communications with the regulatory agencies.
- Any worker who inadvertently injures or kills a special status species or finds one dead, injured, or entrapped shall immediately report the incident to the construction foreman or biological monitor. The construction foreman or monitor shall immediately notify SoCal Gas. SoCal Gas will coordinate all appropriate communications with the regulatory agencies.

PLAN REQUIREMENTS AND TIMING: These requirements shall be described and detailed on the site and posted at the construction site. The Owner/Applicant shall delineate the extent of the project areas prior to commencement of construction. **MONITORING:** P&D compliance monitoring staff shall ensure compliance prior to and throughout construction.

MM-BIO-11 Habitat Restoration Plan. A Habitat Restoration Plan shall be developed and implemented for the re-vegetation of Dos Pueblos Canyon Creek and the surrounding disturbed buffer. At a minimum, the plan shall identify the impacts to, and provide mitigation for ESH and to restore riparian vegetation in the area to pre-construction conditions to the extent feasible, as proposed with willow replanting. If seeding or supplemental planting is required to meet the success criteria, plant species will be chosen based on the pre-construction conditions as recommended by a qualified biologist. The plan shall include direction on the seed types, planting methods, as well as the time of year for planting. Requirements for irrigation, monitoring of plants and replacement, if needed, is established in the plan. The final plan shall be submitted to the regulatory agencies and P&D for review and integration into applicable agency permits. Impacts to ESH or wetland habitat at a 1:1 ratio. If naturally occurring rare plants are detected in the study area prior to or during construction, the size and location of all identified occurrences shall be mapped on the final project plans, and impact acreages shall be quantified based on proposed limits of disturbance. If naturally occurring rare plants are detected in the project area, the plants shall be avoided. If avoidance is not feasible or plants are inadvertently damaged, a salvage and relocation plan shall be developed (in consultation with resource agencies as applicable). The number of plants impacted shall be used to determine the number of individuals required to be installed as mitigation. Each individual plant inadvertently removed shall have a mitigation ratio of at least at a 1:1 in accordance with GCP Policy NS 11, or at a higher ratio determined by the resource management agencies (e.g., USFWS). **TIMING:** Restoration plans shall be reviewed and approved by P&D prior to the issuance of the Coastal Development Permit. The Owner/Applicant shall post a performance security to ensure installation prior to project completion approval and a separate security for maintenance for five years. **MONITORING:** The Owner/Applicant shall demonstrate to P&D compliance monitoring staff that all required components of the approved plan(s) are in place as required prior to Final Inspection Clearance. P&D compliance monitoring staff signature is required to release the installation security upon satisfactory installation of all items in approved plans and maintenance security upon successful implementation of this plan.

MM-BIO-12 Tree Protection Plan. Owner/Applicant shall submit a Tree Protection Plan (TPP) prepared by a P&D-approved arborist/biologist. The TPP shall include the following:

a. All trees shall be preserved. No grading shall be within 6 ft. of the dripline of these trees.

b. Fourteen (14) arroyo willow trees will be removed and major encroachment on one (1) California sycamore tree along the easement. Depict location of these trees.

c. Depict the project footprint

d. Depict equipment storage (including construction materials, equipment, fill soil or rocks) and construction staging and parking areas outside of the protection area.

e. Depict the type & location of protective fencing or other barriers to be in place to protect remaining trees in protection areas during construction.

f. Depict the location of all paths within 25 feet of dripline areas. Only pervious paving materials (gravel, brick without mortar, turf block) are permitted within 6 feet of dripline areas.

g. Grading shall be designed to avoid ponding and ensure drainage within driplines of oak trees.

PLAN REQUIREMENTS: Owner/Applicant shall: (1) Submit TPP; (2) Include applicable components in Tree Replacement Plan and Landscape and Irrigation Plans if required; (3) Include as notes or depictions all plan components listed above. **TIMING**: The Owner/Applicant shall comply with this measure prior to issuance of the Coastal Development Permit. Plan components shall be included on all plans prior to the issuance of grading permits. Owner/Applicant shall install tree protection measures prior to issuance of grading permits and pre-construction meeting. **MONITORING**: Owner/Applicant shall demonstrate to P&D compliance staff that trees identified for protection were not damaged or removed or if damage, or removal occurred, that correction is completed per the TPP prior to Final Building Inspection Clearance.

MM-BIO-13 Protected Tree Replacement. The Owner/Applicant shall submit for P&D approval a Tree Replacement Plan prepared by a P&D-approved arborist/ biologist including the following components:

a. The replacement ratio for all protected trees will be 10:1.

b. If minor encroachment shows a decline because of construction, 10:1 replacement will also be required. If approved by P&D, replacement may allow 3:1 replacement with 15 gallon or larger replacement trees.

c. The replacement trees shall be of the same species. Replacement trees are to be grown from local genetic stock. Willow trees will be sprigs. Sycamore or oak trees will be grown in 1-gallon, five-gallon, or 14-inch “tree tube” containers before out-planting.

d. Replanting location of trees. The plan shall identify tree replacement locations within SoCal Gas’ work corridor. Other locations upstream or downstream may be proposed, with property owner approval, to improve the overall health of the Creek. Once replacement within these locations has been exhausted, the applicant may request off-site plantings on the Gaviota Coast to be approved by Planning and Development (P&D).

e. The trees shall be irrigated until established (a period to be established by the P&D approved arborist).

f. The trees shall be weaned off irrigation over a period of two to five years or until approved by P&D in coordination with the arborist.

g. No permanent irrigation shall occur in the dripline of any tree (unless approved by P&D).

h. If replacement trees cannot all be accommodated on site, the Owner/Applicant shall submit a plan for P&D approval for replacement trees to be planted off site.

PLAN REQUIREMENTS/TIMING: This condition shall be noted on any plans. The Final Tree Replacement Plan shall be reviewed and approved by P&D prior to issuance of a CDP. The Owner/Applicant shall post a performance security to ensure installation prior to Final Building Inspection Clearance and maintenance for five years. **MONITORING**: The Owner/Applicant shall demonstrate to P&D staff that all required components of the approved plan(s) are in place as required prior to Final Inspection Clearance and maintained throughout maintenance period. P&D

staff shall ensure satisfactory installation of all items in approved plans and successful implementation of this plan.

MM-BIO-14 Tree Replacement Plan Unexpected Damage. In the event of unexpected damage or removal of native or specimen trees, the Applicant shall hire a biologist or arborist to assess damage and recommend tree replacement in the form of a Tree Replacement Plan. Upon P&D approval of the Tree Replacement Plan, the Applicant shall post a performance security to cover the costs for planting and maintenance of the replacement trees, consistent with the recommended maintenance timeline within the Tree Replacement Plan. The required tree replacement shall be done under the direction of P&D and Applicant must obtain authorization from P&D prior to any further work occurring on site. Any performance securities required for installation and maintenance of replacement trees will be released by P&D after inspection and approval of such installation and maintenance.

Damaged trees shall be replaced following the below ratio options: 10:1 ratio for 5 gallon containers, 5:1 ratio for 15 gallon containers, 3:1 ratio for 24-inch boxes, 2:1 ratio for 36-inch boxes, and 1:1 ratio for 48-inch boxes. If it becomes necessary to remove a tree not planned for removal, if feasible, the tree shall be boxed and replanted. If an arborist certifies that it is not feasible to replant the tree, and confirmed by P&D, it shall be replaced with the ratios listed above (or 15:1 for Blue or Valley Oaks) with trees grown from locally obtained seed. If replacement trees cannot all be accommodated on site, a plan must be approved by P&D for replacement trees to be planted off site.

With the incorporation of these measures, residual impacts will be insignificant.

4.5 CULTURAL RESOURCES

Will the proposal:	**Poten. Signif. and Unavoid.**	**Signif. But Mitigable**	**Insignif.**	**No Impact / Beneficial Impact**	**Reviewed Under Previous Document**
a. Cause a substantial adverse change in the significance of any object, building, structure, area, place, record, or manuscript that qualifies as a historical resource as defined in CEQA Section 15064.5?				X	
b. Cause a substantial adverse change in the significance of a prehistoric or historic archaeological resource pursuant to CEQA Section 15064.5?		X			
c. Disturb any human remains, including those located outside of formal cemeteries?		X			

Will the proposal:	Poten. Signif. and Unavoid.	Signif. But Mitigable	Insignif.	No Impact / Beneficial Impact	Reviewed Under Previous Document
d. Cause a substantial adverse change in the significance of a tribal cultural resource, defined in the Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is: 1) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or 2) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.		X			

County Environmental Thresholds: Chapter 8 of the Santa Barbara County Environmental Thresholds and Guidelines Manual (2008, revised February 27, 2018) contains guidelines for the identification, significance evaluation, and mitigation of impacts to cultural resources, including archaeological, historic, and tribal cultural resources. In accordance with the requirements of CEQA, these guidelines specify that if a resource cannot be avoided, it must be evaluated for importance under specific CEQA criteria. CEQA Section 15064.5(a)(3)A-D contains the criteria for evaluating the importance of archaeological and historic resources. Generally, a resource shall be considered by the lead agency to be "historically significant" if the resource meets the significance criteria for listing in the California Register of Historical Resources: (A) Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage; (B) Is associated with the lives of persons important in our past; (C) Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values; or (D) Has yielded, or may be likely to yield, information important in prehistory or history. The resource also must possess integrity of at least some of the following: location, design, setting, materials, workmanship, feeling, and association. For archaeological resources, the criterion usually applied is (D).

CEQA calls cultural resources that meet these criteria "historical resources". Specifically, a "historical resource" is a cultural resource listed in, or determined to be eligible for listing in, the California Register of Historical Resources, or included in or eligible for inclusion in a local register of historical resources, as defined in subdivision (k) of Section 5020.1, or deemed significant pursuant to criteria set forth in subdivision (g) of Section 5024.1. As such, any cultural resource that is evaluated as significant under CEQA criteria, whether it is an archaeological resource of historic or prehistoric age, a historic built environment resource, or a tribal cultural resource, is termed a "historical resource".

CEQA Guidelines Section 15064.5(b) states that "a project that may cause a substantial adverse change in the significance of an historical resource is a project that may have a significant effect on the environment." As defined in CEQA Guidelines Section 15064.5(b), substantial adverse change in the significance of an historical resource means physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of an historical resource will be materially impaired. The significance of an historical resource is materially impaired when a project: (1) demolishes or materially alters in an adverse manner those physical characteristics of an historical resource that convey its historical significance and that justify its inclusion in, or eligibility for, inclusion in the California Register of Historical Resources; (2) demolishes or materially alters in an adverse manner those physical characteristics that account for its inclusion in a local register of historical resources; or (3) demolishes or materially alters in an adverse manner those physical characteristics of a historical resource that convey its historical significance and that justify its eligibility for inclusion in the California Register of Historical Resources as determined by a lead agency for purposes of CEQA.

For the built environment, a project that follows the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings or the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings (Weeks and Grimmer 1995), is generally considered as mitigated to an insignificant impact level on the historical resource.

Existing Setting. For at least the past 10,000 years, the area that is now Santa Barbara County has been inhabited by Chumash Indians and their ancestors. Based on the Phase 1 Archaeological Resources Report, prepared by Rincon Consultants, Inc. dated August 2022 and records on file at the CCIC (Central Coast Information Center of the University of California, Santa Barbara), cultural resources are not located in the vicinity of the proposed project.

The records search conducted at the CCIC in December 2016, identified 4 recorded archaeological sites located within 0.5 of the project site, however, none of the sites are located within the project site. A Phase 1 archaeological survey conducted by Rincon Archaeologist Mary Pfeiffer, BA, on August 24, 2021 did not identify any archeological resources the project site and 100-foot survey buffer. Ground disturbances in the form of grading, orchard planting, roadway establishment, and previous pipeline installation and maintenance were observed throughout the project site and available historical aerial imagery of the project site indicates that the area has been subject to agricultural activity as far back as 1947.

The pedestrian field survey were also negative for historic-period cultural resources. Background research identified the presence of one historic property, the Juan Batista de Anza National Historic Trail, within the 0.5-mile search radius that was not identified in the records search. The historic trail is located approximately 0.3 miles south of the project site.

On February 16, 2024, a formal notice of application completeness for the proposed project was sent to Julie Tumamait-Stenslie, Chair of the Barbareno/Ventureno Band of Mission Indians, Kenneth Kahn, Tribal Chairman of the Santa Ynez Band of Chumash Indians, and Gabriel Frausto, Chairman of the Coastal Band of the Chumash Nation.

The notice provided notification of the opportunity for consultation under AB 52, and included a description of the proposed project and a summary of the Phase 1 Archeological Survey methods and results. On February 16, 2024, the Coastal Band of the Chumash Nation responded to the notification agreeing with the recommendations provided in the Phase 1 Report and requested tribal/cultural resource monitoring during all ground disturbance phases of this proposed project due to the close proximity to known culturally sensitive locations. No other response was received and no tribal cultural resources (TCRs) were identified on the subject parcel.

Impact Discussion:

(a). The Anza Trail is considered commemorative of the de Anza Expedition as an important historic event and as a multi-use trail, it serves two key goals: recreation, and historic interpretation. The trail is located 0.3-miles outside of the project boundaries and was therefore not observed either during the pedestrian survey or subsurface testing. Therefore, there is no potential for adverse effects to the character defining features of the trail.

(b - d). Excavation is proposed within previously disturbed soils along the existing pipeline and no cultural resources were identified within or adjacent to the project area. Based on the results of the study, the proposed project will not cause a substantial adverse change in the significance of a prehistoric or historic archaeological resource, disturb any human remains, or cause a substantial adverse change in the significance of a tribal cultural resource. Due to the general archaeological sensitivity of the area, the Phase 1 Archeological Resources Report recommends a Worker's Environmental Awareness Program (WEAP) be conducted to inform construction crews of the potential cultural resources concerns in the area as a standard measure (MM-CultRes-01). Additionally, AB52 Consolation included the request for an Archaeological and Native American Monitor to be present during all ground-disturbing activities (MM-CulRes-02). In the event archaeological remains are encountered during construction, work will immediately stop until appropriate mitigation can be applied (MM-CultRes-03). Therefore, impacts to archaeological or tribal cultural resources are *less than significant with mitigation.*

Cumulative Impacts. Since the project will not significantly impact cultural resources, it will not have a cumulatively considerable effect on the County's cultural resources with implementation of the mitigation measures described below.

Mitigation and Residual Impact. The following mitigation measures will reduce the project's cultural resource impacts to an insignificant level:

MM-CulRes-01 WEAP Training. Workers Environmental Awareness Program (WEAP). The Applicant will invite a County-approved archaeologist to provide a cultural resources awareness training program (WEAP) for all personnel involved in project construction, including field consultants and construction workers. The County will invite the Santa Ynez Band of Chumash Indians THPO or their designee to provide a tribal cultural resources awareness training program (WEAP) for all personnel involved in project construction, including field consultants and construction workers. The one-time WEAP training session shall be conducted prior to any project-related construction activities in the project area. The WEAP will include relevant information regarding sensitive cultural resources and tribal cultural resources, including applicable regulations, protocols for avoidance, and consequences of violating State laws and regulations. The WEAP will also describe appropriate avoidance and impact minimization measures for cultural resources and tribal cultural resources that could be located at the project site and will outline what to do and who to contact if any potential cultural resources or tribal cultural resources are encountered. The WEAP will emphasize the requirement for confidentiality and culturally appropriate treatment of any discovery of significance to Native Americans and will discuss appropriate behaviors and responsive actions, consistent with Native American tribal values. **PLAN REQUIREMENTS:** The Applicant shall submit the WEAP to the County for review and approval prior to implementation. All workers, contractors, and visitors shall attend the WEAP prior to entering the project site and performing any work. The Applicant shall provide copies of the training attendance sheets to County staff as a record of compliance with this measure on a monthly basis. **TIMING:** The WEAP shall be reviewed and approved by the County prior to Coastal Development issuance. Implementation of the one-time WEAP training session shall occur prior to the start of construction. As new crew members are added to the project WEAP training will be provided and will require employee review and sign off by construction superintendent. **MONITORING:** P&D permit compliance staff will ensure compliance with the WEAP throughout construction by review of attendance sheets and hardhats, inspection of the site, and interviewing workers, as appropriate.

MM-CulRes-02 Cultural Resource Monitor. The Owner/Applicant shall have all earth disturbances including scarification and placement of fill within the archaeological site area monitored by a P&D approved archaeologist and a Native American consultant in compliance with the provisions of the County Archaeological Guidelines. **TIMING**: Prior to issuance of the Coastal Development Permit, the Owner/Applicant shall submit for P&D review and approval, a contract or Letter of Commitment between the Owner/Applicant and the archaeologist, consisting of a project description and scope of work, and once approved, shall execute the contract. **MONITORING**: The Owner/Applicant shall provide P&D compliance monitoring staff with the name and contact information for the assigned onsite monitor(s) prior to grading/building permit issuance and pre-construction meeting. P&D compliance monitoring staff shall confirm monitoring by archaeologist and Native American consultant and P&D grading inspectors shall spot check field work.

MM-CulRes-03 Stop Work at Encounter. The Owner/Applicant and/or their agents, representatives or contractors shall stop or redirect work immediately in the event archaeological remains are encountered during grading, construction, landscaping or other construction-related activity. The Owner/Applicant shall immediately contact P&D staff, and retain a P&D approved archaeologist and Native American representative to evaluate the significance of the find in compliance with the provisions of the County Archaeological Guidelines and conduct appropriate mitigation funded by the Owner/Applicant. If human remains are unexpectedly encountered, the State of California Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the County Coroner has made a determination of origin and disposition pursuant to Public Resources Code Section 5097.98. In the unlikely event of an unanticipated discovery of human remains, the County Coroner must be notified immediately. If the human remains are determined to be prehistoric, the Coroner will notify the NAHC, which will determine and notify a most likely descendant (MLD). The MLD has 48 hours from being granted site access to make recommendations for the disposition of the remains. If the MLD does not make recommendations within 48 hours, the landowner shall reinter the remains in an area of the property secure from subsequent disturbance. **PLAN REQUIREMENTS:** This condition shall be printed on all building and grading plans. **MONITORING:** P&D permit processing planner shall check plans prior to issuance of the Coastal Development Permit and P&D compliance monitoring staff shall spot check in the field throughout grading and construction.

With the incorporation of these measures, residual impacts will be insignificant.

4.6 ENERGY

Will the proposal result in:	Poten. Signif. and Unavoid.	Signif. But Mitigable	Insignif.	No Impact / Beneficial Impact	Reviewed Under Previous Document
a. Substantial increase in demand, especially during peak periods, upon existing sources of energy?				X	
b. Requirement for the development or extension of new sources of energy?				X	

Impact Discussion:

(a, b). The County has not identified significance thresholds for electrical and/or natural gas service impacts (Thresholds and Guidelines Manual). Private electrical and natural gas utility companies provide service to customers in Central and Southern California, including the unincorporated areas of Santa Barbara County. The proposed project consists of grading, pipeline replacement, and restoration to maintain SoCal Gas' natural gas pipeline, which provides natural gas to customers in Morro Bay. Only mobile equipment will be used to

execute the soil excavation and pipeline/concrete removal work, which will not result any increase in demand upon nearby energy sources. There are no structures proposed as part of this project, therefore no new energy sources will be required and there will be no impact to energy resources.

Cumulative Impacts The project's contribution to the regionally significant demand for energy is not considerable, and is therefore less than significant.

Mitigation and Residual Impact. No mitigation is required. Residual impacts will be less than significant.

4.7 FIRE PROTECTION

Will the proposal result in:	**Poten. Signif. and Unavoid.**	**Signif. But Mitigable**	**Insignif.**	**No Impact / Beneficial Impact**	**Reviewed Under Previous Document**
a. Introduction of development into an existing high fire hazard area or exposure of people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?			X		
b. Project-caused high fire hazard?			X		
c. Introduction of development into an area without adequate water pressure, fire hydrants or adequate access for fire fighting?			X		
d. Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?			X		
e. Introduction of development that will substantially impair an adopted emergency response plan, emergency evacuation plan, or fire prevention techniques such as controlled burns or backfiring in high fire hazard areas?			X		
f. Development of structures beyond safe Fire Dept. response time?			X		

County Standards. The following County Fire Department standards are applied in evaluating impacts associated with the proposed development:

- The emergency response thresholds include Fire Department staff standards of one on-duty firefighter per 4000 persons (generally 1 engine company per 12,000 people, assuming three firefighters/station). The emergency response time standard is approximately 5-6 minutes.
- Water supply thresholds include a requirement for 750 gpm at 20 psi for urban single family dwellings in urban and rural developed neighborhoods, and 500 gpm at 20 psi for dwellings in rural areas (lots larger than five acres).
- The ability of the County's engine companies to extinguish fires (based on maximum flow rates through hand held line) meets state and national standards assuming a 5,000 square foot structure. Therefore, in any portion of the Fire Department's response area, all structures over 5,000 square feet are an unprotected risk (a significant impact) and therefore should have internal fire sprinklers.

- Access road standards include a minimum width (depending on number of units served and whether parking will be allowed on either side of the road), with some narrowing allowed for driveways. Cul-de-sac diameters, turning radii and road grade must meet minimum Fire Department standards based on project type.
- Two means of egress may be needed and access must not be impeded by fire, flood, or earthquake. A potentially significant impact could occur in the event any of these standards is not adequately met.

Impact Discussion:

(a - f). In 1955, the Dos Pueblos Refugio Fire burned 79,429 acres between Dos Pueblos and Refugio State Park. Predictions about the long-term effects of global climate change in California include increased incidence of wildfires and a longer fire season, due to drier conditions and warmer temperatures. Any increase in the number or severity of wildfires has the potential to impact resources to fight fires when they occur, particularly when the state experiences several wildfires simultaneously. Such circumstances place greater risk on development in high fire hazard areas.

The project involves the construction of a temporary bypass line to allow natural gas to continue flowing during replacement of a 215-foot long segment of the existing pipeline through Dos Pueblos Canyon Creek. Short-term impacts may arise as a result of the introduction of mechanized equipment during removal work since construction activities will include introducing mechanical construction equipment to the densely vegetated creek area. The project is located within a High Fire Hazard Area and the closest Santa Barbara County Fire Station No. 11, located approximately 8-miles east of the project site at 6901 Frey Way in Goleta. Adequate access to the site is available via N. Dos Pueblos Canyon Road. Best Management Practices will be used during all construction activities to ensure fire safe practices. The project does not propose any new permanent structures or features that will lead to an increased fire hazard, therefore, no impacts are expected. County Fire reviewed the proposed project and no conditions were applied.

Cumulative Impacts. Since the project will not create significant fire hazards, it will not have a cumulatively considerable effect on fire safety within the County.

Mitigation and Residual Impact. No mitigation is required. Residual impacts will be insignificant.

4.8 GEOLOGIC PROCESSES

Will the proposal result in:	Poten. Signif. and Unavoid.	Signif. But Mitigable	Insignif.	No Impact / Beneficial Impact	Reviewed Under Previous Document
a. Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving exposure to or production of unstable earth conditions such as landslides, earthquakes, liquefaction, soil creep, mudslides, ground failure (including expansive, compressible, collapsible soils), or similar hazards?			X		
b. Disruption, displacement, compaction or overcovering of the soil by cuts, fills or extensive grading?			X		
c. Exposure to or production of permanent changes in topography, such as bluff retreat or sea level rise?			X		

Will the proposal result in:	Poten. Signif. and Unavoid.	Signif. But Mitigable	Insignif.	No Impact / Beneficial Impact	Reviewed Under Previous Document
d. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?				X	
e. Any increase in wind or water erosion of soils, either on or off the site?		X			
f. Changes in deposition or erosion of beach sands or dunes, or changes in siltation, deposition or erosion which may modify the channel of a river, or stream, or the bed of the ocean, or any bay, inlet or lake?		X			
g. The placement of septic disposal systems in impermeable soils with severe constraints to disposal of liquid effluent?				X	
h. Extraction of mineral or ore?				X	
i. Excessive grading on slopes of over 20%?			X		
j. Sand or gravel removal or loss of topsoil?				X	
k. Vibrations, from short-term construction or long-term operation, which may affect adjoining areas?				X	
l. Excessive spoils, tailings or over-burden?				X	

Existing Setting. The project site is located within the western portion of the Transverse Ranges geomorphic province of southern California. The Transverse Ranges province is oriented in a general east-west direction, which is transverse to the general north-northwest structural trend of the remainder of California Coastal mountain ranges. The western Transverse Ranges are composed of sedimentary, volcanic, and metamorphic rocks ranging in geologic age from the Jurassic to Holocene. North-south tectonic compression has resulted in regional east-west trending faults and folds within rocks of the western Transverse Ranges.

Environmental Threshold. Pursuant to the County's Adopted Thresholds and Guidelines Manual, impacts related to geological resources may have the potential to be significant if the proposed project involves any of the following characteristics:

1. The project site or any part of the project is located on land having substantial geologic constraints, as determined by P&D or PWD. Areas constrained by geology include parcels located near active or potentially active faults and property underlain by rock types associated with compressible/collapsible soils or susceptible to landslides or severe erosion. "Special Problems" areas designated by the Board of Supervisors have been established based on geologic constraints, flood hazards and other physical limitations to development.
2. The project results in potentially hazardous geologic conditions such as the construction of cut slopes exceeding a grade of 1.5 horizontal to 1 vertical.
3. The project proposes construction of a cut slope over 15 feet in height as measured from the lowest finished grade.
4. The project is located on slopes exceeding 20% grade.

Impact Discussion:

(a). Potential to Result in Geologic Hazards. The proposed project consists of grading, the replacement of a section of the existing L247, and the restoration of the site. The project site is not underlain by any known fault. The closest active fault is the Santa Ynez fault zone laying approximately 5.6 miles north of the

project site. There will not be any exposure to or production of unstable earth conditions such as landslides, earthquakes, soil creep, mudslides or ground failure resulting from the proposed project. The proposed project will involve returning the topography of the area to its existing conditions. Liquefaction potential in the area has been determined to be moderate. No permanent structures will result from the project and no excessive spoils, tailings or overburden are proposed. The only exception to this is that soil will be excavated and will be stockpiled. All soils-related hazards will be *less than significant*.

(b, c, i). Potential for Grading-Related Impacts. The project will involve a negligible amount of fill which will have negligible impacts on the environment. Total area of disturbance of the project will be 3.28-acres (142,877-sf) including workspaces and laydown yards. Approximately 1,918-cubic-yards of temporary cut entirely within the existing easement is proposed for removal, including approximately 1,792-cubic-yards of cut for Anomaly Repair (215-ft long, 15-ft wide, and 15-ft deep trench) and up to 63-cubic-yards for each stopple fittings (8-10 ft x 15-17 ft x 10 ft each, two stopple fittings). The excavated materials will be used to backfill the trench. No excessive spoils, tailings or overburden is proposed. The only exception to this is that soil will be excavated and will be stockpiled onsite for refilling the graded areas therefore there will be no loss of topsoil. Although some areas that require excavation to access the pipeline are located on slopes exceeding 20%, standard erosion and sediment control measures are sufficient to prevent impacts. Topography will be restored to match the existing, surrounding area. Impacts will be temporary and *less than significant*.

(c). Exposure to Rising Sea Level. Predictions about the long-term effects of global climate change include rising sea levels due to the melting of glaciers and thermal expansion. Rising sea-levels caused by global climate change could increase the rate of coastal-bluff retreat due to scouring of the base of bluffs. Although the exact rate of potential sea level rise cannot be determined, the Intergovernmental Panel on Climate Change[1] predicts that sea levels could possibly rise between 50 and 90 centimeters (approximately 1.6-to-3 feet) by the year 2100. Since the project includes areas subject to coastal erosion, coastal bluff retreat has been modeled for the project location. Based on this modeling, the site location will appear to be adequately set back from coastal erosion within that planning horizon. The site location is on the northern side of Highway 101 and does not propose the construction of permanent structures, therefore the project will appear to be adequately set back from coastal erosion within that planning horizon. *No impact* is expected.

(e, f). Potential Erosion and Sedimentation Impacts. Grading operations that will occur on the project site will remove vegetative cover and disturb the ground surface, thereby increasing the potential for erosion and sedimentation impacts. However, the potential for the project to cause substantial erosion and sediment transport will be adequately mitigated by the County's standard erosion control and drainage requirements. Thus, impacts will be less than significant with mitigation.

The Proposed Project will result in temporary ground-disturbing activities to an area greater than 1 acre in size; therefore, the Project will be subject to the requirements of the NPDES Construction General Permit, which will require preparation of a SWPPP (MM-Geo-01). Slope stabilization methods will be proposed in the SWPPP to help stabilize impacted slopes and minimize erosion, sedimentation, and water turbidity downstream. Implementation of the Proposed Project will not result in substantial erosion or siltation on or off site through alteration of existing drainage patterns. Grading operations that will occur on the project site will remove vegetative cover and disturb the ground surface, thereby increasing the potential for erosion and sedimentation impacts. The project site does not have substantial geological constraints. Although some areas that require sampling and/or excavation are located on slopes exceeding 20%, standard erosion and sediment control measures are sufficient to prevent impacts. The potential for the project to cause substantial erosion and sediment transport will be mitigated by the County's standard erosion and sediment control and drainage requirements included herein as mitigation

[1] The Intergovernmental Panel on Climate Change is a scientific intergovernmental body set up by the World Meteorological Organization (WMO) and by the United Nations Environment Programme (UNEP).

measure MM-Geo-01: Erosion and Sediment Control Plan. Impacts will be *less than significant with mitigation*.

(d, g, h, j, k, l). Other Potential Geological Hazards. There are no unique geological features located on the project site, and the project will not result in the use of septic systems. The project will not involve mining, the loss of topsoil, or construction-related vibrations.

The project will not cause destruction, covering or modification of any unique geologic, paleontological, or physical features. The project will not involve the placement of septic disposal systems. No permanent extraction of soil for mineral or ore materials is proposed. Any vibrations from construction work that will affect adjoining areas are likely to be short term and minimal in comparison to vibrations from the railroad adjacent to the site. *No impacts* are anticipated.

Cumulative Impacts. Since the project will not result in significant geologic impacts after mitigation, and geologic impacts are typically localized in nature, it will not have a cumulatively considerable effect on geologic hazards within the County.

Mitigation and Residual Impact:

MM-Geo-01 Erosion and Sediment Control Plan. Where required by the latest edition of the California Green Code and/or Chapter 14 of the Santa Barbara County Code, a Storm Water Pollution Prevention Plan (SWPPP), Storm Water Management Plan (SWMP) and/or an Erosion and Sediment Control Plan (ESCP) shall be implemented as part of the project. Grading and erosion and sediment control plans shall be designed to minimize erosion during construction and shall be implemented for the duration of the grading period and until re-graded areas have been stabilized by structures, long-term erosion control measures or permanent landscaping. The Owner/Applicant shall submit the SWPPP, SWMP or ESCP) using Best Management Practices (BMP) designed to stabilize the site, protect natural watercourses/creeks, prevent erosion, convey storm water runoff to existing drainage systems keeping contaminants and sediments onsite. The SWPPP or ESCP shall be a part of the Grading Plan submittal and will be reviewed for its technical merits by P&D. Information on Erosion Control requirements can be found on the County web site re: Grading Ordinance Chapter 14 (http://sbcountyplanning.org/building/grading.cfm) refer to Erosion and Sediment Control Plan Requirements; and in the California Green Code for SWPPP (projects < 1 acre) and/or SWMP requirements. **PLAN REQUIREMENTS**: The grading and SWPPP, SWMP and/or ESCP shall be submitted for review and approved by P&D prior to approval of land use clearances. The plan shall be designed to address erosion, sediment and pollution control during all phases of development of the site until all disturbed areas are permanently stabilized. **TIMING**: The SWPPP requirements shall be implemented prior to the commencement of grading and throughout the year. The ESCP/SWMP requirements shall be implemented between November 1st and April 15th of each year, except pollution control measures shall be implemented year round. **MONITORING**: P&D staff shall perform site inspections throughout the construction phase.

With the incorporation of these measures, residual impacts will be insignificant.

4.9 HAZARDOUS MATERIALS/RISK OF UPSET

Will the proposal result in:	Poten. Signif. and Unavoid.	Signif. But Mitigable	Insignif.	No Impact / Beneficial Impact	Reviewed Under Previous Document
a. In the known history of this property, have there been any past uses, storage or discharge of hazardous materials (e.g., fuel or oil stored in underground tanks, pesticides, solvents or other chemicals)?			X		
b. The use, storage or distribution of hazardous or toxic materials?			X		
c. A risk of an explosion or the release of hazardous substances (e.g., oil, gas, biocides, bacteria, pesticides, chemicals or radiation) in the event of an accident or upset conditions?			X		
d. Possible interference with an emergency response plan or an emergency evacuation plan?			X		
e. The creation of a potential public health hazard?			X		
f. Public safety hazards (e.g., due to development near chemical or industrial activity, producing oil wells, toxic disposal sites, etc.)?			X		
g. Exposure to hazards from oil or gas pipelines or oil well facilities?			X		
h. The contamination of a public water supply?			X		

Existing Setting. SoCal Gas L247 is an existing high pressure natural gas L247 under Dos Pueblos Creek. It runs through the creek north towards Santa Maria. After an internal inspection, SoCalGas determined anomalies in L247 are present and require inspection and repair/replacement to comply with regulations promulgated by the U.S. Department of Transportation Pipeline Hazardous Materials and Safety Administration, Office of Pipeline Safety and the California Public Utilities Commission (CPUC) to conform with the Pipeline Safety and Improvement Act of 2002 and other regulations promulgated since that time.

Threshold. The County's safety threshold addresses involuntary public exposure from projects involving significant quantities of hazardous materials. The threshold addresses the likelihood and severity of potential accidents to determine whether the safety risks of a project exceed significant levels.

Impact Discussion:

(a – h). The project proposes the inspection and remediation of anomalies along an existing high pressure natural gas L247 under Dos Pueblos Creek. The repair process will include exposing approximately 215-feet of L247 and replacing the section of pipeline containing the anomalies. Once the repair is completed, the pipeline will be backfilled, and the area returned to pre-project contours to the extent feasible. The temporary 16-inch diameter bypass will protrude above ground temporarily for the duration of construction and will be removed. The bypass will provide the flexibility to ensure the gas supply to customers in Santa Maria, San Luis Obispo and Morro Bay will remain while work on the pipeline occurs. No hazardous materials are anticipated to be discharged/produced from the project. In the event additional anomalies or contaminated equipment/piping is discovered, work will stop and County Environmental Health Service will be contacted for coordination of proper profiling and treatment.

Equipment to be used for the excavation includes an excavator, backhoe, front loader, side boom, crane or heavy lift, gang truck, flatbed truck, welding truck, pickup truck, portable equipment such as generators and air compressors, crew trucks, and portable restrooms. All equipment will be staged

on adjacent, lined staging areas for waste characterization and offsite disposal. The stockpiled material will be covered with sheeting or a soil binder at the end of each workday and prior to precipitation events. Because the project will prevent the pipeline from leaking the project will have a net benefit to the environment, impacts will be *less than significant*.

Cumulative Impacts. Since the project will not create significant impacts with respect to hazardous materials and/or risk of upset, it will not have a cumulatively considerable effect on safety within the County.

Mitigation and Residual Impact. Since the proposed project will not have a significant impact on the Recreational opportunities, no additional mitigation is necessary. Residual impacts will be insignificant.

4.10 LAND USE

Will the proposal result in:	Poten. Signif. and Unavoid.	Signif. But Mitigable	Insignif.	No Impact / Beneficial Impact	Reviewed Under Previous Document
a. Structures and/or land use incompatible with existing land use?				X	
b. Cause a significant environmental impact due to a conflict with any applicable land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?				X	
c. The induction of substantial unplanned population growth or concentration of population?				X	
d. The extension of sewer trunk lines or access roads with capacity to serve new development beyond this proposed project?				X	
e. Loss of existing affordable dwellings through demolition, conversion or removal?				X	
f. Displacement of substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?				X	
g. Displacement of substantial numbers of people, necessitating the construction of replacement housing elsewhere?				X	
h. The loss of a substantial amount of open space?				X	
i. An economic or social effect that will result in a physical change? (i.e. Closure of a freeway ramp results in isolation of an area, businesses located in the vicinity close, neighborhood degenerates, and buildings deteriorate. Or, if construction of new freeway divides an existing community, the construction will be the physical change, but the economic/social effect on the community will be the basis for determining that the physical change will be significant.)				X	
j. Conflicts with adopted airport safety zones?				X	

Existing Setting. The project site is located within the Gaviota Coast Plan. Access to the project site is taken from Naples Access Road and Bear Road, which connect to Highway 101. Calle Real, which runs parallel to Highway 101 and the Pacific Ocean. The land use category is designated AG-II, and is used for orchards. The project area does not contain much infrastructure aside from the existing SoCal Gas pipeline. APN 079-080-039 contains an ag reservoir, residence, and water storage tanks on the northern end of the parcel. The project was reviewed for consistency with policy and regulatory documents relating to the environment and appropriate land use.

Impact Discussion:

(a – j). The scope of the project includes exposing approximately 215-feet of L247 and replace the section of pipeline containing the anomalies, repairing the portion, backfilling the excavation areas, and recontouring the area back to pre-project conditions. Once excavation activities are complete, the site topography will be brought back to existing conditions and revegetation will occur. Any biological impacts will be mitigated for via avoidance or replacement as discussed in Section 4.4 (Biological Resources). Therefore, the project will not cause a physical change that conflicts with adopted environmental policies or regulations. The project is not growth inducing, and does not result in the loss of affordable housing, loss of open space, or a significant displacement of people. The project does not involve the extension of a sewer trunk line, and does not conflict with any airport safety zones. The project is compatible with existing land uses and will have *no impact.*

Mitigation and Residual Impact. No impacts are identified. No mitigation is necessary.

4.11 NOISE

Will the proposal result in:	**Poten. Signif. and Unavoid.**	**Signif. But Mitigable**	**Insignif.**	**No Impact / Beneficial Impact**	**Reviewed Under Previous Document**
a. Long-term exposure of people to noise levels exceeding County thresholds (e.g. locating noise sensitive uses next to an airport)?			X		
b. Short-term exposure of people to noise levels exceeding County thresholds?			X		
c. Project-generated substantial increase in the ambient noise levels for adjoining areas (either day or night)?			X		

Setting/Threshold. Noise is generally defined as unwanted or objectionable sound which is measured on a logarithmic scale and expressed in decibels (dB(A)). The duration of noise and the time period at which it occurs are important values in determining impacts on noise-sensitive land uses. The Community Noise Equivalent Level (CNEL) and Day-Night Average Level (L_{dn}) are noise indices which account for differences in intrusiveness between day- and night-time uses. County noise thresholds are: 1) 65 dB(A) CNEL maximum for exterior exposure, 2) 45 dB(A) CNEL maximum for interior exposure of noise-sensitive uses, and 3) an increase in noise levels by 3 db(A) – either individually or cumulatively when combined with other noise-generating sources when the existing (ambient) noise levels already exceed 65 db(A) at outdoor living areas or 45db(A) at interior living areas. Noise-sensitive land uses include: residential dwellings; transient lodging; hospitals and other long-term care facilities; public or private educational facilities; libraries, churches; and places of public assembly.

Noise from grading and construction activity proposed within 1,600 feet of sensitive receptors, including schools, residential development, commercial lodging facilities, hospitals or care facilities, will generally result in a potentially significant impact. According to EPA guidelines average construction noise is 95

dB(A) at a 50-foot distance from the source. A 6 dB drop occurs with a doubling of the distance from the source. Therefore, locations within 1,600 feet of the construction site will be affected by noise levels over 65 dB(A).

The subject property is located in a rural area along Highway 101, which is a major noise source in the project area. No other roadways, public facilities, airport approach and take-off zones or other land uses that are substantial noise sources are located in the project area.

Impact Discussion:

(a - c). The project is located adjacent to Highway 101 and does not propose a new use in this area that will result in the exposure of people to any new long-term noise sources. The proposed project consists of grading, the replacement of a section of the existing L247, and the restoration of the site, and will not result in: 1) the generation of any noise exceeding County thresholds; 2) substantially increase ambient noise levels in adjoining areas; or 3) exposure of noise sensitive uses on the proposed project site to off-site noise levels exceeding County thresholds.

The project will result in short-term construction noise that will likely push noise levels above County thresholds at and near the project site. However, the project site currently experiences elevated noise levels associated with Highway 101. Short term noise will come from grading and pipeline replacement activities. Noise generated from heavy equipment during grading and construction can temporarily exceed County noise thresholds of 65 dB(A) for a distance of up to approximately 1,600 feet. During grading and construction on the project site, construction could result in significant, short-term noise impacts, however there are no nearby residents that will be affected. Once construction and remediation are complete, no new structures or permanent uses will be present onsite as a result of the project, therefore, no long-term noise-related impacts will result. Noise-related impacts will be less than significant the County thresholds.

Mitigation and Residual Impact. No mitigation is required. Residual impacts will be less than significant.

4.12 PUBLIC FACILITIES

Will the proposal require or result in:	**Poten. Signif. and Unavoid.**	**Signif. But Mitigable**	**Insignif.**	**No Impact / Beneficial Impact**	**Reviewed Under Previous Document**
a. A need for new or altered police protection and/or health care services?				X	
b. Student generation exceeding school capacity?				X	
c. Significant amounts of solid waste or breach any federal, state, or local standards or thresholds relating to solid waste disposal and generation (including recycling facilities and existing landfill capacity)?				X	
d. The relocation or construction of new or expanded wastewater treatment facilities (sewer lines, lift-stations, etc.) the construction or relocation of which could cause significant environmental effects?				X	

Will the proposal require or result in:	Poten. Signif. and Unavoid.	Signif. But Mitigable	Insignif.	No Impact / Beneficial Impact	Reviewed Under Previous Document
e. The relocation or construction of new or expanded storm water drainage or water quality control facilities, the construction of which could cause significant environmental effects?				X	

Existing Conditions. The subject Line 247 is an existing high pressure natural gas line operated by Southern California Gas Company, transporting Natural Gas north from Goleta to Morro Bay, California.

Impact Discussion:

(a – e). SoCalGas is proposing to install stopple fittings to allow for isolation of the inspection/replacement segment of the pipeline and allow for a temporary 12-inch above-ground pipeline bypass (bypass) to allow for regional natural gas transmission during construction. The purpose of the bypass was to allow for the safe removal and replacement of the existing pipeline segment without curtailing service to customers. The proposed project will not result in the increase of service. There will be no change in existing police protection or health care services. The proposed project will not generate solid waste in excess of County thresholds. The project will not cause the need for new or altered sewer system facilities as it is already in the service district, and the District has adequate capacity to serve the project. The proposed project will not create new impervious surfaces and will not result in greater surface runoff from the site. No additional drainages or water quality control facilities will be necessary to serve the project. Water quality and best management measures will be applied for general protection of Dos Pueblos Creek. Those measures are discussed more in Section 4.15. Therefore, the project will have no impact to public facilities.

Mitigation and Residual Impact. No impacts are identified. No mitigation is necessary.

4.13 RECREATION

Will the proposal result in:	Poten. Signif. and Unavoid.	Signif. But Mitigable	Insignif.	No Impact / Beneficial Impact	Reviewed Under Previous Document
a. Conflict with established recreational uses of the area?			X		
b. Conflict with biking, equestrian and hiking trails?			X		
c. Substantial impact on the quality or quantity of existing recreational opportunities (e.g., overuse of an area with constraints on numbers of people, vehicles, animals, etc. which might safely use the area)?				X	

Setting/Threshold. The Thresholds and Guidelines Manual contains no threshold for park and recreation impacts. However, the Board of Supervisors has established a minimum standard ratio of 4.7 acres of recreation/open space per 1,000 people to meet the needs of a community. The Santa Barbara County Parks Department maintains more than 900 acres of parks and open spaces, as well as 84 miles of trails and coastal access easements.

The proposed project site is located north of the Highway 101 within Dos Pueblos Canyon Creek. No established recreational uses (including parks, biking, equestrian or hiking trails) are located on or adjacent to the proposed project site.

Impact Discussion:

(a, b). The proposed project will not result in the permanent development of any structure or use not currently present onsite. Segment 1 of Eagle Canyon to Dos Pueblos runs along Highway 101 past the project work area. However, as discussed in Section 4.1, this section of the highway is elevated above the project area and the recreational route and will not be impacted by the temporary construction activities. Project implementation will not result in any conflicts with established recreational uses of the area, including biking, equestrian or hiking trails. Impacts will be *insignificant*.

(c). The proposed project consists of grading, pipeline replacement, and restoration to maintain SoCal Gas' natural gas pipeline, which provides natural gas to customers in Morro Bay. The proposed project will result in temporary construction activities with equipment located adjacent to Dos Pueblos Creek on private property. The project will not lead to an increase in population and will therefore not impact the quality and quantity of existing recreational opportunities, both in the project vicinity and County-wide.

Cumulative Impacts. The proposed project will not result in an increase in population in the project area and will not directly or indirectly impact any existing recreation facilities. Therefore the project contribution to cumulative recreation impacts will not be cumulatively considerable and its cumulative impacts will be less than significant.

Mitigation and Residual Impact. Since the proposed project will not have a significant impact on the Recreational opportunities, no additional mitigation is necessary. Residual impacts will be insignificant.

4.14 TRANSPORTATION

Will the proposal result in:	Poten. Signif. and Unavoid.	Signif. But Mitigable	Insignif.	No Impact / Beneficial Impact	Reviewed Under Previous Document
a. Conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadways, bicycle, and pedestrian facilities?			X		
b. Conflict or be inconsistent with CEQA Guidelines Section 15064.3(b)?				X	
c. Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?				X	
d. Result in inadequate emergency access?			X		

Existing Setting. The proposed project is located along Calle Real in Santa Barbara County. Calle Real is managed by the Santa Barbara County Transportation Division, which maintains 1,650 lane miles of roads in the unincorporated areas of Santa Barbara County. At the project site, the roadway parallels Highway 101 along a straight stretch of the coastline. Calle Real is open with two-way traffic. SBCAG is responsible for all regional transportation planning within Santa Barbara County, including identifying and funding major infrastructure improvements, determining transit needs, creating and updating bicycle and pedestrian master plans, determining the feasibility of and planning of enhancements to the passenger rail system, and developing and implementing ongoing efforts to reduce traffic congestion throughout the region.

Thresholds: According to the County's Environmental Thresholds and Guidelines Manual, a significant transportation impact will occur when:

a. Potential Conflict with a Program, Plan, Ordinance, or Policy. The SBCAG's 2040 Regional Transportation Plan and Sustainable Communities Strategy (SBCAG, 013) and the County's Comprehensive Plan, zoning ordinances, capital improvement programs, and other planning documents contain transportation and circulation programs, plans, ordinances, and policies. Threshold question "a" considers a project in relation to those programs, plans, ordinances, and polices that specifically address multimodal transportation, complete streets, transportation demand management (TDM), and other vehicle miles traveled (VMT)-related topics. The County and CEQA Guidelines Section 15064.3(a) no longer consider automobile delay or congestion an environmental impact. Therefore, threshold question "a" does not apply to provisions that address LOS or similar measures of vehicular capacity or traffic congestion.

A transportation impact occurs if a project conflicts with the overall purpose of an applicable transportation and circulation program, plan, ordinance, or policy, including impacts to existing transit systems and bicycle and pedestrian networks pursuant to Public Resources Code Section 21099(b)(1). In such cases, applicants must identify project modifications or mitigation measures that eliminate or reduce inconsistencies with applicable programs, plans, ordinances, and policies. For example, some community plans include provisions that encourage complete streets. As a result, an applicant for a multifamily apartment complex may need to reduce excess parking spaces, fund a transit stop, and/or add bike storage facilities to comply with a community plan's goals and policies.

b. Potential Impact to VMT. The County expresses thresholds of significance in relation to existing, or baseline, county VMT. Specifically, the County compares the existing, or baseline, county VMT (i.e., pre-construction) to a project's VMT. Projects with VMT below the applicable threshold will normally result in a less than significant VMT impact and, therefore, will not require further analyses or studies. Nonetheless, CEQA Guidelines Section 15064(b)(2) states, "Compliance with the threshold does not relieve a lead agency of the obligation to consider substantial evidence indicating that the Project's environmental effects may still be significant." Projects with a VMT above the applicable threshold will normally result in a significant VMT impact and, therefore, will require further analyses and studies, and, if necessary, project modifications or mitigation measures. CEQA Guidelines Section 15064.3 establish VMT as the most appropriate measure of transportation impacts under CEQA.

The County presumes that land use or transportation projects meeting any of the screening criteria will have less than significant VMT impacts and will not require further analysis. County thresholds identify Small Projects as a project that generates 110 or fewer average daily trips. The VMT thresholds of significance are for general use and should apply to most projects subject to environmental review. However, the thresholds may not be appropriate for unique projects. In such cases, CEQA Guidelines Section 15064.7(c) allows the County to use other thresholds "… on a case-by-case basis as provided in Section 15064(b)(2)." The OPR Technical Advisory recommended thresholds of significance for land use projects including Residential, Employment, Regional Retail, Mixed-Use Projects, and Other Land Use types.

Projects subject to Absolute Thresholds and Land Use Plans. Transportation projects and some land use projects are subject to an absolute threshold of significance (i.e., total roadway VMT or total VMT). Projects and plans that exceed the thresholds of significance require project modifications or mitigation measures to avoid or reduce VMT impacts to a less-than-significant level (i.e., below the applicable threshold of significance). As discussed above, the VMT Calculator contains and, therefore, can help applicants assess the effectiveness of possible mitigation measures.

c. Design Features and Hazards. Threshold "c" considers whether a project will increase roadway hazards. An increase could result from existing or proposed uses or geometric design features. In part, the analysis

should review these and other relevant factors and identify results that conflict with the County's Engineering Design Standards or other applicable roadway standards.

d. Emergency Access. Threshold "d" considers any changes to emergency access resulting from a project. To identify potential impacts, the analysis must review any proposed roadway design changes and determine if they will potentially impede emergency access vehicles.

Impact Discussion:

(a). Potential Conflict with a Program, Plan, Ordinance, or Policy. The scope of the project includes exposing approximately 215-feet of L247 and replace the section of pipeline containing the anomalies, repairing the portion, backfilling the excavation areas, and recontouring the area back to pre-project conditions. No new structures or uses are proposed as a result of the project. No new operational vehicle miles will be introduced to the area besides during excavation activities. Construction equipment will access the site from Calle Real and N Dos Pueblos Canyon Road remain onsite until soil disposal. The project will be consistent with programs, plans, ordinances, and policies related to circulation. Therefore the project will have a *less than significant impact* to existing programs.

(b). Potential Impact to VMT. No excavated soil will be exported off the site. Once pipeline repair activities are complete, the excavated soil will be used to backfill the graded areas. The proposed project will not result in the construction of a permanent structure or use that will intensify the VMT of the area. Therefore, the project will cause a less than significant impact under CEQA and will not require further VMT analysis due to its nature and limited duration.

According to the Santa Barbara County Environmental Thresholds and Guidelines Manual, amended January 2021, the proposed Project is exempt from further VMT analysis based on Step 1, Project Screening. The project will be similar to existing conditions upon completion of pipeline repair. The proposed project will not decrease future vehicle capacity or create long-term changes to traffic patterns or VMT. Roadway users will continue to be similar to those currently using Calle Real. No change in traffic patterns, VMT, or ADT will result from the proposed Project. The project will have *no impact* on VMTs.

(c). Design Features and Hazards. The proposed project is located within Dos Pueblos Canyon Creek. Laydown and workspaces are within the orchard to the west and vacant land to the east. The project and all vehicles/equipment will remain onsite for the duration of the project and therefore it will not impact traffic flow of the surrounding roads. The project will not introduce any design features or incompatible uses that will result in new hazards in the Project Study Area or vicinity. The project will maintain sight distance, private property ingress/egress, and emergency access throughout project construction and operation. The Project does not propose a new geometric design which will increase hazardous conditions. The proposed project will have *no impact* in this regard, and no mitigation measures are required.

(d). Emergency Access. Emergency access to surrounding areas is currently available along Naples Access Road and Bear Road. During construction, all public roads will remain open and un-impacted by construction vehicles, which will be stored onsite until project completion. The project will be in compliance with applicable regulations, and ensure that there will be no impacts related to traffic hazards, emergency access, and other transportation safety and access considerations. The project will not interfere with police and fire response times or school bus routes. Therefore, the proposed project impacts will be *less than significant*, and no mitigation is required.

Cumulative Impacts. The County's Environmental Thresholds were developed, in part, to define the point at which a project's contribution to a regionally significant impact constitutes a significant effect at the project level. In this instance, the project has been found not to exceed the threshold of significance for

transportation. Therefore, the project's contribution to the regionally significant transportation impacts is not considerable, and is insignificant.

Mitigation and Residual Impact. No mitigation is required. Residual impacts will be insignificant.

4.15 WATER RESOURCES/FLOODING

Will the proposal result in:	Poten. Signif. and Unavoid.	Signif. But Mitigable	Insignif.	No Impact / Beneficial Impact	Reviewed Under Previous Document
a. Changes in currents, or the course or direction of water movements, in either marine or fresh waters?		X			
b. Changes in percolation rates, drainage patterns or the rate and amount of surface water runoff?		X			
c. Change in the amount of surface water in any water body?			X		
d. Discharge, directly or through a storm drain system, into surface waters (including but not limited to wetlands, riparian areas, ponds, springs, creeks, streams, rivers, lakes, estuaries, tidal areas, bays, ocean, etc) or alteration of surface water quality, including but not limited to temperature, dissolved oxygen, turbidity, or thermal water pollution?		X			
e. Alterations to the course or flow of flood water or need for private or public flood control projects?			X		
f. Exposure of people or property to water related hazards such as flooding (placement of project in 100 year flood plain), accelerated runoff or tsunamis, sea level rise, or seawater intrusion?			X		
g. Alteration of the direction or rate of flow of groundwater?			X		
h. Change in the quantity of groundwater, either through direct additions or withdrawals, or through interception of an aquifer by cuts or excavations or recharge interference?			X		
i. Overdraft or over-commitment of any groundwater basin? Or, a significant increase in the existing overdraft or over-commitment of any groundwater basin?			X		
j. The substantial degradation of groundwater quality including saltwater intrusion?			X		
k. Substantial reduction in the amount of water otherwise available for public water supplies?			X		
l. Introduction of storm water pollutants (e.g., oil, grease, pesticides, nutrients, sediments, pathogens, etc.) into groundwater or surface water?		X			

Existing Setting. The project area is located within the central portion of the Dos Pueblos Canyon – Frontal Santa Barbara Channel Watershed (Hydrologic Unit Code 180600130106) (USGS 2021). Surface waters in the project area are fed by Dos Pueblos Creek, which originates from a narrow mountain tributary in the Santa Ynez Mountains and flows are conveyed through the project area for approximately 0.65 mile before terminating in the Pacific Ocean. Hydrology within Dos Pueblos Creek is supplied primarily by storm flows and rural runoff from upstream, as well as sheet flow from the adjacent uplands. The perennial drainage contained evidence of flow, including scouring, drift deposits, and/or changes in vegetation. A defined OHWM and bed and bank were present.

Water Resources Thresholds. A project is determined to have a significant effect on water resources if it will exceed established threshold values which have been set for each overdrafted groundwater basin. These values were determined based on an estimation of a basin's remaining life of available water storage. If the project's net new consumptive water use [total consumptive demand adjusted for recharge less discontinued historic use] exceeds the threshold adopted for the basin, the project's impacts on water resources are considered significant.

A project is also deemed to have a significant effect on water resources if a net increase in pumpage from a well will substantially affect production or quality from a nearby well.

Water Quality Thresholds. A significant water quality impact is presumed to occur if the project:

- Is located within an urbanized area of the county and the project construction or redevelopment individually or as a part of a larger common plan of development or sale will disturb one (1) or more acres of land;
- Increases the amount of impervious surfaces on a site by 25% or more;
- Results in channelization or relocation of a natural drainage channel;
- Results in removal or reduction of riparian vegetation or other vegetation (excluding non-native vegetation removed for restoration projects) from the buffer zone of any streams, creeks or wetlands;
- Is an industrial facility that falls under one or more of categories of industrial activity regulated under the NPDES Phase I industrial storm water regulations (facilities with effluent limitation; manufacturing; mineral, metal, oil and gas, hazardous waste, treatment or disposal facilities; landfills; recycling facilities; steam electric plants; transportation facilities; treatment works; and light industrial activity);
- Discharges pollutants that exceed the water quality standards set forth in the applicable NPDES permit, the Regional Water Quality Control Board's (RWQCB) Basin Plan or otherwise impairs the beneficial uses[2] of a receiving water body;
- Results in a discharge of pollutants into an "impaired" water body that has been designated as such by the State Water Resources Control Board or the RWQCB under Section 303 (d) of the Federal Water Pollution Prevention and Control Act (i.e., the Clean Water Act); or
- Results in a discharge of pollutants of concern to a receiving water body, as identified by the RWQCB.

[2] Beneficial uses for Santa Barbara County are identified by the Regional Water Quality Control Board in the Water Quality Control Plan for the Central Coastal Basin, or Basin Plan, and include (among others) recreation, agricultural supply, groundwater recharge, fresh water habitat, estuarine habitat, support for rare, threatened or endangered species, preservation of biological habitats of special significance.

Impact Discussion:

(a, b). The project will not substantially alter the existing drainage pattern of the site or the area. Re-grading of the pipeline excavation area, will not result in a loss of area or linear feet of drainage. The Dos Pueblos Creek Diversion plan was prepared to allow access to the pipeline within the creek bed (Attachment 1 & Figure 2). Due to the temporary water diversion plan, project construction will not impede or redirect flows. Two sandbag cofferdams will be constructed to the north and south of L247 resulting in a dry work area. A 50-foot long 36-inch bypass pipe will be installed between the sandbag cofferdams to allow water to pass the dry work area should flow be present during construction activities. Within the last 80-years of record, there has only been four events of water flow within the creek between June and August. Therefore, flow is not expected to occur and the 36-inch bypass line is of sufficient size to allow drainage patterns to occur normally. Once pipeline replacement has been completed, the drainage bypass and cofferdams will be removed and drainage patterns will continue as existing. The area surrounding the project site is comprised of steep hillsides, where drainages flow into Dos Pueblos Creek.

Projects that involve the disturbance of one or more acres of soil are required to obtain coverage under the NPDES Construction General Permit, which will require preparation of a SWPPP. Since the Project site comprises 3.28-acres (142,877-sf), the Proposed Project will include the preparation of a SWPPP (MM-Geo-01) that will identify BMPs to be implemented with the Project to prevent erosion, minimize siltation impacts, and protect water quality in Dos Pueblos Creek during Project activities. Project activities will include stabilizing the ground surfaces in accordance with the Construction General Permit and erosion and sediment control (MM-Geo-01). The Project will also include bank reconstruction and stabilization, as well as revegetation, which will reduce the potential for sediment transport from upland Project areas to Dos Pueblos Canyon. Lastly, the Proposed Project activities within regulatory waters are subject to the requirements of an RWQCB Section 401 Water Quality Certification, which must be issued prior to initiation of work in Dos Pueblos Creek or its tributaries, and is intended to protect water quality standards within Dos Pueblos Creek and all receiving waters. There are no long-term operational activities proposed. Therefore, the potential for a violation of water quality standards or waste discharge requirements will be *less than significant with implementation of mitigation.*

(c, k). The Proposed Project will be limited primarily to short-term excavation of the Dos Pueblos Creek bed area, replacement of the pipeline segment, restoration/stabilization of the creek bed and bank, revegetation, and maintenance and monitoring activities within the Dos Pueblos Canyon area. The Project is located within an area of natural open space for the creek and a small portion of existing agricultural operations. The Project does not propose the placement of any impervious surfaces or construction of roads or structures that could generate increased stormwater or surface runoff. The project will not introduce any new conditions that will create or contribute runoff water, which will exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff. Therefore, implementation of the Proposed Project will have a *less than significant impact* to the amount of water surrounding Dos Pueblos Creek.

(d). The proposed action is expected to be completed during a single dry-season with in-creek activities completed within a consecutive 12-week work period during late summer and early fall when rainfall is unlikely and streamflow is typically lowest. While water is expected in the action area throughout the year, the area usually has negligible surface flow during the time of the year construction is proposed. A temporary water diversion plan will be implemented prior to grading activities to provide a dry area to work. Water encountered during excavation of the pipeline shall be pumped downhill where it cannot flow back into the work area. The proposed method for rock and sediment removal will be conducted using hand tools, a backhoe and excavator. Vehicles and heavy equipment will be staged on the two laydown pads outside of the bank. Following material removal, the impacted

portions of the creek will be recontoured to near pre-impact conditions. Construction activities such as grading could also potentially create temporary runoff and erosion problems. Application of standard County grading, erosion, and drainage-control measures will ensure that no significant increase of erosion or storm water runoff will occur. All recontoured areas that previously supported native vegetation will be restored as part of the revegetation program, including seeding and maintenance, to provide long-term natural soil stabilization.

The project will require construction activities within the banks of the Dos Pueblos Canyon Creek. These activities have the potential to violate water quality standards or waste discharge requirements. A 404 Clean Water Act permit from the Corps, 401 Clean Water Act certification from the Water Board, and a 1602 Streambed Alteration Agreement from CDFW will all be obtained prior to project implementation. Typical conditions contained in these permits regulate discharges to Waters of the State, Waters of the U.S., and discharges that may impact fish and wildlife. Mandatory compliance with the conditions set forth by these permits, along with mitigation measures Erosion and Sediment Control Plan (MM-Geo-01), general best management practices (MM-Bio-10), safe equipment practices (MM-BIO-07 & MM-Bio-08) will ensure that water quality standards are not violated. Therefore, impacts are *less than significant with mitigation*.

(e, f). Although within the Dos Pueblos Creek, the area is not located within a designated floodway overlay. The drainage patterns in the project area will be slightly altered during project construction from the use of the layout and work areas. Once construction is complete, the site will be recontoured to match pre-project conditions and therefore will not increase surface runoff and cause flooding. Flooding has not occurred at the project site even after large storm events, and the minor, temporary alteration of drainage patterns associated with the proposed project will not add to the frequency of flooding at the project site. It is not anticipated that the proposed project will cause a substantial change to the erosion and accretion patterns. The drainage patterns in the project area will be temporarily altered by grading activities, but the changes should not cause substantial erosion. No permanent structures are proposed which will change the flow of surface waters. The Proposed Project is located along the coastline of the Pacific Ocean where a tsunami could occur following a significant offshore earthquake. However, the Project site is approximately 0.6 miles inland of the coast, which according to the California Governors office of Emergency Services, is outside of the tsunami hazard area. The project will not place housing within a 100-year flood hazard as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map. Impacts to on- or off-site flooding will be *less than significant*.

(g - j). The Proposed Project will involve short-term, restoration, slope stabilization, and maintenance and monitoring activities disturbing approximately 3.28-acres over 3 parcels. The project does not require the construction of wells. There is no proposed use or extraction of groundwater or installation of groundwater wells associated with the proposed project, nor are any new impervious surfaces or structures proposed that could interfere with groundwater recharge. All rock material excavated from the creek will be used as backfill, restoring the contours of the creek once pipeline replacement is complete. Effects from fine sediment incidentally entering surface water in the creek are expected to be insignificant for several reasons. Once the water diversion is in place, in-channel construction will occur only in a dewatered work area, which eliminates the potential for excavation activities to contribute fine sediment to surface flow. A small amount of sediment from the creekbed may become disturbed and enter surface water during diversion installation and removal. However, the diversion will be installed and removed when creekflow is minimal (less than 1 cfs) so elevated sediment in surface flow is expected to remain localized and temporary. This minimal amount of sediment temporarily entering the creek's surface flow, if observed, is not expected to diminish the functional value of critical habitat. The effects of incidental fine sediment input to the creek channel are expected to be insignificant. Construction activities (e.g., trench excavation) may disturb sediment particles in the creek channel making them more susceptible to mobilization. However, loose particles within the

channel are expected to be composed of native creek alluvium that will redistribute and settle within the first few hours of elevated creek flow through the channel. Further, planting disturbed areas immediately after construction will ensure the establishment vegetation prior to the following wet-season. As a result, the likelihood fine sediment input from disturbed upland areas will be greatly reduced and not expected to result in measurable fine sediment input to the creek. As a result, these sediment disturbances are not expected to diminish the functional value of critical habitat.

The construction of the project may generate an incremental use of water for dust control and watering plants during revegetation, but it will not substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there will be a net deficit in aquifer volume or a lowering of the local groundwater table level. Based on the small disturbance and revegetation areas, the amount of water use will not substantially deplete groundwater supplies. The addition of a very small amount of additional impervious surfaces will not substantially interfere with groundwater recharge. No new septic systems are proposed by this project. Therefore, implementation of the Proposed Project will result in a *less than significant impact* associated with depletion of groundwater supplies or interference with groundwater recharge.

(I). The project requires the removal and replacement of a 215-foot segment of pipeline underneath Dos Pueblos Creek. The Project will be limited primarily to short-term streambed restoration and maintenance and monitoring activities and will not include the construction of any development or change of uses that will result in the release of pollutants in the event of inundation. No new impervious surface is proposed, however, introduction of construction equipment to the area may increase the potential for pollutants (e.g., lubricants) to reach the site. Laydown and work area drainage for this project will be diverted away from the creek and directed into onsite drainage swales. The project could adversely affect surface water quality by increasing the volume and decreasing the quality of stormwater runoff. However, the project will be expected to generate only minor amounts of storm water pollutants. Minor amounts of such household hazardous material will not present a significant potential for release of waterborne pollutants and will be highly unlikely to create a public health hazard. The project will comply with all storm water quality standards during and after construction, and appropriate Best Management Practices (BMP's) will be utilized and provided for on-site. Implementation of theses BMP's will preclude any violations of existing standards and discharge regulations. Resource protection measures Erosion and Sediment Control Plan (MM-Geo-01), general best management practices (MM-Bio-10), safe equipment practices (MM-BIO-07 & MM-Bio-08) will be incorporated into the construction contract specifications for project construction to ensure this potential impact to a *less than significant level*.

Cumulative Impacts. The County's Environmental Thresholds were developed, in part, to define the point at which a project's contribution to a regionally significant impact constitutes a significant effect at the project level. In this instance, the project has been found not to exceed the threshold of significance for water resources. Therefore, the project's contribution to the regionally significant issues of water supplies and water quality is not considerable, and is insignificant.

Mitigation and Residual Impact. The following mitigation measures will reduce the project's water resource impacts to an insignificant level:

MM-WatConv-03 Erosion and Sediment Control Revegetation. The Owner/Applicant shall re-vegetate graded areas upon completion of grading activities with deep rooted, native, drought-tolerant species to minimize slope failure and erosion potential. Use hydroseed, straw blankets, other geotextile binding fabrics or other P&D approved methods as necessary to hold slope soils until vegetation is established. P&D may require the reseeding of surfaces graded for the placement of structures if construction does not commence within 30 days of grading. **PLAN REQUIREMENTS:** Include this measure as a note on all grading and building plans. **TIMING:** The Owner/Applicant shall re-vegetate

graded areas within 30-days of completion of pipeline replacement. **MONITORING:** The Owner/Applicant shall demonstrate compliance to grading and building inspectors in the field.

MM-WatConv-07 SWPPP. The Owner/Applicant shall submit proof of exemption or a copy of the Notice of Intent to obtain coverage under the Construction General Permit of the National Pollutant Discharge Elimination System issued by the California Regional Water Quality Control Board. **TIMING**: Prior to issuance of the Coastal Development Permit. The Owner/Applicant shall submit proof of exemption or a copy of the Notice of Intent and shall provide a copy of the required Storm Water Pollution Prevention Plan (SWPPP) to P&D. The Owner/Applicant shall keep a copy of the SWPPP on the project site during grading and construction activities. **MONITORING**: P&D permit processing planner shall review the documentation prior to issuance of the Coastal Development Permit. P&D compliance monitoring staff shall site inspect during construction for compliance with the SWPPP.

With the incorporation of these measures, residual impacts will be insignificant.

5.0 INFORMATION SOURCES

5.1 County Departments Consulted

Fire, Public Works, Flood Control, Parks, Environmental Health, Special Districts,
Regional Programs, Other : _____

5.2 Comprehensive Plan

X	Seismic Safety/Safety Element	X	Conservation Element
X	Open Space Element	X	Noise Element
X	Coastal Plan and Maps	X	Circulation Element
	ERME		

5.3 Other Sources

X	Field work	X	Ag Preserve maps
X	Calculations	X	Flood Control maps
X	Project plans	X	Other technical references
	Traffic studies		(reports, survey, etc.)
X	Records	X	Planning files, maps, reports
X	Grading plans	X	Zoning maps
	Elevation, architectural renderings	X	Soils maps/reports
X	Published geological map/reports	X	Plant maps
X	Topographical maps	X	Archaeological maps and reports
			Other

_____

_____

6.0 PROJECT SPECIFIC *(short- and long-term)* AND CUMULATIVE IMPACT SUMMARY

The following is a summary of project-specific impacts:

Class I Impacts (Significant and Unavoidable): None identified.

Class II Impacts (Potentially Significant and Subject to Mitigation): Aesthetics, Air Quality, Biological Resources, Cultural Resources, Geologic Processes, and Water Resources.

Significant direct short- and long-term project specific impacts will be reduced to a less than significant level through the implementation of the mitigation measures listed in the sections above.

Class III Impacts (Less than Significant): Agriculture, Fire Protection, Hazardous Materials/Risk of Upset, Noise, and Transportation.

The project will have no impacts on Energy, Land Use, Public Facilities, and Recreation.

7.0 MANDATORY FINDINGS OF SIGNIFICANCE

Will the proposal result in:	Poten. Signif. and Unavoid.	Signif. But Mitigable	Insignif.	No Impact / Beneficial Impact	Reviewed Under Previous Document
1. Does the project have the potential to substantially degrade the quality of the environment, 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 a rare or endangered plant or animal, contribute significantly to greenhouse gas emissions or significantly increase energy consumption, or eliminate important examples of the major periods of California history or prehistory?		X			
2. Does the project have the potential to achieve short-term to the disadvantage of long-term environmental goals?			X		
3. Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects and the effects of probable future projects.)		X			
4. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?			X		
5. Is there disagreement supported by facts, reasonable assumptions predicated upon facts and/or expert opinion supported by facts over the significance of an effect which will warrant investigation in an EIR ?			X		

(1) Substantially Degrade the Quality of the Environment. The proposed project does not have the potential to substantially degrade the quality of the environment because the proposed site remediation activities will be performed in order to prevent further possible degradation of the environment if the pipeline anomaly was left unchecked. As discussed in Section 4.4 (Biological Resources), the project does have the potential to substantially degrade the quality of the environment and substantially reduce the number or restrict the range of a rare or endangered plant or animal. However, mitigation measures BIO-01 through MM-Bio-14 will reduce impacts to biological

resources to less than significant levels. The proposed project will not contribute significantly to greenhouse gas emissions or significantly increase energy consumption. As discussed in Section 4.5 (Cultural Resources), with the implementation of mitigation measures MM-CulRes-01, MM-CulRes-02, and MM-CulRes-03, the project will not eliminate important examples of the major periods of California history or prehistory. Therefore, impacts will be *less than significant with mitigation* identified.

(2) Disadvantage Long-term Environmental Goals. The proposed project is designed to achieve the goal of removing a pipeline anomaly within rural agricultural areas in Gaviota. The proposed project does not have the potential to achieve short-term goals to the disadvantage of long-term environmental goals. Therefore, impacts will be *less than significant*.

(3) Cumulative Impacts. As discussed throughout this document, because the project does not propose a new or significantly different use than the existing use, it does have any impacts that are individually limited, but cumulatively considerable. Any contribution of the project to significant cumulative impacts will be adequately reduced by mitigation measures identified to address project-specific impacts. Therefore, impacts will be *less than significant with mitigation* described within each issue area.

(4) Substantially Affect Human Beings. The proposed project will not create environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly. Project effects will be very limited in duration. Construction equipment will generate short term noise impacts on the site. However, the project site currently experiences elevated noise levels associated with Highway 101 and construction noise can temporarily exceed County noise thresholds of 65 dB(A) for a distance of up to approximately 1,600 feet. Once construction and remediation are complete, no new structures or permanent uses will be present onsite as a result of the project, therefore, impacts will be less *than significant*.

(5) Disagreement over the Significance of an Effect. There is no disagreement supported by or predicated upon facts and/or expert opinion over the significance of an effect which will warrant investigation in an EIR. Therefore, impacts will be *less than significant*.

8.0 PROJECT ALTERNATIVES

CEQA does not require an analysis of potential project alternatives because the proposed project will not result in potentially significant, adverse and unmitigated impacts.

9.0 INITIAL REVIEW OF PROJECT CONSISTENCY WITH APPLICABLE SUBDIVISION, ZONING AND COMPREHENSIVE PLAN REQUIREMENTS

Coastal Land Use Plan Policy 3-13: Plans for development shall minimize cut and fill operations. Plans requiring excessive cutting and filling may be denied if it is determined that the development could be carried out with less alteration of the natural terrain.

Coastal Land Use Plan Policy 3-14: All development shall be designed to fit the site topography, soils, geology, hydrology, and any other existing conditions and be oriented so that grading and other site preparation is kept to an absolute minimum. Natural features, landforms, and native vegetation, such as trees, shall be preserved to the maximum extent feasible. Areas of the site which are not suited for development because of known soil, geologic, flood, erosion or other hazards shall remain in open space.

Coastal Land Use Plan Policy 3-15: For necessary grading operations on hillsides, the smallest practical area of land shall be exposed at any one time during development, and the length of exposure shall be kept to the shortest practicable amount of time. The clearing of land should be avoided during the winter rainy season and all measures for removing sediments and stabilizing slopes should be in place before the beginning of the rainy season.

Coastal Land Use Plan Policy 3-16: Sediment basins (including debris basins, desilting basins, or silt traps) shall be installed on the project site in conjunction with the initial grading operations and maintained throughout the development process to remove sediment from runoff waters. All sediment shall be retained on site unless removed to an appropriate dumping location

Coastal Land Use Plan Policy 3-17: Temporary vegetation, seeding, mulching, or other suitable stabilization method shall be used to protect soils subject to erosion that have been disturbed during grading or development. All cut and fill slopes shall be stabilized immediately with planting of native grasses and shrubs, appropriate nonnative plants, or with accepted landscaping practices.

Coastal Land Use Plan Policy 3-18: Provisions shall be made to conduct surface water to storm drains or suitable watercourses to prevent erosion. Drainage devices shall be designed to accommodate increased runoff resulting from modified soil and surface conditions as a result of development. Water runoff shall be retained on-site whenever possible to facilitate groundwater recharge.

Coastal Land Use Plan Policy 3-19: Degradation of the water quality of groundwater basins, nearby streams, or wetlands shall not result from development of the site. Pollutants, such as chemicals, fuels, lubricants, raw sewage, and other harmful waste, shall not be discharged into or alongside coastal streams or wetlands either during or after construction.

Coastal Land Use Plan Policy 6-30: Oil and gas facilities shall be dismantled and removed, and their host sites cleaned of contamination and reclaimed to natural conditions, or conditions to accommodate reasonably foreseeable development, in an orderly and timely manner that avoids long-term impacts to the health, safety, and welfare of the public and environment.

Archaeological Site Policy 10-1: All available measures, including purchase, tax relief, purchase of development rights, etc., shall be explored to avoid development on significant historic, prehistoric, archaeological, and other classes of cultural sites.

Archaeological Site Policy 10-3: When sufficient planning flexibility does not permit avoiding construction on archaeological or other types of cultural sites, adequate mitigation shall be required. Mitigation shall be designed in accord with guidelines of the State Office of Historic Preservation and the State of California Native American Heritage Commission.

Archaeological Site Policy 10-5: Native Americans shall be consulted when development proposals are submitted which impact significant archaeological or cultural sites.

GCP Policy NS-1: Watershed Planning. Planning efforts associated with long-term plans, programs, and projects shall be considered in light of the conditions of, and in context with, the local watershed. Where feasible, watershed health shall be enhanced through implementation of these planning efforts.

GCP Policy NS-2: Environmentally Sensitive Habitat (ESH) Protection. (COASTAL) Environmentally Sensitive Habitat (ESH) areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas. A resource dependent use is a use that is dependent on the ESH resource to function (e.g., nature study, habitat restoration, public trails, and low-impact campgrounds). Resource-dependent uses shall be sited and designed to avoid significant disruption of habitat values to ESH through measures including but not limited to: utilizing established disturbed areas where feasible, limiting grading by following natural contours, and minimizing removal of native vegetation to the maximum extent feasible. Non-resource dependent development, including fuel modification and agricultural uses, shall be sited and designed to avoid ESH and ESH buffer areas. If

avoidance is infeasible and will preclude reasonable use of a parcel or is a public works project necessary to repair and maintain an existing public road or existing public utility, then the alternative that will result in the fewest or least significant impacts shall be selected and impacts shall be mitigated. Development in areas adjacent to ESH areas and parks and recreation areas shall be sited and designed to prevent impacts which will significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

GCP Policy NS-3: Natural Resources Enhancement. Support voluntary and incentive based efforts to restore and enhance Environmentally Sensitive Habitat (ESH) areas and important or sensitive biological and natural resources within the Gaviota Coast.

GCP Policy NS-4: ESH Criteria and Habitat Types. (COASTAL) Environmentally sensitive habitat (ESH) means any area in which plant or animal life or their habitats are either (A) rare or (B) especially valuable because of their special nature or role in an ecosystem. The presence and extent of ESH shall be identified on a case-by-case basis based upon site-specific evidence provided by a biological report prepared by a qualified biologist. Although a site-specific analysis will form the basis for ESH determinations, the following types of habitat are considered rare or especially valuable, and therefore ESH, unless a particular habitat area is so small and isolated or degraded that it is no longer sustainable.

GCP Policy NS-5: Wetlands. The County shall seek opportunities and create incentives for restoration of degraded wetlands.

GCP Policy NS-6: Wildlife Corridors. Development shall avoid to the maximum extent feasible and otherwise minimize disruption of identified wildlife travel corridors.

GCP Policy NS-7: Riparian Vegetation. (COASTAL) New development, including fuel modification, shall be sited and designed to protect riparian ESH, consistent with Policy NS-2 and all other applicable policies and provisions of this Plan and the LCP.

GCP Policy NS-11: Restoration. (INLAND) Biological impacts shall be avoided to the maximum extent feasible. In cases where adverse impacts to biological resources cannot be avoided after impacts have been minimized, restoration shall be required. A minimum replacement ratio shall be required to compensate for the destruction of native habitat areas or biological resources. The area or units to be restored, acquired, or dedicated for a permanent protective easement shall exceed the biological value of that which is destroyed. Where onsite restoration is infeasible or not beneficial with regard to long-term preservation of habitat, an offsite easement and/or alternative mitigation measures that provide adequate quality and quantity of habitat and will ensure long-term preservation shall be required.

GCP Policy NS-12: Protected Trees. (COASTAL) Existing trees shall be preserved to the maximum extent feasible, prioritizing “protected trees.” Protected trees are defined for the purpose of this policy as mature native or roosting/nesting trees that do not pose a threat to health and safety.

GCP Policy REC-19: Access and Recreation Opportunities. Expanded opportunities for access and recreation shall be provided in the Gaviota Coast planning area.

10.0 RECOMMENDATION BY P&D STAFF

On the basis of the Initial Study, the staff of Planning and Development:

____ Finds that the proposed project WILL NOT have a significant effect on the environment and, therefore, recommends that a Negative Declaration (ND) be prepared.

__X__ Finds that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures incorporated into the REVISED PROJECT DESCRIPTION will successfully mitigate the potentially significant impacts. Staff recommends the preparation of an ND. The ND finding is based on the assumption that mitigation measures will be acceptable to the applicant; if not acceptable a revised Initial Study finding for the preparation of an EIR may result.

____ Finds that the proposed project MAY have a significant effect on the environment, and recommends that an EIR be prepared.

____ Finds that from existing documents (previous EIRs, etc.) that a subsequent document (containing updated and site-specific information, etc.) pursuant to CEQA Sections 15162/15163/15164 should be prepared.

Potentially significant unavoidable adverse impact areas:

_____ With Public Hearing ___X___ Without Public Hearing

PREVIOUS DOCUMENT: Not Applicable

PROJECT EVALUATOR: **Katie Nall** **DATE:** April 15, 2024

11.0 DETERMINATION BY ENVIRONMENTAL HEARING OFFICER

__X__ I agree with staff conclusions. Preparation of the appropriate document may proceed.
____ I DO NOT agree with staff conclusions. The following actions will be taken:
____ I require consultation and further information prior to making my determination.

SIGNATURE:_____ **INITIAL STUDY DATE**: April 16, 2024

SIGNATURE:_____ **NEGATIVE DECLARATION DATE**: May 9, 2024

SIGNATURE:_____ **REVISION DATE:** _____

SIGNATURE:_____ **FINAL NEGATIVE DECLARATION DATE:** _____

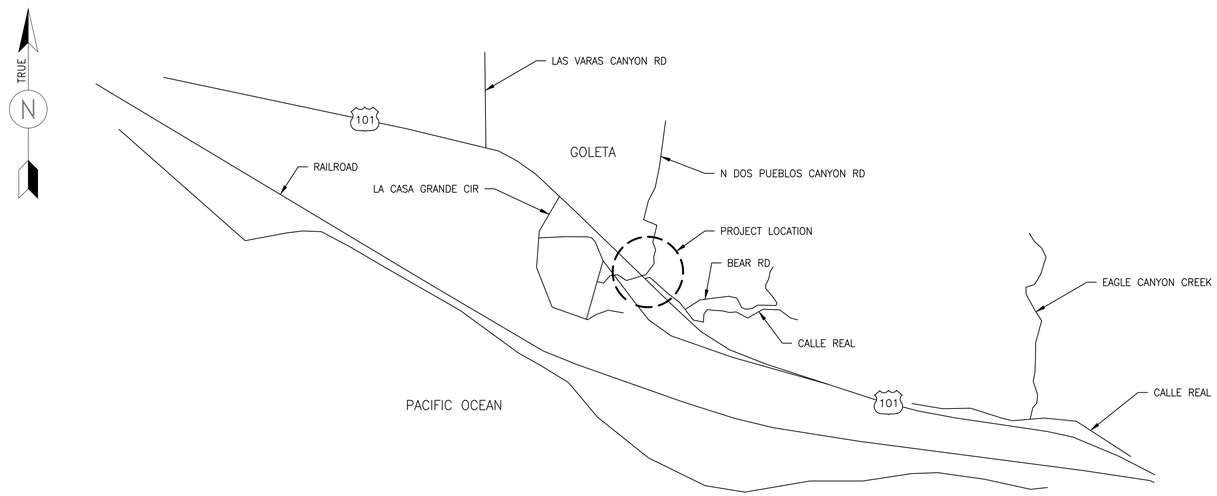
12.0 ATTACHMENTS

1. Project Plans
2. APAC Minutes from March 14, 2024
3. ACPD Comment Letter dated April 12, 2023
4. Biological Resources Analysis dated December 2022
5. USFWS Programmatic Biological Opinion dated April 27, 2020
6. USFWS Formal Consultation Letter dated June 16, 2023
7. Army Corps Steelhead Concurrence Letter dated September 22, 2023

L-247 DIG REPAIR
DIG 10
CITY OF GOLETA, SANTA BARBARA COUNTY
WOA 27767

CONSTRUCTION DRAWING LIST

DRAWING NO.	DESCRIPTION
82271-1001-D-SKT	DRAWING LIST
PIPING	
82271-3001-D-SKT	LOCATION PLAN
82271-3002-D-SKT	PIPING PLAN
82271-3003-D-SKT	PIPING PLAN
82271-3004-D-SKT	PIPING PLAN
82271-3005-D-SKT	PIPING PLAN
82271-3006-D-SKT	PIPING PLAN
82271-3007-D-SKT	PIPING SECTIONS
82271-3008-D-SKT	PIPING SECTIONS



VICINITY MAP

ISSUED FOR PERMIT

INSTALL PIPE WITH AT LEAST 36" OF COVER BELOW GRADE	PERMIT INFORMATION		
COUNTY: SANTA BARBARA	DATE MOVED ON:	WOA	ISSUED BY	NUMBER
DISTRICT: *	DATE MOVED OFF:			
STRIP MAP NO.: *	DATE OF OPERATION:			
ATLAS NO.: *	CONST. CREW FOREMAN:			
DOT CL: ☐1 ☐2 ☒3 ☐4	CONST. COMPANY:			
CATHODICALLY PROTECTED: *	REGION:			
YEAR C.P. INSTALLED: *				

REV	DATE	DRAWN	CHECKED	PRJ APV	SCG APV	ENG FILE NO	DESCRIPTION	WOA
B	05/03/2023	DN	DN	AA	*	*	ISSUED FOR PERMIT	27767.001

	BY	DATE
DESIGNED:	D. NAREZ	04/10/2023
DRAWN:	D. NAREZ	04/10/2023
CHECKED:	D, NAREZ	04/10/2023
PROJ APV:	A. ALEXIU	04/10/2023
SCG ENG APV:	*	*
ENG FILE NO: *		
WOA: 27767.001		

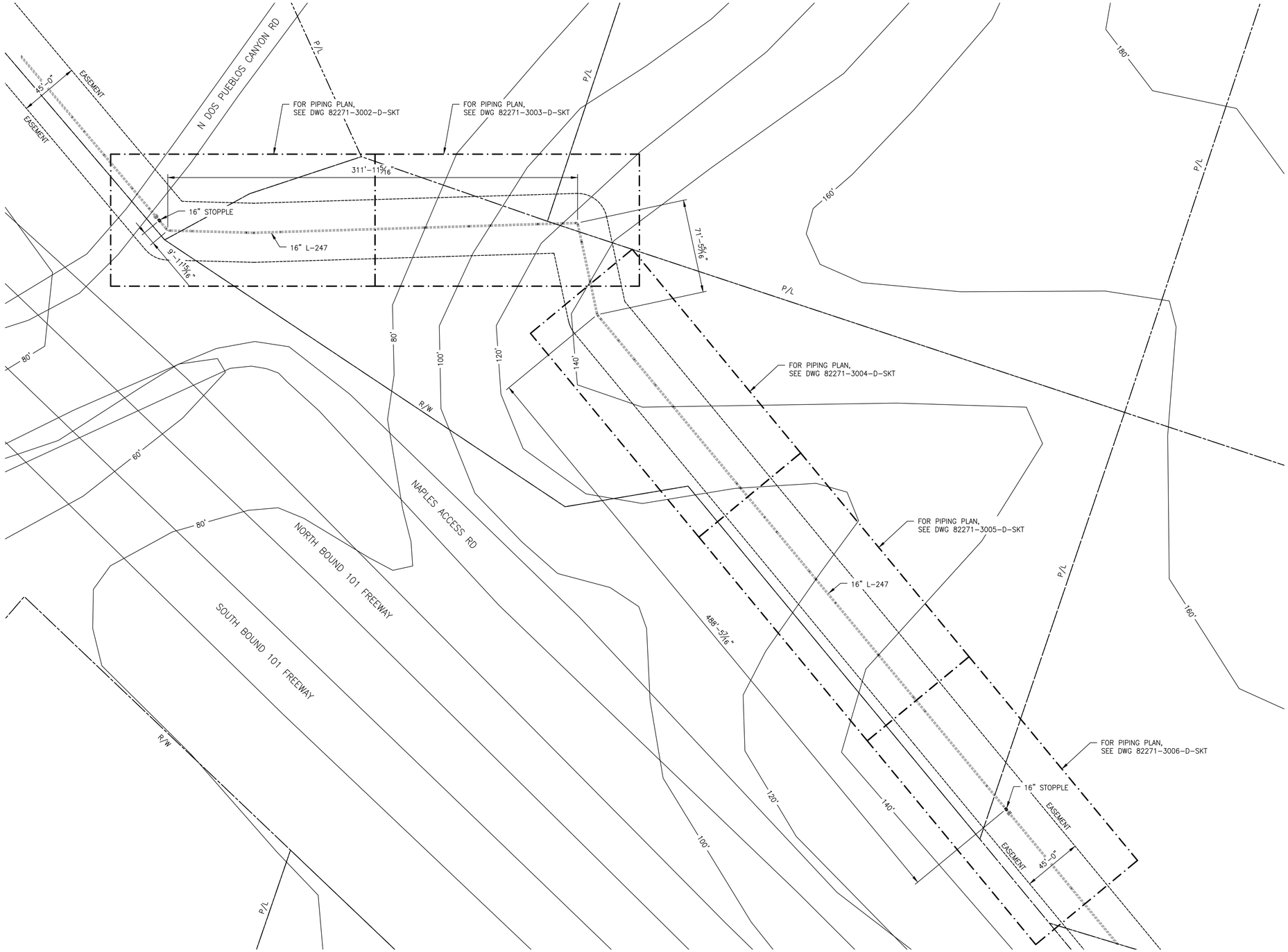
SoCalGas.

L-247 DIG REPAIR
DIG 10
DRAWING LIST

DWG CLASS: 41 | DWG DIST: 100 | SCALE: NONE

DRAWING NUMBER 82271-1001-D-SKT | REV B

\\corp\corpdata\Linear_Asset\PROD\SEU_Linear_Design\Plan Drawings\L247\82271\82271-1001-D-SKT.dwg, 5/3/2023 11:09 AM, Narez, David



PLAN

ISSUED FOR PERMIT

0 20' 40' 80'
SCALE: 1" = 40'-0"

INSTALL PIPE WITH AT LEAST 36" OF COVER BELOW GRADE	PERMIT INFORMATION			
COUNTY: SANTA BARBARA	DATE MOVED ON:	WOA	ISSUED BY	NUMBER
DISTRICT: *	DATE MOVED OFF:			
STRIP MAP NO.: *	DATE OF OPERATION:			
ATLAS NO.: *	CONST. CREW FOREMAN:			
DOT CL: ☐1 ☐2 ☒3 ☐4	CONST. COMPANY:			
CATHODICALLY PROTECTED: *	REGION:			
YEAR C.P. INSTALLED: *				

REV	DATE	DRWN	CHECKED	PRJ APV	SCG APV	ENG FILE NO	DESCRIPTION	WOA
B	05/03/2023	DN	DN	AA	*	*	ISSUED FOR PERMIT	27767.001

	BY	DATE
DESIGNED:	D. NAREZ	04/10/2023
DRAWN:	D. NAREZ	04/10/2023
CHECKED:	D. NAREZ	04/10/2023
PROJ APV:	A. ALEXIU	04/10/2023
SCG ENG APV:	*	*
ENG FILE NO: *		
WOA: 27767.001		

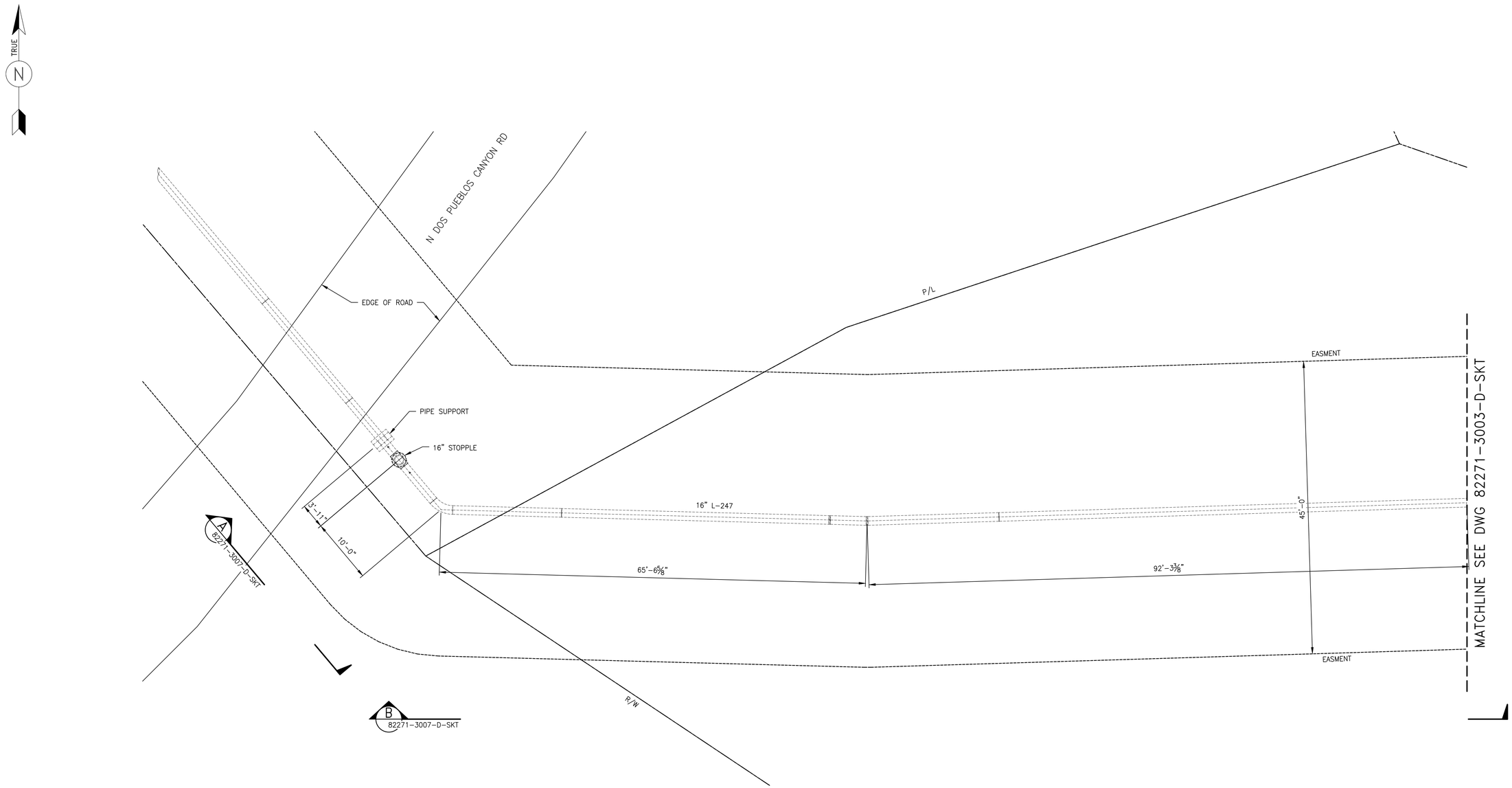
SoCalGas.

L-247 DIG REPAIR
DIG 10
LOCATION PLAN

DWG CLASS: 41 DWG DIST: 100
SCALE: 1"=40'

DRAWING NUMBER 82271-3001-D-SKT REV B

\\corp\corpdata\Linear_Asset\PROD\SEU_Linear_Design\Plan Drawings\L247\82271\82271-3001-D-SKT.dwg, 5/3/2023 10:43 AM, Narez, David



PLAN

FOR LOCATION PLAN,
SEE DWG 82271-3001-D-SKT

ISSUED FOR PERMIT

0 4' 8' 12' 16'
SCALE: 1/8" = 1'-0"

INSTALL PIPE WITH AT LEAST 36" OF COVER BELOW GRADE		PERMIT INFORMATION		
COUNTY: SANTA BARBARA	DATE MOVED ON:	WOA	ISSUED BY	NUMBER
DISTRICT: *	DATE MOVED OFF:			
STRIP MAP NO.: *	DATE OF OPERATION:			
ATLAS NO.: *	CONST. CREW FOREMAN:			
DOT CL: ☐1 ☐2 ☒3 ☐4	CONST. COMPANY:			
CATHODICALLY PROTECTED: *	REGION:			
YEAR C.P. INSTALLED: *				

REV	DATE	DRAWN	CHECKED	PRJ APV	SCG APV	ENG FILE NO	DESCRIPTION	WOA
B	05/03/2023	DN	DN	AA	*	*	ISSUED FOR PERMIT	27767.001

	BY	DATE
DESIGNED:	D. NAREZ	04/10/2023
DRAWN:	D. NAREZ	04/10/2023
CHECKED:	D. NAREZ	04/10/2023
PROJ APV:	A. ALEXIU	04/10/2023
SCG ENG APV:	*	*
ENG FILE NO: *		
WOA: 27767.001		

SoCalGas.

DWG CLASS: 41 | DWG DIST: 100
SCALE: 1/8"=1'-0"

L-247 DIG REPAIR
DIG 10
PIPING PLAN

DRAWING NUMBER 82271-3002-D-SKT REV B

\\corp\corpdata\Linear_Asset\PROD\SEU_Linear_Design\Plan Drawings\L247\82271\82271-3002-D-SKT.dwg, 5/3/2023 10:44 AM, Narez, David

TRUE N

80'
100'
P/L
120'
140'
R/W
EASMENT
16" L-247
45'-0"
154'-2 13/16"
49'-9 7/16"
EASMENT
D 82271-3007-D-SKT
C 82271-3007-D-SKT
MATCHLINE SEE DWG 82271-3002-D-SKT
MATCHLINE SEE DWG 82271-3004-D-SKT

PLAN

FOR LOCATION PLAN,
SEE DWG 82271-3001-D-SKT

ISSUED FOR PERMIT

0 4' 8' 12' 16'
SCALE: 1/8" = 1'-0"

INSTALL PIPE WITH AT LEAST 36" OF COVER BELOW GRADE	PERMIT INFORMATION			
COUNTY: SANTA BARBARA	DATE MOVED ON:	WOA	ISSUED BY	NUMBER
DISTRICT: *	DATE MOVED OFF:			
STRIP MAP NO.: *	DATE OF OPERATION:			
ATLAS NO.: *	CONST. CREW FOREMAN:			
DOT CL: ☐1 ☐2 ☒3 ☐4	CONST. COMPANY:			
CATHODICALLY PROTECTED: *	REGION:			
YEAR C.P. INSTALLED: *				

REV	DATE	DRAWN	CHECKED	PRJ APV	SCG APV	ENG FILE NO	DESCRIPTION	WOA
B	05/03/2023	DN	DN	AA	*	*	ISSUED FOR PERMIT	27767.001

	BY	DATE
DESIGNED:	D. NAREZ	04/10/2023
DRAWN:	D. NAREZ	04/10/2023
CHECKED:	D, NAREZ	04/10/2023
PROJ APV:	A. ALEXIU	04/10/2023
SCG ENG APV: *		*

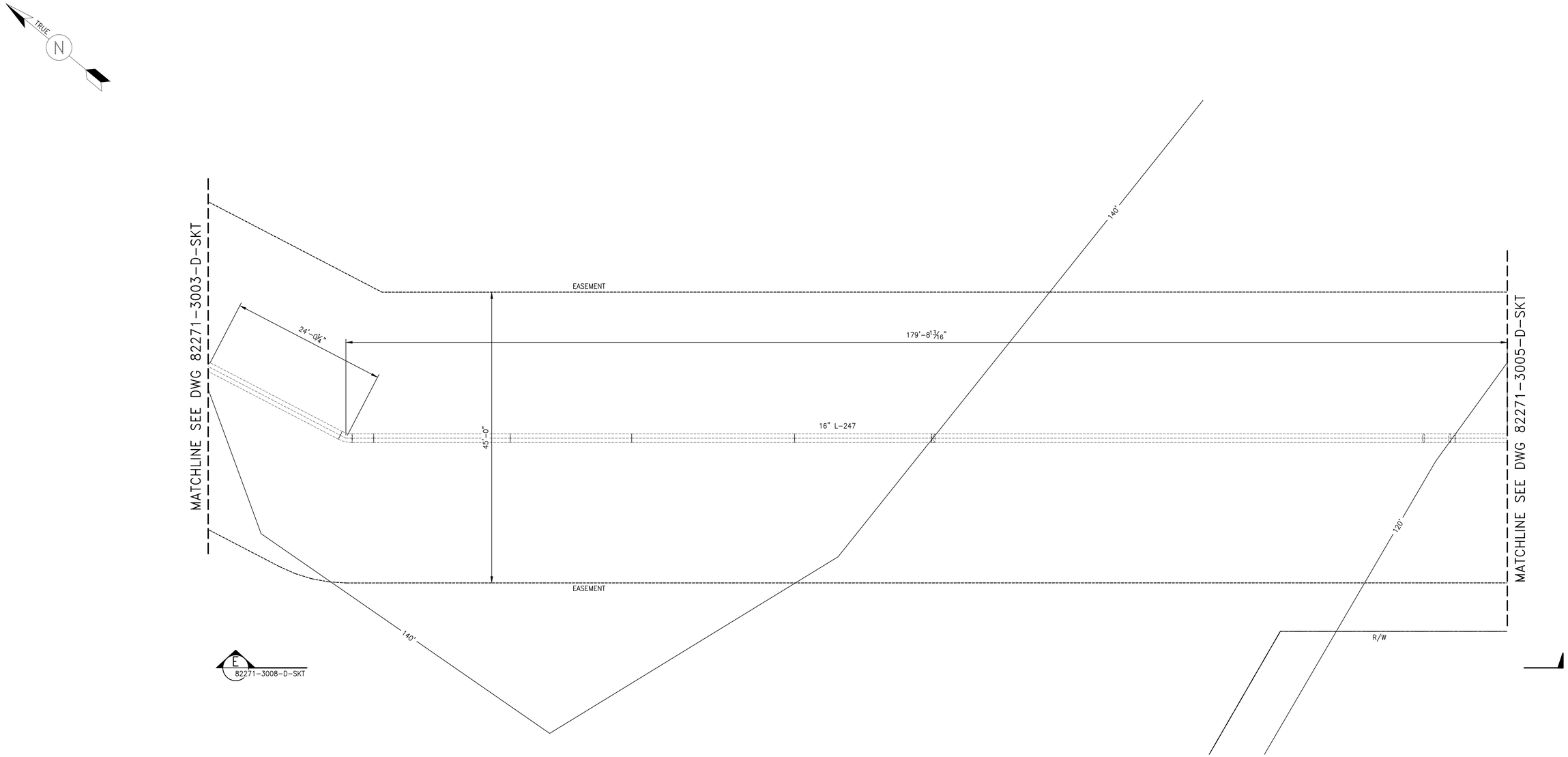
ENG FILE NO: *
WOA: 27767.001
DWG CLASS: 41 DWG DIST: 100
SCALE: 1/8"=1'-0"

SoCalGas.

L-247 DIG REPAIR
DIG 10
PIPING PLAN

DRAWING NUMBER 82271-3003-D-SKT REV B

\\corp\corpdata\Linear_Asset\PROD\SEU_Linear_Design\Plan Drawings\L247\82271\82271-3003-D-SKT.dwg, 5/3/2023 10:47 AM, Narez, David



PLAN

FOR LOCATION PLAN,
SEE DWG 82271-3001-D-SKT

ISSUED FOR PERMIT

0 4' 8' 12' 16'
SCALE: 1/8" = 1'-0"

INSTALL PIPE WITH AT LEAST 36" OF COVER BELOW GRADE		PERMIT INFORMATION		
COUNTY: SANTA BARBARA	DATE MOVED ON:	WOA	ISSUED BY	NUMBER
DISTRICT: *	DATE MOVED OFF:			
STRIP MAP NO.: *	DATE OF OPERATION:			
ATLAS NO.: *	CONST. CREW FOREMAN:			
DOT CL: ☐1 ☐2 ☒3 ☐4	CONST. COMPANY:			
CATHODICALLY PROTECTED: *	REGION:			
YEAR C.P. INSTALLED: *				

REV	DATE	DRAWN	CHECKED	PRJ APV	SCG APV	ENG FILE NO	DESCRIPTION	WOA
B	05/03/2023	DN	DN	AA	*	*	ISSUED FOR PERMIT	27767.001

BY	DATE
DESIGNED: D. NAREZ	04/10/2023
DRAWN: D. NAREZ	04/10/2023
CHECKED: D. NAREZ	04/10/2023
PROJ APV: A. ALEXIU	04/10/2023
SCG ENG APV: *	*
ENG FILE NO: *	
WOA: 27767.001	

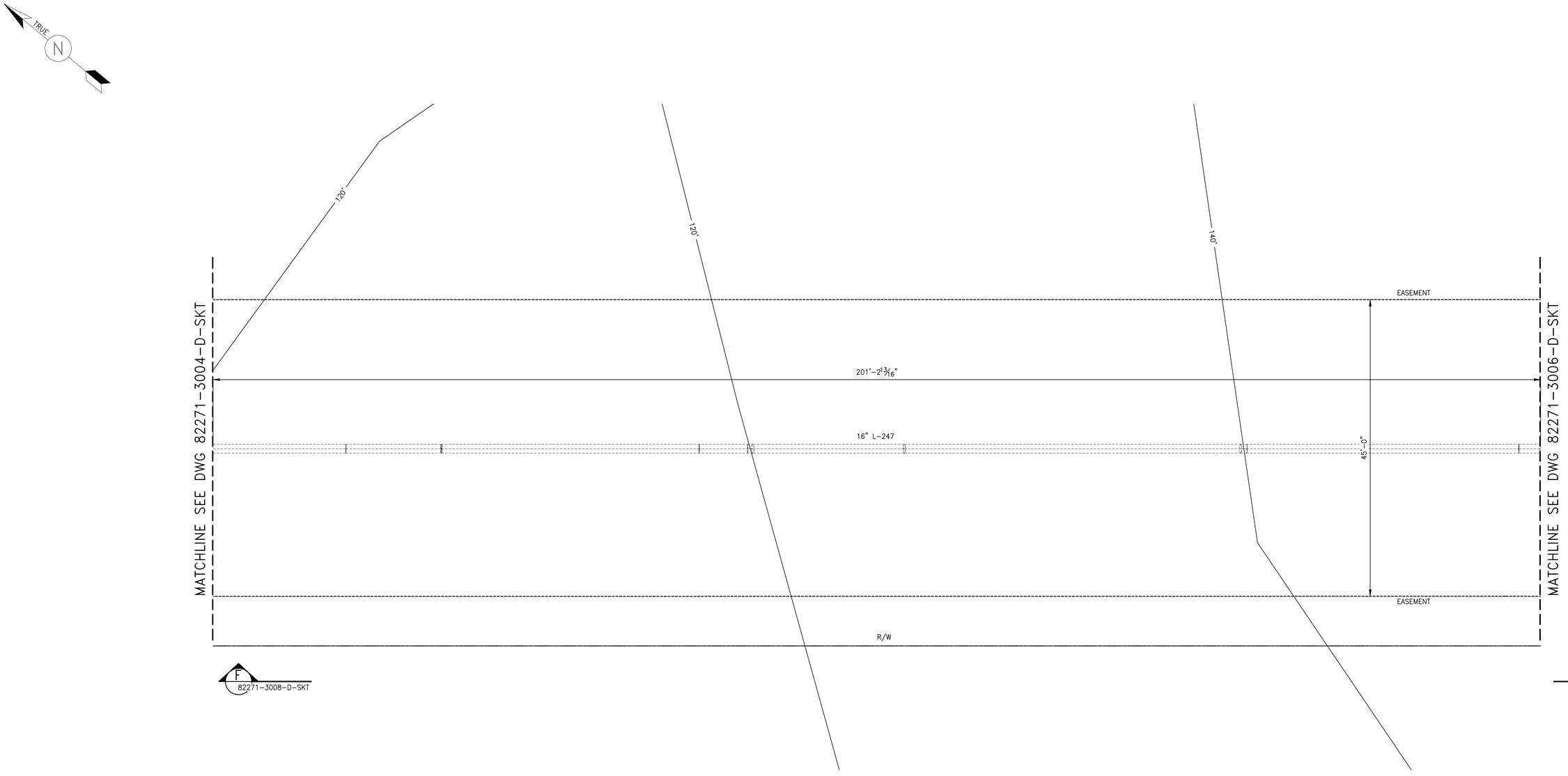
SoCalGas.

L-247 DIG REPAIR
DIG 10
PIPING PLAN

DWG CLASS: 41 | DWG DIST: 100
SCALE: 1/8"=1'-0"

DRAWING NUMBER 82271-3004-D-SKT REV B

\\corp\corpdata\Linear_Asset\PROD\SEU_Linear_Design\Plan Drawings\L247\82271\82271-3004-D-SKT.dwg, 5/3/2023 10:48 AM, Narez, David



PLAN

FOR LOCATION PLAN,
SEE DWG 82271-3001-D-SKT

ISSUED FOR PERMIT

0 4' 8' 12' 16'
SCALE: 1/8" = 1'-0"

INSTALL PIPE WITH AT LEAST 36" OF COVER BELOW GRADE	PERMIT INFORMATION			
COUNTY: SANTA BARBARA	DATE MOVED ON:	WOA	ISSUED BY	NUMBER
DISTRICT: *	DATE MOVED OFF:			
STRIP MAP NO.: *	DATE OF OPERATION:			
ATLAS NO.: *	CONST. CREW FOREMAN:			
DOT CL: ☐1 ☐2 ☒3 ☐4	CONST. COMPANY:			
CATHODICALLY PROTECTED: *	REGION:			
YEAR C.P. INSTALLED: *				

REV	DATE	DRAWN	CHECKED	PRJ APV	SCG APV	ENG FILE NO	DESCRIPTION	WOA
B	05/03/2023	DN	DN	AA	*	*	ISSUED FOR PERMIT	27767.001

	BY	DATE
DESIGNED:	D. NAREZ	04/10/2023
DRAWN:	D. NAREZ	04/10/2023
CHECKED:	D. NAREZ	04/10/2023
PROJ APV:	A. ALEXIU	04/10/2023
SCG ENG APV:	*	*

ENG FILE NO: *
WOA: 27767.001

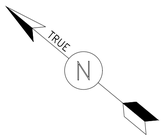
SoCalGas.

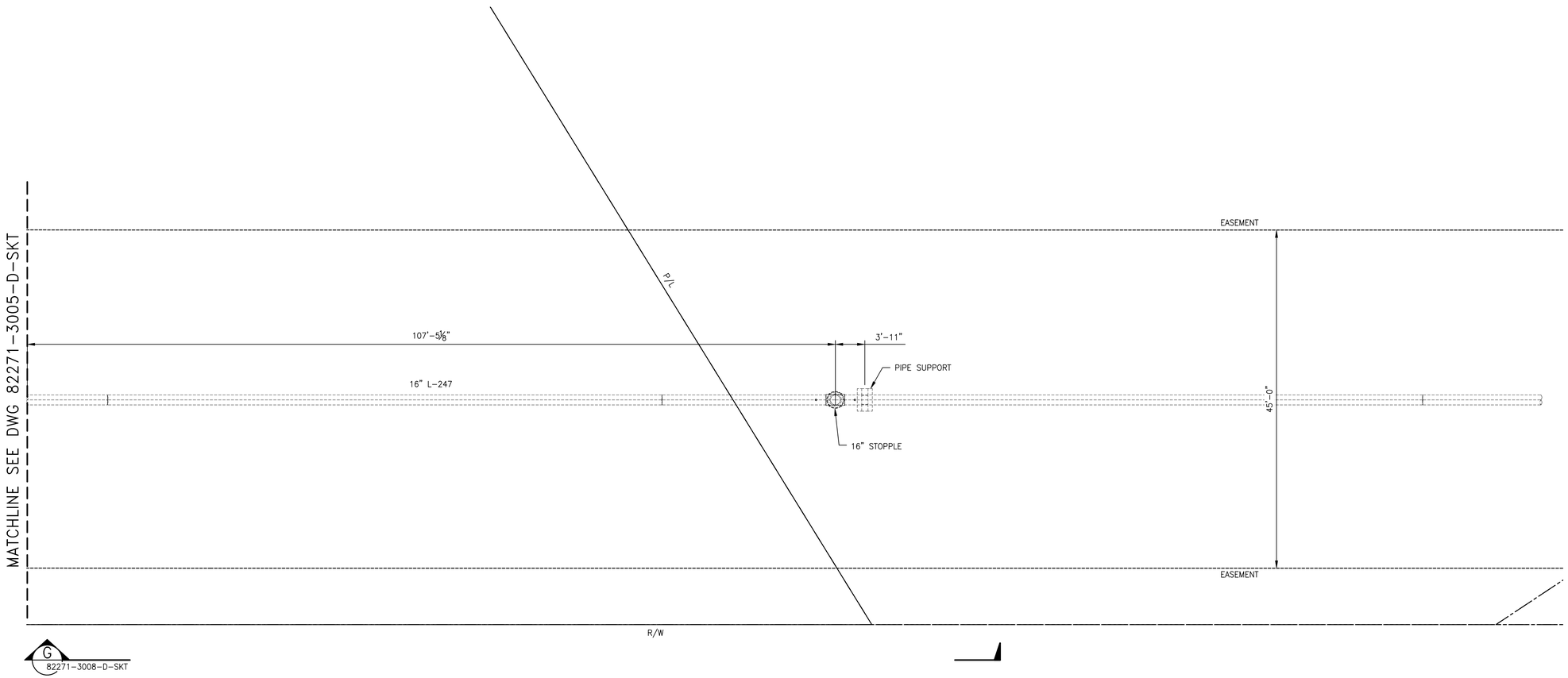
L-247 DIG REPAIR
DIG 10
PIPING PLAN

DWG CLASS: 41 | DWG DIST: 100
SCALE: 1/8"=1'-0"

DRAWING NUMBER 82271-3005-D-SKT REV B

\\corp\corpdata\Linear_Asset\PROD\SEU_Linear_Design\Plan Drawings\L247\82271\82271-3005-D-SKT.dwg, 5/3/2023 11:06 AM, Narez, DWG





PLAN

FOR LOCATION PLAN,
SEE DWG 82271-3001-D-SKT

ISSUED FOR PERMIT

0 4' 8' 12' 16'
SCALE: 1/8" = 1'-0"

INSTALL PIPE WITH AT LEAST 36" OF COVER BELOW GRADE	PERMIT INFORMATION			
COUNTY: SANTA BARBARA	DATE MOVED ON:	WOA	ISSUED BY	NUMBER
DISTRICT: *	DATE MOVED OFF:			
STRIP MAP NO.: *	DATE OF OPERATION:			
ATLAS NO.: *	CONST. CREW FOREMAN:			
DOT CL: ☐1 ☐2 ☒3 ☐4	CONST. COMPANY:			
CATHODICALLY PROTECTED: *	REGION:			
YEAR C.P. INSTALLED: *				

REV	DATE	DRAWN	CHECKED	PRJ APV	SCG APV	ENG FILE NO	DESCRIPTION	WOA
B	05/03/2023	DN	DN	AA	*	*	ISSUED FOR PERMIT	27767.001

	BY	DATE
DESIGNED:	D. NAREZ	04/10/2023
DRAWN:	D. NAREZ	04/10/2023
CHECKED:	D. NAREZ	04/10/2023
PROJ APV:	A. ALEXIU	04/10/2023
SCG ENG APV:	*	*
ENG FILE NO: *		
WOA: 27767.001		

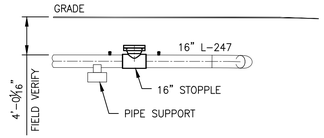
SoCalGas.

DWG CLASS: 41 | DWG DIST: 100

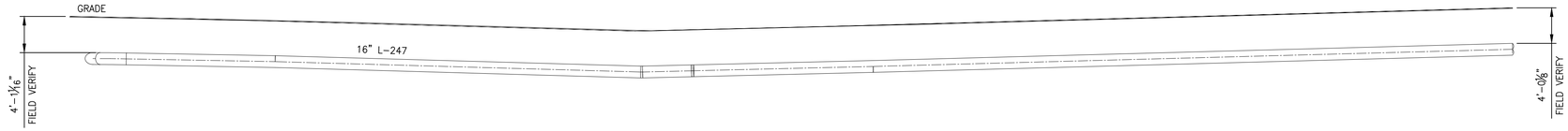
SCALE: 1/8"=1'-0"

L-247 DIG REPAIR
DIG 10
PIPING PLAN

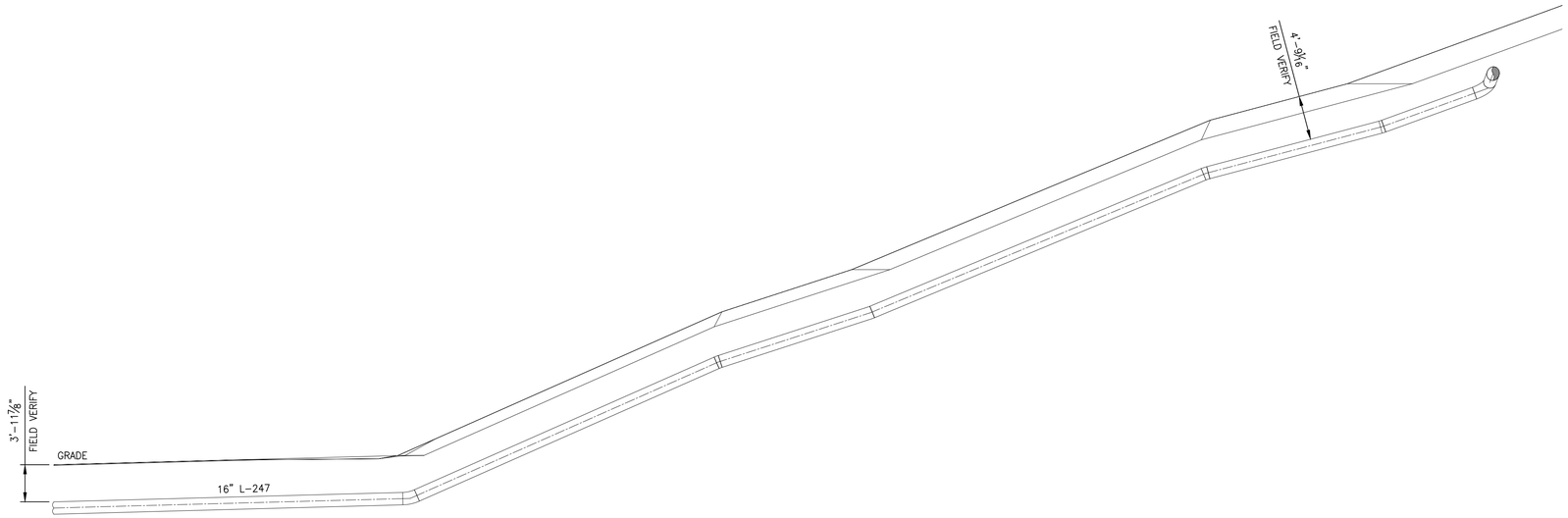
DRAWING NUMBER 82271-3006-D-SKT REV B



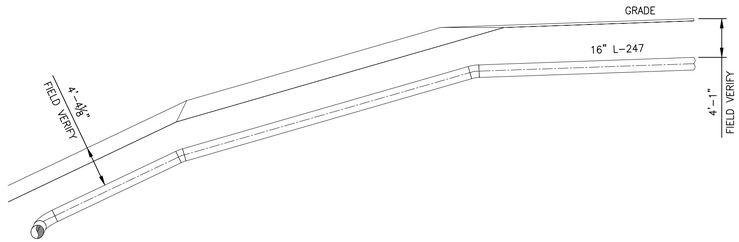
SECTION A
82271-3002-D-SKT



SECTION B
82271-3002-D-SKT



SECTION C
82271-3003-D-SKT



SECTION D
82271-3003-D-SKT

ISSUED FOR PERMIT

0 4' 8' 12' 16'
SCALE: 1/8" = 1'-0"

INSTALL PIPE WITH AT LEAST 36" OF COVER BELOW GRADE		PERMIT INFORMATION		
COUNTY: SANTA BARBARA	DATE MOVED ON:	WOA	ISSUED BY	NUMBER
DISTRICT: *	DATE MOVED OFF:			
STRIP MAP NO.: *	DATE OF OPERATION:			
ATLAS NO.: *	CONST. CREW FOREMAN:			
DOT CL: ☐1 ☐2 ☒3 ☐4	CONST. COMPANY:			
CATHODICALLY PROTECTED: *	REGION:			
YEAR C.P. INSTALLED: *				

REV	DATE	DRAWN	CHECKED	PRJ APV	SCG APV	ENG FILE NO	DESCRIPTION	WOA
B	05/03/2023	DN	DN	AA	*	*	ISSUED FOR PERMIT	27767.001

	BY	DATE
DESIGNED:	D. NAREZ	04/10/2023
DRAWN:	D. NAREZ	04/10/2023
CHECKED:	D. NAREZ	04/10/2023
PROJ APV:	A. ALEXIU	04/10/2023
SCG ENG APV:	*	*
ENG FILE NO: *		
WOA: 27767.001		

SoCalGas.

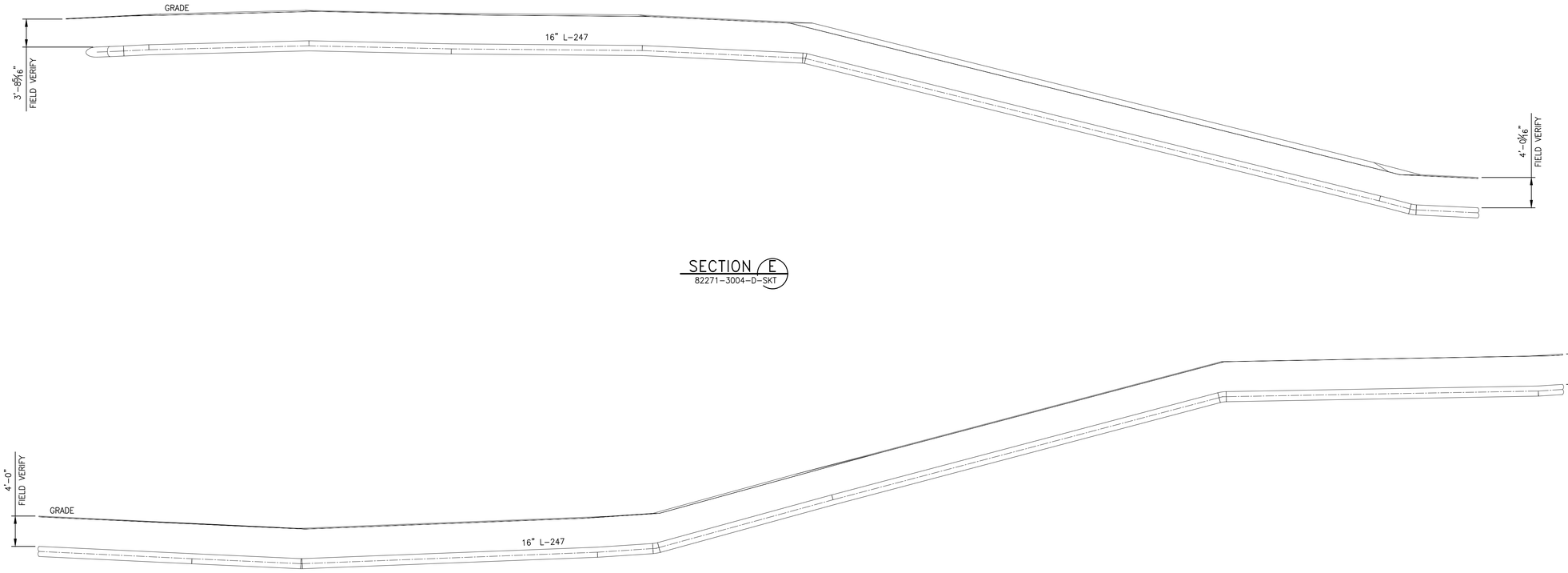
DWG CLASS: 41 | DWG DIST: 100

SCALE: 1/8"=1'-0"

L-247 DIG REPAIR
DIG 10
PIPING SECTIONS

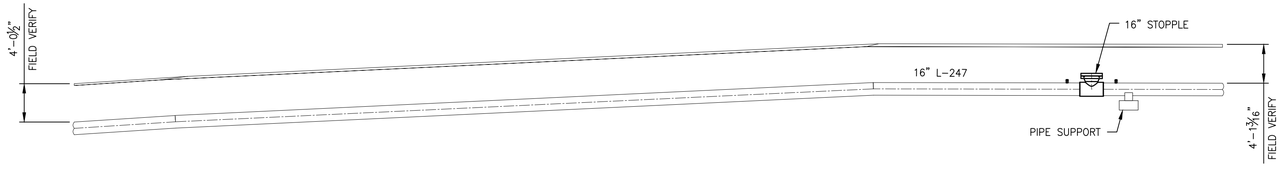
DRAWING NUMBER 82271-3007-D-SKT REV B

\\corp\corpdata\Linear_Asset\PROD\SEU_Linear_Design\Plan Drawings\L247\82271\82271-3007-D-SKT.dwg, 5/3/2023 11:08 AM, Narez, David



SECTION E
82271-3004-D-SKT

SECTION F
82271-3005-D-SKT



SECTION G
82271-3006-D-SKT

ISSUED FOR PERMIT

0 4' 8' 12' 16'
SCALE: 1/8" = 1'-0"

INSTALL PIPE WITH AT LEAST 36" OF COVER BELOW GRADE	PERMIT INFORMATION				
COUNTY: SANTA BARBARA	DATE MOVED ON:	WOA	ISSUED BY	NUMBER	
DISTRICT: *	DATE MOVED OFF:				
STRIP MAP NO.: *	DATE OF OPERATION:				
ATLAS NO.: *	CONST. CREW FOREMAN:				
DOT CL: ☐1 ☐2 ☒3 ☐4	CONST. COMPANY:				
CATHODICALLY PROTECTED: *	REGION:				
YEAR C.P. INSTALLED: *					

REV	DATE	DRAWN	CHECKED	PRJ APV	SCG APV	ENG FILE NO	DESCRIPTION	WOA
B	05/03/2023	DN	DN	AA	*	*	ISSUED FOR PERMIT	27767.001

	BY	DATE
DESIGNED:	D. NAREZ	04/10/2023
DRAWN:	D. NAREZ	04/10/2023
CHECKED:	D. NAREZ	04/10/2023
PROJ APV:	A. ALEXIU	04/10/2023
SCG ENG APV:	*	*
ENG FILE NO:	*	
WOA:	27767.001	

SoCalGas.

L-247 DIG REPAIR
DIG 10
PIPING SECTIONS

DWG CLASS: 41 | DWG DIST: 100 | SCALE: 1/8"=1'-0"

DRAWING NUMBER 82271-3008-D-SKT | REV B

Figure 1: Project Area and ESH

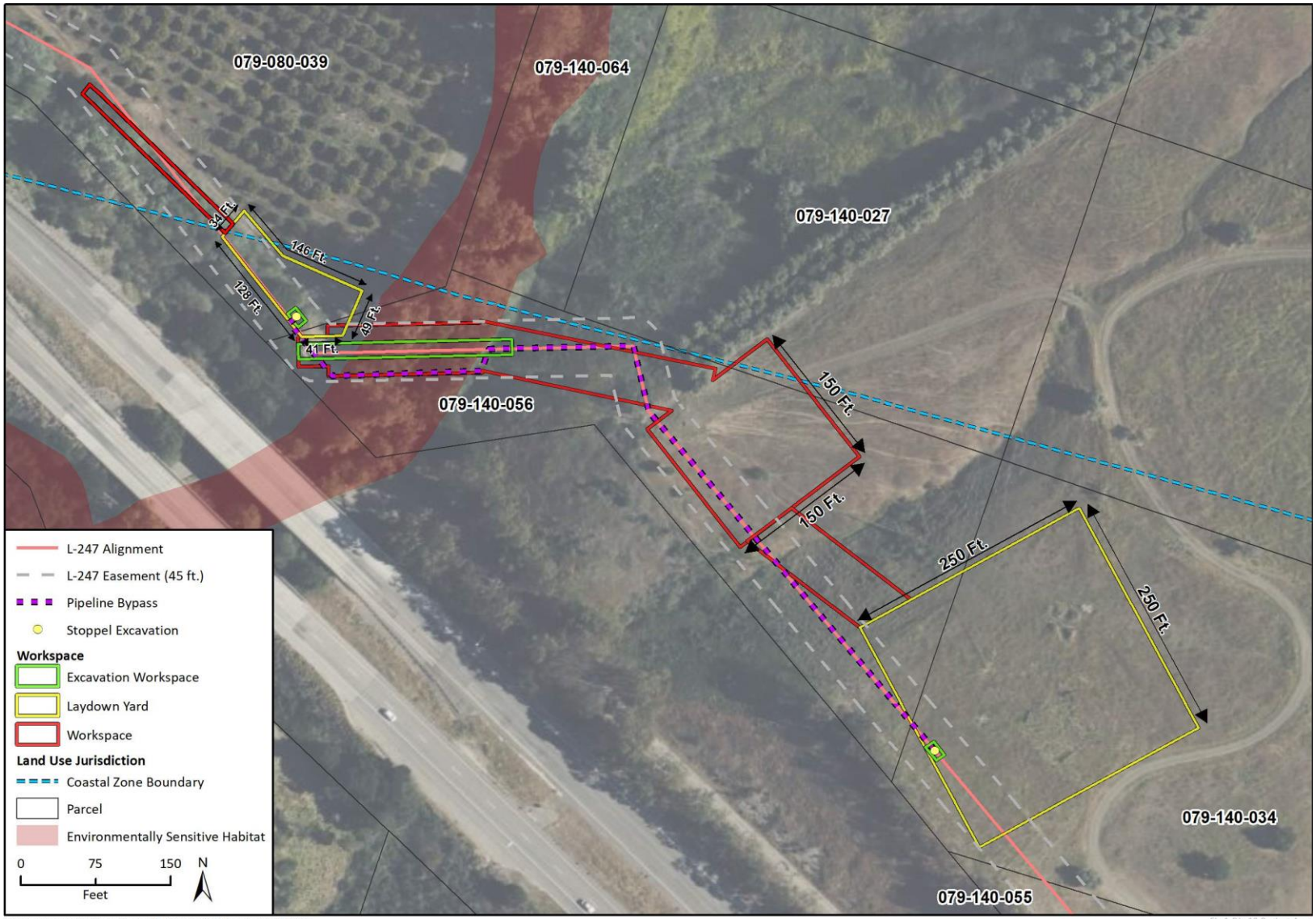


Figure 2: Trees Removed, Dos Pueblos Creek Channel, and Extent of State Jurisdiction

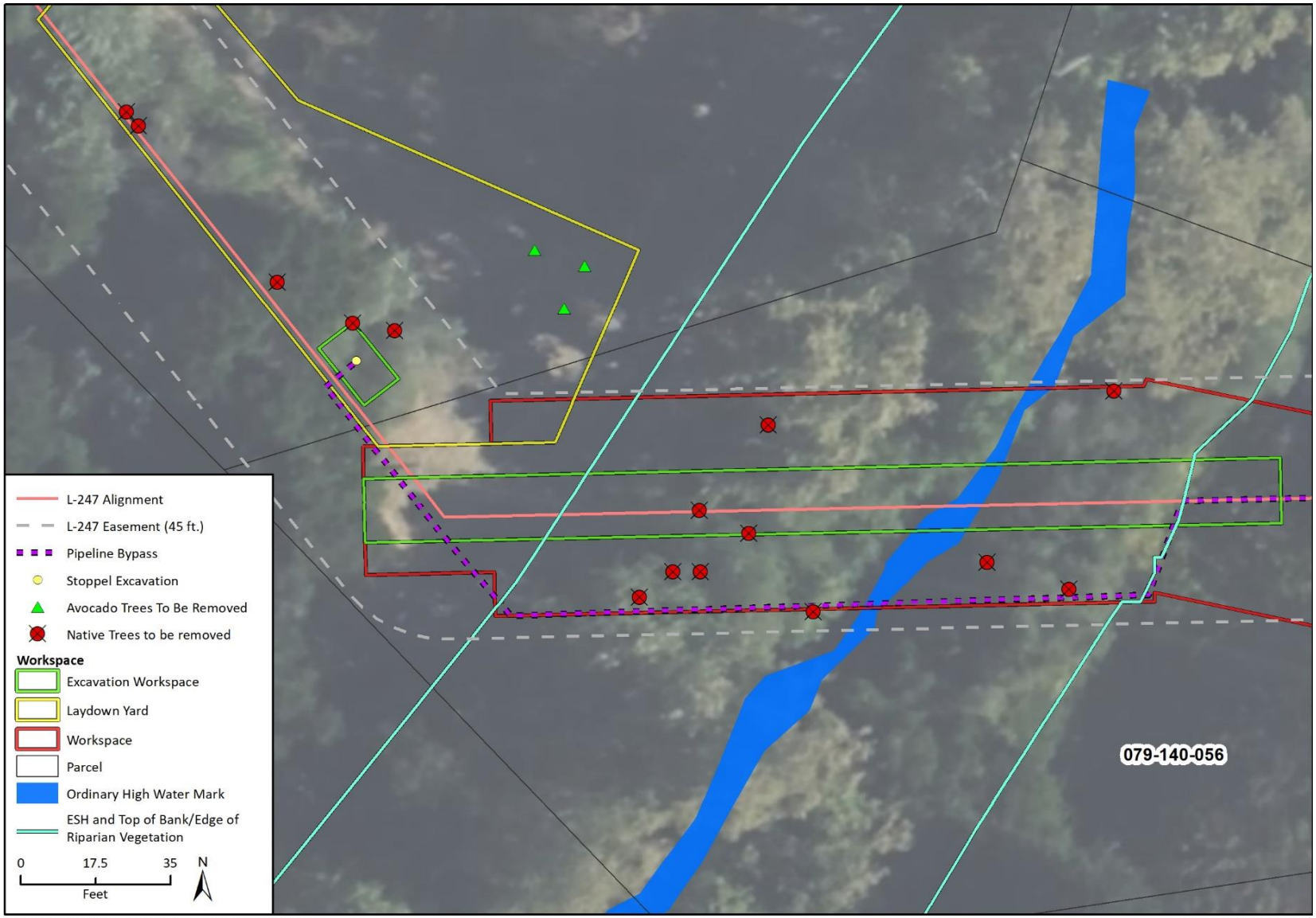


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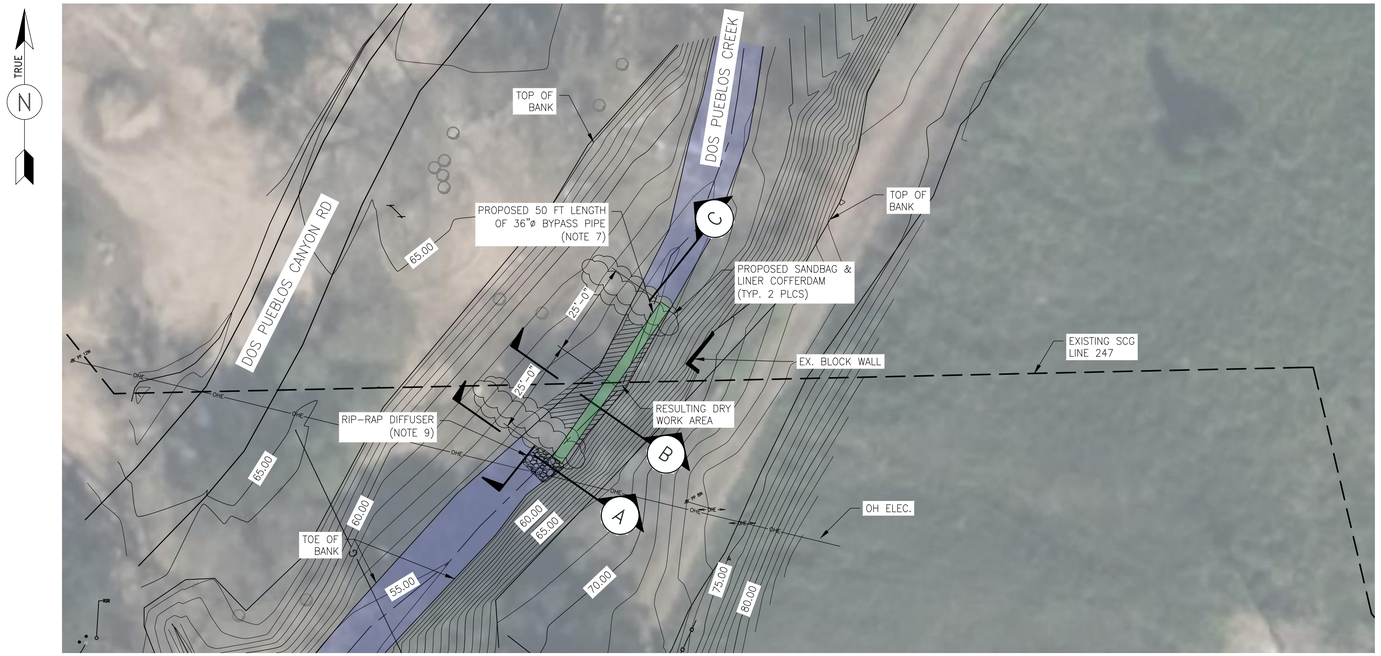
Fig 2 Dig 10 Project Area Creek

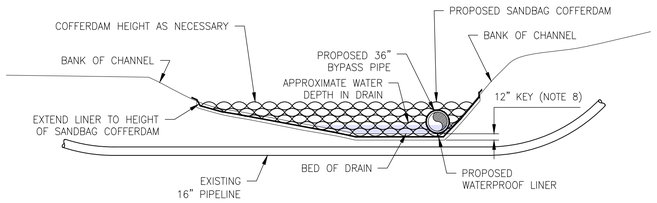


PLAN
1"=20'

VICINITY MAP
N.T.S.

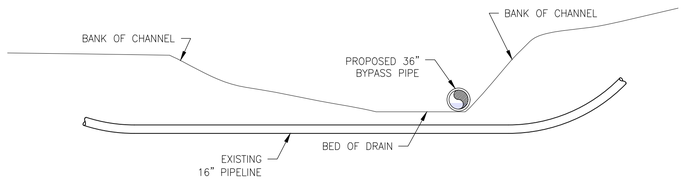
KEY PLAN
N.T.S.

DOS PUEBLOS CREEK

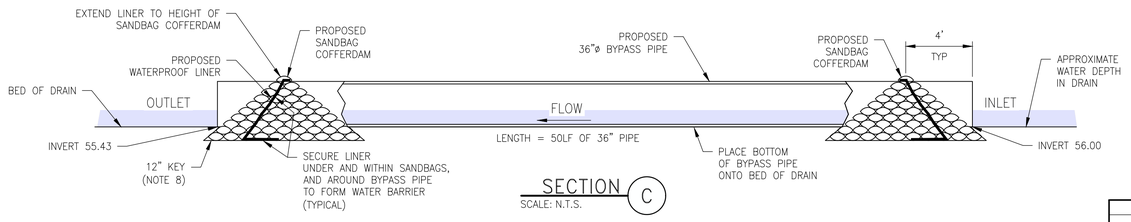


SECTION A
SCALE: N.T.S.

DOS PUEBLOS CREEK



SECTION B
SCALE: N.T.S.



SECTION C
SCALE: N.T.S.

0 10' 20' 40'
SCALE: 1" = 20'-0"

NOTES:

1. DESIGN CODE AND GENERAL REQUIREMENTS:
   A. APPROPRIATE COUNTY BUILDING CODES, LATEST REVISION.
   B. FEDERAL OCCUPATIONAL SAFETY AND HEALTH STANDARDS ACT. (O.S.H.A.)
   C. CALIFORNIA STATE INDUSTRIAL SAFETY ORDERS.
   D. ASME B31.4 (LATEST EDITION) – LIQUID TRANSPORTATION SYSTEMS FOR HYDROCARBONS (ETC.)
   E. U.S. D.O.T. 49CFR195 (LATEST EDITION) – TRANSPORTATION OF HAZARDOUS LIQUIDS BY PIPELINE.
2. COORDINATE ALL WORK WITH THE OWNER'S FIELD REPRESENTATIVE.
3. CONTRACTOR SHALL COMPLY WITH SCG STANDARD PROCEDURES FOR LOCATION OF ALL UNDERGROUND FACILITIES, SUBSURFACE STRUCTURES OR OTHER SUBSURFACE INSTALLATIONS, INCLUDING THOSE FOR USE OF VACUUM EXCAVATION DEVICES, OR POWER-OPERATED OR POWER-DRIVEN EXCAVATING OR BORING EQUIPMENT WITHIN THE APPROXIMATE LOCATION OF A SUBSURFACE INSTALLATION.
4. THE CONTRACTOR SHALL CONFORM TO ALL REQUIREMENTS OF THE APPROPRIATE COUNTIES, CITIES, LOCAL CITY FIRE DEPARTMENTS, WATER QUALITY CONTROL BOARDS, AIR QUALITY MANAGEMENT DISTRICTS, AND ANY OTHER APPLICABLE CITY, STATE, OR FEDERAL AGENCIES REQUIREMENTS.
5. ENGINEER PREPARING THESE PLANS WILL NOT BE RESPONSIBLE FOR, OR LIABLE FOR, UNAUTHORIZED CHANGES TO OR USES OF THESE PLANS.
6. CONTRACTOR TO NOTIFY UNDERGROUND SERVICE ALERT (U.S.A.) AT LEAST TWO WORKING DAYS PRIOR TO BEGINNING WORK: 811 OR 1-800-227-2600. U.S.A. SHALL BE RECONTACTED EVERY 2 WEEKS THROUGHOUT THE DURATION OF THE CONSTRUCTION. THIS WILL ALLOW KNOWN SUBSTRUCTURES TO BE MARKED BY THEIR OWNERS ON A CONTINUOUS BASIS. CONTRACTOR SHALL MARK PROPOSED LIMITS OF THE SURVEY WITH WHITE PAINT PRIOR TO EACH U.S.A. NOTICE.
7. CONTRACTOR SHALL HAVE AVAILABLE AT THE WORKSITE NECESSARY STANDBY BYPASS PUMPS AND PIPING TO USE IN THE EVENT THE FLOW OF DOS PUEBLOS CREEK BECOMES EXCESSIVE. BASED ON HISTORICAL RECORDS FOR THIS CREEK, THERE WERE 4 EVENTS IN THE 80 YEARS OF RECORDS, WHERE FLOW OCCURRED DURING THE MONTHS OF JUNE-AUGUST. THEREFORE, THE ANTICIPATED FLOW RATE IS ZERO DURING THESE MONTHS. THE ACTUAL CAPACITY OF THE 36" BYPASS PIPE IS APPROXIMATELY 76 CFS, BASED ON THE TOPOGRAPHIC SURVEY OF THE PROPOSED BYPASS INLET AND OUTLET INVERTS, USING A LENGTH OF PIPE AROUND 50 LF, CORRESPONDING TO A SLOPE OF 0.0114. SHOULD THERE BE FLOW DURING CONSTRUCTION PERIOD, CONTRACTOR SHALL MONITOR WATER LEVEL AND WATER FLOW ON THE UPSTREAM SIDE OF THE COFFERDAM. IF THE WATER LEVEL APPROACHES THE TOP OF THE COFFERDAM, OR IF WATER FLOW EXCEEDS 50 CFS (66% OF BYPASS CAPACITY), CONTRACTOR SHALL AUGMENT BYPASS WITH ADDITIONAL PUMPS AND NECESSARY PIPING TO MOVE EXCESS WATER FLOW AROUND THE WORK AREA AND INTO DOWNSTREAM SIDE OF COFFERDAM.
8. EXCAVATE KEY INTO BED OF DRAIN TO ANCHOR COFFERDAMS. WIDTH OF KEY TO MATCH WIDTH OF SANDBAG COFFERDAM AT BASE. INITIAL DEPTH OF KEY TO BE 12". IF INITIAL DEPTH OF KEY IS INSUFFICIENT TO STOP FLOW OF WATER INTO WORK AREA, KEY DEPTH SHALL BE INCREASED TO PREVENT SUB-SURFACE FLOW OF WATER INTO WORK AREA.
9. CONTRACTOR TO LAY 6-INCH ROCK RIP-RAP AT OUTLET OF BYPASS PIPE TO PREVENT SCOUR OF DRAIN BED. RIP-RAP DIFFUSER TO BE 10 FT LONG X 10 FT WIDE AT WEST END AND MINIMUM 5 FT WIDE UNDER BYPASS PIPE.
10. THE 50-FOOT WIDE WORK AREA ACROSS THE DOS PUEBLOS CREEK WILL BE ISOLATED BY THE INSTALLATION OF SANDBAG AND LINER COFFERDAMS AS SHOWN. EAST-WEST FLOW OF THE DRAIN MUST BE MAINTAINED WHILE THE COFFERDAMS ARE IN PLACE. THE FLOW OF THE DRAIN THROUGH THE WORK AREA WILL BE ACHIEVED WITH THE 36-INCH DIAMETER BYPASS PIPE INSTALLED AS SHOWN.
11. ONCE WORK AREA IS ISOLATED, PUMP SURFACE WATER AND ANY FUTURE GROUNDWATER SEEPAGE FROM WORK AREA DOWNSTREAM BEYOND SANDBAGS.
12. UPON COMPLETION OF THE PIPELINE EXPOSURE/INSPECTION AND TRENCH BACKFILL, CONTRACTOR SHALL REMOVE COFFERDAMS AND BYPASS PIPE.
13. DOS PUEBLOS CREEK AND THE WORK AREA SHALL BE RESTORED AND RETURNED TO PRE-WORK CONDITION.

PRELIMINARY

REV	DATE	DRAWN	CHECKED	PRJ APV	SCG APV.	ENG FILE NO	DESCRIPTION	WOA
A		FMG	RFR					

	BY	DATE
DESIGNED:	P. HENSHALL	
DRAWN:	F. MURILLO	
CHECKED:	R. RANDIG	
PROJ APV:		
SCG ENG APV:		
ENG FILE NO:		
WOA:		

SoCalGas
A Sempra Energy utility

DWG CLASS: DWG DIST:
SCALE: AS NOTED

L247 DOS PUEBLOS CREEK ANOMALY REPAIR WATER DIVERSION PLAN

DRAWING NUMBER 8200-EX-901 REV A

S:\8200\8200-EX-901.dwg, 3/22/2022 10:54 AM, Fernando Murillo

COUNTY OF SANTA BARBARA

AGRICULTURAL PRESERVE ADVISORY
COMMITTEE UNAPPROVED MINUTES
FOR MEETING OF MARCH 14, 2024,

9:00 a.m.

Santa Barbara County
Planning & Development
Planning Commission Hearing Room
123 East Anapamu Street
Santa Barbara, CA 93101

Stephanie Stark, Agricultural Commissioner's Office
David Lackie, Planning & Development Department
Royce Larsen, UC Cooperative Extension
Aleks Jevremovic, County Surveyor
Sergio Ricardo, Assessor's Office

COMMITTEE MEMBERS	**PRESENT**
Stephanie Stark, Agricultural Commissioner's Office	o
Matt Maiten, Agricultural Commissioner's Office	x
David Lackie, Planning & Development Department	x
Royce Larsen, UC Cooperative Extension	x
Aleks Jevremovic, County Surveyor	x
Sergio Ricardo, Assessor's Office	x

STAFF MEMBERS	**PRESENT**
Tyler Sprague, County Counsel	x
Teresa Castro, Planning & Development	x
Jonathan Martin, Planning & Development	x

ADMINISTRATIVE AGENDA:

I. MEETING CALLED TO ORDER: The Santa Barbara County Agricultural Preserve Advisory Committee was called to order by Chair Lackie at 9:01 a.m.

II. PUBLIC COMMENTS: None

III. MINUTES: The Minutes of February 8, 2024, will be considered.

ACTION: Larsen moved, seconded by Lackie, and carried by a vote of 4-0 to approve the minutes of February 8, 2024, as amended.

IV. AGENDA MANAGEMENT – None

V. CONTINUED ITEMS:

VI. NEW ITEMS:

1. 12-AP-028 SoCal Gas Dig 10 Anomaly Repair Naples
22CDH-OOOOO-00002 Katie Nall, Planner (805) 568-2074

The project is proposed by SoCal Gas, of Case No. 22CDH-00000-00002 regarding excavation and replacement a 215-foot segment of their existing Natural Gas Pipeline 247 to repair an anomaly within the Dos Pueblos Canyon Creek. All grading activities will occur within the SoCal Gas easement, with the laydown and staging areas extending slightly beyond. One of the APNs includes an Ag Contract (12-AP-028), and the project proposes to remove 3 avocado trees within the said contract to allow equipment to access the site. Once repair and recontouring activities are complete, the avocado trees will be replaced and brought back into production. The project will take approximately 12 weeks to complete, and its consistency with the Uniform Rules and consider ongoing eligibility of the property as an agricultural preserve consistent with the Uniform Rules and any enforcement actions pursuant to Uniform Rule 6. The property is 503.55 acres, identified as Assessor's Parcel Number 079-080-039, 079-140-056, 079-140-027, and 079-140-034, zoned AG-II-100, with an AC Comprehensive Plan designation in the Naples area, Third Supervisorial District.

ACTION: Lackie moved, seconded by Larsen, and carried by a vote of 5-0 find the request to replace and repair the natural gas pipeline consistent with Uniform Rule 2-9, and find contract 12-AP-028 meets ongoing eligibility requirements.

VII. REPORTS OF COMMITTEE MEMBERS:

1. Matt Mait*en:* Reminded members to fill out 700 forms.
2. Sergio Ricardo: Tri-Am 70-AP-022 re-record non-renewal was done. Corrected affected dates.
3. David Lackie: Regarding P&D website forms, Sergio Ricardo provided informational steps for owner-initiated non-renewal with a calculator.

The next Agricultural Preserve Committee Meeting is scheduled for April 11, 2024. Agenda requests should be submitted to the South County Zoning Information Counter located at 123 East Anapamu Street, Santa Barbara, California 93101, or at the North County Zoning Information Counter located at 624 West Foster Road, Santa Maria, California 93455.

apcd air pollution control district
SANTA BARBARA COUNTY

April 12, 2023

Katie Nall
Santa Barbara County
Planning and Development
123 E. Anapamu Street
Santa Barbara, CA 93101

Sent Via Email: nallk@countyofsb.org

Re: Santa Barbara County Air Pollution Control District Suggested Conditions for SoCal Gas Dig 10 Anomaly Repair, 22CDH-00000-00002

Dear Katie Nall:

The Santa Barbara County Air Pollution Control District (District) has reviewed the referenced project, which consists of the inspection and repair of SoCal Gas natural gas transmission pipeline 247. Repair will include installation of stopple fittings and a temporary bypass, dewatering of the creek, excavation and replacement of a 215-foot section of the pipeline, and backfilling the trench and restoration of the site. Equipment and staging will occur in three yards in previously disturbed areas. The total area of disturbance is 3.28 acres and the project is expected to take approximately 12 weeks. The subject property, zoned AG-II-100 and NTS is identified in the Assessor Parcel Map Book as APNs 079-140-064 and 079-080-039 and is located at Naples Access Road and Dos Pueblos Canyon Road in the community of Gaviota.

The proposed project is subject to the following **regulatory requirements** that should be included as conditions of approval in the applicable land use permit:

1. All portable diesel-fired construction engines rated at 50 brake horsepower or greater must have either statewide Portable Equipment Registration Program (PERP) certificates or District permits prior to grading/building permit issuance. Construction engines with PERP certificates are exempt from the District permit, provided they will be on-site for less than 12 months.

2. The applicant is required to obtain an asbestos survey for suspect asbestos containing material and submit an **Asbestos Demolition/Renovation Notification or an EXEMPTION** from Notification for Renovation and Demolition (District Form ENF-28 or District Form ENF-28e), which can be downloaded at www.ourair.org/compliance-forms. Demolition notifications are required even if an asbestos survey indicates no asbestos containing material. The completed exemption or notification should be presented, mailed, or emailed to the District with a minimum of 10 working days advance notice prior to disturbing asbestos in a renovation or starting work on a demolition. The applicant should visit www.ourair.org/asbestos to determine whether the project triggers asbestos notification requirements or whether the project qualifies for an exemption.

3. There is the potential for odor generation during pipeline purging operations. The applicant should consider using a degassing unit to control odors. Some companies already have District permits with the District for such equipment. The applicant could consider utilizing an already

permitted unit through a company, or could contact the District to obtain a permit or permit exemption for the use of a degassing unit.

In addition, the District recommends that the following **best practices** be considered for inclusion as conditions of approval, in the interest of reducing emissions of criteria air pollutants, toxic air contaminants, dust and odors:

4. To reduce the potential for violations of District Rule 345 *(Control of Fugitive Dust from Construction and Demolition Activities)*, Rule 302 *(Visible Emissions)*, and Rule 303 *(Nuisance)*, standard dust mitigations (**Attachment A**) are recommended for all construction and/or grading activities. The name and telephone number of an on-site contact person must be provided to the District prior to grading/building permit issuance.

5. The State of California considers particulate matter emitted by diesel engines carcinogenic. Therefore, during project grading, construction, and hauling, construction contracts must specify that contractors shall adhere to the requirements listed in **Attachment B** to reduce emissions of particulate matter (as well as of ozone precursors) from diesel equipment. Recommended measures should be implemented to the maximum extent feasible. Prior to grading/building permit issuance and/or map recordation, all requirements shall be shown as conditions of approval on grading/building plans, and/or on a separate sheet to be recorded with the map. Conditions shall be adhered to throughout all grading and construction periods. The contractor shall retain the Certificate of Compliance for CARB's In-Use Regulation for Off-Road Diesel Vehicles onsite and have it available for inspection.

If you or the project applicant have any questions regarding these comments, please feel free to contact me at (805) 979-8334 or via email at WaddingtonE@sbcapcd.org.

Sincerely,

Emily Waddington,
Air Quality Specialist
Planning Division

Attachments: Fugitive Dust Control Measures
Diesel Particulate and NO_x Emission Measures

cc: Planning Chron File

air pollution control district
SANTA BARBARA COUNTY

ATTACHMENT A
FUGITIVE DUST CONTROL MEASURES

These measures should be required for all projects involving earthmoving activities regardless of the project size or duration. Projects are expected to manage fugitive dust emissions such that emissions do not exceed APCD's visible emissions limit (APCD Rule 302), create a public nuisance (APCD Rule 303), and are in compliance with the APCD's requirements and standards for visible dust (APCD Rule 345).

- During construction, use water trucks, sprinkler systems, or dust suppressants in all areas of vehicle movement to prevent dust from leaving the site and from exceeding the APCD's limit of 20% opacity for greater than 3 minutes in any 60 minute period. When using water, this includes wetting down areas as needed but at least once in the late morning and after work is completed for the day. Increased watering frequency should be required when sustained wind speed exceeds 15 mph. Reclaimed water should be used whenever possible. However, reclaimed water should not be used in or around crops for human consumption.
- Onsite vehicle speeds shall be no greater than 15 miles per hour when traveling on unpaved surfaces.
- Install and operate a track-out prevention device where vehicles enter and exit unpaved roads onto paved streets. The track-out prevention device can include any device or combination of devices that are effective at preventing track out of dirt such as gravel pads, pipe-grid track-out control devices, rumble strips, or wheel-washing systems.
- If importation, exportation, and stockpiling of fill material is involved, soil stockpiled for more than one day shall be covered, kept moist, or treated with soil binders to prevent dust generation. Trucks transporting fill material to and from the site shall be tarped from the point of origin.
- Minimize the amount of disturbed area. After clearing, grading, earthmoving, or excavation is completed, treat the disturbed area by watering, OR using roll-compaction, OR revegetating, OR by spreading soil binders until the area is paved or otherwise developed so that dust generation will not occur. All roadways, driveways, sidewalks etc. to be paved should be completed as soon as possible.
- Schedule clearing, grading, earthmoving, and excavation activities during periods of low wind speed to the extent feasible. During periods of high winds (>25 mph) clearing, grading, earthmoving, and excavation operations shall be minimized to prevent fugitive dust created by onsite operations from becoming a nuisance or hazard.
- The contractor or builder shall designate a person or persons to monitor and document the dust control program requirements to ensure any fugitive dust emissions do not result in a nuisance and to enhance the implementation of the mitigation measures as necessary to prevent transport of dust offsite. Their duties shall include holiday and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the Air Pollution Control District prior to grading/building permit issuance and/or map clearance.

PLAN REQUIREMENTS: All requirements shall be shown on grading and building plans and/or as a separate information sheet listing the conditions of approval to be recorded with the map. **Timing**: Requirements shall be shown on plans prior to grading/building permit issuance and/or recorded with the map during map recordation. Conditions shall be adhered to throughout all grading and construction periods.

MONITORING: The Lead Agency shall ensure measures are on project plans and/or recorded with maps. The Lead Agency staff shall ensure compliance onsite. APCD inspectors will respond to nuisance complaints.

air pollution control district
SANTA BARBARA COUNTY

ATTACHMENT B
DIESEL PARTICULATE AND NO_x EMISSION REDUCTION MEASURES

Particulate emissions from diesel exhaust are classified as carcinogenic by the state of California. The following is a list of regulatory requirements and control strategies that should be implemented to the maximum extent feasible.

The following measures are required by state law:

- All portable diesel-powered construction equipment greater than 50 brake horsepower (bhp) shall be registered with the state's portable equipment registration program OR shall obtain an APCD permit.
- Fleet owners of diesel-powered mobile construction equipment greater than 25 hp are subject to the California Air Resource Board (CARB) In-Use Off-Road Diesel-Fueled Fleets Regulation (Title 13, California Code of Regulations (CCR), §2449), the purpose of which is to reduce oxides of nitrogen (NOx), diesel particulate matter (DPM), and other criteria pollutant emissions from in-use off-road diesel-fueled vehicles. Off-road heavy-duty trucks shall comply with the State Off-Road Regulation. For more information, see www.arb.ca.gov/msprog/ordiesel/ordiesel.htm.
- Fleet owners of diesel-fueled heavy-duty trucks and buses are subject to CARB's On-Road Heavy-Duty Diesel Vehicles (In-Use) Regulation (Title 13, CCR, §2025), the purpose of which is to reduce DPM, NOx and other criteria pollutants from in-use (on-road) diesel-fueled vehicles. For more information, see www.arb.ca.gov/msprog/onrdiesel/onrdiesel.htm.
- All commercial off-road and on-road diesel vehicles are subject, respectively, to Title 13, CCR, §2449(d)(3) and §2485, limiting engine idling time. Off-road vehicles subject to the State Off-Road Regulation are limited to idling no more than five minutes. Idling of heavy-duty diesel trucks during loading and unloading shall be limited to five minutes, unless the truck engine meets the optional low-NOx idling emission standard, the truck is labeled with a clean-idle sticker, and it is not operating within 100 feet of a restricted area.

The following measures are recommended:

- Diesel equipment meeting the CARB Tier 3 or higher emission standards for off-road heavy-duty diesel engines should be used to the maximum extent feasible.
- On-road heavy-duty equipment with model year 2010 engines or newer should be used to the maximum extent feasible.
- Diesel powered equipment should be replaced by electric equipment whenever feasible. Electric auxiliary power units should be used to the maximum extent feasible.
- Equipment/vehicles using alternative fuels, such as compressed natural gas (CNG), liquefied natural gas (LNG), propane or biodiesel, should be used on-site where feasible.
- Catalytic converters shall be installed on gasoline-powered equipment, if feasible.
- All construction equipment shall be maintained in tune per the manufacturer's specifications.
- The engine size of construction equipment shall be the minimum practical size.
- The number of construction equipment operating simultaneously shall be minimized through efficient management practices to ensure that the smallest practical number is operating at any one time.
- Construction worker trips should be minimized by requiring carpooling and by providing for lunch onsite.
- Construction truck trips should be scheduled during non-peak hours to reduce peak hour emissions whenever feasible.
- Proposed truck routes should minimize to the extent feasible impacts to residential communities and sensitive receptors.
- Construction staging areas should be located away from sensitive receptors such that exhaust and other construction emissions do not enter the fresh air intakes to buildings, air conditioners, and windows.

PLAN REQUIREMENTS AND TIMING: Prior to grading/building permit issuance and/or map recordation, all requirements shall be shown as conditions of approval on grading/building plans, and/or on a separate sheet to be recorded with the map. Conditions shall be adhered to throughout all grading and construction periods. The contractor shall retain the Certificate of Compliance for CARB's In-Use Regulation for Off-Road Diesel Vehicles onsite and have it available for inspection.

MONITORING: The Lead Agency shall ensure measures are on project plans and/or recorded with maps. The Lead Agency staff shall ensure compliance onsite. APCD inspectors will respond to nuisance complaints.

Line 247 Dig 10 Anomaly Repair

Biological Resources Assessment

prepared for

Southern California Gas Company
25620 Jefferson Avenue SC8094
Murrieta, California 92562
Contact: Justin Meyer
jmeyer2@socalgas.com

prepared by

Rincon Consultants, Inc.
209 East Victoria Street
Santa Barbara, California 93101

September 2021, Updated December 2022

RINCON CONSULTANTS, INC.
Environmental Scientists | Planners | Engineers
rinconconsultants.com

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Appendices

1 Introduction

Rincon Consultants, Inc. (Rincon) prepared this Biological Resource Assessment (BRA) (report) to provide the Southern California Gas Company (SoCalGas) with an assessment of the potential impacts to regulated biological resources associated with the Line 247 (L247) Dig 10 Anomaly Repair Project (project) located in unincorporated Santa Barbara County, California (County). L247 is natural gas transmission line used to transfer natural gas from southern to central California.

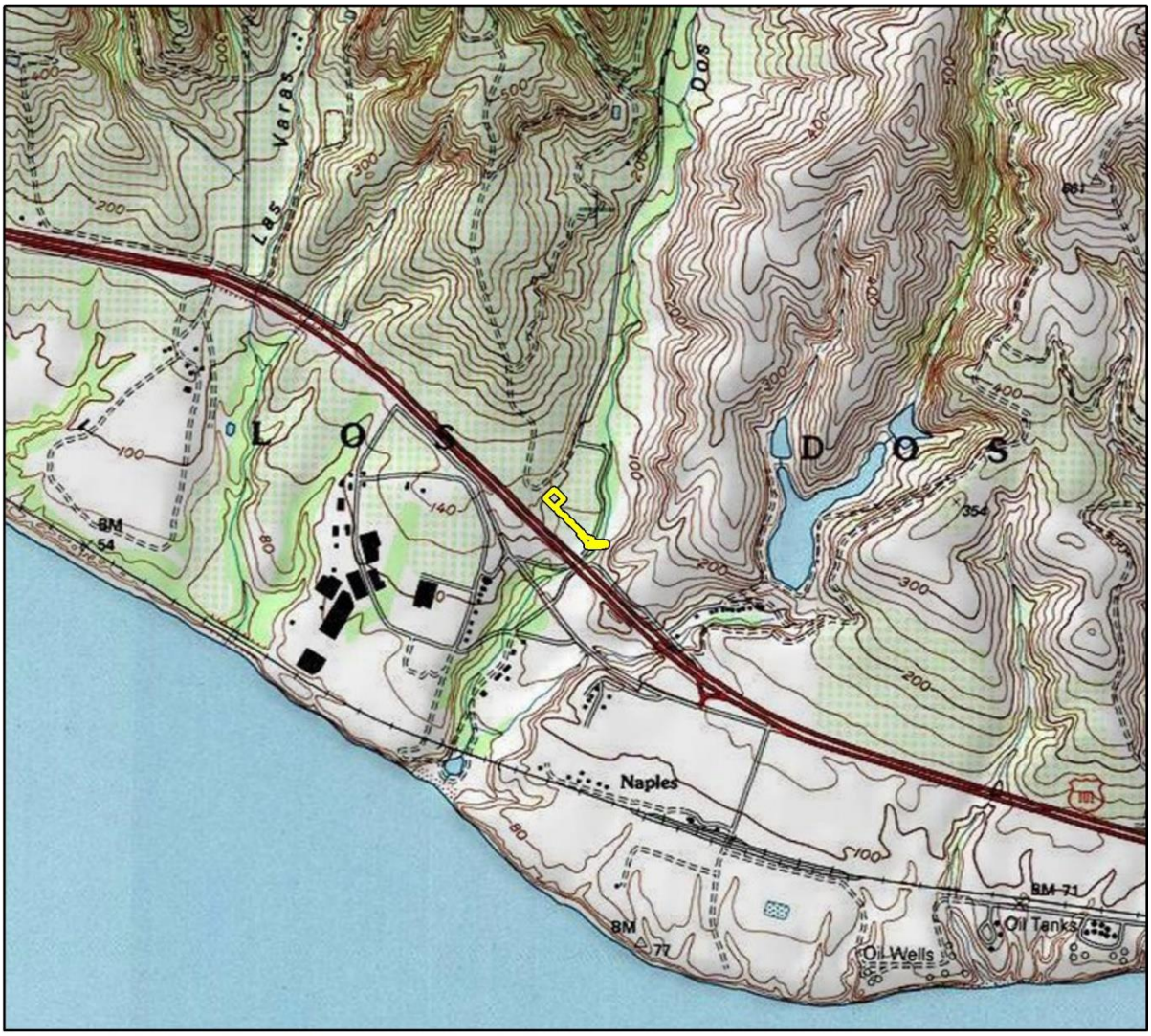
This report provides a biological evaluation of the project site and evaluates the potential for impacts to special status species, sensitive plant communities and Environmentally Sensitive Habitat (ESH), and jurisdictional waters as a result of project implementation. Potentially jurisdictional waters include waters of the United States (U.S.) that are subject to the jurisdiction of the U.S. Army Corps of Engineers (USACE) under Section 404 of the Clean Water Act; the Regional Water Quality Control Board (RWQCB), pursuant to Section 401 of the Clean Water Act and the Porter-Cologne Water Quality Control Act; and the California Department of Fish and Wildlife (CDFW) pursuant to California Fish and Game Code (CFGC) Section 1600 *et seq*. Wetlands as defined under the California Coastal Act and the Gaviota Coast Plan (GCP) were also considered. This report has been prepared to meet the standards outlined in the GCP. Repair and maintenance projects may generally be exempt from permitting under the County's Coastal Zoning Ordinance Article II Appendix C based on the 1978 Repair and Maintenance Guidelines. However, because the project involves the use mechanized equipment within an ESH and the location within the California Coastal Commission (CCC) appeals jurisdiction a Coastal Development Permit with Hearing (CDP-H) is required from the County (22CDH-00000-00002).

For the purpose of this report, the project footprint , plus a 100-foot buffer around this location, is collectively referred to as the study area. This report was submitted to the County in January 2022 and updated in December 2022 to address County peer review comments (County 2022), reflect a focused rare plant survey, and to include the addition of a 12-foot workspace south of the existing agricultural road to the laydown yard.

1.1 Project Location

L247 is used to transfer natural gas from the SoCalGas La Goleta gas storage facility in Santa Barbara County to Gaviota Station on Mariposa Reina. The project is located in unincorporated Santa Barbara County in the *Dos Pueblos Canyon* United States Geological Survey (USGS) 7.5-minute topographic quadrangle (quad). The Public Land Survey System depicts the project in Township 4N, Range 29W, Section 7, San Bernardino Meridian (Earth Point 2021). The majority of the project footprint is located in the Assessor's Parcel Number (APN) 079-140-056, and access roads are located on APN 079-140-064 and APN 079-080-039. More generally, the project is located northeast of U.S. Highway 101 and east of Dos Pueblos Canyon Road on Dos Pueblos Ranch. The project is located at 34.448181°, -119.958926°(Figure 1), and is located within GCP and partially within the coastal zone and CCC appeals jurisdiction.

Figure 1 Regional Location Map

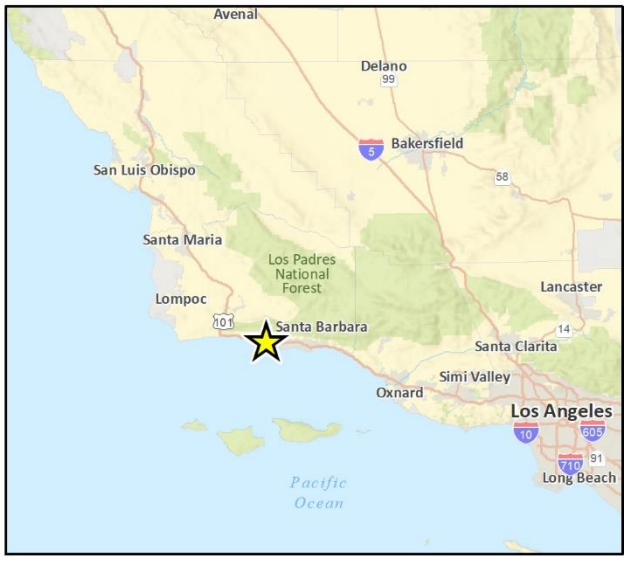


Imagery provided by National Geographic Society, Esri and its licensors © 2021.The topographic representation depicted in this map may not portray all of the features currently found in the vicinity today and/or features depicted in this map may have changed since the original topographic map was assembled.

Project Area

0 1,000 2,000 Feet

N



Dig 9 Fig 1 Regional Project Area

1.2 Project Description

SoCalGas owns and operates L247, which transfers high pressure natural gas throughout the County. After an internal inspection, SoCalGas determined anomalies in the pipeline are present along L247 requiring inspection and repair/replacement to comply with regulations promulgated by the U.S. Department of Transportation Pipeline Hazardous Materials and Safety Administration Office of Pipeline Safety and the California Public Utilities Commission to conform with the Pipeline Safety and Improvement Act of 2002.

The project will initially require excavation to expose L247 for inspection. Excavation activities will use typical construction equipment (e.g., backhoe, or similar) to excavate the desired portions of L247, and then the pipeline will be inspected. After inspection and based on the results of the inspection, the pipeline will be repaired/replaced using equipment that includes, but is not limited to: side boom, crane or heavy lift, gang truck, flatbed truck, welding truck, pickup truck, portable equipment such as generators and air compressors, crew trucks, and portable restrooms. Site access, pipeline repair (partially within Dos Pueblos Canyon Creek channel),Dos Pueblos Canyon Creek and access road workspaces, and staging areas will occur within SoCalGas designated right-of-way (ROW) or along established roads and turnout areas (hereafter referred to as project site or site). It is anticipated that project activities will require four weeks to complete. A crew of approximately 15 persons will be required at the project site.

All applicant proposed measures under Section 6.0 are incorporated herein into the Project description based on Planner's Guide to Conditions of Approval and Mitigation Measures (County 2016a) (County Standard Conditions), GCP policy, and SoCalGas best management practices (BMP).

1.3 Report Purpose

Rincon has prepared this Biological Resources Assessment (BRA) to document existing conditions and evaluate the potential for impacts to special status and sensitive biological resources during implementation of the project. The study area for the field survey was established, which contained the project site (i.e., impact areas, staging area, and access roads), plus a 100-foot buffer.

This document has been prepared to support the processing of a CDP-H and to evaluate the policies and development standards outlined in the Local Coastal Program including GCP Policy NS1, DevStd NS-1, NS-2, NS-3, DevStd NS-3, NS-4, DevStd NS-4, DevStd NS-5, NS-6, NS-7, NS-11, County Municipal Code Chapter 35, Article II Coastal Zoning Ordinance [Article II] *Appendix I, Biological Study Requirements Within The Gaviota Coast Plan Area*, and Article II *Gaviota Coast Plan (GAV) Overlay standards for all Development and Land Use*s (§ 35-440), and the County's 2021 *Environmental Thresholds and Guidelines Manual* (Biological Resource Chapter and Appendix A). This BRA includes the recommendations from the Conceptual Tree Protection and Replacement Plan (Rincon 2022) (TPRP).

2 Methodology

2.1 Definition of Special Status Species

For the purposes of this report, special status species include:

- Species listed as threatened or endangered under the federal Endangered Species Act (FESA); species that are under review may be included if there is a reasonable expectation of listing within the life of the project;
- Species listed as candidate, threatened, endangered, or rare by the CDFW under the California Endangered Species Act (CESA) or Native Plant Protection Act;
- Plants occurring on lists 1 and 2 of the California Native Plant Society (CNPS) California Rare Plant Rank system (CRPR);
- Species designated as Fully Protected, Species of Special Concern (SSC), or Watch List (WL) by the California Fish and Game Code (CFGC) or CDFW; and
- Species designated as sensitive by the County and/or otherwise protected through ordinance or local policy (e.g., GCP).

2.2 Literature Review

This study included a literature review and desktop evaluation of existing aerial imagery and published datasets, followed by a field survey and delineation of potential jurisdictional waters. Prior to visiting the study area, recent aerial photography of the site (Google Earth Pro 2021) was reviewed. The California Native Plant Society (CNPS) *Online Inventory of Rare and Endangered Plants* (CNPS 2021) was reviewed for records of CRPR list 1B and 2B plant species within the *Dos Pueblos Canyon*, California USGS quadrangle, and the five surrounding landward quadrangles (*Tajiguas, Santa Ynez, Lake Cachuma, San Marcos Pass,* and *Goleta*), as three quadrangles of a standard nine-quad search would be in the ocean. Additionally, the California Natural Diversity Database (CNDDB) (CDFW 2021a) was searched for records of special status species within a five-mile radius of the study area. A United States Fish and Wildlife Service (USFWS) query of the Information, Planning, and Conservation System (IPAC) was conducted on September 29, 2020 for federally listed species that may be affected by the project (USFWS 2021c). The literature review included information available in peer reviewed journals, standard reference materials (Jameson and Peeters 2004, Holland 1986; Baldwin et al. 2012; Sawyer et al. 2009; Stebbins 2003; American Ornithologists Union 2014; Sibley 2003; Lehman 2020; Meade 1999; Meade et al. 2017), recent GCP area programmatic and project-specific Environmental Impact Reports (EIR) (Santa Barba County 2007, 2013, 2014a-c, and 2016). The results of the literature review were further evaluated and are presented in a potential to occur table (Appendix B).

To aid in characterizing the nature and extent of jurisdictional waters potentially occurring within the study area, resources including the most recent *Dos Pueblos Canyon,* California USGS 7.5-minute topographic quadrangle map (USGS 2021a), and the U.S. Department of Agriculture (USDA), Natural Resources Conservation Service (NRCS) Web Soil Survey (USDA NRCS 2021a) were reviewed. Additionally, the *National Hydrography Dataset* (USGS 2021b) and the *National Wetlands Inventory* (NWI) (USFWS 2021a) were reviewed to determine if any potential wetlands and/or other waters had been previously mapped on or in the study area. The *State Soils Data Access (SDA) Hydric Soils*

List (USDA NRCS 2021b) was also reviewed to determine if any soil map unit types mapped on or near the study area were classified as hydric. Rincon also reviewed precipitation records for the area to understand typical precipitation patterns and average annual precipitation totals (Western Regional Climate Center 2021). The USFWS Critical Habitat Portal (USFWS 2021b) was also reviewed for information on critical habitat designations.

The following County regulations were reviewed for their applicability to the proposed project:

- **Conservation Element of the Comprehensive Plan (1979, republished 2010), in particular:**
  - Water Resources
  - Ecological Systems
- **Gaviota Coast Plan (Certified 2018), in particular:**
  - Chapter 2 – Natural and Cultural Resources Stewardship
- **Coastal Land Use Plan (1982, republished 2019), in particular:**
  - Chapter 3 – The Resource Protection and Development Policies
- **County Municipal Code (2020), in particular:**
  - Chapter 9A – Brush Removal, Southeasterly Coastal Area and Coastal Zone
- **Chapter 14 — Grading**
  - Chapter 15B – Development Along Watercourses
  - Chapter 35 – Zoning, Article II Coastal Zoning Ordinance (Article II)

2.3 Field Surveys

Field surveys conducted for the project include a general biological resources reconnaissance survey, jurisdictional delineations, vegetation mapping, protocol wildlife and rare plant surveys (Table 1).

Table 1 Biological Resources Surveys

Survey Type	Surveyor(s)	Date	Time (24-hour)	Weather (Air Temperature/Wind)	Comments
Jurisdictional delineation reconnaissance survey	Biologists Julie Love and Jaime McClain (Rincon)	9/25/2020	0930– 1700	65°F–79°F, 1–5 miles per hour (mph)	Study Area
Arborist Survey	Arborist Yuling Huo (#WE-11975A) and Biologist Kendra Bonsall (Rincon)	5/11/2021 5/14/2021	0930– 1700 0930– 1700	57°F–65°F, 1–10 mph 57°F–62°F, 1–12 mph	Driplines within 25 feet from project footprint
Reconnaissance survey	Biologists Holly Harris and Priya Pratap	6/27/2022	0900 –1200	65°F–79°F, 5–10 mph	Study Area, downstream
Focused rare plant survey	Botanist Scott Bond Tomkinson (PAX)	8/24/2022	1300–1500	71°F –72°F, 5 –10 mph	Study Area

Rincon biologists Julie Love and Jaime McClain conducted a reconnaissance survey of the study area on September 25, 2020 between the hours of 1300 and 1700. Weather was sunny with temperatures ranging from approximately 72 to 79 degrees Fahrenheit (°F) and winds approximately one to five miles per hour. The survey consisted of the biologists walking the extent of the study area (Figure 1) and documenting general site conditions and habitats, recording the plants and animals observed (Appendix C), mapping vegetation communities and land covers, and evaluating for potential jurisdictional waters, wetlands and streambeds. The entire study area, including access roads, was visually inspected. Wildlife species were identified by direct observation, vocalization, or by sign (e.g., tracks, scat, burrows, etc.). The detection of plant and wildlife species was limited by seasonal and temporal factors. The survey was conducted during late summer/early fall (September); therefore, potentially occurring spring migrants and/or breeders would not be present during the time of the survey, and fall migrants, if present, would be transient without the likelihood of nesting. Likewise, plants more easily identified during their blooming periods in the spring and fall are difficult to detect without blooming characteristics. As the survey was performed during the day, identification of nocturnal wildlife was limited to sign if present onsite. Plant species nomenclature and taxonomy followed *The Jepson Manual: Vascular Plants of California*, *Second edition* (Baldwin et al. 2012). The vegetation classification used for this analysis is based on *A Manual of California Vegetation, Second Edition* (Sawyer et al. 2009), but it has been modified as needed to most accurately describe the existing vegetation communities onsite. A second reconnaissance survey was conducted by Rincon biologists Holly Harris and Priya Pratap on June 27, 2022 to confirm site conditions and observe downstream barriers to fish passage. Refer to Appendix D for representative site photographs.

Jurisdictional Delineation

A jurisdictional delineation was conducted during the September 25, 2020 field survey. Rincon Senior Biologists Julie Love and Jaime McClain inspected drainage features exhibiting stream characteristics such as a defined bed, banks, or channel, ordinary high water mark (OHWM), or potential wetland indicators within a portion of the study area (Refer to Figure 3). Current federal and state policies, methods, and guidelines were used to identify and delineate potential jurisdictional areas. The OHWM was evaluated using *A Field Guide to the Identification of the Ordinary High Water Mark (OHWM) in the Arid West Region of the Western United States* (USACE

2008b). Potential wetland features were evaluated for presence of wetland indicators (hydrophytic vegetation, hydric soils, and wetland hydrology) according to routine delineation procedure within the *Wetlands Delineation Manual* (USACE 1987) and *Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Arid West Region* (USACE 2008a). Potential wetland features as defined under the California Coastal Act in the coastal zone and GCP (Dev St N-5 inland and coastal) were also considered. In contrast to wetland waters of the U.S., potential coastal and County regulated wetland features are defined by the presence of one of the three USACE wetland indicators (California Code of Regulations Title 14 (14 CCR)). For a more detailed description of the applicable jurisdictional regulations, see Appendix A.

Data points representing the top of bank, OHWM, and other observation points were mapped using a Trimble R1 Global Positioning System (GPS) with sub-meter accuracy and were also plotted on aerial photographs. The data were subsequently transferred to Rincon's geographic information system (GIS) and used in combination with recent, high resolution aerial photographs and topographic datasets to map the extent of streams or wetlands in the study area.

Focused Rare Plant Survey

A rare plant survey was conducted in the study area by Pax Senior Botanist, Scott Band Tomkinson, on August 24, 2022 between the hours of 1:00 p.m. and 3:00 p.m. Prior to the site visit a review of relevant literature pertaining to the presence of rare plants was reviewed. All plant species were identified according to the Jepson Manual (Baldwin et al. 2012) and assessed for rarity and protection status. Consistent with Protocol for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities (CDFW 2018), the survey was conducted using systematic field techniques by walking meandering transects through the entire survey area. All plant species observed have been included in the floral and faunal compendium.

Tree Inventory Methods

As discussed in the Conceptual TPRP. a native tree inventory and health assessment was conducted on May 11 and May 14, 2021 by Rincon TRAQ, ISA Certified Arborist (#WE-11975A) Yuling Huo and Biologist Kendra Bonsall. The tree inventory and health assessment was restricted to all native trees found within or having canopy driplines within the project footprint plus a 50-foot buffer surrounding the workspace that is within Dos Pueblos Creek, and a 25-foot buffer along the access roads (tree study area), consistent with *the Biological Study Requirements Within the Gaviota Coast Plan Area*. Article II (§ 35-140) protects any tree of the oak genus (*Quercus*) which is 6 inches in diameter measured at 4.5 feet (54 inches) above mean natural grade, or diameter at standard height (DSH), for one trunk. GCP Policy NS-12 extends the protection to all mature native trees or roosting/nesting trees. For the purposes of this report, trees less than six inches in diameter at 4.5 feet (54 inches) above mean natural grade, or DSH for a single trunk or for the combined total of all trunks (multi-stemmed tree) were not included, as is typical for the County[1]. All qualifying native trees within the tree study area were mapped and visually evaluated for tree health based on the above ground portions of the trees.

[1] Article II does not include a methodology for calculating the DSH of trees with multiple stems. Consistent with the definition under the County's Deciduous Tree Ordinance (Article IX) (2003) (which does not apply to the proposed activity) trees the diameter of all stems are combined (added together) to determine if a tree meets the Article II six-inch DBH criteria. Refer to

Table for a complete list of each tree, species, DSH and health.

All trees surveyed were assigned a unique identification number and tagged with a corresponding aluminum tag, except where inaccessible due to physical barriers. Relationships among the trees (i.e., multiple trunks arising from the same roots, mature clones of a no longer present parent tree) were not determined as only above ground portions were examined. An assessment for tree risks or hazardous conditions was not included as part of this survey. The following data was collected for each protected tree: scientific and common name, DSH, and overall health based on archetypes of the same species as listed in Table 2. Trees were mapped in ArcGIS and overlain onto the project site plan, including both canopy extent (clusters of trees with interconnected canopies) and individual tree location. Tree locations were recorded using a Geode global positioning system (GPS) device capable of submeter accuracy from one side of the main trunk. Impacts were assessed based on the proposed pipeline segment to be repaired and in discussion with SoCalGas regarding construction techniques and access needs.

Health and condition (including evidence of disease, insect pests, and vigor) were incorporated into the overall health rating based on archetype trees of the same species with criteria described in Table .

Table 2 Overall Aesthetics, Structural Health, Cumulative Condition Rating Criteria

Rating	Criteria
Excellent	In addition to attributes of a 'good' rating, the tree exhibits a well-developed root flare and a balanced canopy. Provides shading or wildlife habitat and is aesthetically pleasing.
Good	Trunk is well developed with well attached limbs and branches; some flaws exist but are hardly visible. Good foliage cover and density, annual shoot growth above average. Provides shading or wildlife habitat and has minor aesthetic flaws.
Fair	Flaws in trunk, limb and branch development are minimal and are typical of this species and geographic region. Minimal visual damage from existing insect or disease, average foliage cover and annual growth.
Poor	Limbs or branches are poorly attached or developed. Canopy is not symmetrical. Trunk has lean. Branches or trunk have physical contact with the ground. May exhibit fire damage, responses to external encroachment/obstructions or existing insect/disease damage. Fungal infection visible.
Dead	Trunk, limbs or branches have extensive visible decay or are broken. Canopy leaves are non-seasonally absent or uniformly brown throughout, with no evidence of new growth.

3 Existing Conditions

3.1 Topography, Climate and Land Use

The weather in Santa Barbara County is typical of a Mediterranean climate. Summers are warm and dry while winters are cool and often wet. Within the vicinity of the study area, most of the precipitation occurs between November and March. The study area is located within the coastal zone boundary, adjacent to and partly within the channel of Dos Pueblos Canyon Creek and approximately 200 feet north of U.S. Highway 101. Most of the Gaviota Coast coastal plain has been historically disturbed by agricultural uses and transportation and oil/gas development. Native vegetation in the project vicinity is fragmented, but includes riparian and upland woodlands, native and non-native grasslands, and wetlands. Relatively undisturbed habitats are present along narrow riparian corridors, in scattered undeveloped lands of varying sizes, and in protected open space areas. The Pacific Ocean is approximately 0.65 mile south of the study area. Existing land uses surrounding the study area include open space, low density residential, agricultural, and transportation corridors roadways. The study area ranges between approximately 65 and 100 feet above mean sea level.

3.2 Hydrology

The project site is located within the central portion of the Dos Pueblos Canyon – Frontal Santa Barbara Channel Watershed (Hydrologic Unit Code 180600130106) (USGS 2021b). Surface waters in the study area are fed by Dos Pueblos Canyon Creek which originates from a narrow mountain tributary in the Santa Ynez Mountains and flows are conveyed through the study area before terminating in the Pacific Ocean 0.65 miles to the south.

Hydrology within Dos Pueblos Canyon Creek is supplied primarily by storm flows and urban runoff from upstream, as well as sheet flow from the adjacent uplands. The perennial drainage contained evidence of flow, including scouring, drift deposits, and/or changes in vegetation. A defined OHWM and bed and bank were present.

3.3 Soils

The USDA NRCS Web Soil Survey (USDA NRCS 2021a) depicts the following soil map units within the study area:

- **Agueda-Goleta complex, 2 to 9 percent slopes (AbC)** is a well-drained soil occurring on toe slopes and base slopes of valleys. A typical Agueda-Goleta complex profile consists of silt clay loam topsoil to depths of 33 inches and clay loam from depths of 33 to 66 inches. The high clay content can restrict infiltration, resulting in rapid runoff. The study area contains approximately 60 percent of Agueda-Goleta complex, 2 to 9 percent slopes (AbC). This soil map unit is not hydric.
- **Ayar clay, 30 to 50 percent slopes, eroded (AhF2)** is a well-drained soil occurring on backslopes and side slopes of hills. A typical Ayar clay profile consists of clay topsoil to depths of 40 inches and weathered bedrock below. The high clay content can restrict infiltration, resulting in rapid

runoff. The study area contains approximately 25 percent of Ayar clay, 30 to 50 percent slopes, eroded (AhF2). This soil map unit is not hydric.

- **Gullied land (GU)** is a well-drained soil occurring on foot slopes and risers slopes of terraces. A typical gullied land soil is derived from alluvium. The study area contains approximately 15 percent of gullied land (GU). This soil map unit is not hydric.

Sample Points

No hydric soils indicators are present within the study area, including the sample point shown in Figure 3 and detailed in Appendix F. Dos Pueblos Canyon Creek contains a mix of boulders and cobble, with limited sandy soil. The soil was saturated and sandy texture with silty residue was present indicating hydric conditions could form but was not present at the time of the survey. The soil was naturally problematic sandy soil.

3.4 Vegetation

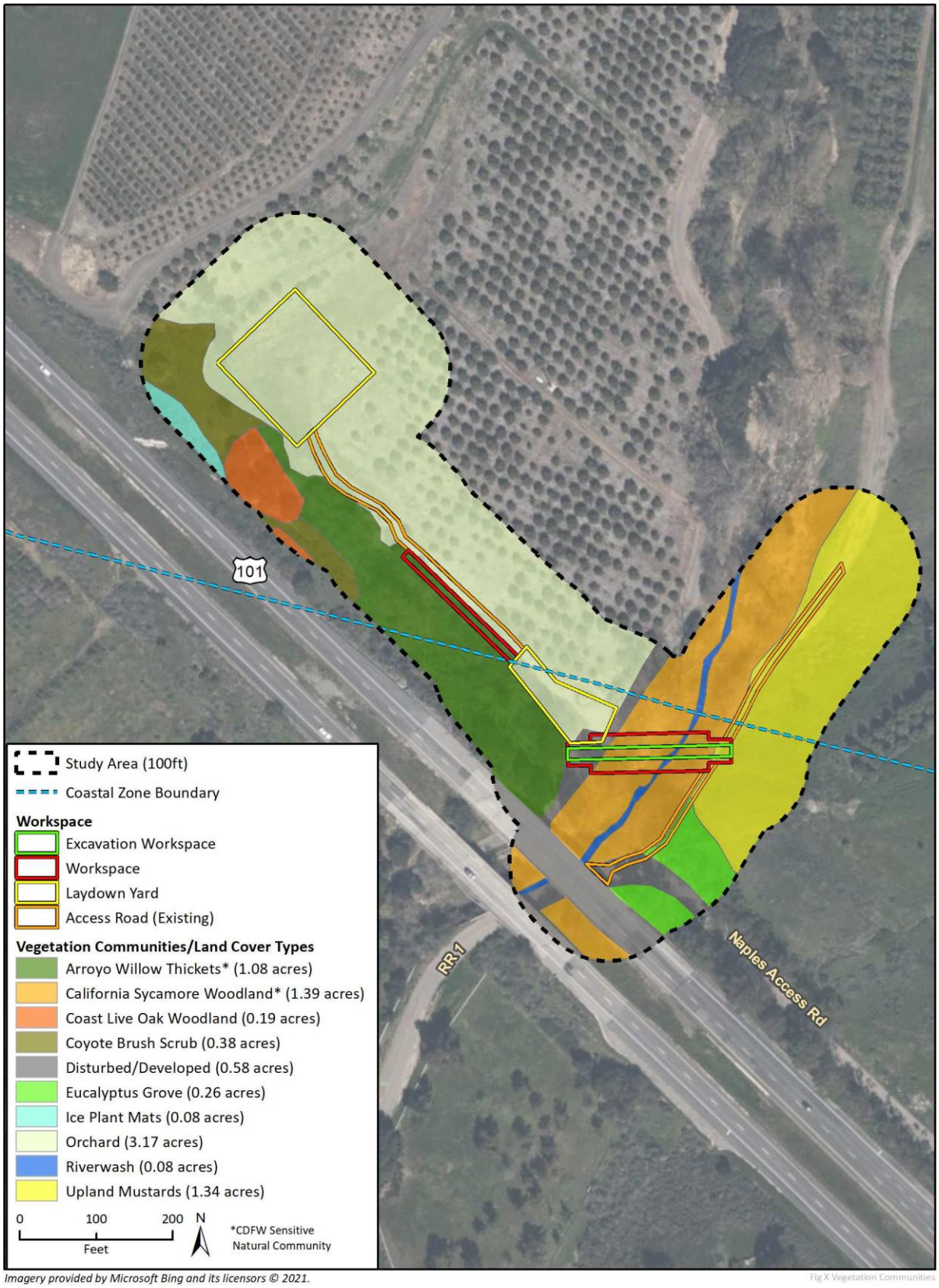
Six vegetation communities and three land cover types occur within the study area and are described below. Habitat classification is based on the classification systems provided in *A Manual of California Vegetation, Second Edition* (Sawyer et al., 2009) (MCV) and *Preliminary Descriptions of the Terrestrial Communities of California* (Holland 1986), modified slightly to reflect existing site conditions. ESH classifications are taken from the GCP Appendix B - Table 1, ESH Types Based Primarily on Vegetation. Note the GCP provides a policy basis for ESH inland outside the coastal zone.

Table summarizes the vegetation communities and land cover types along with associated acreages in the study area. Vegetation communities and land cover types are depicted in Figure 2. A list of all plant species observed during the field survey is provided in Appendix C.

Table 3 Summary of Vegetation and Land Cover Types in the Study Area

Vegetation Community	Study Area (acres)as)	Project Site (acres)	CDFW Sensitive Natural Community Rank and/or County ESH (Yes/No)
Arroyo Willow Thickets[1]	1.0808	0.05	G4S4; inland and coastal ESHESH
California Sycamore Woodland [1]	1.39	0.17	G3S3; Yes
Riverwash	0.08	0.01	None; Yes
Coast Live Oak Woodland	0.19	–-	G5S4; inland ESH per GCP Appendix B
Coyote Brush Scrub	0.38	–-	G5S5; No
Disturbed/Developed	0.58	0.07	None; No
Eucalyptus Grove	0.26	0.01	None; No
Ice Plant Mats	0.08	–-	None; No
Orchard	3.10	0.76	None; No
Upland Mustards	1.34	0.08	None; No
Total	**8.55**	**1.15**	

Figure 2 Vegetation Communities



Imagery provided by Microsoft Bing and its licensors © 2021.

Fig X Vegetation Communities

Natural Communities

Arroyo Willow Thickets (Salix lasiolepis Shrubland Alliance)

The majority of the study area south of the access road in the central portion of the study area is characterized as arroyo willow thickets (*Salix lasiolepis* Shrubland Alliance). This native vegetation community is characterized by having arroyo willow as dominant in the shrub canopy (>50% relative cover). It commonly occurs along stream banks and benches, slope seeps, and alongside drainages (Sawyer et al. 2009). This vegetation community (ranked G4S4 at the alliance level) is considered a sensitive natural community since riparian vegetation While not mapped as ESH under the CGP, this area is considered ESH per GCP Policy NS-4 since it is a riparian community.

Onsite, this vegetation community is dominated by arroyo willows and is within a utility and transportation corridor. Within the study area this community includes electrical lines, a crude oil pipeline, existing L247 gas pipeline, and is partially within the Caltrans ROW. Other plant species found within this vegetation community include coyote brush (*Baccharis pilularis*), California blackberry (*Rubus ursinus*), California sycamore (*Platanus racemosa*), and cheeseweed (*Malva parviflora*). The study area contains 1.0808 acres (13.4 percent) of this vegetation community to the south of the access road and access road workspace. The Project would impact 0.05 acres (2,083 square feet) of this alliance.

California Sycamore Woodland (Platanus racemosa — Quercus agrifolia Woodland Alliance)

The California (western) sycamore woodland alliance is typically found within gullies, intermittent streams, springs, seeps, stream banks, and terraces adjacent to floodplains that are subject to high-intensity flooding, between 0-2,400 meters in elevation. Soils are rocky or cobbly alluvium with permanent moisture at depth (Sawyer et al. 2009). The USACE Wetland Plant List recognizes California sycamore as a facultative wetland (FACW) plant (USACE 2020). California sycamore woodlands are a CDFW sensitive natural community (CDFW 2021d), with a rarity rank of G3S3. Considered ESH per GCP Appendix B.

This vegetation community is found in the central portion of the study area where excavation will occur. Native California sycamore and arroyo willows are dominant in the tree layer, with coast live oak (*Quercus agrifolia*) present as a subdominant species. The study area contains 1.39 acres (16.3 percent) of this vegetation community. The Project would impact 0.17 acres (7,397 square feet) of this alliance.

Coast Live Oak Woodland (Quercus agrifolia Woodland Alliance)

This woodland alliance is typically found along alluvial terraces, canyon bottoms, stream banks, slopes, and flats between 0 to 3,940 feet (0 to 1,200 meters) in elevation. Coast live oak occurs at over 50 percent cover in the tree layer. This vegetation community is ranked G5S4 (CDFW 2021d), which is not considered sensitive by CDFW. However, the community is considered sensitive and ESH per GCP Appendix B.

In the study area, coast live oak is the sole member of the tree layer, which forms a closed canopy. Understory herbaceous species such as poison oak (*Toxicodendron diversilobum*) are present at relatively low cover. The study area contains 0.19 acres (2.22 percent) of this alliance.

Coyote Brush Scrub (Baccharis pilularis Shrubland Alliance)

The vegetated area bordering the northwest side of the study area is characterized as coyote brush scrub. This native vegetation community is characterized by having coyote brush (*Baccharis pilularis*) as dominant or co-dominant in the shrub layer (>30% - 50% relative cover). Coyote brush scrub is common in river mouths, stream sides, terraces, stabilized dunes of coastal bars, spits along the coastline, coastal bluffs, open slopes, and ridges (Sawyer et al. 2009). This vegetation community (ranked G5S5) is not considered a sensitive natural community (CDFW 2021d). The GCP does not distinguish this community as ESH.

Onsite, this vegetation community is dominated by coyote brush in the shrub layer, with herbaceous species such as Italian thistle (*Carduus pycnocephalus*), poison hemlock (*Conium maculatum*), ice plant (*Carpobrotus edulis*) in the herbaceous layer. Given the disturbed understory this community is not considered intact or ESH. The study area contains 0.38 acres (4.39 percent) of this alliance.

Riverwash

Riverwash is typically associated with deep alluvial materials in stream channels that are frequently flooded. Little to no vegetation grows due to flooding, and the area is subject to constant erosion and deposition of sand, gravel, and finer soil materials during flooding events. The portion of the survey area that comprises the flowing water without vegetation is characterized as riverwash.

The riverwash land cover type was confined to the OHWM, comprised of gravelly areas scoured of vegetation, gravelly areas with limited aquatic vegetation, and flowing water with a limited density of duckweed (*Lemna* spp.) and watercress (*Nasturtium officinale*). Water was flowing during the time of the survey and approximately 1.5 feet deep on average. The overstory consisted of California sycamore woodland. The study area contains 0.08 acre (0.92 percent) of this land cover type. The onsite riverwash is considered sensitive and ESH per GCP Appendix B since the overstory is California sycamore woodland alliance. The study area contains 0.08 acre (0.92 percent) of this land cover type and the Project would impact 0.1 acres (344 square feet).

Non-Native/Other

Disturbed/Developed

This land cover type is directly associated with the pre-existing dirt and paved roads that are present in the study area. This land cover type consists of bare ground and areas that are sparsely vegetated primarily with non-native species. It is not officially identified in *A Manual of California Vegetation, Second Edition* (Sawyer, et al. 2009) as a defined vegetation community. The study area contains 0.58 acres (6.81 percent) of this land cover type. The Project would impact 0.07 acres (3,105 square feet).

Eucalyptus Grove (Eucalyptus spp. Woodland Semi-Natural Alliance)

A portion of the study area contained landscaped red gum eucalyptus (*Eucalyptus camaldulensis*) and is characterized as the eucalyptus grove (*Eucalyptus* spp. Woodland Semi-Natural Alliance) vegetation community. This vegetation community is not provided a rarity ranking due to the dominance of non-native species.

In some configurations, non-native tree groves provide roosting and nesting habitat for raptors, including white-tailed kite (*Elanus leucurus*), a CDFW FP species, as well as aggregation sites for

monarch butterflies (*Danaus plexippus*), a CDFW Special Animal and under review for federal ESA listing (expected 2024). However, the red gum eucalyptus tree grouping present in the study area is not sufficiently sized to provide habitat for monarch aggregation, and lacks the dense canopy often associated with white-tailed kite nest sites. These trees were inspected for signs of raptor nests, and none were present. This community is not considered ESH.

Vegetative cover in the understory and species diversity in this land cover type was extremely low. Tree species consisted of landscaped red gum eucalyptus, non-native juniper (*Juniperus* spp.), and Mexican fan palms (*Washingtonia robusta*). The study area contains 0.26 acres (3.06 percent) of this land cover type. The Project would impact 0.01 acres (597 square feet) of this alliance.

Ice Plant Mats (Carpobrotus edulis Herbaceous Semi-Natural Alliance)

The vegetated area in the northwestern portion of the study area is characterized as ice plant mats. This semi-natural vegetation community is characterized by having ice plant strongly dominant in the herbaceous layer. This vegetation community is commonly found in coastal bluffs, disturbed land, and sand dunes of immediate coastline (Sawyer et al. 2009). This vegetation community is not provided a rarity ranking due to the dominance of non-native species.

Onsite, this vegetation community is dominated by ice plant in the herbaceous layer, with emergent coyote brush present in the shrub layer. Non-native herbaceous species such as poison hemlock and red brome (*Bromus madritensis*) are also present. The study area contains 0.08 acres (0.92 percent) of this alliance.

Orchard

An avocado (*Persea americana*) orchard is present in the northern portion of the study area. Crops, including orchards, are not described in the Holland system (Holland, 1986) or in the Manual of California Vegetation, 2nd Edition (Sawyer et al., 2009) because they are not a naturally occurring cover type. The study area contains 3.10 acres (36.3 percent) of this land cover type. The Project would impact 0.76 acres (32,932 square feet) of planted orchard.

Upland Mustards (Brassica nigra Herbaceous Semi-Natural Alliance)

This non-native semi-natural herbaceous alliance is typically found in fallow fields, rangelands, grasslands, roadsides, levee slopes, disturbed coastal scrub, riparian areas, cleared roadsides, and waste places between sea level and 2,800 meters in elevation. Soils are clays to sandy loams. Black mustard, short pod mustard, wild radish, or other mustards occur with non-native plants at over 80 percent cover in the herbaceous layer (Sawyer et al. 2009). This vegetation community is not provided a rarity ranking due to the dominance of non-native species.

This vegetation community occurs in the eastern portion of the study area. Black mustard (*Brassica nigra*) is overwhelmingly dominant in the dense herbaceous layer. Other commonly encountered herbaceous species include the non-native species ripgut brome (*Bromus diandrus*), bull thistle (*Cirsium vulgare*), poison hemlock, cheeseweed, bristly ox-tongue (*Helminthotheca echioides*), and curly dock (*Rumex crispus*). The native herbaceous species mugwort (*Artemisia douglasiana*), California poppy (*Eschscholzia californica*), and western stinging nettle (*Hesperocnide tenella*) were present at limited densities scattered throughout the community. This plant community type occupies areas that appear to have been subject to disturbance in the past, perhaps grazing. The study area contains 1.34 acres (15.6 percent) of this vegetation community. The Project would impact 0.08 acres (3,667 square feet) of this alliance.

3.5 General Wildlife

The study area contains habitat suitable for commonly occurring wildlife species. Wildlife observed during the surveys included bird species such as California towhee (*Melozone crissalis*), and Anna's hummingbird (*Calypte anna*). Common mammals observed include California ground squirrel (*Otospermophilus beecheyi*). Common invertebrates observed include damselfly (suborder Zygoptera) and caddisfly (order Trichoptera). A complete list of all the plant and wildlife species observed onsite during the reconnaissance field surveys is presented as Appendix C.

4 Sensitive Biological Resources

Local, state, and federal agencies regulate special status species and other sensitive biological resources. This section discusses sensitive biological resources observed in the study area and evaluates the potential for the study area to support additional sensitive biological resources. Assessments for the potential occurrence of special status species are based upon known ranges, habitat preferences for the species, literature research, and the results of the field survey. The potential for each special status species to occur in the study area was evaluated according to the following criteria:

- **Not Expected.** Habitat on and adjacent to the workspace is clearly unsuitable for the species requirements (foraging, breeding, cover, substrate, elevation, hydrology, plant community, workspace history, disturbance regime), or the species would have been identified in the workspace if present (e.g., oak trees).
- **Low Potential.** Few of the habitat components meeting the species requirements are present, and/or the majority of habitat on and adjacent to the workspace is unsuitable or of very poor quality. The species is not likely to be found in the workspace.
- **Moderate Potential**. Some of the habitat components meeting the species requirements are present, and/or only some of the habitat in or adjacent to the workspace is unsuitable. The species has a moderate probability of being found in the workspace.
- **High Potential.** All of the habitat components meeting the species requirements are present and/or most of the habitat on or adjacent to the workspace is highly suitable. The species has a high probability of being found in the workspace.
- **Present.** Species is observed in the workspace or has been recorded (e.g., CNDDB, other reports) in the workspace recently (i.e., within the last 5 years).

This section also discusses possible impacts to biological resources that may occur from implementation of the project.

4.1 Special Status Species

Special Status Plant Species

Documented occurrences of species within five miles of the study area, and species included on USFWS lists that have potential to occur are included in Appendix B. Based on the database and literature review, as well as the field reconnaissance survey, 10 special status plant species are known or have the potential to occur in the study area. Two special status plant species have low potential to occur within the study area: mesa horkelia (*Horkelia cuneata* var. *puberula*; CRPR 1B.1), and Santa Barbara honeysuckle (*Lonicera subspicata* var. *subspicata*; CRPR 1B.2) (Table). While the field survey was not conducted within the blooming period for these species (typically February – July for mesa horkelia, and May – August for Santa Barbara honeysuckle), these species are perennial species that would be identifiable to genus year-round, and no unconfirmed species within the *Horkelia* or *Lonicera* genera were observed during the field survey.

Santa Barbara honeysuckle is a CRPR 1B.2 and locally sensitive (SBBG 2012) perennial evergreen vining shrub that typically blooms between May and August and can grow between 2 and 5 feet tall. It is included in the honeysuckle family (Caprifoliaceae) and has pale yellow flowers and small, dark

green opposite leaves (Hickman 1993). Its distribution is limited to coastal areas in southern Santa Barbara County and two of the Channel Islands (Santa Catalina and Santa Cruz Islands) where it occurs in chaparral, cismontane woodland, and coastal scrub habitats on the south side of the Santa Ynez Mountains from Carpinteria to the Refugio Canyon area, as well as in the La Purisima Mission area inland to Birabent Canyon (Smith 1993). It occurs at elevations that range from approximately 5 to 825 meters above mean sea level. The CNDDB and CNPS document 31 occurrences of the species, and the Consortium of California Herbaria and iNaturalist show 44 records with the County (CCH 2021, Calflora 2021). This species is a locally relatively common element of coastal scrub and open oak woodland plant communities on the South Coast as evidenced in multiple environmental documents and biological technical reports (Santa Barbara County 2011, 2013, and 2014a; AECOM 2013, City of Santa Barbara 2005, BRC 2013) as well as reported restoration success (UCSB 2020b, Santa Barbara County 2014b). An occurrence of this community is reported 0.11 miles upstream from the study area (County 2011).

The remaining eight special status plant species are not expected to occur based on a variety of factors, including the disturbance history of the site, lack of suitable soils or habitat, elevation of the site, or inappropriate hydrologic conditions. Please see Appendix B for additional justification on species' potential to occur. In addition, the study area is not located in any designated critical habitat or preserves for special status plant species.

Table 4 Special Status Plant Species with Potential to Occur in the Study Area

Species	Not Expected	Low Potential	Moderate Potential	High Potential	Present
Mesa horkelia (*Horkelia cuneata* var. *puberula*); CRPR 1B.1		X			
Santa Barbara honeysuckle (*Lonicera subspicata* var. *subspicata*); CRPR 1B.2		X			

Special Status Wildlife Species and Critical Habitat

Based on the database and literature review, 22 special status wildlife species are known or have the potential to occur within five miles of the study area. Documented occurrences of species within five miles of the study area are included in Appendix B. Of these 22 species, five have a moderate or high potential to occur within the study area and one legally protected species has a low potential and is included in the impact analysis (Appendix B and Table).

The remaining15 special status species are not expected to occur based on the criteria presented above. This includes some bird species previously documented near the study area, but which are likely to be only traversing through the area during limited foraging or migratory movements, and for which no suitable nesting or roosting habitat is present. The species reasonably anticipated to occur were determined based on the published ranges of the species and the type, extent, and condition of habitat available at the site. The study area is located in designated critical habitat for the southern California steelhead (*Oncorhynchus mykiss*). Discussion of species with low potential to occur are only included below if further discussion is warranted and are further evaluated below.

Table 5 Special Status Wildlife Species with Potential to Occur in the Study Area

Species	Low Potential	Moderate Potential	High Potential	Present
Southern California steelhead (*Oncorhynchus mykiss*) (state candidate)	X			
Western pond turtle (*Emys marmorata*) (SSC)		X		
California red-legged frog (*Rana draytonii,* Foraging and Breeding) (SSC, federally threatened)			X	
Coast range newt (*Taricha torosa*) (SSC)		X		
California horned lark (*Eremophila alpestris actia*) (WL)		X		
White-tailed kite (*Elanus leucurus*; Nesting)			X	

Aquatic and Semi-Aquatic Species

The western pond turtle (*Emys marmorata*), a CDFW species of special concern, is an aquatic turtle that occurs in ponds, marshes, rivers, streams and irrigation ditches that typically support aquatic vegetation. It requires downed logs, rocks, mats of vegetation, or exposed banks for basking. Western pond turtles lay their eggs in nests that are dug along the banks of streams or other uplands in sandy, friable soils. Those that reside in creeks, are also known to over-winter in upland habitats, or during the dry season when waterways are dry. Upland movements can be quite extensive, and individuals have been recorded nesting or overwintering hundreds of meters from aquatic habitats. The typical nesting season is usually from April through August; however, variation exists depending upon geographic location. Portions of Dos Pueblos Canyon Creek within the study area provide suitable habitat for the western pond turtle, and recent EIRs have identified the species in the lower reaches Dos Pueblos Canyon Creek (County 2008, 2012). However, the study area does not support suitable habitat for basking or egg-laying, such as sandy soils or open grassy fields. Dos Pueblos Canyon Creek within the study area provides limited habitat in the form of a potential movement corridor for western pond turtles during the rainy season or when ponded and flowing water is present in the creek. The closest documented CNDDB occurrence (CNDDB occurrence 1439) of this species is approximately 3.9 miles northwest within El Capitan Creek. Therefore, this species has moderate potential to occur in the study area.

Southern California steelhead (*Oncorhynchus mykiss*) is a federally listed endangered and state candidate fish and is one of six Pacific salmon species that are native to the west coast of North America, and are currently the only species of this group that naturally reproduces within the coastal watersheds of southern California. Juvenile steelhead born in freshwater migrate to saltwater to develop into adulthood before returning back to freshwater to breed. Steelhead employ several different life-history strategies that exploit all portions of a river system and therefore serve as an indicator of the health of southern California watersheds. Southern California steelhead populations have declined precipitously, largely due to extensive watershed development (NMFS, 2012). There are no CNDDB records of this species within five miles of the study area, but steelhead were observed downstream of the study area south of US 101 in 2001 (Santa Barbara Museum of Natural History 2022). Dos Pueblos Creek, including areas affected by the project, is critical habitat for steelhead, designated in 2007. The portions of critical habitat (Dos Pueblos Creek) within the study area contain some Primary Constituent Elements (PCE's) for steelhead foraging and growth. However, while Dos Pueblos Canyon Creek contains suitable water depths for steelhead, there are two partial barriers to fish migration approximately 0.1 and 0.6 miles downstream of the study area (CDFW 2021e). The closest barrier 0.1 miles downstream consists of a grade control

structure four feet in height is under US 101, which would require steelhead to maneuver a difficult jump more than four feet in height to access upstream habitat. The second barrier 0.6 miles downstream consists of channelization of Dos Pueblos Canyon Creek at from the ocean to the Union Pacific Railroad (UPPR) tracks, which would limit steelhead migration upstream under most flow regimes. Due to these barriers potentially obstructing upstream migration, steelhead is determined to have low potential to occur within the study area.

Special Status Amphibian Species

California red-legged frog (*Rana draytonii*; CRLF), a federally threatened and state species of special concern, occurs in lowlands and foothills in or near permanent sources of deep water with dense, shrubby or emergent riparian vegetation. Breeding for CRLF generally occurs between November and April in permanent and semi-permanent natural ponds, backwater portions of streams, and small artificial impoundments. This species requires 11-20 weeks of permanent water for larval development and must have access to estivation habitat (USFWS 2002). The young frogs inhabit slow moving, shallow riffle habitats in creeks or margins of ponds. The older frogs can be found close to ponds or deep pools in creeks where there is emergent vegetation, undercut banks, or root wads that offer shelter from predators. These older frogs may also be found in a variety of upland areas near ephemeral water bodies or away from the water taking refuge in small mammal or other animal burrows. CRLF movements are variable, and dispersing individuals can travel over land between breeding sites up to 1.7 miles (Bulgar 2003). Movements often occur along riparian corridors; however, drier upland sites are utilized during the rainy season. Additionally, the Primary Constituent Elements (PCEs, termed Physical and Biological Features under current regulations) for CRLF defined in the Revised Designation of Critical Habitat for the CRLF; Final Rule published on March 17, 2010; states PCEs for CRLF include an area must have two (or more) suitable breeding locations, a permanent water source, and associated uplands surrounding these water bodies up to 300 feet from the water's edge.

CRLF is determined to have high potential to occur within the study area based upon the presence of suitable habitat and recent (2017) CNDDB occurrences within the study area, with known breeding habitat recorded south of US 101 (County 2008). The CRLF has been documented by the CNDDB in Dos Pueblos Canyon Creek in September 2017 within the study area (CNDDB occurrence 1511). Dos Pueblos Canyon Creek provides highly suitable aquatic breeding and foraging habitat for the species, consisting of intermittent sources of slow-flowing or standing freshwater with structure for water pooling that may be occasionally present during the rainy season or the summer months following an above average rainfall season. In addition, the banks of Dos Pueblos Canyon Creek are supported by mature riparian vegetation where CRLF could seek refuge. Encounters of dispersing CRLF in upland areas would likely be limited to during the wet season (November to April) and/or during suitable climatic conditions for movement (e.g., during rain events, dense fog, high humidity, etc.). CRLF is also documented in Eagle Canyon Creek (CNDDB occurrence 1084) approximately 1.84 miles southeast of the study area. Red-legged frogs occur in the Eagle Canyon, Tomate Canada, and Dos Pueblos Canyon Creek watersheds and may move between aquatic habitats in these watersheds by traversing hundreds or thousands of feet of intervening grassland, coastal scrub, and oak woodland habitats to access these aquatic sites.

The coast range newt (*Taricha torosa*), a CDFW species of special concern, is a stocky, medium-sized salamander about 12.5-20 centimeters (4.9-7.8 inches) in total length. Adults have rough, grainy skin that is yellowish brown above and pale yellow to orange below. The species is found in coastal drainages, lives in terrestrial habitats under woody debris or in crevices, and will migrate over one

kilometer to breed in ponds, reservoirs, and slow-moving streams. Moderately suitable habitat (e.g., slow-flowing or standing freshwater) is present in the study area within the Dos Pueblos Canyon Creek; however, there is no CNDDB record of this species within a five-mile radius of the study area. Therefore, this species has moderate potential to occur within the study area due to the presence of suitable habitat.

Special Status Avian Species

White-tailed kite (*Elanus leucurus*), a state fully protected species, is a regular breeder along the Santa Barbara coastline. They nest in trees, usually with a dense canopy, but nest trees can vary from single, isolated trees to trees within large woodlands, including (in order of frequency used) oaks, pines, Monterey cypress, eucalyptus, and willows (Holmgren, 2000). The study area provides suitable nesting habitat for the species, as coast live oak and arroyo willows are present within the study area. Recent County EIRs and a CNDDB record (2005) from 2005 records white-tailed kite nesting on the south side of Highway 101 along the coast, and approximately one mile southeast of the study area (CNDDB occurrence 178) between Eagle Canyon and Dos Pueblos Canyon (CDFW 2021, County 2014a, 2016). 1967 Audubon breeding bird records a nest 0.25 miles downstream in Dos Pueblos Canyon Creek in an area with a wider riparian canopy (Audubon 2021). Additional nesting locations for the white-tailed kite are more than five miles east occurring at the Santa Barbara Airport, More Mesa, Elwood Mesa, and Lake Los Carneros (Lehman 2020, eBird 2021). Therefore, white-tailed kite has a high potential to occur within the study area.

California horned lark (*Eremophila alpestris actia*), a watchlist species, is a small, ground-dwelling songbird that inhabits areas of bare ground with sparse vegetative cover. Since the species prefers open grasslands, the agricultural portion of the study area has moderate potential to support transient individuals, and has marginally suitable nesting and foraging habitat onsite. The closest CNDDB occurrence for this species is approximately 4.75 miles southeast (CNDDB occurrence 94). Given the suitable habitat and the recorded occurrence, this species has moderate potential to occur within the study area.

Special Status Insect Species

The monarch butterfly (*Danaus plexippus*) species is not listed, but are currently classified as a Candidate for listing under the FESA and action is expected to occur in 2024 (USFWS 2021d) and habitat and overwintering roosts are considered ESH by the County. During the fall, monarch butterflies migrate to California coastal areas area and form large wintering aggregations in groves of trees, often blue gum eucalyptus. Roosts are typically found near nectar and water sources and in wind-protected tree groves (e.g., eucalyptus [*Eucalyptus* spp.], Monterey pine [*Pinus radiata*], and cypress [*Hesperocyparis* spp. And *Cupressus* spp.]). GCP DevStd NS-6 prohibits construction within 200 feet of a monarch roost from November 1 to April 1.

The study area contains a grove of mature red gum eucalyptus trees (Figure 2). The closest known overwintering site for monarch butterflies is approximately 0.5 miles northwest of the study area in Dos Pueblos Ranch south of Highway 101 (CNDDB occurrence 143). Four overwintering sites are recorded by the CNDDB and Xerces Society within two miles of the study area (Xerces 2021). However, trees in the study area do not form a suitable grove with appropriate microhabitat for roosting monarch butterflies. Although individuals of species could fly through the study area, overwintering roosts are unlikely to be present in the study area. Therefore, the monarch butterfly overwintering roosts have low potential to occur within the study area.

4.1.1 Other Protected Species

Nesting Birds

The study area contains habitat that can support nesting birds, including raptors, protected under CFGC § 3503 and the federal Migratory Bird Treaty Act (MBTA) (16 United States Code §§ 703–712). Potential nesting locations for raptors were limited in the study area with the most suitable locations being native and mature trees located within and outside of the study area. No nests or birds exhibiting nesting behaviors were observed during the field survey.

4.2 Critical Habitat

The USFWS Critical Habitat Portal and IPAC databases (USFWS 2021b, 2021c) were checked for critical habitat designations in the vicinity of the study area. Dos Pueblos Canyon Creek is designated as critical habitat for southern California steelhead in the study area. No other critical habitat designations are located within the study area.

4.3 Wildlife Movement

The study area provides limited opportunity for wildlife movement. The site is between a busy transportation corridor to the south (US 101) and fenced grazing operations to the north. Fencing is present along the eastern bank of Dos Pueblos Canyon Creek. However, the wetted stream channel of Dos Pueblos Canyon Creek provides a potential movement corridor within the study area and wildlife may use the creek to travel north and south of US 101. The creek contains habitat for aquatic and semi-aquatic species, and its associated riparian corridor contains sufficient tree canopy to provide suitable travel corridors for various birds and terrestrial wildlife species passing through surrounding agricultural and developed areas. However, the proposed project is not located within any known regional wildlife movement corridors.

4.4 Sensitive Plant Communities and Environmentally Sensitive Habitats

Plant communities are considered sensitive biological resources if they have limited distributions, have high wildlife value, include special status species, or are particularly susceptible to disturbance. The CDFW ranks natural and sensitive communities using NatureServe's Heritage Methodology (CDFW 2021d), the same system used to assign global and state rarity ranks for plant and animal species in the CNDDB. Of the vegetation alliances within the study area, two are included on the Sensitive Natural Communities List. California sycamore woodlands (*Platanus racemosa* Woodland Alliance; ranked G3S3) and arroyo willow thickets (*Salix lasiolepis* Shrubland Alliance; ranked G4S4) are considered CDFW sensitive natural communities and GCP riparian ESH. Additionally, the unvegetated riverwash associated with Dos Pueblos Canyon Creek is considered ESH. No other vegetation communities within the study area are recognized by the CDFW as sensitive natural communities.

County zoning and land use maps associated with the Coastal Land Use Plan (1982, republished 2014), the County's Comprehensive General Plan (2015), and the GCP were checked for presence of mapped ESH within the study area. The GCP Policy NS-4B and Coastal Act defines ESH as any area in

which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem. In the GCP, Dos Pueblos Canyon Creek is mapped as ESH within the study area. Below, the County environmental thresholds are listed.

County Environmental Thresholds: The County's Thresholds and Guidelines Manual (202121) includes guidelines for the assessment of biological resource impacts. The following thresholds are applicable to this project:

- **Wetlands.** Projects which result in a net loss of important wetland area or wetland habitat value, either through direct or indirect impacts to wetland vegetation, degradation of water quality, or would threaten the continuity of wetland-dependent animal or plant species are considered to have a potentially significant effect on the environment. Projects which substantially interrupt wildlife access, use and dispersal in wetland areas would typically be considered to have a potentially significant impact. Projects which disrupt the hydrology of wetlands systems would be considered to have a potentially significant impact.
- **Coastal Salt Marsh.** Project created impacts may be considered significant due to the potential to change species composition and habitat value through: substantial alteration of tidal circulation or decrease of tidal prism; adverse hydrologic changes; substantial increase of sedimentation, introduction of toxic elements or alteration of ambient water temperature; construction activity which creates indirect impacts such as noise and turbidity on sensitive animal species, especially during critical periods such as breeding and nesting; disruption of wildlife dispersal corridors; or disturbance or removal of substantial amounts of marsh habitats.
- **Riparian Habitats.** Project created impacts may be considered significant due to: direct removal of riparian vegetation; disruption of riparian wildlife habitat, particularly animal dispersal corridors and or understory vegetation; or intrusion within the upland edge of the riparian canopy leading to potential disruption of animal migration, breeding, etc. through increased noise, light and glare, and human or domestic animal intrusion; or construction activity which disrupts critical time periods for fish and other wildlife species.
- **Native Grasslands.** In general, project created impacts to native grasslands may be considered significant if they involve removal of or severe disturbance to a patch or a combined patch area of native grasses that is greater than one-quarter (1/4) acre in size. The grassland must contain at least 10 percent relative cover of native grassland species (based on a sample unit). Impacts to patch areas less than one-quarter acre in size that are clearly isolated and not part of a significant native grassland or an integral component of a larger ecosystem are usually considered insignificant.
- **Other Rare Habitat Types.** The Manual recognizes that not all habitat-types found in Santa Barbara County are addressed by the habitat-specific guidelines. Impacts to other habitat types or species may be considered significant, based on substantial evidence in the record, if they substantially: (1) reduce or eliminate species diversity or abundance; (2) reduce or eliminate the quality of nesting areas; (3) limit reproductive capacity through losses of individuals or habitat; (4) fragment, eliminate, or otherwise disrupt foraging areas and/or access to food sources; (5) limit or fragment range and movement; or (6) interfere with natural processes, such as fire or flooding, upon which the habitat depends.

4.5 Jurisdictional Waters and Streambeds

Results of the literature review and field survey determined one potentially jurisdictional aquatic resource occurs within the study area: Dos Pueblos Canyon Creek (Figure 3).

Dos Pueblos Canyon Creek

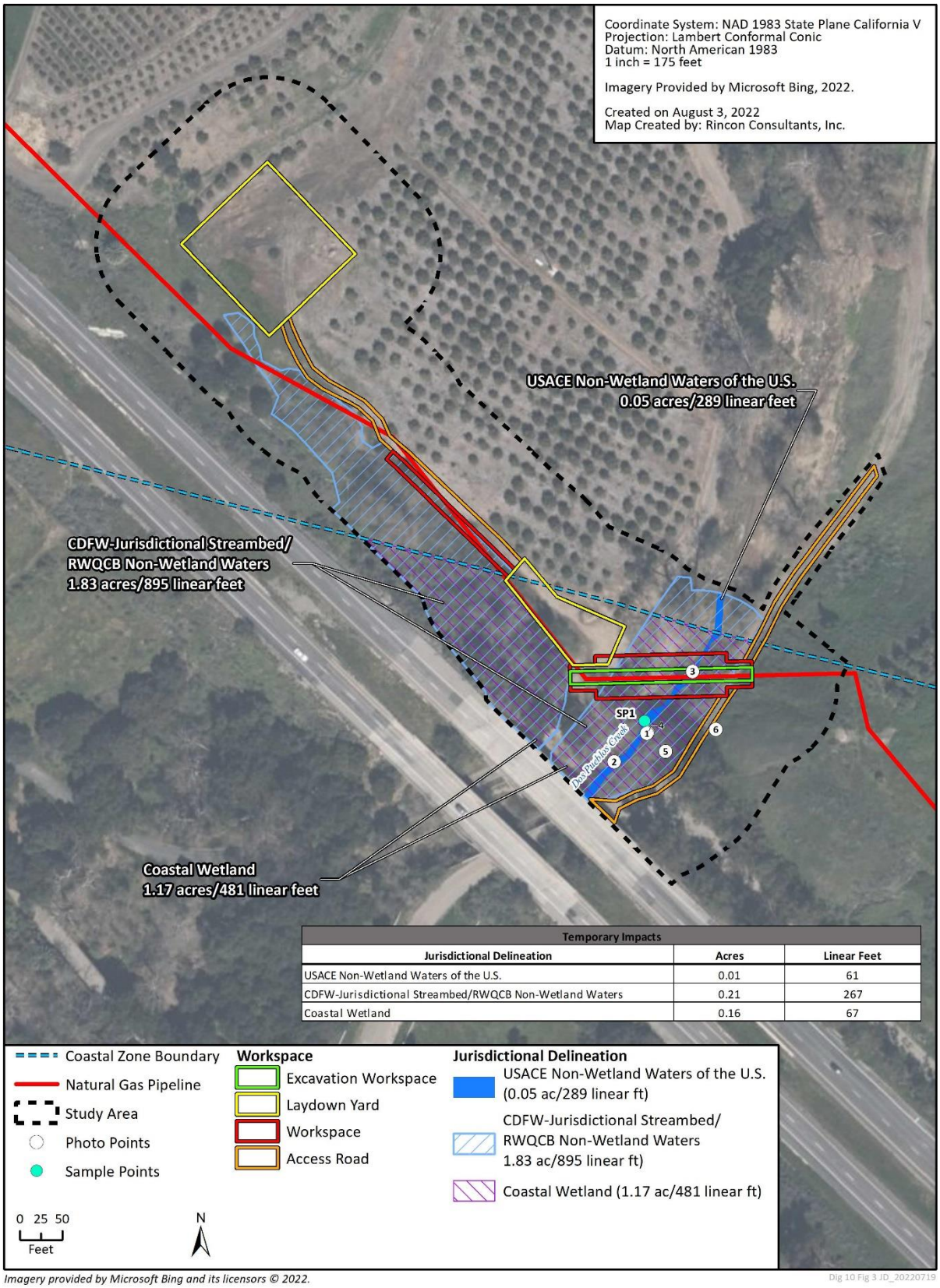
Dos Pueblos Canyon Creek is a perennial creek that flows through the study area from north to south. The creek is mapped on NWI as a nontidal forested palustrine system. During the field delineation, the top of bank was determined by evaluating topographic breaks. The top of bank was approximately eight to 10 feet high, and the banks were steeply incised. Riparian vegetation was present, in the form of California sycamore woodlands, which extend beyond the top of bank. The OHWM was defined by the change in vegetation species, vegetation cover, and change in average sediment texture and was approximately 11 to 12 feet in width. Gravel and cobble substrate were present within the OHWM and sandy loam soils were present along the banks. During the time of the survey the creek was flowing slowly south through the study area. Heavy drift deposits were observed approximately two feet above the top of the banks, which suggests that water moves through the system with high velocity and experiences sustained flows following precipitation. A two to three foot-wide low-flow channel was well defined, suggesting that water is present mostly year around, with limited ponding.

A secondary contributor of surface flows to the creek is a stormwater runoff culvert from the adjacent Naples Access Road. The storm drain culvert collects flows from the adjacent road and conveys flows through a corrugated culvert into the creek at the southern end of the study area. One sample point (SP), SP1, was dug due to a depth where shovel refusal occurred and was used to determine the presence of hydric soils. The SP was located inside the OHWM and adjacent to the low flow channel in the active floodplain. No hydric soils were present. Naturally, problematic sandy soil was present; however, enough organic matter and fine silt residue was present indicating that hydric soil indicators could form and would be detectable if present.

An active floodplain outside the OHWM was not present. Low density of duckweed and watercress is present in the bed of the channel and the banks were densely vegetated consisting primarily of California sycamore and arroyo willow trees. Primary indicators of wetland hydrology were present, including surface water, a high-water table, saturation, water-stained leaves, and aquatic invertebrates, as well as the secondary indicators of water marks, drift deposits, drainage patterns, and a positive FAC-neutral test. It should be noted that the abundance of wetland hydrology indicators is due to the location of the sample point as it was situated within the OHWM as opposed to a potential wetland adjacent and outside the OHWM (please refer to Appendix F for Wetland Determination Forms).

Dos Pueblos Canyon Creek meets the USACE jurisdictional standards and is considered a water of the U.S. due to its perennial hydrology, the presence of an OHWM, and a hydrologic connection to navigable waters (Pacific Ocean). The creek and may also be regulated by the RWQCB under the Porter-Cologne Act. In addition, this system is consistent with CDFW-jurisdictional streambeds, and a California Coastal Act Wetland regulated by the County pursuant to the GCP. The portion of Dos Pueblos Canyon Creek characterized as the California sycamore woodland vegetation community

Figure 3 Jurisdictional Areas Delineated in the Study Area



type within the Coastal Zone boundary is considered a California Coastal Act Wetland (Figure 2, Figure 3). Table and Figure 3 display the potentially jurisdictional areas delineated in the study area.

Arroyo Willow Thickets

Arroyo willow thickets are present on a road slope directly north of US 101 and west of Dos Pueblos Canyon Creek. This is also an existing natural gas pipeline, crude oil pipeline, and electrical line powerline ROW adjacent to a Caltrans ROW and is subject to periodic maintenance. This area is potentially connected to Dos Pueblos Canyon Creek via a culvert under the agricultural road. Given the potential connectivity to Dos Pueblos Canyon Creek this vegetation is assumed to be under the jurisdiction of the CDFW and the RWQCB. This area also meets the one parameter test for a coastal wetland (in the coastal zone) and County wetland (inland) under the County Environmental Thresholds and Guidelines Manual Section 6.D.1 (County 2021). No OHWM is present so the area is not assumed to be under the jurisdiction of the USACE.

Table 6 USACE, RWQCB, and CDFW Jurisdiction within the Study Area

	USACE Jurisdiction		RWQCB Jurisdiction		CCC/County Jurisdiction	CDFW Jurisdiction
Feature	Waters of the U.S. (acres/ linear feet)	Wetland Waters of the U.S. (acres/ linear feet)	Waters of the State (acres/ linear feet)	Wetland Waters of the State (acres/ linear feet)	Coastal Wetland (acres/ linear feet)	Streambed and Associated Riparian Habitat (acres/ linear feet)
Dos Pueblos Canyon Creek	0.05/289	N/A	0.76/289	N/A	0.63/238	0.76/289
Arroyo Willow Thicket	N/A	N/A	1.08/200	N/A	0.54/67	1.08/200

4.6 Resources Protected by Local Policies and Ordinances

The project is partially located in the coastal zone subject to the County's Comprehensive Plan, including the Conservation Element, Open Space Element, Environmental Resource Management Element, Land Use Element and specifically the Coastal Land Use Plan and GCP. The Coastal Land Use Plan/Comprehensive Plan (including the GCP) contain policies identifying the protection, preservation and enhancement of biological and natural resources, in particular ESH areas. Consistency with applicable Local Coastal Program (LCP)/GCP policies and development standards are summarized under Section 5.6.

The County Municipal Code and the above-mentioned plans were reviewed. Original GCP or Article II language is in italics and regular text is used where a policy or development standard is summarized.

County Municipal Code Chapter 9, Brush Removal does not apply to public utilities (§ 9A-6.c). Chapter 15B, Development Along Watercourses, is not anticipated to apply since it regulates "new development." Chapter 14, Grading, requires stormwater plans but exempts utility trenching.

Ordinances other than Article II are not discussed further. Relevant Article II development standards and findings are summarized under Section 5.7.

4.6.1 Santa Barbara County Coastal Land Use Plan

The Coastal Land Use Plan was partially certified by the Coastal Commission on March 17, 1981 and is the LCP for unincorporated Santa Barbara County. It details the rules and regulations of land use within the County's coastal zone. LCP policies 9-9 and 9-37 specify ESH buffers and Policy 9-38 prohibits structures in creeks. The County's Coastal Land Use Plan/Comprehensive Plan policies are not discussed further where the GCP provides stricter protection of biological resources.

Gaviota Coast Plan

The GCP was adopted by the Board of Supervisors in October of 2016 and certified by the CCC on November 7, 2018 and designates and regulates land uses in the GCP. It updates the Comprehensive Plan and Coastal Land Use Plan, provides policy direction for land use issues and trends specific to the Plan Area, and is intended to preserve the rural character of Gaviota by protecting and enhancing its varied and unique natural and cultural resources, agricultural productivity, and by enhancing public recreation and access consistent with the capacity of its resources. The Plan also contains new development policies specific to the Gaviota Coast along with measures to implement those policies. All of the GCP is designated as "rural" (Page 1.1) under the Comprehensive Plan/GCP and designated with the Gaviota Coast Plan Overlay (GAV). GCP Chapter 2, Natural and Cultural Resources Stewardship policy consistency is detailed in Section 5.6.

4.6.2 Article II Coastal Zoning Ordinance

Coastal Plan Policies are implemented by the Article II Coastal Zoning Ordinance. Relevant sections for this project include Section 35-97 ESH —– Environmentally Sensitive Habitat Area Overlay District, Section 35-97.19 Development Standards for Stream Habitats, and Section 35-140 Tree Removal. Development standards specific to the GCP are included under Article II Sections 35-400 through 35-470.

4.7 Protected Trees

A total of 54 protected trees (13 coast live oak trees, 12 California sycamore trees, and 29 arroyo willows) were recorded within or overlapping the tree study area (Figure 4 and Figure 5). These trees are six inches or more in DSH and are discussed further below. No other trees that are protected under Article II (within 50 feet of streams, in County street rights-of-way, or serving as monarch butterfly habitat) or GCP Policy 12 are present.

All of the protected trees recorded within or overlapping the study area are naturally occurring and range from young trees approximately six inches DSH to large mature trees, such as tree number 8 which has a DSH of 90 inches. Refer to Appendix H for details.

Table 7 Protected Tree Inventory

Tree ID	Scientific Name	Common Name	DSH (inches)	Health	Notes	Impact Assessment[1]
1	*Quercus agrifolia*	coast live oak	12.5	Fair		**No Impact.**
2	*Quercus agrifolia*	coast live oak	28	Fair	sparse canopy, broken branches	**No Impact.**
3	*Quercus agrifolia*	coast live oak	19.5	Fair	dead branches, somewhat sparse, slight lean	**Minor Encroachment.** One branch will be trimmed to allow for equipment access. Branch is less than 20% of tree canopy.
4	*Salix lasiolepis*	arroyo willow	6	Good	prostrate trunk with many upright shoots	**Remove.** Tree trunk is located within the workspace and cannot be avoided.
5	*Salix lasiolepis*	arroyo willow	53	Good	growing on slope with exposed roots, some dead branches	**Remove.** Approximately 35% of tree TPZ is located within excavation workspace and cannot be avoided.
6	*Salix lasiolepis*	arroyo willow	31	Fair	access restricted, observed from distance, 5'' SE from utility pole	**Remove.** Tree trunk is located within the workspace and cannot be avoided.
7	*Salix lasiolepis*	arroyo willow	41	Fair	many dead branches, adjacent to concrete structure	**Remove.** Tree trunk is located within the workspace and cannot be avoided.
8	*Platanus racemosa*	western sycamore	90	Good	exceptional specimen tree	**Minor Encroachment.** Staging proposed in less than 25% of the TPZ. **.**
9	*Platanus racemosa*	western sycamore	22	Good	overhanging road	**No Impact.**
10	*Platanus racemosa*	western sycamore	24.5	Good		**No Impact.**
11	*Platanus racemosa*	western sycamore	20.5	Good	leaning over road	**No Impact.**
12	*Platanus racemosa*	western sycamore	51.5	Good	leaning over workspace	**Minor Encroachment.** Staging proposed in less than 25% of the TPZ.
13	*Platanus racemosa*	western sycamore	8	Good		**No Impact.**
14	*Platanus racemosa*	western sycamore	15	Good		**Major Encroachment/Remove.** Tree trunk is located within the workspace and may require removal. However, project activities may be able to avoid the tree.

Tree ID	Scientific Name	Common Name	DSH (inches)	Health	Notes	Impact Assessment[1]
15	*Salix lasiolepis*	arroyo willow	9.5	Good	leaning	**Remove.** Tree trunk is located within excavation workspace and cannot be avoided.
16	*Salix lasiolepis*	arroyo willow	15	Good	partially prostrate	**Remove.** Tree trunk is located within excavation workspace and cannot be avoided.
17	*Salix lasiolepis*	arroyo willow	6	Good		**Remove.** Tree trunk is located within the workspace and cannot be avoided.
18	*Salix lasiolepis*	arroyo willow	15	Good	trunk prostrate, difficult to determine connection with adjacent trees	**Remove.** Tree trunk is located within the workspace and cannot be avoided.
19	*Salix lasiolepis*	arroyo willow	12	Fair	trunk prostrate, adjacent to eroded drainage	**Remove**. Tree trunk is located within excavation workspace and cannot be avoided.
20	*Salix lasiolepis*	arroyo willow	31	Fair	some cracked bark, one trunk has been topped at 5''	**No Impact.**
21	*Quercus agrifolia*	coast live oak	6.5	Good		**No Impact.**
22	*Platanus racemosa*	western sycamore	26	Good		**No Impact.**
23	*Platanus racemosa*	western sycamore	35	Good	leaning	**No Impact.**
24	*Quercus agrifolia*	coast live oak	23.5	Good	outside workspace, leaning	**No Impact.**
25	*Platanus racemosa*	western sycamore	28	Good		**No Impact.**
26	*Platanus racemosa*	western sycamore	17	Fair	sparse canopy	**No Impact.**
27	*Quercus agrifolia*	coast live oak	19	Fair	broken branch, uneven canopy	**Minor Encroachment.** Approximately 10% of the TPZ may be encroached upon for equipment access. However, tree limbs and/or roots are not anticipated to be impacted. See Tree Protection Measures.
28	*Quercus agrifolia*	coast live oak	19	Good		**No Impact.**
29	*Salix lasiolepis*	arroyo willow	11	Fair	prostrate, difficult to determine connections with adjacent trunks	**Minor Encroachment.** Approximately 10% of the TPZ may be encroached upon for equipment access. However, tree limbs and/or roots are not anticipated to be impacted. See Tree Protection Measures.

Tree ID	Scientific Name	Common Name	DSH (inches)	Health	Notes	Impact Assessment[1]
30	*Salix lasiolepis*	arroyo willow	12	Poor	prostrate, sparse canopy, difficult to determine connections with adjacent trees	**No Impact.**
31	*Quercus agrifolia*	coast live oak	20	Good		**No Impact.**
32	*Salix lasiolepis*	arroyo willow	15.5	Good		**Removal.** Tree is within eastern laydown yard and cannot be avoided because the area must be cleared to allow for equipment access.
33	*Salix lasiolepis*	arroyo willow	11	Good	prostrate	**Removal.** Tree is within eastern laydown yard and cannot be avoided because the area must be cleared to allow for equipment access.
34	*Salix lasiolepis*	arroyo willow	10	Good		**Removal.** Tree is within eastern laydown yard and cannot be avoided because the area must be cleared to allow for equipment access.
35	*Salix lasiolepis*	arroyo willow	12	Fair	not overhanging existing cleared area	**Removal.** Tree is within eastern laydown yard and cannot be avoided because the area must be cleared to allow for equipment access.
36	*Salix lasiolepis*	arroyo willow	15	Good	prostrate, low branches	**Removal.** Tree is within eastern laydown yard and cannot be avoided because the area must be cleared to allow for equipment access**.**
37	*Salix lasiolepis*	arroyo willow	8	Good	trunk inaccessible	**Minor Encroachment.** Tree is adjacent to the access road workspace, and branches less than 2 inches in diameter may be trimmed to allow for equipment access.
38	*Salix lasiolepis*	arroyo willow	24	Good	Woodrat midden at base	**Minor Encroachment.** Tree is adjacent to the access road workspace, and branches less than 2 inches in diameter may be trimmed to allow for equipment access.
39	*Salix lasiolepis*	arroyo willow	37.5	Good	one trunk removed	**Minor Encroachment.** Tree is adjacent to the access road workspace, and branches less than 2 inches in diameter may be trimmed to allow for equipment access.

Tree ID	Scientific Name	Common Name	DSH (inches)	Health	Notes	Impact Assessment[1]
40	*Salix lasiolepis*	arroyo willow	18.5	Good	higher branches overhanging road likely don't' need trimming	**Minor Encroachment.** Tree is adjacent to the access road workspace, and branches less than 2 inches in diameter may be trimmed to allow for equipment access.
41	*Salix lasiolepis*	arroyo willow	14.5	Good		**Minor Encroachment.** Tree is adjacent to the access road workspace, and branches less than 2 inches in diameter may be trimmed to allow for equipment access.
42	*Salix lasiolepis*	arroyo willow	52	Fair	multiple trunks prostrate with upright branches, woodrat midden at base, trunks difficult to see due to debris, many dead trunks	**No Impact.**
43	*Salix lasiolepis*	arroyo willow	51.5	Good	trunks prostrate with upright branches	**No Impact.**
44	*Salix lasiolepis*	arroyo willow	26	Good	some limbs growing into ground, dead branches	**No Impact.**
45	*Salix lasiolepis*	arroyo willow	24	Good	prostrate trunk with upright branches, trunk connections difficult to observe due to debris	**No Impact.**
46	*Platanus racemosa*	western sycamore	109	Good	exceptional specimen, utility line through canopy, previously pruned, minor leaf damage	**No Impact.**
47	*Quercus agrifolia*	coast live oak	13	Good		**Minor Encroachment.** Tree is within access road workspace, and branches less than 2 inches in diameter may be trimmed to allow for equipment access.
48	*Salix lasiolepis*	arroyo willow	20	Fair	trunks prostrate and partially buried, connections difficult to observe due to debris, many dead branches, not overhanging road	**No Impact.**
49	*Quercus agrifolia*	coast live oak	6.5	Good		**Minor Encroachment.** Tree is within access road workspace, and branches less than 2 inches in

Tree ID	Scientific Name	Common Name	DSH (inches)	Health	Notes	Impact Assessment[1]
						diameter may be trimmed to allow for equipment access.
50	*Quercus agrifolia*	coast live oak	1.5	Good	some leaf necrosis in lower canopy	**No Impact.**
51	*Quercus agrifolia*	coast live oak	18	Good	multiple trunks difficult to observe due to dense scrubby form	**Minor Encroachment.** In laydown yard but would be avoided during construction.
52	*Salix lasiolepis*	arroyo willow	6	Good	multiple trunks, difficult to observe due to dense canopy	**Minor Encroachment.** In laydown yard but would be avoided during construction.
53	*Salix lasiolepis*	arroyo willow	6	Good	multiple trunks, difficult to observe due to dense canopy	**Minor Encroachment.** In laydown yard but would be avoided during construction.
54	*Quercus agrifolia*	coast live oak	39.5	Good		**No Impact.**

[1] Article II does not define substantial or minor encroachment but uses this terminology to categorize impacts. For the purposes of this report, oak and willow substantial encroachment is defined as greater than 20% combined crown and root encroachment and minor encroachment is defined as less than 20% crown and root encroachment. Sycamore major encroachment is greater than 25% (County 20022022)

Figure 4 Protected Trees in the Eastern Portion of the Study Area

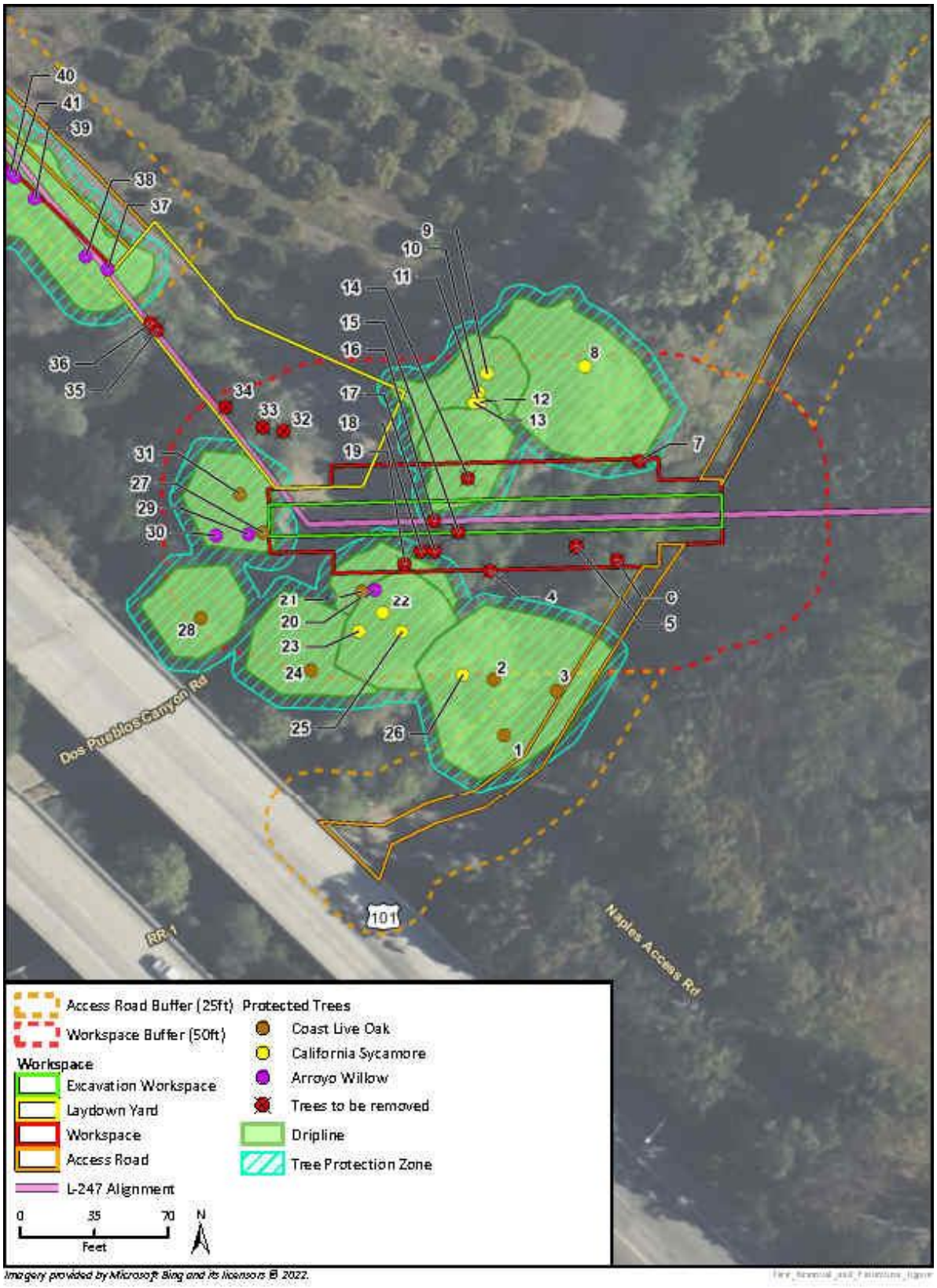


Figure 5 Protected Trees in the Western Portion of the Study Area

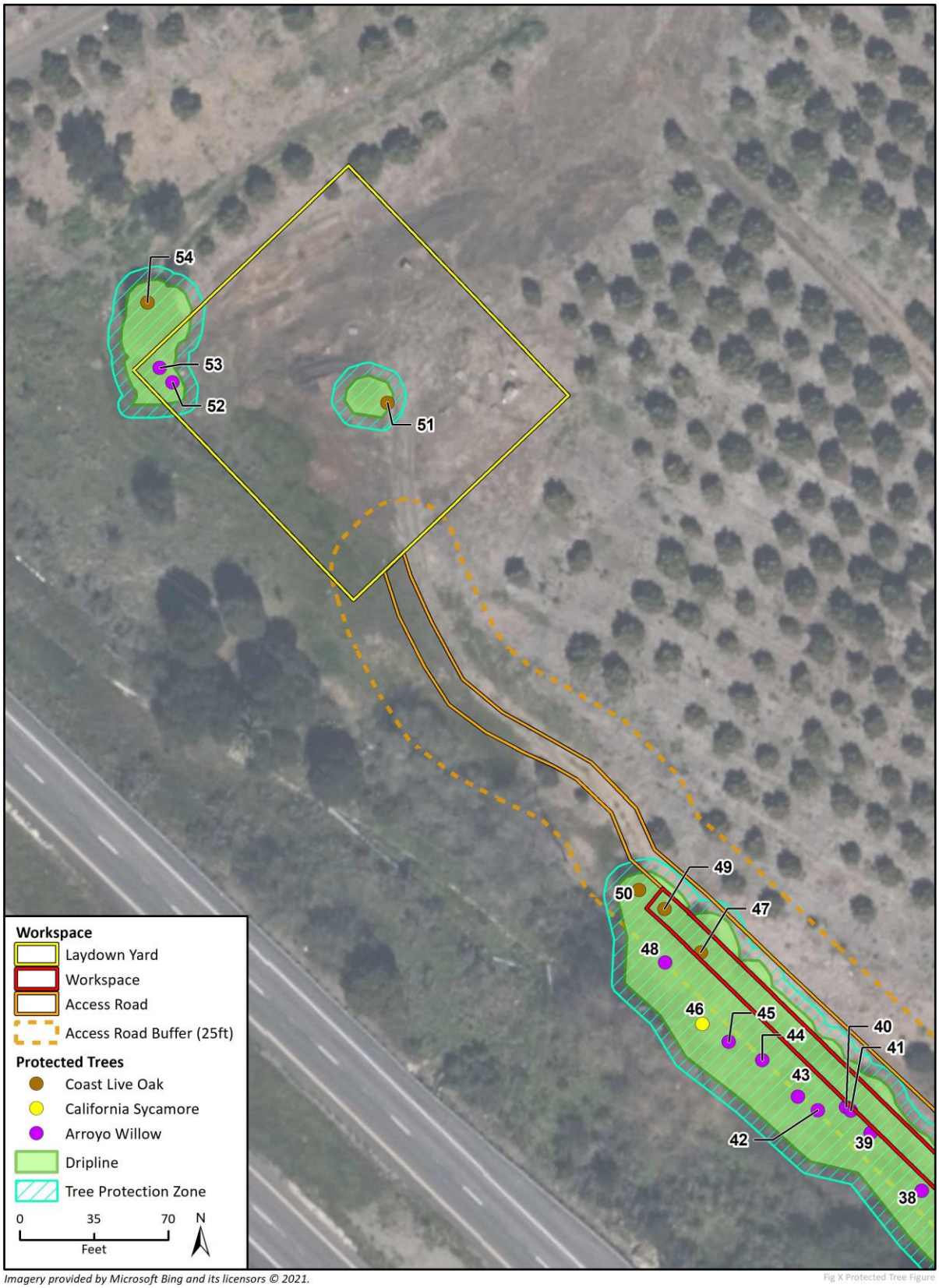


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Fig X Protected Tree Figure

4.8 Habitat Conservation Plans

The study area is not located in an area with any Habitat Conservation Plans, Natural Community Conservation Plans, or other approved local, regional, or state habitat conservation plans. General Conservation HCP (USFWS 2019) provides coverage for transmission pipelines, but as discussed below the project is not anticipated to result in take of covered species since is a temporary repair and the project would be consistent with the *Programmatic Biological Opinion for Projects that May Affect the California Red-legged Frog* (USFWS 2020). Therefore, conservation plans are not addressed further within this analysis.

5 Impacts Analysis

This section discusses the possible adverse impacts to biological resources that may occur from implementation of the project. This analysis includes incorporation of applicant proposed avoidance and minimization measures in the project description (Section 6). .

5.1 Special Status Plant Species

Based on the results of the 2021 and 2022 field surveys, no special status plant species are present within the study area. However, two special status plant species, mesa horkelia and Santa Barbara honeysuckle, have low potential to occur within the study area. Should any individuals of these species or any other special status plant species be present within the study area during the proposed project, direct impacts through injury or mortality to individuals during construction is possible. This could occur during the use of heavy construction equipment required for access or pipeline excavation. Accidental fuel spills during construction could also lead to contamination of soils, and habitat degradation. Indirect impacts could result from habitat modifications by the introduction of invasive plants from construction equipment. Given the low probability to occur, potential direct and indirect impacts to special status plants would be less than significant. Effects would be further reduced though worker training (BIO-1), biological monitoring (BIO-2), pre-construction surveys (BIO-3), special status plant protection (BIO-4), habitat fencing (BIO-5), best management practices (BIO-8), habitat restoration (BIO-9), tree protection (BIO-10), and tree replacement) included in Section 6.0.

5.2 Special Status Wildlife Species

There is moderate or high potential for, western pond turtle, California red-legged frog, coast range newt, California horned lark, and white-tailed kite to be present within the study area, and low potential for the monarch butterfly and southern California steelhead to occur.

Should special status fish, reptile, amphibian, or insect species be encountered during the proposed project there could be direct impacts through injury or mortality to individuals that are present during construction. These could occur during the use of heavy construction equipment required for access or pipeline excavation by direct strikes to wildlife. Indirect impacts could result from habitat modifications by the introduction of invasive plants from construction equipment and contamination of soils and habitat degradation due to accidental fuel spills during construction; resulting in loss of cover and foraging opportunities. Impacts to aquatic resources, such as Dos Pueblos Canyon Creek, could negatively impact aquatic and semi-aquatic species. Direct and indirect impacts could result from water quality degradation (e.g., increased turbidity, altered pH, decreased dissolved oxygen levels) due to working within flowing or ponded water. Potential direct and indirect impacts to special status fish, reptile, and amphibian species would be reduced by BIO-1, BIO-2, BIO-3, and BIO-8 included in Section 6.0.

Federal take coverage for the CRLF will be obtained through the Clean Water Act Section 404 Certification Section 7 consultation and the project is anticipated to qualify for coverage under the *Programmatic Biological Opinion for Projects that May Affect the California Red-legged Frog* (USFWS 2020) (CRLF BO) included under Appendix E. The CRLF BO addresses certain activities regionally (including Santa Barbara County) and generally covers projects eligible under Nationwide Permit 12.

The CRLF BO allows for streamlined consultation for projects that may affect the CRLF and programmatic informal concurrence for projects that are not likely to adversely affect the CRLF. Examples of measures to avoid adverse effects required under the CRLF BO include conducting work outside the breading season (November 1 to April 30) unless otherwise approved, monitoring and handling by USFWS approved biologists, and general best management practices.

Fully Protected white-tailed kites are known to nest in trees with a dense canopy along the Gaviota coast, but nest trees can vary from single isolated trees to trees within large woodlands. The species may forage, breed, or roost in the study area due to the presence of suitable habitat. Direct impacts to birds may occur if individuals and/or active nests are present in the work area through direct mortality, physical impacts to active nests, or causing abandonment of nests. Additionally, indirect impacts from noise and human presence may cause disturbance if active nests or foraging individuals are within the vicinity of construction and could ultimately result in nest failure. Potential direct and indirect impacts to special status avian species would be reduced by BIO-1, BIO-2, BIO-3, nesting bird surveys and buffers (BIO-7), and BIO-8 included in Section 6.0.

5.3 Sensitive Plant Communities/ESH

County and state sensitive plant communities (i.e., California sycamore woodlands and arroyo willow thickets) are located within the study area. These sensitive vegetation communities and the unvegetated riverwash and road drainage associated with Dos Pueblos Canyon Creek are considered ESH. Approximately 0.18 acre of California sycamore woodlands, 0.05 acre of arroyo willow thicket, and 0.01 acre of riverwash would be temporarily impacted by project construction. These temporary impacts would be less than significant with implementation of applicant proposed measures BIO-1, BIO-2, BIO-5,BIO-8, BIO-10, and BIO-11 included in Section 6.0requiring measures protecting communities during construction, habitat restoration, and tree replacement. A summary of temporary impacts to ESH is provided in Table .

Table 8 Impacts to Coastal and Inland ESH

Project Components	Vegetation Communities/ Land Cover Types	Temporary Impacts to ESH[1]
Excavation Workspace	California Sycamore Woodlands	1,906 square feet (0.04 acre)
	Riverwash	126 square feet (0.003 acre)
Access Road Workspace	Arroyo Willow Thickets	2,031 square feet (0.05 acre)
Workspace	California Sycamore Woodlands	5,227 square feet (0.12 acre)
	Riverwash	225 square feet (0.01 acre)
	Arroyo Willow Thickets	4141 square feet (<0.01 acre)
Total		**Total Temporary Impact to Coastal ESH: 7,795 square feet (0.17 acre)** **Total Temporary Impact to Inland ESH: 2,028 square feet (0.05 acre)**

[1]ESH is based on County mapped ESH data and revised based on current site conditions. This includes both coastal and inland ESH as defined by the GCP.

5.4 Critical Habitat

Dos Pueblos Canyon Creek is designated federal critical habitat for southern California steelhead, with a low potential to currently support the species as discussed above. Possible direct impacts from this work include contamination of soils and water quality degradation. Possible indirect impacts could result from vibrations within the water, which could cause steelhead in the area, if present, to quickly flee the area, exposing themselves to potential predators. Potential direct and indirect impacts to steelhead critical habitat would be reduced by BIO-1, BIO-2, BIO-5, general protection wetlands during construction (BIO-6),BIO-8, and BIO-10. included in Section 6.0. Additionally, as part of the Clean Water Act Section 404 Certification the USACE will consult with the National Marine Fisheries Service to determine potential project effects on the steelhead population.

5.5 Jurisdictional Waters Including Wetlands

The approximate project disturbance area includes 0.01 acre of jurisdictional non-wetland waters of the U.S. that may be regulated by the USACE and 0.21 acre of non-wetland waters of the State that may be regulated by the RWQCB. Approximately 0.21 acre of streambed/wetland regulated by CDFW and 0.17 acre of coastal wetland subject to CCC/County jurisdiction may be impacted (Table). These agencies acknowledge the important hydrologic, biogeochemical, and ecological functions provided by waters and streams, and direct impacts to aquatic resources should be avoided or minimized when possible.

USACE Waters of the U.S.

Construction of the Project would result in temporary impacts to approximately 0.01 acre (61 linear feet) of Waters of the U.S. The Project also requires a temporary creek diversion/ / de-watering to support construction activities. Impacts to Waters of the U.S. are subject to the jurisdiction of the USACE under Section 404 of the Clean Water Act. Temporary impacts to USACE would require the use of a Nationwide Permit 12 (NWP 12) which covers oil and natural gas pipeline activities in waters of the United States. Implementation of Best Management Practices (BMPs) and conditions of approval associated with the USACE Nationwide Permit would further reduce impacts through erosion control, equipment staging and laydown area restrictions, and water quality and biological monitoring.

CDFW Streambed/RWQCB Waters of the State

Total acres under state jurisdiction impacted is 0.21 acre (9,148 square feet). The vegetation community within CDFW/RWQCB Jurisdiction being impacted is California Sycamore Woodlands (0.16 acre/61 linear feet) and Arroyo Willow Thicket (0.05 acre/200 linear feet). The Project would require the excavation of 1,800 cubic yards of material within Dos Pueblos Creek, which will be redistributed onsite following repair of L247. The project will also require a temporary creek diversion/ / de-watering to support construction activities, and limbing of trees within the workspace located along and within the arroyo willow thicket. Trees within this workspace would be limbed (i.e., the removal of the branches from either standing or downed trees) to 13 feet and preserved in place. The California sycamore woodland and arroyo willow thicket are subject to CDFW/RWQCB jurisdiction as riparian habitat and Waters of the State. Implementation of avoidance

and minimization measures, particularly the Habitat Restoration Plan (BIO-10) and Tree Protection and Replacement Plan (BIO-10 and BIO-11, Appendix H) would further reduce impacts.

Vegetation trimming and excavation within CDFW jurisdiction is anticipated to require notification under California Fish and Game Code § 1602.Temporary impacts to USACE and RWQCB jurisdiction would require a submittal of a Notice of Intent (NOI) to the State Water Resources Control Board consistent with the Pre-certified Water Quality Certification of the 2021 Nationwide Permits for work within waters of the United States (Order No. [WQ] 2020-0039-EXEC).

County of Santa Barbara and California Coastal Commission

The Project would temporarily impact 0.16 acre/61 linear feet of coastal wetlands in the coastal zone and 0.01 acre/8 linear feet of a County inland one parameter wetland. Temporary impacts to coastal and County wetlands regulated by County under the GCPGVP will be covered by the CDP-H. Temporary impacts for public services generally do not require compensatory mitigation (Coastal Act § 30607.1, CCC 1994).[2]

Table 9 Proposed Temporary Impacts to USACE, RWQCB, County and CDFW Jurisdictions

	USACE Jurisdiction		RWQCB Jurisdiction		County Jurisdiction	CDFW Jurisdiction
Feature	Waters of the U.S. (acres/ linear feet)	Wetland Waters of the U.S. (acres/ linear feet)	Waters of the State (acres/ linear feet)	Wetland Waters of the State (acres/ linear feet)	Coastal Wetland (acres/ linear feet)	Streambed and Associated Riparian Habitat (acres/ linear feet)
Dos Pueblos Creek	0.01/61	N/A	0.16/61	N/A	0.16/61	0.16/61
Arroyo Willow Thicket	N/A	N/A	0.05/205	N/A	<0.01/8	0.05/205
Total	**0.01/61**	**N/A**	**0.21/266**	**N/A**	**0.17/69**	**0.21/266**

The project footprint will be returned to pre-project contours to the extent feasible as described in the Habitat Restoration Plan (Appendix G) consistent with the GCP. No permanent impacts are proposed. Upland vegetation is not anticipated to require habitat restoration as all upland areas proposed to be temporarily impacted have already been disturbed and/or have pre-existing land uses (e.g., agriculture).

In addition to conditions anticipated to be included in the permits listed above, potential direct and indirect impacts to jurisdictional waters would be reduced by BIO-1, BIO-2, BIO-5, BIO-6, and BIO-8 included in Section 6.0.

[2] Inspection on maintenance of incidental public services resulting in temporary impacts may be restored in kind (1:1). Coastal Act § 30607.1 states "mitigation measures shall not be required for temporary or short-term fill or diking if a bond or other evidence of financial responsibility is provided to assure that restoration will be accomplished in the shortest feasible time." GCP Policy NS-11, Restoration, provides mitigation ratios for permanent impacts (3:1 or 4:1), but is silent on temporary impacts.

5.6 Protected by County Policies and Ordinances

Refer to Section 4.7 for a background on applicable County policies and ordinances. Original County GCP or Article II language is in italics and regular text is used where a policy or development standard is summarized.

5.6.1 Tree Protection and Replacement Plan

Policy NS-12. *(COASTAL): Existing trees shall be preserved to the maximum extent feasible, prioritizing "protected trees." Protected trees are defined for the purpose of this policy as mature native or roosting/nesting trees that do not pose a threat to health and safety. Protected trees include, but are not limited to: Oak (Quercus agrifolia), sycamore (Platanus racemose), willow (Salix spp.), maple (Acer macrophyllum), California bay laurel (Umbellularia californica), cottonwood (Populus spp.), white alder (Alnus rhombifolia), California walnut (Juglans californica), any tree serving as known or discovered raptor nesting and/or raptor roosting sites, or any tree serving as Monarch butterfly habitat, including aggregation sites. All existing "protected trees" shall be protected from damage or removal to the maximum extent feasible. Where the removal of protected trees cannot be avoided through the implementation of project alternatives, or where development encroachments into the protected zone of protected trees result in the loss or worsened health of the trees, mitigation measures shall include, at a minimum, the planting of replacement trees onsite, if suitable area exists on the project site, at a ratio of 10 replacement trees for every one tree removed. Where onsite mitigation is not feasible, the most proximal off-site mitigation shall be required.*

Article II § 35-140 Tree Removal*. Protected trees (i.e., 6 inches or more in diameter DSH and 6 feet or more in height, located within 50-feet of any major or minor stream, oak trees, or used as habitat by Monarch butterflies) require a CDP with specific findings for removal. The applicable finding under Section 35-140.3.2 is "the trees prevent the construction of a project for which a CDP has been issued and project redesign is not feasible."*

Consistent. During the arborist survey, a total of 54 protected trees were recorded with driplines within 50 feet of Dos Pueblos Canyon Creek, and with driplines within 25 feet of the project footprint in areas outside the creek. A total of 13 coast live oak, 12 western sycamore, and 29 arroyo willows are present. Replacement of the pipeline segment would require removal of 14 protected arroyo willow trees (Tree numbers 4-7, 15-19, 32-34) and major encroachment into one protected western sycamore tree (Tree number 14). The 14 protected trees will prevent the construction of the project as they are located over the existing Line 247 and project redesign is not feasible. The existing Line 247 was constructed prior to the certification of the County's LCP and is therefore non-conforming. Thus, the Article II § 35-140.3 findings can be made.

Under BIO-10 and as recommended in the Conceptual TPRP an ISA certified arborist shall be onsite for all tree trimming and excavations associated with the project activities. Prior to project mobilization, where the project is adjacent to areas that will not be trimmed, temporary construction fencing shall be erected by the contractor at the edge of the temporary construction easement to avoid impacts to the habitat throughout the duration of construction. As directed under BIO-10 based on Standard Condition BIO-1a and Bio-1b a County approved Tree Protection Plan will be prepared and implemented. Refer to Appendix H for the Conceptual TPRP.

The GCP and County Standard Conditions currently recommend replacement at a 10:1 ratio for protected trees, which includes the nine arroyo willow trees and one western sycamore tree that would be removed as a result of the project. The proposed 10:1 replacement ratio for the 14 arroyo willow trees removed is 140 trees. The higher ratio is used as a contingency in the event of tree mortality. The applicant proposes to collect 140 willow stakes from the Dos Pueblos Canyon Creek watershed by cutting stems from mature arroyo willows and opportunistically planting them. The replacement willow stakes will be opportunistically planted in suitable habitat in the easement as specified in the TPRP. All tree plantings onsite are limited to the existing SoCalGas easement since areas outside easement are under the ownership of Dos Pueblos Ranch.

The proposed 10:1 replacement ratio for the single western sycamore tree to be removed is 10 trees. The applicant proposes to replace this tree with 10 1-gallon size container stock within the Gaviota Coast either at Arroyo Hondo or El Capitan Canyon (Appendix H). The placement in the easement of a large tree with extensive roots, such as a sycamore tree, is a hazard to the transmission line.

The maintenance period for the replacement trees will be for a minimum of three years. If replacement trees die during the three-year maintenance period such that fewer than 140 surviving arroyo willow trees onsite or fewer than 10 surviving western sycamore trees remain off-site, dead trees should be replaced in kind using the same methods described above. Any replaced trees would then be maintained and monitored for three years from the point of installation.

A qualified biologist shall monitor the tree replacement progress for three years. Progress will be evaluated in the spring, to confirm that the planting sites are on track for successful establishment. The biologist will provide a brief memorandum identifying any maintenance or adaptive management needs. The biologist will document the following:

- Number of surviving trees
- Tree height
- Crown width
- Trunk diameter

Protection measures are recommended for protected trees that would not be removed by the project but will be preserved and are in close proximity to project workspaces. BIO 10 and BIO 11 are consistent with the County Standard Conditions. Additionally, Applicant Proposed Measure BIO-10 would ensure protected trees are not inadvertently damaged. Please refer to Appendix H Conceptual TPRP for additional details

ESH Public Utility Use

> ***GCP Policy NS-2 ESH Protection*** *(COASTAL). ESH areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas. […] If avoidance is infeasible and would preclude reasonable use of a parcel or is a public works project necessary to repair and maintain an existing public road or existing public utility, then the alternative that would result in the fewest or least significant impacts shall be selected and impacts shall be mitigated.*

Consistent. The project is to repair and maintain an existing public utility natural gas transmission line and use within an existing easement consistent with Policy NS-2 and Article II § 35-440 E. No permanent development is proposed. Refer to Rural Riparian ESH Buffer (below) for a buffer discussion.

Rural Riparian ESH Buffer

Policy NS-7 ESH Riparian Vegetation *(COASTAL). New development, including fuel modification, shall be sited and designed to protect riparian ESH. consistent with Policy NS-2 and all other applicable policies and provisions of this Plan and the LCP.*

Dev Std NS-2: ESH Setbacks and Buffers. Dev Std NS-2: ESH Setbacks and Buffers. *(COASTAL) Buffers shall be provided between ESH and new development to serve transitional habitat and to provide distance and physical barriers to human intrusion. Riparian ESH areas shall have a minimum development area setback buffer of 100 feet from the edge of either side of the top-of-bank of creeks or the edge of riparian vegetation, whichever is further. Wetland ESH areas shall include a minimum development area setback buffer of 100 feet from the edge of the wetland. All other ESH areas shall have a minimum development area setback buffer of 100 feet from the outer edge of the habitat area. Monarch butterfly trees shall include a minimum development area setback buffer of 50 feet from the edge of the tree canopy*.

Dev Std NS-2 is integrated into the Article II: § 35-440 GAV Overlay as shown below.

Article II: § 35-440 E. GCP (GAV) Overlay, Natural Resources and Environmentally Sensitive Habitat. *Non-resource dependent development shall avoid ESH. If avoidance is infeasible and would preclude reasonable use of a parcel, then the alternative that would result in the fewest or least significant impacts shall be selected and findings shall be made pursuant to Section 35-415.*

Non-resource dependent development shall be located a minimum of 50 feet from Monarch butterfly tree ESH and 100 feet from all other ESH […]

The 100 ft. setback may be adjusted upward on a case-by-case basis given site specific evidence provided by a biological report prepared by a qualified biologist (e.g., a larger buffer may be required in order to fully protect formally listed Endangered Species, such as California red-legged frog) or when necessary to accommodate expected future migration of the shoreline and/or wetlands caused by sea level rise over the anticipated life of the proposed development. Where adjusted upward, as necessary to prevent significant disruption of habitat values, the required minimum buffer shall not preclude reasonable use of a parcel consistent with applicable law. Adjustment of a stream or riparian ESH buffer shall be based on an investigation of the following factors and, after consultation with the CDFW and RWQCB. All buffers shall be sufficient to protect the biological productivity and water quality of streams, to avoid significant disruption of habitat values, and to be compatible with the continuance of the habitat area:

- *Existing vegetation, soil types and stability of stream and riparian corridors;*
- *How surface water filters into the ground;*
- *Slope of the land on either side of the stream;*
- *Location of the 100-year flood plain boundary; and*
- *Consistency with adopted GCP and Coastal Land Use Plan policies. In all cases listed above, buffers may be adjusted downward only to avoid precluding reasonable use of property*

[…]

Development shall preserve natural features, landforms and native vegetation such as trees to the maximum extent feasible.

Consistent. The section of L247 proposed for inspection and repair exists underneath Dos Pueblos Creek, which is within the ESH Overlay (§ 35-97) associated with Dos Pueblos Creek. The project is conduct work on a public utility (L247) within the 100-foot ESH buffer required by Dev Std NS-2. The temporary replacement of an existing public utility natural gas transmission line is an allowed use in the rural 100-foot rural ESH buffer since is necessary to maintain an existing public utility natural gas pipeline and replacement in the same trench is the least damaging alternative.

No new permanent development will be introduced; the temporary project is for replacement of an existing natural gas transmission line of the same diameter and capacity. Access and staging are proposed on the adjacent parcel to the northwest of the creek (APN 079-080-039), with the majority of the area outside the coastal zone and outside the ESH overlay.

Additionally, to provide safe access to the pipeline below the creek bed, and limit work within ponded or flowing water, a water diversion plan and dewatering plan will be prepared and implemented. CDFW and the RWQCB will review the project as part of their permitting process. Any groundwater encountered during excavation will be hauled off site to approved disposal facilities or discharged to the ground/surface water as authorized under the Statewide General Order for Discharge from Natural Gas Utility Construction, Operation, and Maintenance Activities (Order 2017-0026-DWQ).

As discussed in Sections 5.1 through 5.5, significant direct, indirect, or cumulative impacts are not anticipated. With the proposed measures implemented, the project will be consistent with LCP/GCP riparian ESH protection requirements.

Site Specific ESH Mapping

> ***GCP Policy NS-4 ESH Criteria and Habitat Types*** *(COASTAL). The presence and extent of ESH shall be identified on a case-by-case basis based upon site-specific evidence provided by a biological report prepared by a qualified biologist. Refer to the policy and GCP Appendix B for more details on ESH types and mapping.*

Consistent. The GCP-designated ESH has been refined through site-specific evidence and mapped as riparian ESH (see below) along Dos Pueblos Canyon Creek within the study area. Figure 2 shows the extent of the riparian woodland (California sycamore woodland, arroyo willow thickets and coast live oak woodland), which is the edge of Riparian ESH consistent with GCP Policy NS-4 under both inland and coastal policies (Figure 2).

GCP Biological Report Requirements

> ***Dev Std NS-4: Sensitive Wildlife Species.*** *(COASTAL) If potentially suitable habitat or critical habitat exists for sensitive wildlife species on or adjacent to a project site, prior to approval of Coastal Development Permits for any projects in the GCP Area, presence/absence surveys focused on the area to be disturbed and/or affected by the project shall be conducted in accordance with applicable county and resource agency protocols to determine the potential for impacts resulting from the project on these species*
>
> ***Dev Std NS-5: Wetlands.*** *(COASTAL) If potentially jurisdictional wetlands or waters are found on or adjacent to a project site in the Plan Area and have potential to be impacted by implementation of the project, a formal wetlands delineation of the project site, focused on the area to be disturbed and/or affected by the project, shall be completed following the methods outlined in the USACE 1987 Wetlands Delineation Manual and the Regional Supplement to the USACE Delineation Manual for the Arid West Region (USACE 2008). A determination of the*

presence/absence and boundaries of any Waters of the U.S. and Waters of the State shall also be completed following the appropriate USACE guidance documents for determining Ordinary High Water Mark boundaries. The limits of any riparian habitats onsite under the jurisdiction of CDFW shall also be delineated, as well as any special aquatic sites that may not be within the USACE jurisdiction under the Clean Water Act or meet federal jurisdictional criteria but are regulated by Federal Endangered Species Act, CESA, RWQCB , and/or CCC. In the Coastal Zone, one parameter wetlands, jurisdictional waters and ESH areas as defined by the CCC and/or the LCP will also be delineated.

Article II Appendix I, *Biological Study Requirements Within The Gaviota Coast Plan Area*, includes specific requirements for Biological Reports within GAV Overlay.

Consistent. As discussed above the ESH and sensitive wildlife species have been mapped consistent with the GCP. This report fulfills the biological study requirement and follows the criteria under GCP Appendix I, Biological Study Requirements within The GCP Area.

GCP Appendix I.3. requires identification and mapping of one parameter wetlands. A formal delineation was conducted within the study area and the extent of wetlands are mapped in Figure 3 and described in sections 4.5 and 5.5.

Restoration and Rare Plants

Policy NS-11 Restoration *(COASTAL). In cases where adverse impacts to biological resources as a result of new development cannot be avoided and impacts have been minimized, restoration shall be required. A minimum replacement ratio of 3:1 shall be required to compensate for adverse impacts to native habitat areas or biological resources. except that mitigation for impacts to wetlands shall be a minimum 4:1 ratio. Where onsite restoration is infeasible, the most proximal and in-kind offsite restoration shall be required. Preservation in perpetuity for conservation and/or open space purposes of areas subject to restoration shall be required as a condition of the CDP and notice of such restriction shall be provided to property owners through a recorded deed restriction or Notice to Property Owner.*

Dev Std NS-3: Rare Plants. *(COASTAL). If potentially suitable habitat exists for sensitive plant species, prior to approval of Coastal Development Permits for any projects in the GCP Area, sensitive plant surveys focused on the area to be disturbed and/or affected by the project shall be conducted during the appropriate time of year to optimize detection of potentially occurring sensitive plants. Surveys shall be conducted in accordance with applicable county and resource agency survey protocols to determine the potential for impacts resulting from the project on these species.*

Consistent. The project will not include new development or permanent impacts and restoration temporary (1:1) impacts would be included the Habitat Restoration Plan. No special status plant species were observed within the study area during the field surveys. Therefore, the project is considered consistent with these polices.

Wildlife Corridors

Policy NS-6: Wildlife Corridors. *Development shall avoid to the maximum extent feasible and otherwise minimize disruption of identified wildlife travel corridors.*

> ***Dev Std NS-1: Wildlife Corridors.*** *(COASTAL) Where avoidance of wildlife corridors is infeasible, development, including fences, gates, roads, and lighting shall be sited and designed to not restrict wildlife movement. Fences and gates shall be wildlife-permeable, unless the fence or gate is associated with an approved agricultural use, is located within an approved development area, or where temporary fencing is required to keep wildlife away from habitat restoration areas.*

Consistent. The project will not include new development or permanent impacts and restoration of temporary (1:1) impacts would be included the Habitat Restoration Plan. No special status plant species were observed within the study area during the field surveys. Therefore, the project is considered consistent with these polices.

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6 Avoidance and Minimization Measures

Where applicable measures are adapted specific to the Project based on the County Standard Conditions . The project would also be subject to the measures under the CRLF BO (e.g., work outside the breeding season unless approved), any measures required by NMFS as part of the Section 7 process, and requirements under state and federal waters permits.

As discussed under Section 1.3 (Project Description), Applicant-proposed measures are also included in this section. SoCalGas will implement these environmental commitments as part of the project construction activities. These commitments will be satisfied even if not separately imposed by the County. If the County imposes additional measures or modifications, those will also be adhered to as part of the CDP-H. The measures include standard SoCalGas BMPs (e.g., worker education) and measures included in the Project to ensure consistency with other statutes (e.g., MBTA). Applicant-proposed measures BIO-1 through 12 are hereby incorporated into the Project description.

BIO-1 Biological Resource Awareness Training (Applicant Proposed Measure)

Before any ground disturbing work (including vegetation clearing and excavation) occurs in the construction footprint, a qualified biologist shall conduct a mandatory biological resources awareness training for all construction personnel about all sensitive species that may be encountered in the project area, materials including photographs to aid in identification of sensitive species that may be encountered, the laws and codes that regulate these species, and the protection measures that must be followed to avoid and minimize impacts. If new construction personnel are added to the project, the contractor shall ensure that the new personnel receive the mandatory training before starting work. The materials will advise project participants that federally-listed species, in particular California red-legged frog, are not be handled or in any way encouraged to leave the work area and can only be handled by an agency authorized biologist. The subsequent training of personnel can include videotape of the initial training and/or the use of written materials rather than in-person training by a biologist.

Plan Requirements: This condition shall be noted on any plans. A sign in sheet of construction workers who attended the training will be provided to Planning and Development (P&D) staff upon request.

Timing: The training shall occur before any ground disturbing work (including vegetation clearing and excavation) occurs in the construction footprint.

Monitoring: The Owner/Applicant shall demonstrate to P&D compliance monitoring staff. Confirmation of training shall be documented and kept onsite at all times. P&D processing planner shall ensure measures are on plans.

BIO-2 Onsite Biologist (Applicant Proposed Measure)

The Owner/Applicant shall designate a P&D-approved biologist to be onsite throughout all construction activities which may impact protected native trees and/or sensitive biological resources. Duties include the responsibility to ensure all aspects of the Biological Resources Assessment including all applicant proposed mitigation measures, and preconstruction surveys and continued monitoring during construction as identified in the Biological Resources Assessment. If any sensitive species occur within the project area, the County-approved biologist shall relocate the species out of harm's way. State or federally listed species may not be handled unless authorized by

CDFW and/or USFWS, as applicable. CRLF may only be handled by a USFWS approved biologist as specified by the CRLF BO or any other agency permit. The biologist will have the authority to temporarily halt or redirect work to avoid impacts to special status species or other protected biological resources. Once initial ground disturbance and vegetation removal is complete, the monitoring effort may be reduced to a daily sensitive species survey prior to the beginning of construction activities, when those activities have the potential to create a hazard to wildlife (i.e., open trenches).

Plan Requirements: This condition shall be noted on any plans. The contact information of the biological monitor shall be provided to P&D processing staff. Timing: The biological monitor shall be designated prior to issuance of project approvals. The biological components apply from the beginning of any construction activities until the project is complete.

Monitoring: The Owner/Applicant shall submit to P&D compliance monitoring staff the name and contact information for the approved biologist prior to commencement of construction/pre-construction meeting. P&D compliance monitoring staff shall site inspect as appropriate.

BIO-3 Wildlife Pre-Construction Surveys (Applicant Proposed Measure

Prior to ground disturbing activities each day, the biological monitor will conduct a survey for special status plant and wildlife species. The daily surveys are required as long as a hazard to wildlife is present. The survey will include all components in the project footprint including staging areas and a 100-foot buffer (200 feet for CRLF). The survey should be completed within 7 days in dry weather conditions, or within 3 days in favorable conditions for upland migration (e.g., during or immediately after rain events, heavy fog, or high humidity). If listed species are observed within the project site and cannot be avoided by the project (e.g., unable to safely move out of the project site on its own, nests or roosts are observed within the project site), the biologist shall notify SoCalGas of the observation. SoCalGas will coordinate all appropriate communication with the regulatory agencies (e.g., USFWS, CDFW). If naturally occurring listed plants are detected, the size and location of all identified occurrences shall be mapped, and the plants shall be avoided. If avoidance is not feasible, SoCalGas will coordinate all appropriate communication with the regulatory agencies. Unless otherwise allowed via permit by the USFWS and CDFW, legally protected species (e.g., CRLF) shall not be handled or harassed and shall be avoided. Protected species may be relocated out of harm's way by USFWS/CDFW authorized biologists permitted to handle those species.

Consistent with the GCP and the CRLF BO prior to moving vehicles or equipment, personnel will look under the vehicles or equipment for the presence of California red-legged frogs. If a California red-legged frog or any other wildlife species is observed, the vehicle will not be moved until the animal has vacated the area on its own accord or has been relocated out of harm's way in accordance with BIO-8. If excavation must occur during the rainy season, permittees will not work during rain events, 48 hours prior to significant rain events (>0.5 inch), or during the 48 hours after these events, to the extent practicable. If work must occur 48 hours prior to significant rain events (>0.5 inch), or during the 48 hours after these events, a USFWS approved biologist will conduct a pre-activity survey to ensure that the work area is clear (refer to BIO-2 above). Additionally, as part of this measure a qualified biologist will check the water diversion daily and ensure that the water diversion is in proper working function for the duration of the project.

Plan Requirements: This condition shall be printed on project plans prior to project approval. Timing: Pre-activity clearance surveys shall be conducted by a P&D-qualified biologist each morning and/or within new work areas prior to commencement of work.

Monitoring: All pre-activity survey reports shall be submitted to P&D prior to the initiation of ground-disturbing activities.

BIO-4 Special Status Plant Species (Applicant Proposed Measure

If naturally occurring rare plants are detected in the study area prior to or during construction, the size and location of all identified occurrences shall be mapped on the final project plans, and impact acreages shall be quantified based on proposed limits of disturbance. If naturally occurring rare plants are detected in the project area, the plants shall be avoided. If avoidance is not feasible or plants are inadvertently damaged, a salvage and relocation plan shall be developed (in consultation with resource agencies as applicable). The number of plants impacted shall be used to determine the number of individuals required to be installed as mitigation. Mitigation shall be at least at a 3:1 replacement ratio for each individual plant inadvertently removed in accordance with GCP Policy NS 11, or at a higher ratio determined by the resource management agencies (e.g., USFWS).

BIO-5 Sensitive Habitat, Tree, and Wetland Fencing and Protection (Applicant Proposed Measure

Excavation or grubbing within or adjacent to sensitive habitats including native trees shall be avoided except where permitted. Where excavation must be performed within sensitive areas (as determined by P&D), it shall be performed with tracked construction equipment that has been checked and maintained daily to prevent leaks and using hand tools.

Prior to project activities, a survey will serve to refine the boundaries of sensitive habitats/ESH onsite. At the conclusion of the project, a post-construction survey will be conducted within seven days of project completion to document impacts to sensitive habitats removed as a part of the project. Sensitive habitats will be restored.

Prior to project mobilization, where the project is adjacent to sensitive habitat and ESH, protected trees (i.e., California sycamore, arroyo willow, and coast live oak trees), and wetlands, temporary construction fencing shall be erected by the contractor at the edge of the temporary construction easement to avoid impacts to the habitat throughout the duration of construction. The fencing will serve as a visual boundary for construction personnel. The biological monitor shall ensure fencing is in place and ensure sensitive habitat avoidance for the duration of construction in the affected area. The temporary fencing shall be removed upon completion of the project.

All heavy construction equipment and vehicles shall be restricted to established roadways and access roads to the maximum extent practicable to minimize habitat disturbance. If new temporary access roads are required, existing hydrology shall be maintained. Wetland mats shall be used within ESH and wetlands when heavy equipment must be used outside of the workspace, laydown area, and established roadways or access roads.

The staging areas in native habitat will be mowed with no actual ground disturbance and the soil will be stabilized with water when the project is completed. Prior to excavation in sensitive habitats the topsoil will be segregated to preserve the existing seed bank, and the work area will be watered to stabilize the soil after work is completed (a water truck will be staged at this location and also utilized for fire control and dust control). Upon construction completion, the staging areas will be returned to pre-construction contours to the extent feasible.

Plan Requirements: The above measure shall be noted on all construction plans. Monitoring: P&D compliance monitoring staff shall ensure compliance onsite during construction.

BIO-6 General Protection of Wetlands During Construction (Bio-20 and Bio-20b))

EQUIPMENT WASHOUT-CONSTRUCTION (BIO-20A)

The Owner/Applicant shall designate one or more washout areas for the washing of concrete trucks, paint, equipment, or similar activities to prevent wash water from discharging to the storm drains, street, drainage ditches, creeks, or wetlands. Note that polluted water and materials shall be contained in these areas and removed from the site daily. The areas shall be located at least 100 feet from any storm drain, waterbody or sensitive biological resources.

EQUIPMENT STORAGE-CONSTRUCTION (BIO-20B)

The Owner/Applicant shall designate one or more construction equipment filling and storage areas to contain spills, facilitate clean up and proper disposal and prevent contamination from discharging to the drainage ditches, creeks, or wetlands. The areas shall be located at least 100 feet from any storm drain, waterbody or sensitive biological resources.

Plan Requirements: The Owner/Applicant shall designate the P&D approved location on all CDPs.

Timing: The Owner/Applicant shall install the area prior to commencement of construction.

Monitoring: P&D compliance monitoring staff shall ensure compliance prior to and throughout construction.

BIO-7 Nesting Bird Surveys (Bio-23)

To avoid disturbance of nesting birds, including raptorial species, protected by the Federal Migratory Bird Treaty Act (MBTA) and Sections 3503, 3503.5, and 3513 of the California Fish and Game Code (CFGC), the removal of vegetation, ground disturbance, exterior construction activities, and demolition shall occur outside of the bird nesting season (February 1 through August 31) whenever feasible. If these activities must occur during the bird nesting season, then a pre-construction nesting bird survey shall be performed by a County-qualified biologist. Pre-construction surveys for nesting birds shall occur within the area to be disturbed and shall extend outward from the disturbance area by 500 feet. The buffer shall be 100 feet for non-raptors and 300 feet for raptors, unless otherwise determined by the qualified biologist and approved by P&D. Buffer reductions shall be based on the known natural history traits of the bird species, nest location, nest height, existing pre-construction level of disturbance in the vicinity of the nest, environmental conditions, and proposed construction activities. All construction personnel shall be notified as to the location of the buffer zone and to avoid entering the buffer zone during the nesting season. No ground disturbing activities or vegetation removal shall occur within this buffer until the County-qualified biologist has confirmed that nesting is completed, the young have fledged and are no longer dependent on the nest, or the nest fails, and there is no evidence of a second nesting attempt; thereby determining the nest unoccupied or inactive. If birds protected under MBTA or CFGC are found to be nesting in construction equipment, that equipment shall not be used until the young have fledged and are no longer dependent on the nest, and there is no evidence of a second nesting attempt.

Plan Requirements and Timing: If construction must begin within the nesting season, then the pre-construction nesting bird survey shall be conducted no more than one week (7 days) prior to commencement of vegetation removal or other construction activities. Active nests shall be

monitored by the biologist at a minimum of once per week until it has been determined that the nest is no longer being used by either the young or adults. Bird survey results and buffer recommendations shall be submitted to County P&D for review and approval prior to commencement of construction activities. The qualified biologist shall prepare weekly monitoring reports, which shall document nest locations, nest status, actions taken to avoid impacts, and any necessary corrective actions taken. Active nest locations shall be marked on an aerial map and provided to the construction crew on a weekly basis after each survey is conducted. Active nests shall not be removed without written authorization from USFWS and CDFW.

Monitoring: P&D shall be given the name and contact information for the biologist prior to initiation of the pre-construction survey. Permit Compliance and P&D staff shall review the survey report(s) for compliance with this condition prior to the commencement of ground-disturbing activities and perform site inspections throughout the construction period to verify compliance in the field.

BIO-8 General Best Management Practices (Applicant Proposed Measure)

General requirements to be followed by construction personnel are listed below.

- During construction, heavy equipment shall be operated in accordance with standard Best Management Practices (BMPs). All equipment used onsite shall be properly maintained such that no leaks of oil, fuel, or residues will take place. Provisions shall be in place to remediate any accidental spills in both the terrestrial and aquatic environments.
- During construction, the project footprint shall be clearly delineated in the field to prevent direct impacts outside of the designated areas. All sensitive species and sensitive species' habitats located within ESH and within 100 feet of construction activities shall be delineated with specific sensitive species labeling (e.g., signage stating, "No Entry – Environmentally Sensitive Habitat" attached to temporary construction fencing). Since the project is temporary, orange snow fencing would be sufficient for the duration of construction.
- No new areas of disturbance for lay down areas, parking, staging, stockpiling, or other support areas for the project are proposed. Only previously disturbed areas with compacted soils shall be employed to support these work zones.
- Dust generated by the project will be kept to a minimum and water trucks will be utilized to prevent dust from leaving the project area.
- BMPs shall be implemented throughout the project and will include, but not limited to, erosion and sediment controls to minimize erosion during construction. BMPs will be implemented for the duration of the project until disturbed areas have been stabilized by long-term erosion control measures.
- Prior to entering the project site, all vehicles and equipment will be clean and inspected for invasive plant seeds or plant parts.
- The contractor shall clearly delineate the construction limits and prohibit any construction-related traffic outside these boundaries. All equipment shall only be stored in the designated equipment staging areas.
- Project-related vehicles shall observe a 5-mile-per-hour speed limit within unpaved roads and a 20-mile-per-hour speed limit within the paved limits of construction
- Project-related vehicles and construction equipment shall restrict off-road travel outside of the designated construction area.
- All open trenches shall be fenced or sloped to prevent entrapment of wildlife species.

- All food-related trash items such as wrappers, cans, bottles, and food scraps generated during proposed project construction shall be cleaned up daily and disposed of in closed containers only.
- No deliberate feeding of wildlife shall be allowed.
- No pets shall be allowed on the project site.
- Except for authorized personnel, no firearms shall be allowed on the project site.
- If vehicle or equipment maintenance is necessary, it shall be performed in the designated staging areas.
- If construction must occur at night (between dusk and dawn), all lighting will be shielded and directed downward to minimize the potential for glare or spillover onto adjacent properties and to reduce impacts on local wildlife.
- Any observation of a dead, injured, or entrapped listed species shall immediately be reported to the construction foreman or biological monitor. The construction foreman or monitor shall immediately notify SoCalGas. SoCalGas will coordinate all appropriate communications with the regulatory agencies.
- Any worker who inadvertently injures or kills a special status species or finds one dead, injured, or entrapped shall immediately report the incident to the construction foreman or biological monitor. The construction foreman or monitor shall immediately notify SoCalGas. SoCalGas will coordinate all appropriate communications with the regulatory agencies.

Plan Requirements and Timing: These requirements shall be described and detailed on the site and posted at the construction site. The Owner/Applicant shall delineate the extent of the project areas prior to commencement of construction.

Monitoring: P&D compliance monitoring staff shall ensure compliance prior to and throughout construction.

BIO-9 Habitat Restoration Plan (Applicant Proposed Measure)

A Habitat Restoration Plan shall be developed and implemented for the re-vegetation of Dos Pueblos Canyon Creek and the surrounding disturbed buffer. At a minimum, the plan shall identify the impacts to, and provide mitigation for ESH and to restore riparian vegetation in the area to pre-construction conditions to the extent feasible, as proposed with willow replanting under BIO-11. If seeding or supplemental planting is required to meet the success criteria, plant species will be chosen based on the pre-construction conditions as recommended by a qualified biologist. The plan shall include direction on the seed types, planting methods, as well as the time of year for planting. Requirements for irrigation, monitoring of plants and replacement, if needed, is established in the plan. The final plan shall be submitted to the regulatory agencies and P&D for review and integration into applicable agency permits. The mitigation shall be at least at a 3 1:1 for temporary disturbance, or at a higher ratio determined by the resource management agencies.

Timing: Plans shall be reviewed and approved by P&D prior to the issuance of the CDP. The Owner/Applicant shall post a performance security to ensure installation prior to project completion approval and a separate security for maintenance for three years.

Monitoring: The Owner/Applicant shall demonstrate to P&D compliance monitoring staff that all required components of the approved plan(s) are in place as required prior to Final Inspection

Clearance. P&D compliance monitoring staff signature is required to release the installation security upon satisfactory installation of all items in approved plans and maintenance security upon successful implementation of this plan

BIO-10 Tree Protection Plan (Bio-1a-1c)

Consistent with the GCP Policy NS-12 and County Standard Conditions (Bio-01a, 01b, 01c, and 03a) the Owner/Applicant shall submit a Tree Protection Plan (TPP) prepared by a P&D-approved arborist and/or biologist and designed to protect all onsite GCP-Protected Trees.

TREE PROTECTION PLAN – SITE PLAN COMPONENT (BASED ON BIO-01A)

The Owner/Applicant shall submit a Tree Protection Plan (TPP) prepared by a P&D-approved arborist and/or biologist. The plan shall include the following site plan components. The Owner/Applicant shall comply with and depict the following on the TPP exhibit.

a. Fourteen arroyo willow trees will be removed and major encroachment on one California sycamore tree along the easement. Depict location of these trees.
b. Depict the project footprint
c. Depict equipment storage (including construction materials, equipment, fill soil or rocks) and construction staging and parking areas outside of the protection area.
d. Depict the type & location of protective fencing or other barriers to be in place to protect remaining trees in protection areas during construction.
e. Depict the location of all paths within 25 feet of dripline areas. Only pervious paving materials (gravel, brick without mortar, turf block) are permitted within 6 feet of dripline areas.
f. Incorporate all mitigation measures to be outlined in a P&D approved Tree Protection Plan

TREE PROTECTION PLAN – CONSTRUCTION COMPONENT (BASED ON BIO-1B)

The Owner/Applicant shall submit a Tree Protection Plan (TPP) prepared by a P&D-approved arborist and/or biologist and designed to protect all onsite trees not proposed for removal. The Owner Applicant shall comply with and specify the following as notes on the TPP:

a. All TPZs (Dripline plus six feet) shall be avoided to the maximum extent feasible. Prior to the onset of construction activities, chain-link or highly visible orange construction fencing at least three feet high shall be installed around TPZs/work area limits wherever feasible, staked to prevent any collapse, and with signs identifying the protection area placed in 15-foot intervals on the fencing.
b. Where trenching or digging within the TPZ is specifically permitted on the workspace, the work shall be conducted in a manner that minimizes root damage. While an excavator may be used to expose the pipeline, the excavator must be positioned as far from the dripline of protected trees as feasible to prevent root compaction and inadvertent crown damage.
c. Fencing/staking shall be maintained throughout all construction activities, as feasible. TPZ fencing may be temporarily removed for equipment access to the pipeline.
d. A qualified arborist or biologist working in direct communication with the supervising arborist shall be onsite during all trenching, root cutting, tree removal, tree trimming, or other similar activity which may impact protected trees TPZs. The biological monitor would ensure fencing is in place and ensure avoidance for the duration of construction in the affected area.

e. Any roots encountered that are one inch in diameter or greater should be cleanly cut. Cuts should be made at right angles to the roots with a clean, sharp blade. New cuts should be wetted and covered with absorbent tarp or heavy cloth fabric and remain in place until the trench/excavation is backfilled.
f. Trenching, or other ground disturbing activity should be done slowly so when roots are encountered, they are not ripped or damaged by equipment. Hand tools or small hand-held power equipment should be utilized, as feasible.
g. No fill, soil, rocks, equipment, or construction materials shall be stored or placed within TPZs except for previously disturbed areas with compacted soil. Staging, storing and cleaning of equipment and construction materials shall take place in designated staging areas to avoid any unnecessary impacts to protected trees. Access to staging areas shall occur on existing roads.
h. Equipment travel should be limited or avoided within TPZs to reduce impacts from exhaust exposure. If equipment must operate within TPZs, exhaust should be directed away from the foliage, as feasible.
i. Pruning should be performed consistent with ANSI A300 Pruning Standards (ANSI 2017) and should adhere to the most recent edition of ANSI Z133.1. Pruning and trimming should be limited to only what is necessary for construction. Climbing spurs and spikes should not be used.
j. If inadvertent damage to limbs and branches from Project equipment (mechanical damage) occurs, trimming of damaged limbs should occur in accordance with ANSI standards. Damage to the bark or trunk should not be treated with wound dressings. Treatment of such damages may be applied in accordance with ANSI A300 Management of Trees and Shrubs during Site Planning, Site Development, and Construction (ANSI 2012).
k. No irrigation is permitted within 6 ft of the dripline of any protected tree unless specifically authorized.
l. Excavation and backfilling shall be designed to avoid ponding and ensure proper drainage within driplines of protected trees.
m. The following shall be completed using tracked construction equipment that has been checked and maintained daily to prevent leaks and hand tools under the direction of a P&D approved arborist/biologist:
    - Any trenching required within the dripline or sensitive root zone of any specimen.
    - Cleanly cutting any roots of one inch in diameter or greater, encountered during construction.
    - Tree removal and trimming.
n. The following are not permitted, except for trees authorized for alteration or removal under this permit:
    - Any trenching within the dripline or sensitive root zone of any specimen.
    - Cutting any roots of one inch in diameter or greater.
    - Tree removal and trimming.

TREE PROTECTION PLAN-UNEXPECTED DAMAGE AND MITIGATION (BASED ON BIO-1C)

Any unanticipated damage or removal that occurs to protected trees resulting from construction activities shall be replaced at a ratio of 10:1 per GCP Policy NS-12: Protected Trees. The required replacement shall be carried out immediately upon completion of construction. In the event of unexpected damage or removal, this mitigation shall include but is not limited to posting of a

performance security and hiring an outside consulting biologist or arborist to assess damage and recommend mitigation. The required mitigation shall be done under the direction of P&D prior to any further work occurring onsite. Any performance securities required for installation and maintenance of replacement trees will be released by P&D after its inspection and approval of such installation and maintenance. Damaged trees shall be mitigated on a minimum 10:1 ratio. If it becomes necessary to remove a tree not planned for removal, if feasible, the tree shall be boxed and replanted. If a P&D approved arborist certifies that it is not feasible to replant the tree, it shall be replaced on a 10:1 basis with trees with 10-gallon or larger size saplings grown from locally obtained seed. Willow trees will be replaced at a minimum 10:1 ratio with cuttings collected from within Dos Pueblos Creek. If replacement trees cannot all be accommodated onsite, a plan must be approved by P&D for replacement trees to be planted off site.

Plan Requirements: The Owner/Applicant shall: (1) submit the TPP; (2) Include all applicable components in Tree Replacement Plan; (3) include as notes or depictions all plan components listed above, graphically depicting all those related to earth movement, construction, and temporarily and/or permanently installed protection measures.

Timing: The Owner/Applicant shall comply with this measure prior to issuance of the CDP. Plan components shall be included on all plans prior to the issuance of project approvals. The Owner/Applicant shall install tree protection measures onsite prior to the pre-construction meeting.

Monitoring: The Owner/Applicant shall demonstrate to P&D compliance monitoring staff that trees identified for protection were not damaged or removed or, if damage or removal occurred, that correction is completed as required by the TPP prior to project completion approval.

BIO-11 Protected Tree Replacement (Bio-2 GCP Condition of Approval)

Consistent with the GCP Policy NS-12 and the County Standard Condition Bio-2, the Owner/Applicant shall submit for P&D approval a Final Tree Replacement Plan prepared by a P&D-approved arborist/ biologist and designed to discuss impacts from removal. The Plan shall include the following components:

a. The replacement trees shall be of the same species.
b. Replacement for all protected trees will be at a 10 to 1 ratio consistent with GCP Policy NS-12. Replacement trees are to be grown from local genetic stock. Willow trees will be sprigs. Sycamore or oak trees will be grown in 1-gallon, five-gallon, or 14-inch “tree tube” containers before out-planting. If minor encroachment show a decline because of construction, 10:1 replacement will also be required. If approved by P&D, replacement may allow 3:1 replacement with 15 gallon or larger replacement trees.
c. Replanting location of trees. If replacement trees cannot all be accommodated onsite, the Owner/Applicant shall submit a plan for P&D approval for replacement trees to be planted offsite on the Gaviota Coast.
d. The trees shall be irrigated until established (a period to be established by the P&D approved arborist).
e. The trees shall be weaned off irrigation over a period of two to three years or until approved by P&D in coordination with the arborist.
f. No permanent irrigation shall occur in the dripline of any tree (unless approved by P&D).

Plan Requirements and Timing: This condition shall be noted on any plans. The Final Tree Replacement Plan shall be reviewed and approved by P&D prior to issuance of a CDP.

Monitoring: The Owner/Applicant shall demonstrate to P&D staff that all required components of the approved plan(s) are in place as required prior to Final Inspection Clearance and maintained throughout maintenance period. P&D staff shall ensure satisfactory installation of all items in approved plans and successful implementation of this plan

Implementation of the above applicant-proposed measure and recommended condition of approval applied for consistency with Article II and the GCP would ensure impacts to County-protected native trees are less than significant.

7 Limitations, Assumptions, and Use Reliance

This BRA has been performed in accordance with professionally accepted biological investigation practices conducted at this time and in this geographic area. The biological investigation is limited by the scope of work performed. Reconnaissance biological and field botanical surveys for certain taxa may have been conducted as part of this assessment but were not performed during a particular blooming period, nesting period, or particular portion of the season when positive identification would be expected if present, and therefore, cannot be considered definitive. The biological surveys are limited also by the environmental conditions present at the time of the surveys. In addition, general biological (or protocol) surveys do not guarantee that the organisms are not present and will not be discovered in the future within the site. In particular, mobile wildlife species could occupy the site on a transient basis or re-establish populations in the future. Our field studies were based on current industry practices, which change over time and may not be applicable in the future. No other guarantees or warranties, expressed or implied, are provided. The findings and opinions conveyed in this report are based on findings derived from site reconnaissance, jurisdictional areas, review of CNDDB RareFind5, and specified historical and literature sources. Standard data sources relied upon during the completion of this report, such as the CNDDB, may vary with regard to accuracy and completeness. In particular, the CNDDB is compiled from research and observations reported to CDFW that may or may not have been the result of comprehensive or site-specific field surveys. Although Rincon believes the data sources are reasonably reliable, Rincon cannot and does not guarantee the authenticity or reliability of the data sources it has used. Additionally, pursuant to our contract, the data sources reviewed included only those that are practically reviewable without the need for extraordinary research and analysis.

The findings and conclusions presented in this report, including the location and extent of areas subject to regulatory jurisdiction, represent the professional opinion of the consultant biologists. These findings and conclusions should be considered preliminary and at final discretion of the applicable resource agency.

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Appendix A

Regulatory Setting

Regulatory Setting

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

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

The following is a brief summary of the regulatory context under which biological resources are managed at the federal, state, and local levels. A number of federal and state statutes provide a regulatory structure that guides the protection of biological resources. Agencies with the responsibility for protection of biological resources within the study area include:

- U.S. Army Corps of Engineers (wetlands and other waters of the United States);
- Central Coast Regional Water Quality Control Board (waters of the State);
- U.S. Fish and Wildlife Service (federally listed species and migratory birds);
- California Department Fish and Wildlife (riparian areas, streambeds, and lakes; state-listed species; Species of Special Concern; nesting birds); and
- Santa Barbara County

U.S. Army Corps of Engineers

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

Regional Water Quality Control Board

The SWRCB and the local Regional Water Quality Control Board (RWQCB) have jurisdiction over "waters of the State," pursuant to the Porter-Cologne Water Quality Control Act, which are defined as any surface water or groundwater, including saline waters, within the boundaries of the State. The SWRCB has issued general Waste Discharge Requirements (WDRs) regarding discharges to "isolated" waters of the State (Water Quality Order No. 2004-0004-DWQ, Statewide General Waste

Discharge Requirements for Dredged or Fill Discharges to Waters Deemed by the U.S. Army Corps of Engineers to be Outside of Federal Jurisdiction). The RWQCB administers actions under this general order for isolated waters not subject to federal jurisdiction, and is also responsible for the issuance of water quality certifications pursuant to Section 401 of the Clean Water Act for waters subject to federal jurisdiction.

United States Fish and Wildlife Service

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

California Department of Fish and Wildlife

The California Department of Fish and Wildlife (CDFW) derives its authority from the Fish and Game Code of California. The California Endangered Species Act (CESA) (Fish and Game Code Section 2050 et. seq.) prohibits take of state listed threatened or endangered. Take under CESA is restricted to direct mortality of a listed species and the law does not prohibit indirect harm by way of habitat modification. Where incidental take would occur during construction or other lawful activities, CESA allows the CDFW to issue an Incidental Take Permit upon finding, among other requirements, that impacts to the species have been minimized and fully mitigated.

The CDFW also enforces Sections 3511, 4700, 5050, and 5515 of the Fish and Game Code, which prohibits take of species designated as Fully Protected. The CDFW is not allowed to issue an Incidental Take Permit for Fully Protected species; therefore, impacts to these species must be avoided.

California Fish and Game Code sections 3503, 3503.5, and 3513 describe unlawful take, possession, or destruction of native birds, nests, and eggs. Section 3503.5 of the Code protects all birds-of-prey and their eggs and nests against take, possession, or destruction of nests or eggs. Section 3513 makes it a state-level office to take any bird in violation of the federal Migratory Bird Treaty Act. CDFW administers these requirements.

Species of Special Concern (SSC) is a category used by the CDFW for those species which are considered to be indicators of regional habitat changes or are considered to be potential future protected species. Species of Special Concern do not have any special legal status except that which may be afforded by the Fish and Game Code as noted above. The SSC category is intended by the CDFW for use as a management tool to include these species in special consideration when decisions are made concerning the development of natural lands. The CDFW also has authority to

administer the Native Plant Protection Act (NPPA) (Fish and Game Code Section 1900 et seq.). The NPPA requires the CDFW to establish criteria for determining if a species, subspecies, or variety of native plant is endangered or rare. Effective in 2015, CDFW promulgated regulations (14 CCR 786.9) under the authority of the NPPA, establishing that the CESA's permitting procedures would be applied to plants listed under the NPPA as "Rare." With this change, there is little practical difference for the regulated public between plants listed under CESA and those listed under the NPPA.

Perennial, intermittent, and ephemeral streams and associated riparian vegetation, when present, also fall under the jurisdiction of the CDFW. Section 1600 *et seq*. of the Fish and Game Code (Lake and Streambed Alteration Agreements) gives the CDFW regulatory authority over activities that divert, obstruct, or alter the channel, bed, or bank of any river, stream or lake.

California Coastal Commission

The Coastal Act places a high priority on the protection of biological and natural resources. Strict limits are placed on development in ESH areas. The Coastal Act (Section 30107.5) defines Environmentally Sensitive Habitat Area as: "Any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments." Very limited types of development are allowed in ESH areas and then only where there is no feasible less environmentally damaging alternative. and feasible mitigation measures have been adopted. In general, only land uses that are dependent on the habitat resources are allowable within ESH areas.

County of Santa Barbara

The County's Comprehensive Plan, including the Conservation Element, Open Space Element, Environmental Resource Management Element, Land Use Element and specifically the Coastal Land Use Plan (CLUP) contain policies identifying the protection, preservation and enhancement of biological and natural resources, in particular ESH areas. ESH includes areas such as wetlands, intertidal areas, monarch butterfly habitat, streams, riparian
corridors, native grasslands and other native plant communities. The intent of these plans and policies is to promote protection of important biological and natural resources and ensure that new development is compatible with these resources and the surrounding environment.

- The Conservation Element describes the diversity of ecological systems present within Santa Barbara County and includes a range of policies designed to preserve the County's biological diversity.
- The Open Space Element identifies areas within Santa Barbara County where natural resources such as wetlands and rare and endangered plant and animal species are preserved.
- The Environmental Resource Management Element summarizes the various environmental factors analyzed in the Conservation and Open Space Elements, and identifies policies that define whether development is appropriate given the severity of constraints.
- The Land Use Element lays out the general patterns of development throughout the County, including the distribution of property improvements, agricultural lands and open space.
- In addition to Comprehensive Plan policy guidance, natural resources in the Coastal Zone receive further protection in the County's Coastal Land Use Plan (CLUP). Similar to the Land Use Element, the CLUP lays out the general patterns of development and provides resource protection policies that address cultural, biological and natural resources, which include ESH

areas and prime agricultural lands, recreational resources, and the aquatic environment (i.e., streams, wetlands, and coastal waters). The GCP is a component of the CLUP.

The GCP was adopted by the County Board of Supervisors in October of 2016 and certified by the CCC on November 7, 2018. Article II development standards specific to the GCP are included under § 35-400 through § 35-470. Area plans focus on general planning issues pertaining to an identified geographical area or community (Public Resources Code § 21083.3(e)). Area plans are adopted in the same manner as a general plan amendment and are similarly implemented by local ordinances (e.g., zoning). They are commonly used in counties or large cities that contain a variety of distinct regions. An area plan must be internally consistent with the Comprehensive Plan of which it is a part. The GCP includes by reference relevant policies of the County's Comprehensive Plan and Coastal Land Use Plan. The Plan also contains new development policies specific to the Gaviota Coast along with measures to implement those policies. The policy direction and development standards of the GCP will govern site-specific development proposals; however, site-specific environmental review and planning permit approvals are still required for specific developments. The applicable zoning ordinances in the Coastal Zone is Article II (Coastal) of Chapter 35 of the Santa Barbara County Code.

Planning and Development applies standard conditions of approval and for projects (Santa Barbara County 2015). The conditions enforce existing state and local regulations including the Comprehensive Plan policies through application to a permit through a policy nexus. Many of the conditions may be used as mitigation measures for commonly occurring impacts.

Coastal Plan Policies are implemented by the Coastal Zoning Ordinance. Relevant sections of the ordinance for this project include Section 35-97 ESH - Environmentally Sensitive Habitat Area Overlay District, Section 35-97.19 Development Standards for Stream Habitats, and Section 35-140 Tree Removal.

Appendix B

Special Status Species Evaluation Table

Special Status Species in the Regional Vicinity of the Study Area

Scientific Name Common Name	Status Federal/State	Habitat Requirements	Potential to Occur in Study Area	Habitat Suitability/Observations
Plants				
Arctostaphylos refugioensis Refugio manzanita	None/None G3/S3 1B.2	Chaparral. On sandstone. 60-765 m. evergreen shrub. Blooms Dec-Mar	Not Expected	Suitable habitat not present onsite. Not observed during the field survey.
Atriplex serenana var. davidsonii Davidson's saltscale	None/None G5T1/S1 1B.2	Coastal bluff scrub, Coastal scrub. alkaline. 10 - 200 m. annual herb. Blooms Apr-Oct	Not Expected	Suitable habitat not present onsite. Not observed during the field survey.
Centromadia parryi ssp. Australis southern tarplant	None/None G3T2/S2 1B.1	Marshes and swamps (margins), Valley and foothill grassland (vernally mesic), Vernal pools. 0 - 480 m. annual herb. Blooms May-Nov	Not Expected	Suitable habitat not present onsite. Not observed during the field survey.
Horkelia cuneata var. *puberula* mesa horkelia	None/None G4T1/S1 1B.1	Chaparral (maritime), Cismontane woodland, Coastal scrub. sandy or gravelly. 70 - 810 m. perennial herb. Blooms Feb-Jul (Sep)	Low Potential	Woodland habitat and appropriate soils present at Dig 10 site. The species has recently (1981) been observed within 2 miles of the Dig 10 study area (CNDDB, Calflora 2021). Not observed during field surveys.
Lasthenia conjugens Contra Costa goldfields	FE/None G1/S1 1B.1	Cismontane woodland, Playas (alkaline), Valley and foothill grassland, Vernal pools. mesic. 0 - 470 m. annual herb. Blooms Mar-Jun	Not Expected	Suitable habitat not present onsite. Not observed during the field survey.
Lonicera subspicata var. subspicata Santa Barbara honeysuckle	None/None G5T2?/S2? 1B.2	Chaparral, Cismontane woodland, Coastal scrub. 10 - 1000 m. perennial evergreen shrub. Blooms May-Aug (Dec-Feb)	Low Potential	Suitable woodland habitat present onsite. CNDDB records indicate the species has been observed within 0.5 miles of the Dig 10 study area. Not observed during field surveys.
Monardella hypoleuca ssp. Hypoleuca white-veined monardella	None/None G4T3/S3 1B.3	Chaparral, Cismontane woodland. 50 - 1525 m. perennial herb. Blooms (Apr)May-Aug(Sep-Dec)	Not Expected	Suitable habitat not present onsite. Not observed during the field survey.
Scrophularia atrata black-flowered figwort	None/None G2?/S2? 1B.2	Closed-cone coniferous forest, Chaparral, Coastal dunes, Coastal scrub, Riparian scrub. 10 - 500 m. perennial herb. Blooms Mar-Jul	Not Expected	Suitable habitat not present onsite. Not observed during the field survey.
Suaeda esteroa estuary seablite	None/None G3/S2 1B.2	Marshes and swamps (coastal salt). 0 - 5 m. perennial herb. Blooms (May)Jul-Oct(Jan)	Not Expected	Suitable habitat not present onsite. Not observed during the field survey.

Scientific Name Common Name	Status Federal/State	Habitat Requirements	Potential to Occur in Study Area	Habitat Suitability/Observations
Animals				
Invertebrates				
Bombus crotchii Crotch bumble bee	None/Candidate G3G4/S1S2	Coastal California east to the Sierra-Cascade crest and south into Mexico. Food plant genera include *Antirrhinum, Phacelia, Clarkia, Dendromecon, Eschscholzia*, and *Eriogonum.*	Not Expected	Inhabits open grassland and scrub habitats and nests are often located underground in abandoned rodent nests, or above ground in tufts of grass, old bird nests, rock piles, or cavities in dead trees (Xerces 2022). Suitable foraging and nesting habitat present within the study area; One CNDDB occurrence exists approximately four miles southeast of the study area. No study area records on citizen science databases, such as iNaturalist or Bumble Bee Watch). Not observed during the field survey.
Cicindela hirticollis gravida sandy beach tiger beetle	None/None G5T2/S2	Inhabits areas adjacent to non-brackish water along the coast of California from San Francisco Bay to northern Mexico. Clean, dry, light-colored sand in the upper zone. Subterranean larvae prefer moist sand not affected by wave action.	Not Expected	Suitable habitat not present onsite. Not observed during the field survey.
Coelus globosus globose dune beetle	None/None G1G2/S1S2	Inhabitant of coastal sand dune habitat; erratically distributed from Ten Mile Creek in Mendocino County south to Ensenada, Mexico. Inhabits foredunes and sand hummocks; it burrows beneath the sand surface and is most common beneath dune vegetation.	Not Expected	Suitable habitat not present onsite. Not observed during the field survey.
Danaus plexippus pop. 1 monarch - California overwintering population	None/None G4T2T3/S2S3	Winter roost sites extend along the coast from northern Mendocino to Baja California, Mexico. Roosts located in wind-protected tree groves (eucalyptus, Monterey pine, cypress), with nectar and water sources nearby.	Low Potential	Roosting habitat not present onsite; however, individuals may be present onsite as transients. Not observed during the field survey.

Scientific Name Common Name	Status Federal/State	Habitat Requirements	Potential to Occur in Study Area	Habitat Suitability/Observations
Fish				
Eucyclogobius newberryi tidewater goby	FE/None G3/S3 SSC	Brackish water habitats along the California coast from Agua Hedionda Lagoon, San Diego County to the mouth of the Smith River. Found in shallow lagoons and lower stream reaches, they need fairly still but not stagnant water and high oxygen levels.	Not expected	No suitable habitat (e.g., sandy or muddy substrate for breeding, estuarine habitat) present within the study area to support this species. Not observed during the field survey.
Oncorhynchus mykiss irideus Southern California steelhead	FT/Candidate SSC G5T2T3Q/S2S3	From Santa Maria River south to southern extent of range (San Mateo Creek in San Diego County).	Low Potential	Suitable habitat present in the study area. The study area is within federally-designated critical habitat for this species. However, two barriers exist downstream of the study area (US 101 and ocean outfall) would limit upstream migration (CDFW 2021e). No CNDDB records within five miles of the study area, but in 2001 four occurrences were documented downstream of the study area and south of US 101 by Carl Page (Santa Barbara Museum of Natural History 2022). Not observed during the field survey.
Amphibians				
Rana draytonii California red-legged frog	FT/None G2G3/S2S3 SSC	Lowlands and foothills in or near permanent sources of deep water with dense, shrubby or emergent riparian vegetation. Requires 11-20 weeks of permanent water for larval development. Must have access to estivation habitat.	High Potential	Suitable habitat present at the study area. Recent CNDDB record (September 2017) within the project site. Known from lower Dos Pueblos Canyon Creek in 1992 and Tomate Canada Creek (south of UPPR tracks) in 2005 (Santa Barbara Museum of Natural History 2022); probable elsewhere in these watersheds (County 2008). Not observed during the field survey.
Taricha torosa Coast Range newt	None/None G4/S4 SSC	Coastal drainages from Mendocino County to San Diego County. Lives in terrestrial habitats & will migrate over 1 km to breed in ponds, reservoirs & slow-moving streams.	Moderate Potential	Suitable habitat present at the study area; however, no CNDDB record of species within 3 miles of the Dig 10 site. Not observed during the field survey.

Scientific Name Common Name	Status Federal/State	Habitat Requirements	Potential to Occur in Study Area	Habitat Suitability/Observations
Reptiles				
Anniella pulchra northern California legless lizard	None/None G3/S3 SSC	Sandy or loose loamy soils under sparse vegetation. Soil moisture is essential. They prefer soils with a high moisture content.	Not Expected	Suitable habitat not present onsite. Not observed during the field survey.
Emys marmorata western pond turtle	None/None G3G4/S3 SSC	A thoroughly aquatic turtle of ponds, marshes, rivers, streams and irrigation ditches, usually with aquatic vegetation, below 6000 ft elevation. [uses upland habitat for nesting and harborage] Needs basking sites and suitable (sandy banks or grassy open fields) upland habitat up to 0.5 km from water for egg-laying.	Moderate Potential	Suitable habitat present in study area. Detected in 2001 near UPPR south of US 101 (Santa Barbara Museum of Natural History 2022). Not observed during the field survey.
Salvadora hexalepis virgultea coast patch-nosed snake	None/None G5T4/S2S3 SSC	Brushy or shrubby vegetation in coastal Southern California. Require small mammal burrows for refuge and overwintering sites.	Not Expected	No suitable habitat (e.g., shrub-dominated vegetation) present at the study area. Not observed during the field survey
Birds				
Accipiter cooperii Cooper's hawk	None/None G5/S4	Woodland, chiefly of open, interrupted or marginal type. Nest sites mainly in riparian growths of deciduous trees, as in canyon bottoms on river flood-plains; also, live oaks.	Low Potential	Suitable riparian habitat. No individuals or nests observed during the field survey, which occurred within the breeding season.
Aimophila ruficeps canescens southern California rufous-crowned sparrow	None/None G5T3/S3 WL	Resident in Southern California coastal sage scrub and sparse mixed chaparral. Frequents relatively steep, often rocky hillsides with grass and forb patches.	Not Expected	Although foraging habitat is present, suitable nesting habitat (i.e., chaparral) is not present onsite. Not observed during the field survey.
Athene cunicularia burrowing owl	None/None G4/S3 SSC	Open, dry annual or perennial grasslands, deserts, and scrublands characterized by low-growing vegetation. Subterranean nester, dependent upon burrowing mammals, most notably, the California ground squirrel.	Not Expected	Suitable habitat not present onsite. Species and potential burrows were not observed during the field survey.
Buteo regalis ferruginous hawk	None/None G4/S3S4 WL	Open grasslands, sagebrush flats, desert scrub, low foothills and fringes of pinyon and juniper habitats. Eats mostly lagomorphs, ground squirrels, and mice. Population trends may follow lagomorph population cycles.	Not Expected	Although foraging habitat is present, suitable nesting habitat (i.e., tall trees) are not present onsite. Not observed during the field survey.
Charadrius alexandrinus nivosus western snowy plover	FT/None G3T3/S2S3 SSC	Sandy beaches, salt pond levees & shores of large alkali lakes. Needs sandy, gravelly or friable soils for nesting.	Not Expected	Suitable habitat not present onsite. Not observed during the field survey.

Scientific Name Common Name	Status Federal/State	Habitat Requirements	Potential to Occur in Study Area	Habitat Suitability/Observations
Elanus leucurus white-tailed kite	None/None G5/S3S4 FP	Rolling foothills and valley margins with scattered oaks & river bottomlands or marshes next to deciduous woodland. Open grasslands, meadows, or marshes for foraging close to isolated, dense-topped trees for nesting and perching.	High Potential	Suitable nesting and foraging habitat present within the study area. The closest CNDDB record is approximately one mile southeast of the study area along the coast, and the closest Audubon record is approximately 0.25 miles downstream in Dos Pueblos Canyon Creek (Audubon 2021). Not observed during the field survey.
Eremophila alpestris actia California horned lark	None/None G5T4Q/S4 WL	Coastal regions, chiefly from Sonoma County to San Diego County. Also main part of San Joaquin Valley and east to foothills. Short-grass prairie, bald hills, mountain meadows, open coastal plains, fallow grain fields, alkali flats.	Moderate Potential	Marginally suitable nesting and foraging habitat present onsite. Species prefers open grasslands; the site has the potential to support transient individuals. Not observed during the field survey.
Falco mexicanus prairie falcon	None/None G5/S4 WL	Inhabits dry, open terrain, either level or hilly. Breeding sites located on cliffs. Forages far afield, even to marshlands and ocean shores.	Not Expected	Suitable habitat not present onsite. Not observed during the field survey.
Pelecanus occidentalis californicus California brown pelican	FD/SD G4T3T4/S3 FP	Colonial nester on coastal islands just outside the surf line. Nests on coastal islands of small to moderate size which afford immunity from attack by ground-dwelling predators. Roosts communally.	Not Expected	No suitable habitat present onsite. Species not observed during the field survey.
Sternula antillarum browni California least tern	FE/SE G4T2T3Q/S2 FP	Nests along the coast from San Francisco Bay south to northern Baja California. Colonial breeder on bare or sparsely vegetated, flat substrates: sand beaches, alkali flats, landfills, or paved areas.	Not Expected	No suitable habitat present within the study area. Not observed during the field survey.

Scientific Name Common Name	Status Federal/State	Habitat Requirements	Potential to Occur in Study Area	Habitat Suitability/Observations
Mammals				
Corynorhinus townsendii Townsend's big-eared bat	None/None G4/S2 SSC	Occurs throughout California in a wide variety of habitats. Most common in mesic sites, typically coniferous or deciduous forests. Roosts in the open, hanging from walls; ceilings in caves, lava tubes, bridges, and buildings. This species is extremely sensitive to human disturbance.	Not Expected	Suitable roosting habitat not present onsite; additionally, proximity to human development (e.g., roads, agriculture) likely deters species from occupying the study area, as species is sensitive to human disturbance.

Regional Vicinity refers to within a 3-mile search radius of site.

FE = Federally Endangered FT = Federally Threatened SE = State Endangered ST = State Threatened SR = State Rare

FP= State Fully Protected SSC = CDFW Species of Special Concern WBWG-H = Western Bat Working Group High Priority

WL= Watch List FD= Federally De-listed SD= State De-listed

CRPR (CNPS California Rare Plant Rank)

1A=Presumed Extinct in California

1B=Rare, Threatened, or Endangered in California and elsewhere

2A=Plants presumed extirpated in California, but more common elsewhere

2B=Plants Rare, Threatened, or Endangered in California, but more common elsewhere

CRPR Threat Code Extension

.1=Seriously endangered in California (over 80% of occurrences threatened/high degree and immediacy of threat)

.2=Fairly endangered in California (20-80% occurrences threatened)

.3=Not very endangered in California (<20% of occurrences threatened)

Appendix C

Floral and Faunal Compendium

Plant Species Observed Within the Study Area

Scientific Name	Common Name	Status	Native or Introduced [4]
Plants			
Amaranthus blitoides	prostrate pigweed	–-	Native
Araujia sericifera	bladder flower	–-	Introduced
Artemisia californica	California sagebrush	–-	Native
Artemisia douglasiana	mugwort	–	Native
Avena barbata	slender oat	–	Introduced[2]
Baccharis pilularis	coyote brush	–	Native
Baccharis salicifolia	mule fat	–-	Native
Brassica nigra	black mustard	–	Introduced[2]
Bromus catharticus	rescue grass	–-	Introduced
Bromus diandrus	ripgut brome	–	Introduced[2]
Bromus madritensis	red brome	–	Introduced[3]
Calystegia macrostegia ssp. *cyclostegia*	cost morning glory	–-	Native
Carduus pycnocephalus	Italian thistle	–	Introduced[2]
Carpobrotus edulis	ice plant	–	Introduced[3]
Cirsium vulgare	bull thistle	–	Introduced[2]
Clematis ligusticifolia	creek clematis	–-	Native
Conium maculatum	poison hemlock	–	Introduced[2]
Cyperus eragrostis	flatsedge	–	Native
Epilobium ciliatum	willow herb	–	Native
Equisetum arvense	common horsetail	–	Native
Erigeron canadensis	Canada horseweed	–	Native
Erodium cicutarium	coastal heron's bill	–	Introduced[1]
Erythranthe cardinalis	cardinal monkey flower	–	Native
Eucalyptus camaldulensis	red gum	–	Introduced[1]
Eschscholzia californica	California poppy	–	Native
Eucalyptus camaldulensis	matted sandmat fennel	–	Introduced[2]
Gastridium phleoides	nit grass	–	Introduced
Hazardia squarrosa	saw thoothed goldenbush	–	Native
Hedera helix	English ivy	–	Introduced[3]
Helminthotheca echioides	bristly ox-tongue	–	Introduced[1]
Hesperocnide tenella	western stinging nettle	–	Native
Hesperocyparis macrocarpa	Monterey cypress	–	Native
Juniperus spp.	juniper	–	Introduced
Isocoma menziesii	Menzies' goldenbush	–	Native
Lactuca serriola	prickly wild lettuce	–	Introduced
Lemna spp.	duckweed	–	Native
Lepidium didymum	lesser swine cress	–	Introduced
Lysimachia arvensis	scarlet pimpernel	–	Introduced

Scientific Name	Common Name	Status	Native or Introduced [4]
Malva parviflora	cheeseweed	–	Introduced
Medicago polymorpha	bur clover	–	Introduced[1]
Myoporum laetum	Ngaio tree	–	Introduced[2]
Nasturtium officinale	watercress	–	Native
Pennisetum clandestinum	kikuyu grass	–	Introduced[1]
Phacelia ramosissima	branching phacelia	–	Native
Plantago lanceolata	English plantain	–	Introduced[1]
Plantago major	common plantain	–	Introduced
Platanus racemosa	California sycamore	–	Native
Polypogon monspeliensis	rabbitsfoot grass	–	Introduced[1]
Pseudognaphalium luteoalbum	Jersey cudweed	–	Introduced
Quercus agrifolia	coast live oak	–	Native
Ricinus communis	caster bean	–	Introduced[1]
Rubus ursinus	Pacific blackberry	–	Native
Rumex crispus	curly dock	–	Introduced[1]
Salix laevigata	red willow	–	Native
Salix lasiolepis	arroyo willow	–	Native
Salix lutea	yellow willow	–	Native
Silybum marianum	blessed milkthistle	–	Introduced[1]
Solanum douglasii	Douglas' nightshade	–	Native
Silybum marianum	blessed milkthistle	–	Introduced[1]
Sonchus asper	prickly sow-thistle	–	Introduced
Stipa miliacea	smilo grass	–	Introduced[1]
Tribulus terrestris	puncture vine	–-	Introduced[1]
Venegasia carpesioides	canyon sunflower	–-	Native
Veronica anagallis-aquatica	water speedwell	–-	Introduced
Vicia benghalensis	purple vetch	–-	Introduced
Vinca major	periwinkle	–-	Introduced[2]
Washingtonia robusta	Mexican fan palm	–	Introduced[2]

[1-3] Cal-IPC. The Cal-IPC Inventory.

[1] Cal-IPC – Limited; these species are invasive with ecological amplitude and distribution being generally limited, but these species may be locally persistent and problematic.

[2] Cal-IPC – Moderate; these species have substantial and apparent-but generally not severe-ecological impacts on physical processes, plant and animal communities, and vegetation structure. Their reproductive biology and other attributes are conducive to moderate to high rates of dispersal.

[3]Cal-IPC – High; These species have severe ecological impacts on physical processes, plant and animal communities, and vegetation structure. Their reproductive biology and other attributes are conducive to moderate to high rates of dispersal and establishment. Most are widely distributed ecologically.

[4] Baldwin et al. 2012

Wildlife Species Observed Within the Study Area on September 25, 2020

Scientific Name	Common Name	Status	Native or Introduced
Birds			
Calypte anna	Anna's hummingbird	–	Native
Melanerpes formicivorus	acorn woodpecker	–	Native
Melozone crissalis	California towhee	–	Native
Sayornis nigricans	black phoebe	–	Native
Amphibians			
Pseudacris cadaverine	California tree frog	–	Native
Fish			
Mugil cephalus	striped mullet	–	Native
Invertebrates			
Apis sp.	honeybee	None	Introduced
Trichoptera spp.	caddisfly	–	Native
Zygoptera spp.	damselfly	–	Native
Mammals			
Otospermophilus beecheyi	California ground squirrel	None	Native

[1] FP= State Fully Protected [2]WL= CDFW Watch List

Rodewald, P. (Editor). 2015. The Birds of North America. Cornell Laboratory of Ornithology, Ithaca, NY. https://birdsna.org/Species-Account/bna/home (accessed June 2020).

California Herps. 2018. A Guide to the Amphibians and Reptiles of California. http://www.california herps.com/index.html (accessed June 2020).

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Appendix D

Site Photographs

Photograph 1. Photo Point 1. View of project site looking upstream (aspect north; September 25, 2020).

Photograph 2. Photo Point 2. View of project site looking downstream (aspect south; September 25, 2020).

Photograph 3. Photo Point 3. View looking upstream north of work area (aspect north, September 25, 2020).

Photograph 4. Photo Point 4. View of L247 alignment from bed of Dos Pueblos Canyon Creek (aspect north, September 25, 2020).

Photograph 5. Photo Point 5. View of L247 alignment as it crosses Dos Pueblos Canyon Creek (aspect west; September 25, 2020).

Photograph 6. Photo Point 6. View of upland mustard habitat in study area (aspect east; September 25, 2020).

Photograph 7 (no photo point). View of the access road, access road workspace, and laydown yard and arroyo willows (#32-34) to be trimmed (aspect north; June 26, 2022).

Appendix E

Programmatic Biological Opinion for Projects that May Affect the California Red-legged Frog Form

U.S. Army Corps of Engineers
Programmatic Informal Section 7 Form
for California Red-legged Frog

TAILS #

Date Received

Project Information

All projects appended to the Programmatic Informal Concurrence (FWS# 2020-I-0292) must meet the following criteria: 1.) California red-legged frogs are not known to occur at the proposed project site, but the potential exists for them to be present. 2.) Any effects to the California red-legged frog and its critical habitat must be discountable, insignificant, or completely beneficial. 3.) The applicant must implement measures to avoid adverse effects to the California red-legged frog and its critical habitat, as detailed in the Programmatic Informal Concurrence. See the Programmatic Informal Concurrence (pp. 2-6) for details on these criteria.

Originating, Office **Originating, Person and Title** **Telephone Number**

Email Address

Project Name

Expected Start Date **Expected End Date**

Project Coordinates (eg: 45.4591° N, -123.8442° W) – Attach relevant maps

Description of the Proposed Action

Are California red-legged frogs known to occur in the action area? Attach supporting information. Yes: No:

Would the project take place, fully or in part, within critical habitat for California red-legged frogs? Yes: No:

The Army Corps of Engineers' jurisdiction is defined as the boundaries of the project work in the Waters of the United States, plus an additional 50-foot buffer, unless otherwise defined by the Army Corps of Engineers on a project-specific basis. If any changes have been made to the jurisdiction for this project, please describe below:

Condition of Habitat in Action Area

Effects of the Action on California Red-legged Frogs and/or Their Critical Habitat

List of Attachments

Service Assessment

- ☐ We concur with your determination
- ☐ We do not concur with your determination
- ☐ More information is needed
- ☐ Remarks (attach additional information as needed)

Description of additional information needed:

Electronic Signatures & Authorizations

The following individuals have reviewed the Informal Section 7 Form for accuracy and compliance with the Endangered Species Act and approve implementation of the project as described here in.

Corps Official's Title and Office: Date

Assistant Field Supervisor
Ventura Field Office
US Fish and Wildlife Service
Date

Appendix F

Wetland Determination Forms

WETLAND DETERMINATION DATA FORM – Arid West Region

Project/Site: Dig 10 City/County: Goleta/SB Sampling Date: 9/25/20

Applicant/Owner: SoCalGas State: CA Sampling Point: 1

Investigator(s): Julie Love/Jaime McClain Section, Township, Range: 4N, 29 W

Landform (hillslope, terrace, etc.): Hillslope Local relief (concave, convex, none): concave Slope (%): 1-2

Subregion (LRR): LRRC Lat: 34.44803781 Long: -119.95912573 Datum: NAD83

Soil Map Unit Name: Gullied land NWI classification: PFOC

Are climatic / hydrologic conditions on the site typical for this time of year? Yes X No ____ (If no, explain in Remarks.)

Are Vegetation N, Soil N, or Hydrology N significantly disturbed? Are "Normal Circumstances" present? Yes X No ____

Are Vegetation N, Soil X, or Hydrology N naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present?	Yes X	No ____	**Is the Sampled Area within a Wetland?** Yes ____ No X
Hydric Soil Present?	Yes ____	No X	
Wetland Hydrology Present?	Yes X	No ____	

Remarks:
Sample point located inside OTHWM, due to OTHWM extending to toe of slope. Soil pit located adjacent to low flow channel in active floodplain. Veg. 12' radius

VEGETATION – Use scientific names of plants.

	Absolute % Cover	Dominant Species?	Indicator Status
Tree Stratum (Plot size: 12' R)			
1.			
2.			
3.			
4.			
	0 = Total Cover		
Sapling/Shrub Stratum (Plot size: 12' R)			
1.			
2.			
3.			
4.			
5.			
	0 = Total Cover		
Herb Stratum (Plot size: 12' R)			
1. Nasturtium officinale	30	Y	OBL
2. Lemna sp.	5	N	OBL
3. ~~Beckstemon~~			
4. Rubus ursinus	2	N	FAC
5. Plantus racemosa (sapling)	1	N	FAC
6. Salix lasiolepsis (sapling)	1	N	FACW
7. Equisetum arvense	1	N	FAC
8.			
	40 = Total Cover		
Woody Vine Stratum (Plot size: 12' R)			
1.			
2.			
	0 = Total Cover		

% Bare Ground in Herb Stratum 60 (including openwater) % Cover of Biotic Crust 0

Dominance Test worksheet:

Number of Dominant Species That Are OBL, FACW, or FAC: 1 (A)

Total Number of Dominant Species Across All Strata: 1 (B)

Percent of Dominant Species That Are OBL, FACW, or FAC: 100 (A/B)

Prevalence Index worksheet:

Total % Cover of:		Multiply by:	
OBL species	30	x 1 =	30
FACW species	1	x 2 =	2
FAC species	4	x 3 =	12
FACU species	0	x 4 =	0
UPL species	0	x 5 =	0
Column Totals:	35 (A)		44 (B)

Prevalence Index = B/A = 1.26

Hydrophytic Vegetation Indicators:

Y Dominance Test is >50%

Y Prevalence Index is ≤3.0[1]

___ Morphological Adaptations[1] (Provide supporting data in Remarks or on a separate sheet)

___ Problematic Hydrophytic Vegetation[1] (Explain)

[1]Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.

Hydrophytic Vegetation Present? Yes X No ____

Remarks:
Overhanging ~~Platanus~~ sycamore woodland community
Sample point in OTHWM / watercress
Lemna could not be identified to species but all Lemna spp. are OBL.

SOIL

Sampling Point: 1

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth (inches)	Matrix Color (moist)	Matrix %	Redox Features Color (moist)	Redox Features %	Redox Features Type[1]	Redox Features Loc[2]	Texture	Remarks
0-4	N/A	100		0			sand	(3.75-4)" water

[1]Type: C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains. [2]Location: PL=Pore Lining, M=Matrix.

Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.)

- ___ Histosol (A1)
- ___ Histic Epipedon (A2)
- ___ Black Histic (A3)
- ___ Hydrogen Sulfide (A4)
- ___ Stratified Layers (A5) (**LRR C**)
- ___ 1 cm Muck (A9) (**LRR D**)
- ___ Depleted Below Dark Surface (A11)
- ___ Thick Dark Surface (A12)
- ___ Sandy Mucky Mineral (S1)
- ___ Sandy Gleyed Matrix (S4)
- ___ Sandy Redox (S5)
- ___ Stripped Matrix (S6)
- ___ Loamy Mucky Mineral (F1)
- ___ Loamy Gleyed Matrix (F2)
- ___ Depleted Matrix (F3)
- ___ Redox Dark Surface (F6)
- ___ Depleted Dark Surface (F7)
- ___ Redox Depressions (F8)
- ___ Vernal Pools (F9)

Indicators for Problematic Hydric Soils[3]:

- ___ 1 cm Muck (A9) (**LRR C**)
- ___ 2 cm Muck (A10) (**LRR B**)
- ___ Reduced Vertic (F18)
- ___ Red Parent Material (TF2)
- ___ Other (Explain in Remarks)

[3]Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

Restrictive Layer (if present):

Type: _____

Depth (inches): _____

Hydric Soil Present? Yes _____ No X

Remarks:

shovel refusal @ 4" due to cobbles. Saturation, sand texture w/ silt residue indicating hydric conditions could form. Naturally problematic sandy soil.

HYDROLOGY

Wetland Hydrology Indicators:

Primary Indicators (minimum of one required; check all that apply)

- X Surface Water (A1)
- X High Water Table (A2)
- X Saturation (A3)
- ___ Water Marks (B1) (**Nonriverine**)
- ___ Sediment Deposits (B2) (**Nonriverine**)
- ___ Drift Deposits (B3) (**Nonriverine**)
- ___ Surface Soil Cracks (B6)
- ___ Inundation Visible on Aerial Imagery (B7)
- X Water-Stained Leaves (B9)
- ___ Salt Crust (B11)
- ___ Biotic Crust (B12)
- X Aquatic Invertebrates (B13)
- ___ Hydrogen Sulfide Odor (C1)
- ___ Oxidized Rhizospheres along Living Roots (C3)
- ___ Presence of Reduced Iron (C4)
- ___ Recent Iron Reduction in Tilled Soils (C6)
- ___ Thin Muck Surface (C7)
- ___ Other (Explain in Remarks)

Secondary Indicators (2 or more required)

- X Water Marks (B1) (**Riverine**)
- ___ Sediment Deposits (B2) (**Riverine**)
- X Drift Deposits (B3) (**Riverine**)
- X Drainage Patterns (B10)
- ___ Dry-Season Water Table (C2)
- ___ Crayfish Burrows (C8)
- ___ Saturation Visible on Aerial Imagery (C9)
- ___ Shallow Aquitard (D3)
- X FAC-Neutral Test (D5)

Field Observations:

Surface Water Present? Yes X No _____ Depth (inches): _____

Water Table Present? Yes X No _____ Depth (inches): 3.75-4"

Saturation Present? (includes capillary fringe) Yes X No _____ Depth (inches): 0-4"

Wetland Hydrology Present? Yes X No _____

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:

Dug multiple soil pits, no redox and shovel refusal.

FAC-neutral 1:0

Arid West Ephemeral and Intermittent Streams OHWM Datasheet

Project: Dig 10
Project Number:
Stream: Dos Pueblos Creek
Investigator(s): Julie Love / Jaime McClain

Date: 9/25/20 **Time:** 1510
Town: Goleta **State:** CA
Photo begin file#: 1 **Photo end file#:** 4

Y [X] / N [ ] Do normal circumstances exist on the site?

Y [ ] / N [X] Is the site significantly disturbed?

Location Details:
Goleta, SB county

Projection: **Datum:**
Coordinates: 34.44803781, -119.95912513

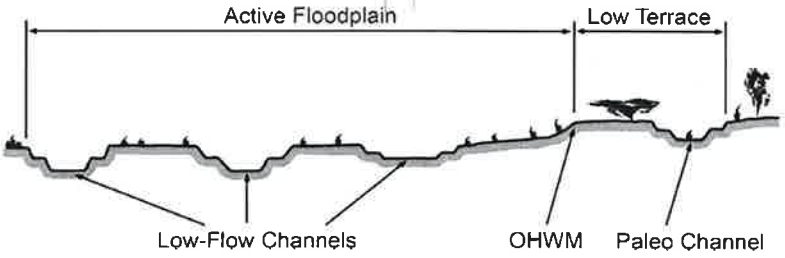
Potential anthropogenic influences on the channel system:
Hwy 101 bridge crossing; agriculture runoff potential
east bank has slope protection
below- above ground pipeline.

Brief site description:
Vegetated perennial creek.

Checklist of resources (if available):

- [X] Aerial photography
  Dates:
- [X] Topographic maps
- [ ] Geologic maps
- [ ] Vegetation maps
- [X] Soils maps
- [ ] Rainfall/precipitation maps
- [ ] Existing delineation(s) for site
- [X] Global positioning system (GPS)
- [ ] Other studies
- [ ] Stream gage data
  Gage number:
  Period of record:
- [ ] History of recent effective discharges
- [ ] Results of flood frequency analysis
- [ ] Most recent shift-adjusted rating
- [ ] Gage heights for 2-, 5-, 10-, and 25-year events and the most recent event exceeding a 5-year event

Hydrogeomorphic Floodplain Units

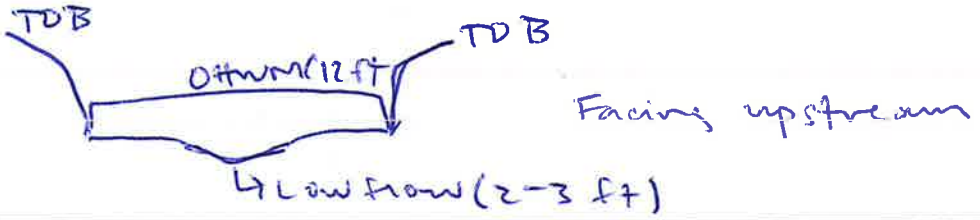


Procedure for identifying and characterizing the floodplain units to assist in identifying the OHWM:

1. Walk the channel and floodplain within the study area to get an impression of the geomorphology and vegetation present at the site.
2. Select a representative cross section across the channel. Draw the cross section and label the floodplain units.
3. Determine a point on the cross section that is characteristic of one of the hydrogeomorphic floodplain units.
   a) Record the floodplain unit and GPS position.
   b) Describe the sediment texture (using the Wentworth class size) and the vegetation characteristics of the floodplain unit.
   c) Identify any indicators present at the location.
4. Repeat for other points in different hydrogeomorphic floodplain units across the cross section.
5. Identify the OHWM and record the indicators. Record the OHWM position via:
   - [ ] Mapping on aerial photograph
   - [ ] Digitized on computer
   - [X] GPS
   - [ ] Other:

Project ID: 1 **Cross section ID:** 1 **Date:** 9/25/20 **Time:** 1570

Cross section drawing:



OHWM

GPS point: 34.44803781, -119.95912513

Indicators:

- [x] Change in average sediment texture
- [x] Change in vegetation species
- [x] Change in vegetation cover
- [x] Break in bank slope
- [ ] Other: _____
- [ ] Other: _____

Comments:

gravel/cobble in OHWM
Sand loam along bank

Floodplain unit: [x] Low-Flow Channel [ ] Active Floodplain [ ] Low Terrace

GPS point: 34.44803781, -119.95912513

Characteristics of the floodplain unit:

Average sediment texture: gravel w/ some cobbles
Total veg cover: 1-2% Tree: ____% Shrub: ____% Herb: 1-2%
Community successional stage:

- [ ] NA
- [x] Early (herbaceous & seedlings)
- [ ] Mid (herbaceous, shrubs, saplings)
- [ ] Late (herbaceous, shrubs, mature trees)

Indicators:

- [ ] Mudcracks
- [ ] Ripples
- [ ] Drift and/or debris
- [x] Presence of bed and ~~bank~~
- [ ] Benches
- [x] Soil development gravel bar
- [x] Surface relief
- [ ] Other: _____
- [ ] Other: _____
- [ ] Other: _____

Comments:

actively flowing; gravel bar present

Project ID: 1 **Cross section ID:** 1 **Date:** 9/25/10 **Time:** 1570

Floodplain unit: ☐ Low-Flow Channel ☒ Active Floodplain ☐ Low Terrace

GPS point: 34.44803781, -119.95912573

Characteristics of the floodplain unit:

Average sediment texture: gravel some cobble

Total veg cover: 30 % Tree: ____% Shrub: ____% Herb: 30 %

Community successional stage:

- ☐ NA
- ☒ Early (herbaceous & seedlings)
- ☐ Mid (herbaceous, shrubs, saplings)
- ☐ Late (herbaceous, shrubs, mature trees)

Indicators:

- ☐ Mudcracks
- ☐ Ripples
- ☒ Drift and/or debris
- ☒ Presence of bed and bank
- ☒ Benches
- ☒ Soil development
- ☒ Surface relief
- ☐ Other: _____
- ☐ Other: _____
- ☐ Other: _____

Comments:

Floodplain unit: ☐ Low-Flow Channel ☐ Active Floodplain ☐ Low Terrace

GPS point: _____

Characteristics of the floodplain unit:

Average sediment texture: _____

Total veg cover: ____% Tree: ____% Shrub: ____% Herb: ____%

Community successional stage:

- ☐ NA
- ☐ Early (herbaceous & seedlings)
- ☐ Mid (herbaceous, shrubs, saplings)
- ☐ Late (herbaceous, shrubs, mature trees)

Indicators:

- ☐ Mudcracks
- ☐ Ripples
- ☐ Drift and/or debris
- ☐ Presence of bed and bank
- ☐ Benches
- ☐ Soil development
- ☐ Surface relief
- ☐ Other: _____
- ☐ Other: _____
- ☐ Other: _____

Comments:

United States Department of the Interior
U.S. FISH AND WILDLIFE SERVICE
Ecological Services
Ventura Fish and Wildlife Office
2493 Portola Road, Suite B
Ventura, California 93003

IN REPLY REFER TO:
08EVEN00-2020-F-0226
08EVEN00-2020-I-0292

April 27, 2020

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San Francisco, California 94102-3406

David J. Castanon
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Ventura, California 93001-2598

Subject: Programmatic Biological Opinion for Projects that May Affect the California Red-legged Frog, Authorized by the U.S. Army Corps of Engineers under Section 404 of the Clean Water Act and Sections 10 and 14 of the Rivers and Harbors Act

Dear Mr. Mazza and Mr. Castanon:

This document transmits the U.S. Fish and Wildlife Service's (Service) biological opinion for projects authorized by the U.S. Army Corps of Engineers (Corps) and their effects on the federally threatened California red-legged frog (*Rana draytonii*) and its critical habitat, in accordance with section 7 of the Endangered Species Act of 1973, as amended (Act) (16 U.S.C. 1531 et seq.). This document also contains our programmatic concurrence for projects authorized by the Corps that are not likely to adversely affect the California red-legged frog or its critical habitat. The development of this programmatic biological opinion and concurrence are the result of a collaborative effort between the Corps and the Service.

This biological opinion addresses certain activities authorized by the Corps pursuant to the Clean Water Act and Rivers and Harbors Act within the Ventura Fish and Wildlife Office's (VFWO) area of responsibility in San Benito, Santa Cruz, Monterey, San Luis Obispo, Santa Barbara, Ventura, and Los Angeles Counties, California. We have based this biological opinion on information provided by the Corps and information in our files. These documents, and others relating to the consultation, are located at the VFWO.

The Service published a final rule on August 27, 2019 (84 Federal Register 44976) that changed the definitions of some of the terms that we use in section 7(a)(2) consultations. The changes became effective on October 28, 2019. We developed this biological opinion in accordance with the changes in the final rule.

PROGRAMMATIC INFORMAL CONSULTATION

We have conducted many informal consultations with the Corps, and concurred that many of the Corps' proposed authorizations are not likely to adversely affect the California red-legged frog or its critical habitat. These projects may include activities typically authorized under the Corps' Nationwide Permit Program (culvert repair, bridge replacement, etc.), and other small-scale activities with relatively minor impacts on aquatic resources. Because many of the avoidance measures associated with our previous concurrences are very similar, and we often work on multiple concurrence letters simultaneously, the Corps and the Service believe a programmatic approach to projects that are not likely to adversely affect the California red-legged frog or its critical habitat is appropriate.

To further streamline the informal consultation process, we have developed a form for the applicant to use. The form focuses on essential information to determine whether a project meets the below criteria for informal consultation (see Appendix A). Along with the form, the Corps will submit the names and credentials of biologists who will conduct surveys for California red-legged frogs and perform training sessions for project personnel. The Corps will also submit the names and credentials of biological monitors who will monitor for California red-legged frogs and ensure compliance of avoidance measures. If this information is unknown during submittal, it will be provided to the Service at least 14 days prior to the start of construction. Once the Service approves a biologist, the Corps would not need to provide their credentials for subsequent projects conducted pursuant to this consultation.

Projects that the Service finds to be consistent with this programmatic informal consultation will benefit from expedited consultation relative to our regulatory standard of 60 days for the completion of an informal consultation (84 Federal Register 44976). The Service will endeavor to complete informal consultation within 30 days of receipt of the Corps' informal consultation request. Electronic informal consultation request submissions are preferred, and can be sent to: FW8VenturaSection7@fws.gov.

Criteria for the Programmatic Informal Concurrence

Projects that are not likely to adversely affect the California red-legged frog or its critical habitat must have only beneficial, insignificant, or discountable effects to the species and its critical habitat. Beneficial effects are contemporaneous positive effects without any adverse effects to the species. Insignificant effects relate to the size of the impact and should never reach the scale where take occurs. Discountable effects are those extremely unlikely to occur. To make use of this programmatic informal consultation for actions that may affect, but are not likely to

adversely affect the California red-legged frog or its critical habitat, the Corps must demonstrate that the project satisfies the following criteria:

Criterion 1: California red-legged frogs are not known to occur at the proposed project site or were not found during surveys following the guidelines for surveys and habitat assessments (Service 2005); however, the potential may exist for individuals to occur at the proposed project site because no barriers exist to preclude dispersal of California red-legged frog from suitable habitat into the project area.

Criterion 2: Any effects to the California red-legged frog and its critical habitat must be discountable, insignificant, or completely beneficial.

Criterion 3: The measures to avoid adverse effects to the California red-legged frog and its critical habitat, provided below, must be implemented. These measures may be modified on a project-specific basis to achieve avoidance of adverse effects upon agreement between the Corps and the Service.

Measures to Avoid Adverse Effects

For projects to qualify for programmatic concurrence, the Corps will ensure that the applicant incorporates the following measures into the proposed project to avoid adverse effects to the California red-legged frog and its critical habitat:

1. A Service-approved biologist with experience in the identification of all life stages of the California red-legged frog, and its critical habitat (75 FR 12816), will survey the project site no more than 48 hours before the onset of work activities. If any life stage of the California red-legged frog is detected, the applicant must notify the Service and the Corps prior to the start of construction. If the Corps and the Service determine that adverse effects to the California red-legged frog or its critical habitat cannot be avoided, the proposed project will not commence until the Corps completes the appropriate level of consultation with the Service.

2. The applicant will conduct work activities between May 1 and October 31 to avoid the breeding season of the California red-legged frog, when activities would be most disruptive to the species. Should the applicant need to conduct activities outside of this period, the Corps may authorize the applicant to conduct such activities after obtaining the Service's written approval.

3. Before work begins on any proposed project, a Service-approved biologist will conduct a training session for all construction personnel, which will include a description of the California red-legged frog, its critical habitat, and specific measures that are being implemented to avoid adverse effects to the species and critical habitat during the proposed project.

4. A Service-approved biological monitor will be present during all Corps-authorized construction activities. If the Service-approved biological monitor detects any life stage of the California red-legged frog in the project area during construction, work will cease immediately and the resident engineer, Service-approved biologist, or biological monitor will notify the VFWO and Corps via telephone and electronic mail. If the Corps and the Service determine that adverse effects to California red-legged frogs cannot be avoided, construction activities will remain suspended until the Corps and the Service complete the appropriate level of consultation.

5. During project activities, the applicant will properly contain all trash that may attract predators by removing it from the work site and disposing of it regularly. Following construction, the applicant will remove all trash and construction debris from work areas.

6. Prior to the onset of work, the applicant will have a plan in place for prompt and effective response to any accidental spills. The plan will include informing all workers of the importance of preventing spills and of the appropriate measures to implement should a spill occur.

7. The applicant will conduct all refueling, maintenance, and staging of equipment and vehicles at least 60 feet from aquatic or riparian habitat and not in a location from where a spill would drain directly toward aquatic habitat. The Service-approved biological monitor will ensure contamination of aquatic or riparian habitat does not occur during such operations by implementing the spill response plan described in measure 6.

8. The applicant will return habitat contours to their original configuration at the end of project activities in all areas that have been temporarily disturbed by activities associated with the project, unless the Corps and the Service determine that it is not feasible, or modification of original contours would benefit the California red-legged frog.

9. The applicant will revegetate project sites with an assemblage of native riparian, wetland, and upland vegetation suitable for the area. The applicant will use locally collected plant materials to the extent practicable. The applicant will control invasive, exotic plants to the maximum extent practicable. The applicant will monitor the success of revegetation efforts and submit documentation of revegetation success to the Corps and the Service three years after the completion of restoration.

10. The applicant will limit the number of access routes, size of staging areas, and the total area of the activity to the minimum necessary to achieve the project goals. The applicant will delineate Environmentally Sensitive Areas to confine access routes and construction areas to the minimum area necessary to complete construction, and minimize the impact to habitat for the California red-legged frog; this goal includes locating access routes and construction areas outside of aquatic habitat and riparian areas to the maximum extent practicable.

11. To control sedimentation during and after project implementation, the applicant will implement best management practices outlined in any authorizations or permits, issued under the authorities of the Clean Water Act that it receives for the specific project. If best management practices are ineffective, as determined by the Service-approved biological monitor, the applicant will attempt to remedy the situation immediately, in coordination with the Service and the Corps.

12. The Service-approved biological monitor will inspect all holes and trenches each morning. If the Service-approved biological monitor finds a California red-legged frog in a hole or trench, the procedures from measure 4 above will apply.

13. If a work site is to be temporarily dewatered by pumping, the applicant will screen the intake with wire mesh not larger than 0.2 inch to prevent any California red-legged frogs not initially detected from entering the pump system. If California red-legged frogs are detected during dewatering, the applicant will halt work activities and will contact the Service and the Corps to determine what measures may be necessary to avoid take of California red-legged frogs.

14. Upon completion of construction activities, the applicant will remove any diversions or barriers to flow in a manner that would allow flow to resume with the least disturbance to the substrate. The applicant will minimize alteration of the creek bed to the maximum extent possible and remove any imported material from the stream bed upon completion of the project.

15. Unless approved by the Service and the Corps, the applicant will not impound water in a manner that may attract California red-legged frogs.

16. A Service-approved biologist will permanently remove any individuals of exotic species, such as bullfrogs, crayfish, and centrarchid fishes from the project area, to the maximum extent possible. The biologist will be responsible for ensuring his or her activities are in compliance with the California Fish and Game Code (https://fgc.ca.gov/Regulations/Current).

17. To ensure that diseases are not conveyed between work sites by the Service-approved biologist(s) or biological monitor(s), the biologist(s) and biological monitor(s) will adhere to the following fieldwork practices:

    a. Remove mud, snails, algae, and other debris from nets, traps, boots, vehicle tires, and all other surfaces. Rinse cleaned items with sterilized (e.g., boiled or treated) water before leaving each work site.

    b. Boots, nets, traps, and other types of equipment used in the aquatic environment should then be scrubbed with 70 percent ethanol solution and rinsed clean with

sterilized water between study sites. Avoid cleaning equipment in the immediate vicinity of a pond, wetland, or riparian area.

c. In remote locations, clean all equipment with 70 percent ethanol or a bleach solution, and rinse with sterile water upon return to the lab or "base camp". Elsewhere, when washing-machine facilities are available, remove nets from poles and wash in a protective mesh laundry bag with bleach on the "delicates" cycle.

d. When working at sites with known or suspected disease problems, dedicate sets of nets, boots, traps, and other equipment to each site being visited. Clean them as directed above and store separately at the end of each field day.

e. Used cleaning materials and fluids will be disposed of safely and, if necessary, taken back to the lab for proper disposal.

We have based our concurrence on the proposed avoidance measures, as well as the other criteria that a specific project must meet to qualify for use of this programmatic informal consultation. Our concurrence does not authorize capture, handling, or relocation of California red-legged frogs. If at any time the Corps determines the proposed action is likely to adversely affect the California red-legged frog or its critical habitat, the Corps should notify our office immediately, so that consultation can be completed at the appropriate level.

PROGRAMMATIC FORMAL CONSULTATION

Consultation History

Since the listing of the California red-legged frog in 1996, the Corps has consulted with the Service's VFWO on numerous projects that the Corps determined were likely to adversely affect the species or its critical habitat. The Corps and the Service recognized that many of these projects resulted in minor effects to the California red-legged frog and its habitat, and that many of the protective measures included in our biological opinions were very similar. Consequently, the Corps and the Service determined that a programmatic approach to the formal consultation process was appropriate and would save time and effort. We issued a biological opinion in 1999, in conjunction with the Sacramento Fish and Wildlife Office (Service 1999), which addressed the repeated consultations and provided some streamlining.

We have been implementing the 1999 biological opinion since then; however regulatory changes compel us to revisit the consultation and develop this new biological opinion that updates the 1999 document.

In 2017, the Service and Corps reached an agreement in principle clarifying the consultation process in instances where the Corps' involvement is limited to making a permitting decision

for a small component of a larger project (e.g., installation of a culvert across a small stream that will provide access to a larger upland development area), known as the Small Federal Handle agreement (Service 2017a, Corps 2017). Due to the complexity involved in preparing a biological opinion that satisfies the 2017 agreement, and the limited scope of projects that satisfy the criteria for this programmatic biological opinion, projects that meet the criteria under the 2017 agreement are excluded from this programmatic process (see Criterion #3 under Eligibility Criteria, below).

BIOLOGICAL OPINION

DESCRIPTION OF THE PROPOSED ACTION

This section describes the processes and criteria by which the Corps' authorization of a proposed action will be deemed consistent with this biological opinion. Projects that the Service finds to be consistent with this biological opinion will benefit from expedited consultation relative to our regulatory standard of 90 days for consultation and 45 days to prepare a biological opinion [50 CFR 402.14(e)].

Staff from the Service's VFWO will be available to provide technical assistance during all phases of consultation. Technical assistance can include assisting the Corps with determinations of effects, development of project-specific designs and protective measures, modifications of survey protocols, and any other issues that may arise. The Corps may transmit technical assistance to and from the Service in the form of telephone calls, electronic mail, or written correspondence.

Administration of the Biological Opinion

The Corps will prepare all required environmental documents for individual projects that would be conducted pursuant to this biological opinion, including those needed to satisfy its responsibilities under the Act and the National Environmental Policy Act.

For all proposed actions that the Corps determines are likely to adversely affect the California red-legged frog or its critical habitat, the Corps will consider whether the action: (a) meets the suitability criteria, as explained in the Description of the Proposed Action section of this biological opinion; and (b) whether the proposed activities and anticipated effects to California red-legged frogs fall within the scope of this biological opinion.

This programmatic biological opinion is effective for a period of ten (10) calendar years from the date of its issuance and can be extended if deemed appropriate by both agencies. The Service will review this programmatic consultation, as appropriate, to ensure that its application is consistent with the intended criteria.

Submittal Requirements

At least 60 days prior to authorizing any activities that the Corps determines are likely to adversely affect the California red-legged frog or its critical habitat, the Corps will notify the VFWO, in writing, of any project it proposes to authorize under the auspices of this biological opinion. This timeline will provide sufficient time for the Service to review projects proposed to be appended to the biological opinion. If the Service concurs that use of the biological opinion is appropriate, and consultation is completed in less than 60 days, the Corps may issue authorization upon receipt of such notification from the Service. Electronic submissions are preferred, and can be sent to: FW8VenturaSection7@fws.gov. At a minimum, the following information will accompany the Corps' project notification to the Service:

1. A 7.5-minute topographic map (and aerial photographs if possible) of the proposed project site, as well as photographs of the project site;

2. A written description of the activity, including, but not limited to, construction methods, time of year the work would occur, a habitat restoration plan (if appropriate, as determined by the Corps), and a construction monitoring plan;

3. One cross-section and a minimum of one plan view indicating water bodies, vegetation types, work areas, roads (including temporary construction access roads), restoration sites, refueling and staging areas that will be located within the existing or proposed public right-of-way or temporary construction easements, and environmentally sensitive areas that may provide habitat for the California red-legged frog;

4. Information resulting from any site visits, surveys, or habitat assessments conducted for the proposed action;

5. A summary of project effects on all life stages of the California red-legged frog; and

6. The names and credentials of biologists who will conduct surveys for, monitor, and handle California red-legged frogs. If this information is unknown during submittal, it will be provided to the Service at least 14 days prior to the start of project work activities. Once the Service approves a biologist, the Corps would not need to provide their credentials for subsequent projects conducted pursuant to this consultation.

Service Response

The Service will respond to the Corps within 15 days of receiving the information listed above, providing a completeness determination or list of additional information required to complete the request. Our response will be in writing, via electronic mail. If the Service determines that use of this programmatic biological opinion is appropriate, we will notify the Corps within 45 days of receiving a complete information package. Our notification will be in writing, via letter or

electronic mail. Once the Corps has received the notification, it may authorize the proposed activities pursuant to its own regulations.

If the Service determines that the Corps' proposed authorization does not satisfy the applicable criteria, we will notify the Corps in writing (via electronic mail) within 30 days, and the standard provisions for section 7(a)(2) consultation will apply. The regulations which implement section 7(a)(2) allow the Service up to 90 days to conclude formal consultation and an additional 45 days to prepare our biological opinion. If we require additional information to complete our biological opinion, we will describe our needs in our initial response. The formal consultation process for the project will not begin until we receive all the information, or a statement explaining why that information cannot be made available.

Reporting

By January 31 of each year this consultation is in effect, the Ventura Corps Office will provide to the VFWO, a list of projects for which the Ventura and San Francisco Offices used this consultation. The Corps will provide sufficient information with the list to identify the projects that occurred in the previous year under the provisions of this biological opinion. The annual list will assist the VFWO in ensuring that it has received the required Project Completion Reports that are described later in the Reporting Requirements section of this document. The Corps may also suggest changes to the consultation that are more protective of the California red-legged frog and its habitat while simplifying compliance with the Act.

Eligibility Criteria

To make use of this biological opinion, the Corps must ensure that a proposed project satisfies the following criteria:

Criterion 1: Actions that would be appropriately considered for using this biological opinion are likely to result in adverse effects to the California red-legged frog and/or its critical habitat, but would not affect the long-term viability of the population in the action area. The Corps and the Service have previously consulted on numerous projects that meet these criteria. These projects include, but are not limited to: repair, replacement, and maintenance of bridges; repair of stream bank protection; replacement of low-flow stream crossings with bridges; small-scale stabilization of stream slopes; minor improvement of drainage; replacement of culverts; connection of pipelines; and habitat restoration activities.

Criterion 2: The projects must not, in the Service's view, take place in areas where populations of California red-legged frogs are so isolated that even the small effects described in this biological opinion may have substantial impacts.

Criterion 3: The applicant must implement the measures to reduce or avoid adverse effects to the California red-legged frog and its critical habitat, provided in the Minimization of Adverse

Effects section; these measures may be modified on a project-specific basis on agreement between the Corps and the Service.

Criterion 4: The projects must be single and discrete, and not part of larger actions or associated with other projects such as residential development, projects of long duration, ongoing dam maintenance, etc. Projects with adverse effects to the California red-legged frog and/or its critical habitat outside of the Corps' jurisdiction that the Corps is unable to regulate are excluded (i.e., where a "small federal handle" exists or that may be subject to the 2017 agreement discussed earlier).

Criterion 5: For any project resulting in permanent losses of suitable California red-legged frog habitat within the Corps' permit area, the Corps, through the applicant, will include as a conservation measure the submittal of an appropriate habitat compensation proposal (described in Mitigation of Adverse Effects section). If appropriate, this may include a restoration, monitoring, and management plan. The proposal will be submitted to the Service prior to the date of initial ground disturbance, as outlined in the Mitigation of Adverse Effects section.

Criterion 6: Each project must have less than one half (0.5) acre of temporary impacts and/or less than one half (0.5) acre permanent impacts in the Corps' permit area. Temporary effects of the project must be restored to pre-project conditions within three years of project initiation. Exemptions to these impact acreage limits may be approved on a project-specific basis with documented agreement between the Service and the Corps.

For the purposes of this biological opinion, temporary losses and permanent losses are defined as:

1. Temporary losses: The effects resulting from project activities that are short term and do not result in effects to California red-legged frog habitat that are longer than three years; all habitat will be restored to equal or better condition than before the impact within three years following project initiation.

2. Permanent losses: The effects resulting from project activities which remove existing habitat or essential habitat components that cannot be restored to pre-project conditions of equal or greater value within three years.

Additionally, the Corps has proposed limits for loss of California red-legged frog critical habitat. Critical habitat is defined as the specific areas within the geographical area occupied by the species that contain the physical and biological features essential to the conservation of the species, which may require special management considerations or protection; and, specific areas outside the geographical area occupied by the species that are determined essential to the conservation of the species. The limits for permanent loss and temporary disturbance of critical habitat are listed as follows:

a. No more than 2 acres of critical habitat for the California red-legged frog, occurring within the Corps' permit area, that include the physical and biological features of breeding and non-breeding aquatic habitat, upland, or dispersal habitat will be permanently lost in any given year;

b. No more than 15 acres of critical habitat for the California red-legged frog, occurring within the Corps' permit area, that include the physical or biological features of breeding and non-breeding aquatic, upland, or dispersal habitat will be permanently lost in total during the 10-year duration of this biological opinion;

c. No more than 4 acres of critical habitat for the California red-legged frog, occurring within the Corps' permit area, that include the physical or biological features of breeding and non-breeding aquatic habitat, upland, or dispersal habitat will be temporarily disturbed in any given year; and

d. No more than 20 acres of critical habitat for the California red-legged frog, occurring within the Corps' permit area, that include the physical or biological features of breeding and non-breeding aquatic habitat, upland, and dispersal habitat will be temporarily disturbed in total during the 10-year duration of this biological opinion.

Projects that meet the suitability criteria and may involve some or all of the following activities are often authorized by the Corps under the Nationwide Permit program. To guide the Corps during project evaluation, the Service has reviewed Nationwide Permits the Corps has issued under 33 CFR 330.3 and has determined that projects typically authorized under the Nationwide Permits listed below may be appropriate for appendage to this programmatic biological opinion:

Nationwide Permit Activities:

(#3) Maintenance
(#5) Scientific Measuring Devices
(#6) Survey Activities
(#7) Outfall Structures
(#12) Utility Line Discharges
(#13) Bank Stabilization, provided that activity is less than 50 feet in length
(#14) Road Crossings
(#15) U.S. Coast Guard Approved Bridges
(#17) Hydropower Projects
(#18) Minor Discharges
(#19) Minor Dredging
(#23) Approved Categorical Exclusions
(#25) Structural Discharges
(#27) Wetland and Riparian Restoration and Creation Activities

(#31) Maintenance of Existing Flood Control Facilities
(#32) Completed Enforcement Actions
(#33) Temporary Construction, Access and Dewatering
(#37) Emergency Watershed Protection and Rehabilitation
(#38) Cleanup of Hazardous and Toxic Waste

Projects that do not qualify for authorization under the Nationwide Permits listed above may be considered for appendage to this programmatic biological opinion on a project-specific basis as long as they satisfy Eligibility Criteria 1 – 6 above.

Minimization of Adverse Effects

The Corps will ensure that projects implemented in accordance with this biological opinion will be designed to avoid or minimize adverse effects to the California red-legged frog and its critical habitat. The Corps will ensure that the below measures are incorporated into the applicant's project within the entire action area. Any removal of measures from the project description must be approved by the Service.

1. For any project with permanent impacts to suitable aquatic or upland California red-legged frog habitat within the Corps' permit area, the Corps, through the applicant, will submit an appropriate habitat compensation proposal (described in Mitigation of Adverse Effects below). If appropriate, this may include a restoration, monitoring, and management plan, which will be developed in coordination with the Service. The proposal must be approved by the Service prior to initial ground disturbance.

2. Only Service-approved biologists will participate in activities associated with the capture, handling, and monitoring of California red-legged frogs. The applicant will not begin ground disturbance until they receive written approval from the Service that the biologist is qualified to conduct the work. Biologists approved under this biological opinion do not need to re-submit their qualifications for subsequent projects conducted pursuant to this biological opinion, unless we have revoked their approval at any time during the life of this biological opinion.

3. A Service-approved biologist will survey the project site no more than 48 hours before the onset of work activities. If the Service-approved biologist finds any life stage of the California red-legged frog and these individuals are likely to be killed or injured by work activities, the applicant will allow the Service-approved biologist sufficient time to move them from the site before work begins. The Service-approved biologist will relocate the California red-legged frogs the shortest distance possible to a location that contains suitable habitat and that will not be affected by activities associated with the proposed project. The relocation site should be in the same drainage to the extent practicable.

4. Before any activities begin on a project, a Service-approved biologist will conduct a training session for all construction personnel. At a minimum, the training will include a description of the California red-legged frog and its habitat, the specific measures that are being implemented to conserve the California red-legged frog for the current project, and the boundaries within which the project may be accomplished. The Service-approved biologist may use brochures, books, and briefings in the training session, provided that a qualified person is on hand to answer any questions.

5. A Service-approved biologist will be present at the work site until all California red-legged frogs have been relocated out of harm's way, workers have been instructed, and disturbance of habitat has been completed. After this time, the Service-approved biologist will designate a person to monitor on-site compliance with all minimization measures. The Service-approved biologist will ensure that this monitor receives the training outlined in measure 4 above and in the identification of California red-legged frogs. If the monitor or the Service-approved biologist recommends that work be stopped because California red-legged frogs would be affected in a manner not anticipated by the Corps and the Service during review of the proposed action, they will notify the resident engineer (the engineer that is directly overseeing and in command of construction activities) immediately. The resident engineer will either resolve the situation by eliminating the adverse effect immediately or require that all actions causing these effects be halted. If the engineer stops work, the Service will be notified as soon as possible.

6. During project activities, the applicant will properly contain all trash that may attract predators by removing it from the work site and disposing of it regularly. Following construction, the applicant will remove all trash and construction debris from work areas.

7. Prior to the onset of work, the Corps will ensure that a plan is in place for prompt and effective response to any accidental spills. All workers will be informed of the importance of preventing spills and of the appropriate measures should a spill occur.

8. The applicant will conduct all refueling, maintenance, and staging of equipment and vehicles at least 60 feet from aquatic or riparian habitat and not in a location from where a spill would drain directly toward aquatic habitat. The Service-approved biologist or biological monitor will ensure contamination of aquatic or riparian habitat does not occur during such operations by implementing the spill response plan described in measure 7.

9. The applicant will limit the number of access routes, size of staging areas, and the total area of the activity to the minimum necessary to achieve the project goals. The applicant will delineate Environmentally Sensitive Areas to confine access routes and construction areas to the minimum area necessary to complete construction, and minimize the impact to California red-legged frog habitat; this goal includes locating access routes and construction areas outside of wetlands and riparian areas to the maximum extent practicable.

10. The Corps will encourage applicants to schedule work activities for times of the year when impacts to the California red-legged frog would be minimal. For example, work that would affect large pools that may support breeding will take place between May 1 and October 31, to the maximum extent practicable, in order to avoid the breeding season of the California red-legged frog. The applicant will avoid isolated pools that are important to maintain California red-legged frogs through the driest portions of the year, to the maximum degree practicable, during the late summer and early fall. Habitat assessments, surveys, and coordination between the Corps and the Service during project planning will be used to assist in scheduling work activities to avoid sensitive habitats during key times of the year.

11. The Service-approved biological monitor will inspect all holes and trenches each morning. A Service-approved biologist will relocate any California red-legged frogs found in a hole or trench.

12. To control sedimentation during and after project implementation, the Corps will require the applicant to implement best management practices outlined in any authorizations or permits issued under the authorities of the Clean Water Act that it receives for the specific project. If best management practices are ineffective, as determined by the Service-approved biologist or biological monitor, the Corps will require the applicant to remedy the situation immediately, in coordination with the Service.

13. If a work site is to be temporarily dewatered by pumping, the applicant will completely screen intakes with wire mesh not larger than 0.2 inch to prevent California red-legged frogs from entering the pump system. The applicant will release or pump water downstream at an appropriate rate to maintain downstream flows during construction. Upon completion of construction activities, the applicant will remove any diversions or barriers to flow in a manner that would allow flow to resume with the least disturbance to the substrate. The applicant will minimize alteration of the stream bed to the maximum extent possible and remove any imported material from the stream bed upon completion of the project.

14. Unless approved by the Service, the applicant will not impound water in a manner that may attract California red-legged frogs.

15. Any biologist approved by the Service to conduct activities under this biological opinion will also permanently remove any individuals of non-native species, such as bullfrogs (*Rana catesbeiana*), signal and red swamp crayfish (*Pacifasticus leniusculus; Procambarus clarkii*), and centrarchid fishes from the project area, to the maximum extent possible. The Service-approved biologist will be responsible for ensuring his or her activities are in compliance with the California Fish and Game Code (https://fgc.ca.gov/Regulations/Current).

16. To ensure that diseases are not conveyed between sites, the Service-approved biologist, will follow the fieldwork code of practice developed by the Declining Amphibian Populations Task Force at all times. A copy of the code of practice is enclosed (Appendix B) and will be provided by the Corps with any authorization it issues under this biological opinion.

17. The applicant will develop a habitat restoration plan for areas of temporary disturbance and submit it to the Corps and the Service at least 14 days prior to project initiation. This plan will be developed in coordination with the Service. The applicant will revegetate areas of temporary disturbance within the project site with an assemblage of native riparian, wetland, and upland vegetation suitable for the area. The applicant will use locally collected plant materials to the extent practicable. The applicant will control invasive, exotic plants to the maximum extent practicable. The applicant will monitor the success of revegetation efforts and submit documentation of revegetation success to the Corps and the Service within three years from project initiation. If restoration is not successful after three years, the Service and the Corps will require the applicant to provide compensatory mitigation as a permanent loss, as detailed below in Mitigation of adverse effects. This measure will be implemented in all areas disturbed by activities associated with the project, unless the Corps and the Service determine that it is not feasible or practical.

18. The applicant will return habitat contours to their original configuration at the end of project activities in all areas that have been temporarily disturbed by activities associated with the project, unless the Corps and the Service determine that it is not feasible or modification of original contours would benefit the California red-legged frog.

19. The Corps' authorization will prohibit the use of herbicides as the primary method used to control invasive, exotic plants; however, if the applicant convinces the Corps and the Service that the use of herbicides is the only feasible method for controlling invasive plants at a specific project site, the applicant will implement the following additional protective measures for the California red-legged frog:

    a. The applicant will not use herbicides during the breeding season for the California red-legged frog.

    b. The applicant will conduct surveys for the California red-legged frog immediately prior to the start of any herbicide use. If found, a Service-approved biologist will relocate the California red-legged frogs to suitable habitat far enough from the project area that no direct contact with herbicides would occur.

    c. Any use of glyphosate or glyphosate-based products will be done without polyoxyethyleneamine (POEA) surfactants. Formulations that lack a surfactant

include Rodeo® and Aquamaster®, which have been approved by the U.S. Environmental Protection Agency (EPA), through their registration process, for aquatic use.

d. The applicant will apply all herbicides at half the maximum rate indicated on the product label, and must maintain a Hazard Quotient of less than or equal to 1. Hazard Quotients can be determined using the Herbicide Risk Charts in the California Invasive Plant Council and Pesticide Research Institute's Best Management Practices (download at https://www.cal-ipc.org/ resources/library/ publications/herbicidesandwildlife, see pp. 22-32). The Service has provided a copy of the practices to the Corps, and the Corps will provide the practices with any authorization it issues under this biological opinion for which herbicides will be used. For assessing risk to amphibians, small birds are used as a surrogate for amphibians in terrestrial phase, and fish as a surrogate for amphibians in egg and larval phase (in accordance with EPA risk assessments). The Hazard Quotient must be less than or equal to 1 for both surrogates.

e. The applicant will cut and haul out giant reed (*Arundo donax*) and other invasive plants by hand and paint the stems with glyphosate or glyphosate-based products, such as Aquamaster® or Rodeo®.

f. Licensed and experienced personnel or a licensed and experienced contractor will use a hand-held sprayer for foliar application of Aquamaster® or Rodeo® where large monoculture stands of non-native vegetation occur at an individual project site.

g. The applicant will take all precautions to ensure that no herbicide is applied to native vegetation.

h. The applicant will not apply herbicides on or near open water surfaces (no closer than 60 feet from open water).

i. The applicant will not apply herbicides within 24 hours of forecasted rain.

j. Application of all herbicides will be done by qualified personnel or contractors to ensure that overspray is minimized, that all application is made in accordance with label recommendations (with the one exception of applying at half the maximum application rate, as indicated above in measure 18d), and with implementation of all required and reasonable safety measures. A safe dye will be added to the mixture to visually denote treated sites. Application of herbicides will be consistent with the EPA's Office of Pesticide Programs, Endangered Species Protection Program county bulletins found at: https://www.epa.gov/endangered-species.

k. The applicant will store, pour, and refill all herbicides, fuels, lubricants, and equipment at least 60 feet from riparian habitat or water bodies in a location where a spill would not drain directly toward aquatic habitat. The Corps will require the applicant to ensure that contamination of habitat does not occur during such operations. Prior to the onset of work, the Corps will ensure that the applicant has a plan in place for a prompt and effective response to accidental spills. The applicant will inform all workers of the importance of preventing spills and of the appropriate measures to take should a spill occur.

20. The activities the Service evaluated under this biological opinion are those that would not cause ecosystem-scale changes and are not likely to contribute to the decline of the California red-legged frog. These activities would also not preclude any of the potentially affected critical habitat units from providing the physical and biological features necessary to support the essential life history functions (i.e., reproduction, feeding, and sheltering) of the California red-legged frog.

Mitigation of adverse effects

For all projects appended to this biological opinion that result in permanent losses of suitable California red-legged frog habitat, the Corps will ensure compensatory mitigation is provided through the applicant, as discussed below. Mitigation requirements can be fulfilled through use of the following: (1) Acquire and protect occupied habitat (including a long-term management plan with financial assurances), by itself, or possibly in conjunction with a conservation organization, State park, State Wildlife Area, National Wildlife Refuge, or local regional park; (2) purchase the appropriate number of credits at a Service-approved conservation bank; (3) purchase the appropriate number of credits from an in-lieu fee program; (4) purchase the appropriate credits for a species conservation account; or (5) accomplish habitat restoration in an area suitable to support the California red-legged frog that is otherwise protected (including a long-term management plan with financial assurances). The Service and the Corps will assess and approve the suitability of a proposed site for restoration on a case-by-case basis to ensure the mitigation will benefit the species. The standard compensation ratio for permanent impacts to occupied habitat is 3:1. Additionally, permanent losses of habitat will be compensated for by habitat of equal or higher quality.

The Corps will ensure the applicant provides appropriate compensatory mitigation for projects appended to this programmatic biological opinion. As per the guidance provided in the memorandum regarding compensatory mitigation guidance for California red-legged frog (Service 2017b), the Corps will strive to provide mitigation within the same critical habitat unit and/or recovery core area in which the impact takes place. The Service will consider the proximity of proposed mitigation in relation to the impacts of a project when considering approval of the appropriate compensation ratio.

Due to the large geographical area covered by this biological opinion, mitigation options may vary based on the location of the project. Conservation banks and in-lieu fee programs both have geographic service areas. A project must fall within those service areas in order to be eligible for that given mitigation option, unless specially approved by the Service. The applicant or the Corps should coordinate with the Service to determine the appropriate mitigation options and compensation ratio.

Conservation credits or appropriate habitat obtained by the applicant will consist of the following measures:

1. At least 14 days prior to initiation of project activities, the applicant will acquire habitat occupied by the California red-legged frog or habitat that is important to the species, such as movement corridors, that the Service has concurred in writing is appropriate to offset the impacts. The property will have a conservation easement or other appropriate real estate protection, a management plan, and endowment to manage the habitat in perpetuity. The Service will review and approve all of these documents. The conservation easement will name the Service as a third-party beneficiary and it will be held by an entity qualified to hold conservation easements subject to approval by the Service. The applicant will secure an in-perpetuity endowment to manage the land and monitor the conservation easement using an escrow account or other funding assurance acceptable to and approved by the Service. The Service-approved entity will hold the endowment in an amount agreed to by the Service, with an approved endowment agreement. The applicant will develop a Service-approved management plan prior to initial ground disturbance that will include, but not be limited to; a description of existing habitats and planned habitat creation, restoration and/or enhancement; monitoring criteria for the California red-legged frog; an integrated pest management and monitoring plan to control invasive species; habitat creation, restoration and/or enhancement success criteria; and adaptive management strategies if success criteria are not met or to incorporate new scientific data.

OR

2. The applicant will purchase an appropriate number of credits at a Service-approved conservation bank whose service area includes the action area for the proposed appendage to this programmatic biological opinion, unless otherwise approved by the Service. The applicant will purchase conservation credits and provide documentation to the Service comprising the Agreement for Sale of Conservation Credits, Bill of Sale, Payment Receipt and Updated Credit Ledger prior to initiation of project activities.

OR

3. The applicant will purchase the appropriate credits from a Service-approved in-lieu fee program whose service area includes the action area for the proposed appendage to this programmatic biological opinion, unless otherwise approved by the Service. The

applicant will provide a copy of the signed and dated Certificate of Credit Sale and documentation of fee transfer prior to initiation of project activities.

OR

4. The applicant will provide compensatory mitigation through a Service-approved mitigation and conservation account held in trust by the National Fish and Wildlife Foundation. The account funds will be used to address Service-approved recovery priorities for the California red-legged frog with guidance from the Service. The applicant will make the deposit prior to initiation of project activities and provide copies of Deposit Documents to the Service.

OR

5. The applicant will provide a restoration, monitoring and management plan for a proposed location to the Service and Corps at least 30 days prior to initiating project activities for review and approval. The plan will include, at a minimum, success criteria and information about site preservation and long-term management with financial assurances. The plan may also include removal of invasive species. If the applicant chooses this option, the Corps will work with the Service and applicant to ensure the proposed mitigation is commensurate with project impacts before consultation is formally initiated.

ANALYTICAL FRAMEWORK FOR THE JEOPARDY AND ADVERSE MODIFICATION DETERMINATIONS

Jeopardy Determination

Section 7(a)(2) of the Endangered Species Act requires that Federal agencies ensure that any action they authorize, fund, or carry out is not likely to jeopardize the continued existence of listed species. "Jeopardize the continued existence of" means "to engage in an action that reasonably would be expected, directly or indirectly, to reduce appreciably the likelihood of both the survival and recovery of a listed species in the wild by reducing the reproduction, numbers, or distribution of that species" (50 CFR 402.02).

The jeopardy analysis in this biological opinion relies on four components: (1) the Status of the Species, which describes the rangewide condition of the California red-legged frog, the factors responsible for that condition, and its survival and recovery needs; (2) the Environmental Baseline, which analyzes the condition of the California red-legged frog in the action area, the factors responsible for that condition, and the relationship of the action area to the survival and recovery of the California red-legged frog; (3) the Effects of the Action, which determines all consequences to the California red-legged frog caused by the proposed action that are reasonably

certain to occur in the action area; and (4) the Cumulative Effects, which evaluates the effects of future, non-Federal activities, that are reasonably certain to occur in the action area, on the California red-legged frog.

In accordance with policy and regulation, the jeopardy determination is made by evaluating the effects of the proposed Federal action in the context of the current status of the California red-legged frog, taking into account any cumulative effects, to determine if implementation of the proposed action is likely to reduce appreciably the likelihood of both the survival and recovery of the California red-legged frog in the wild by reducing the reproduction, numbers, and distribution of that species.

Adverse Modification Determination

Section 7(a)(2) of the Endangered Species Act requires that Federal agencies insure that any action they authorize, fund, or carry out is not likely to destroy or to adversely modify designated critical habitat. A final rule revising the regulatory definition of "destruction or adverse modification" was published on February 11, 2016 (81 FR 7214), which became effective on March 14, 2016. The Service published a subsequent final rule further revising the definition on August 27, 2019 (84 FR 44976), which became effective on October 28, 2019. The revised definition states:

> "Destruction or adverse modification means a direct or indirect alteration that appreciably diminishes the value of critical habitat as a whole for the conservation of a listed species."

The destruction or adverse modification analysis in this biological opinion relies on four components: (1) the Status of Critical Habitat, which describes the rangewide condition of the critical habitat for the California red-legged frog, the factors responsible for that condition, and the intended function of critical habitat overall; (2) the Environmental Baseline, which evaluates the condition of the critical habitat in the action area, the factors responsible for that condition, and the recovery role of the critical habitat in the action area; (3) the Effects of the Action, which are all consequences to critical habitat caused by the proposed action that are reasonably certain to occur in the action area; and (4) Cumulative Effects, which evaluate the effects of future non-Federal activities in the action area on critical habitat that are reasonably certain to occur.

For the section 7(a)(2) determination regarding destruction or adverse modification, the Service begins by evaluating the effects of the proposed Federal action and the cumulative effects. The Service then examines those effects against the condition of all critical habitat described in the listing designation to determine if the proposed action's effects are likely to appreciably diminish the value of critical habitat as a whole for the conservation of the species.

STATUS OF THE SPECIES AND ITS CRITICAL HABITAT

California red-legged frog

The California red-legged frog was federally listed as threatened on May 23, 1996 (61 Federal Register (FR) 25813, Service 1996). Revised critical habitat for the California red-legged frog was designated on March 17, 2010 (75 FR 12816, Service 2010). The Service issued a recovery plan for the species on May 28, 2002 (Service 2002). Detailed information on the biology of California red-legged frogs can be found in Storer (1925), Stebbins (2003), and Jennings et al. (1992). This species is the largest native frog in the western United States, ranging from 1.5 to 5.1 inches long. The abdomen and hind legs of adults are often red or salmon pink; the back is characterized by small black flecks and larger irregular dark blotches with indistinct outlines on a brown, gray, olive, or reddish background color. Dorsal spots usually have light centers, and dorsolateral folds are prominent on the back. Larvae range from 0.6 to 3.1 inches long and are dark brown and yellow with dark spots.

The California red-legged frog uses a variety of habitat types, including various aquatic systems, riparian, and upland habitats. They have been found at elevations ranging from sea level to approximately 5,000 feet. California red-legged frogs use the environment in a variety of ways, and in many cases, they may complete their entire life cycle in a particular area without using other components (i.e., a pond is suitable for each life stage and use of upland habitat or a riparian corridor is not necessary). Populations appear to persist where a mosaic of habitat elements exists, embedded within a matrix of dispersal habitat. Adults are often associated with dense, shrubby riparian or emergent vegetation and areas with deep (greater than 1.6 feet) still or slow-moving water; the largest summer densities of California red-legged frogs are associated with deep-water pools with dense stands of overhanging willows (*Salix* spp.) and an intermixed fringe of cattails (*Typha latifolia*) (Hayes and Jennings 1988, p. 147). Hayes and Tennant (1985, p. 604) found juveniles to seek prey diurnally and nocturnally, whereas adults were largely nocturnal.

California red-legged frogs breed in aquatic habitats; larvae, juveniles, and adult frogs have been collected from streams, creeks, ponds, marshes, deep pools and backwaters within streams and creeks, dune ponds, lagoons, and estuaries. They frequently breed in artificial impoundments such as stock ponds, given the proper management of hydro-period, pond structure, vegetative cover, and control of exotic predators. While frogs successfully breed in streams and riparian systems, high spring flows and cold temperatures in streams often make these sites risky egg and tadpole environments. An important factor influencing the suitability of aquatic breeding sites is the general lack of introduced aquatic predators. Accessibility to sheltering habitat is essential for the survival of California red-legged frogs within a watershed and can be a factor limiting population numbers and distribution.

During periods of wet weather, starting with the first rains of fall, some California red-legged frogs may make long-distance overland excursions through upland habitats to reach breeding

sites. In Santa Cruz County, Bulger et al. (2003, p. 90) found marked California red-legged frogs moving up to 1.7 miles through upland habitats, via point-to-point, straight-line migrations without regard to topography, rather than following riparian corridors. Most of these overland movements occurred at night and took up to 2 months. Similarly, in San Luis Obispo County, Rathbun and Schneider (2001, p. 1302) documented the movement of a male California red-legged frog between two ponds that were 1.78 miles apart in less than 32 days; however, most California red-legged frogs in the Bulger et al. (2003, p. 93) study were non-migrating frogs and remained within 426 feet of their aquatic site of residence (half of the frogs stayed within 82 feet of water). Rathbun et al. (1993, p. 15) radio-tracked three California red-legged frogs near the coast in San Luis Obispo County at various times between July and January; these frogs also stayed close to water and never strayed more than 85 feet into upland vegetation. Scott (2002, p. 2) radio-tracked nine California red-legged frogs in East Las Virgenes Creek in Ventura County from January to June 2001, which remained relatively sedentary as well; the longest within-channel movement was 280 feet and the farthest movement away from the stream was 30 feet.

After breeding, California red-legged frogs often disperse from their breeding habitat to forage and seek suitable dry-season habitat. Cover within dry-season aquatic habitat could include boulders, downed trees, and logs; agricultural features such as drains, watering troughs, spring boxes, abandoned sheds, or hay-ricks, and industrial debris. California red-legged frogs use small mammal burrows and moist leaf litter (Rathbun et al. 1993, p. 15; Jennings and Hayes 1994, p. 64); incised stream channels with portions narrower and deeper than 18 inches may also provide habitat (61 FR 25814). This type of dispersal and habitat use, however, is not observed in all California red-legged frogs and is most likely dependent on the year-to-year variations in climate and habitat suitability and varying requisites per life stage.

Although the presence of California red-legged frogs is correlated with still water deeper than approximately 1.6 feet, riparian shrubbery, and emergent vegetation (Jennings and Hayes 1994, p. 64), California red-legged frogs appear to be absent from numerous locations in its historical range where these elements are well represented. The cause of local extirpations does not appear to be restricted solely to loss of aquatic habitat. The most likely causes of local extirpation are thought to be changes in faunal composition of aquatic ecosystems (i.e., the introduction of non-native predators and competitors) and landscape-scale disturbances that disrupt California red-legged frog population processes, such as dispersal and colonization. The introduction of contaminants or changes in water temperature may also play a role in local extirpations. These changes may also promote the spread of predators, competitors, parasites, and diseases.

The historical range of the California red-legged frog extended coastally from southern Mendocino County and inland from the vicinity of Redding, California, southward to northwestern Baja California, Mexico (Jennings and Hayes 1985, Storer 1925). California red-legged frogs have been found at elevations that range from sea level to about 5,000 feet (61 FR 25813). The California red-legged frog has been extirpated or nearly extirpated from 70 percent of its former range. Historically, this species was present throughout the Central Valley and Sierra Nevada foothills. In the Sierra Nevada Mountains, California red-legged frogs typically

occur below 4,000 feet in elevation (61 FR 25813). California red-legged frogs are known to occur in 243 streams or drainages in 22 counties, primarily in central coastal California. Four additional occurrences have been recorded in the Sierra Nevada foothills since listing, bringing the total to five extant populations, compared to approximately 26 historical records in that area (61 FR 25813). Currently, California red-legged frogs are known from three disjunct regions in 26 California counties and one region in Baja California, Mexico (Grismer 2002, Fidenci 2004, Smith and Krofta 2005).

The most secure aggregations of California red-legged frogs are found in aquatic sites that support substantial riparian and aquatic vegetation and lack non-native predators. Over-harvesting, habitat loss, non-native species introduction, and urban encroachment are the primary factors that have negatively affected the California red-legged frog throughout its range (Jennings and Hayes 1985, Hayes and Jennings 1988). Habitat loss and degradation, combined with over-exploitation and introduction of exotic predators, were important factors in the decline of the California red-legged frog in the early to mid-1900s. Continuing threats to the California red-legged frog include habitat loss due to stream alteration and loss of aquatic habitat, indirect effects of expanding urbanization, competition or predation from non-native species including the bullfrog, catfish, bass (*Micropterus* spp.), mosquitofish, red swamp crayfish, and signal crayfish (*Pacifastacus leniusculus*). Chytrid fungus (*Batrachochytrium dendrobatidis*) is a waterborne fungus that can decimate amphibian populations, and is considered a threat to California red-legged frog populations.

Critical Habitat for the California Red-legged Frog

The Service first designated critical habitat for the California red-legged frog on March 13, 2001 (66 FR 14626). We revised the designation in a final rule published on March 17, 2010 (75 FR 12816). The final rule describes 48 separate units, encompassing approximately 1,636,609 acres, in 27 counties in California. The designation includes lands supporting those features necessary for the conservation of the California red-legged frog. A detailed discussion of the history and methods used in developing critical habitat can be found in the final rule (75 FR 12816).

We have identified the physical or biological features essential to the conservation of the species, the physical or biological features (PBFs), which may require special management considerations or protection. Because not all life-history functions require all the PBFs, not all areas designated as critical habitat will contain all the PBFs. Based on our current knowledge of the life history, biology, and ecology of the California red-legged frog, we determined the California red-legged frog's PBFs to consist of: (1) aquatic breeding habitat; (2) aquatic non-breeding habitat; (3) upland habitat; and (4) dispersal habitat. Detailed descriptions of these PBFs can be found in the final rule (75 FR 12816). The PBFs are briefly summarized as:

1. Aquatic breeding habitat consists of standing bodies of fresh water (with salinities less than 4.5 parts per thousand), including natural and manmade (stock) ponds, slow moving streams or pools within streams and other ephemeral or permanent water bodies that

typically become inundated during winter rains and hold water for a minimum of 20 weeks in all but the driest of years.

2. Aquatic non-breeding habitat consists of the freshwater habitats as described for aquatic breeding habitat but which may or may not hold water long enough for the species to complete the aquatic portion of its lifecycle but which provide for shelter, foraging, predator avoidance, and aquatic dispersal habitat of juvenile and adult California red-legged frogs.

3. Upland habitat consists of upland areas adjacent to or surrounding breeding and non-breeding aquatic and riparian habitat up to a distance of one mile in most cases (i.e., depending on surrounding landscape and dispersal barriers) including various vegetation types such as grassland, woodland, forest, wetland, or riparian areas that provide shelter, forage, and predator avoidance for the California red-legged frog. Upland habitat should include structural features such as boulders, rocks and organic debris (e.g., downed trees, logs), small mammal burrows, or moist leaf litter.

4. Dispersal habitat consists of accessible upland or riparian habitat within and between occupied or previously occupied sites that are located within one mile of each other, and that support movement between such sites. Dispersal habitat includes various natural habitats, and altered habitats such as agricultural fields, that do not contain barriers (e.g., heavily traveled roads without bridges or culverts) to dispersal. Dispersal habitat does not include moderate- to high-density urban or industrial developments with large expanses of asphalt or concrete, nor does it include large lakes or reservoirs over 50 acres in size, or other areas that do not contain those features identified in PBF 1, 2, or 3 as essential to the conservation of the species.

Recovery Plan for the California Red-legged Frog

The 2002 final recovery plan for the California red-legged frog states that the goal of recovery efforts is to reduce threats and improve the population status of the California red-legged frog sufficiently to warrant delisting. The recovery plan describes a strategy for delisting, which includes the following actions: (1) Protect known populations and reestablish populations; (2) Protect suitable habitat, corridors, and core areas; (3) Develop and implement management plans for preserved habitat, occupied watersheds, and core areas; (4) Develop land use guidelines; (5) Gather biological and ecological data necessary for conservation of the species; (6) Monitor existing populations and conduct surveys for new populations; and (7) Establish an outreach program. This Service will consider this species for delisting when:

1. Suitable habitats within all core areas are protected and/or managed for California red-legged frogs in perpetuity, and the ecological integrity of these areas is not threatened by adverse anthropogenic habitat modification (including indirect effects of upstream/downstream land uses);

2. Existing populations throughout the range are stable (i.e., reproductive rates allow for long-term viability without human intervention). Population status will be documented through establishment and implementation of a scientifically acceptable population monitoring program for at least a 15-year period, which is approximately 4 to 5 generations of the California red-legged frog. This 15-year period should coincide with an average precipitation cycle;

3. Populations are geographically distributed in a manner that allows for the continued existence of viable metapopulations despite fluctuations in the status of individual populations (i.e. when populations are stable or increasing at each core area);

4. The species is successfully reestablished in portions of its historical range such that at least one reestablished population is stable/increasing at each core area where California red-legged frog are currently absent; and

5. The amount of additional habitat needed for population connectivity, recolonization, and dispersal has been determined, protected, and managed for California red-legged frogs.

The recovery plan identifies eight recovery units based on the assumption that various regional areas of the species' range are essential to its survival and recovery. The Service considers the recovery status of the California red-legged frog within the smaller scale of recovery units as opposed to the overall range. These recovery units correspond to major watershed boundaries as defined by U.S. Geological Survey hydrologic units and the limits of the range of the California red-legged frog. The goal of the recovery plan is to protect the long-term viability of all extant populations within each recovery unit.

Within each recovery unit, the Service has delineated core areas that represent contiguous areas of moderate to high California red-legged frog densities that are relatively free of exotic species such as bullfrogs. The goal of designating core areas is to protect metapopulations that combined with suitable dispersal habitat, will support long-term viability within existing populations. This management strategy allows for the recolonization of habitat within and adjacent to core areas that are naturally subjected to periodic localized extinctions, thus assuring the long-term survival and recovery of the California red-legged frog.

ENVIRONMENTAL BASELINE

The implementing regulations for section 7(a)(2) (50 CFR 402.02) define the environmental baseline as "the condition of the listed species or its designated critical habitat in the action area, without the consequences to the listed species or designated critical habitat caused by the proposed action. The environmental baseline includes the past and present impacts of all Federal, State, or private actions and other human activities in the action area, the anticipated impacts of all proposed Federal projects in the action area that have already undergone formal or early

section 7 consultation, and the impact of State or private actions which are contemporaneous with the consultation in process. The consequences to listed species or designated critical habitat from ongoing agency activities or existing agency facilities that are not within the agency's discretion to modify are part of the environmental baseline."

Action Area

The implementing regulations for section 7(a)(2) of the Act (50 CFR 402.02) define the "action area" as all areas to be affected directly or indirectly by the Federal action and not merely the immediate area involved in the action. The action area for this biological opinion includes all areas within the responsibility of the VFWO in Santa Cruz, San Benito, Monterey, San Luis Obispo, Santa Barbara, Ventura, and Los Angeles Counties that support the California red-legged frog, or its critical habitat, and that have the potential to be affected directly or indirectly by projects authorized or funded by the Corps.

There are no areas within VFWO jurisdiction that are not within a recovery unit. All or portions of the following three recovery units, as defined in the recovery plan for the California red-legged frog (Service 2002, p. 49), are included in the action area:

The Central Coast Recovery Unit includes, generally, the coastal portions of Santa Cruz, Monterey, and San Luis Obispo Counties. This recovery unit supports the greatest number of drainages currently occupied by the California red-legged frog.

The Diablo Range and Salinas Valley Recovery Unit includes, generally, San Benito County and the inland portions of Santa Cruz, Monterey, and San Luis Obispo Counties. This recovery unit supports "no more than 10 percent of the historic localities (of the California red-legged frog) within the Salinas basin and inner Coast Ranges" (Service 2002, p. 9).

The Northern Transverse Ranges and Tehachapi Mountains Recovery Unit includes Santa Barbara and Ventura Counties and portions of San Luis Obispo County. California red-legged frogs are patchily distributed in the interior portion of this recovery unit and occur in numerous coastal streams in Santa Barbara County.

Condition (Status) of Critical Habitat in the Action Area

There are twenty-two critical habitat units, totaling approximately 876,384 acres within the action area. These critical habitat units occur in Santa Cruz, San Benito, Monterey, San Luis Obispo, Santa Barbara, Ventura, and Los Angeles Counties. Detailed descriptions of the critical habitat units and the physical and biological features important to the conservation of the California red-legged frog are available in the final rule 75 FR 12816. The map in Appendix C depicts the twenty-two critical habitat units included in this biological opinion.

Critical habitat for the California red-legged frog is threatened by many of the same factors that the Recovery Plan identifies as threatening California red-legged frog habitat in general. These threats include habitat degradation or loss from: agriculture, non-native species, livestock operations, mining, human recreation, timber harvest, urbanization, and water management or diversion projects. Not all of these factors threaten each critical habitat unit. Based on section 7 consultations from the VFWO from 1999 to present, water diversion, agriculture, and urbanization present the most prevalent threats to California red-legged frog habitat. We would expect these threats to also impact critical habitat resulting in loss, fragmentation, or degradation, however, we cannot quantify the extent of these threats at this time.

According to the Protected Areas Database of the United States, approximately 431,530 acres of critical habitat are protected as open space or resource lands for the preservation of biological diversity, and other natural, recreational or cultural uses (USGS 2016). This includes lands owned in fee by agencies and non-profits, such as national and State parks, forests, preserves and wildlife areas. These designations may provide some level of protection against certain threats (e.g. urbanization, mining), but do not guarantee that these areas are managed to maintain or improve the PBFs of California red-legged frog critical habitat.

EFFECTS OF THE ACTION

Effects of the Proposed Action on the California Red-legged Frog

The implementing regulations for section 7(a)(2) define effects of the action as "all consequences to listed species or critical habitat that are caused by the proposed action, including the consequences of other activities that are caused by the proposed action. A consequence is caused by the proposed action if it would not occur but for the proposed action and it is reasonably certain to occur. Effects of the action may occur later in time and may include consequences occurring outside the immediate area involved in the action" (50 CFR 402.02).

The Corps will ensure the applicants mitigate for permanent habitat loss with in-perpetuity preservation and/or restoration of appropriate amounts of California red-legged frog habitat. Preservation of high value habitat through a conservation bank, in-lieu fee program, or species conservation account will allow for the permanent protection, long-term management, and enhancement of habitat for the California red-legged frog, which will contribute to the recovery of the species. In some cases, the applicant may choose to use a site they acquire, which would need to be protected in perpetuity and be managed for the benefit of the frog. In addition, for small in-stream impacts revegetation/restoration of the site may be appropriate and this may benefit the species by improving the functions of the habitat. We anticipate that this mitigation, combined with the implementation of the other conservation measures described, will offset the adverse effects resulting from project-related habitat modification or loss.

Direct impacts to adults, sub-adults, tadpoles, and eggs of the California red-legged frog in the footprint of projects evaluated by this biological opinion may include injury or mortality from

being crushed by earth moving equipment, construction debris, and worker foot traffic. These impacts will be reduced by minimizing and clearly demarcating the boundaries of the project areas and equipment access routes and locating staging areas outside of riparian areas or other water bodies. Scheduling work activities to avoid sensitive areas, such as breeding pools during the breeding season and isolated aquatic refuges during dry periods, as proposed by the Corps, would substantially reduce adverse effects.

The capture and handling of California red-legged frogs to move them from a work area may result in injury or mortality. Mortality may occur as a result of improper handling, containment, or transport of individuals, or from unknowingly releasing them into unsuitable habitat. Use of a Service-approved biologist would reduce or prevent the improper handling, containment, or transport of individuals. California red-legged frogs may attempt to return to the capture site, especially if it contains suitable breeding habitat and the relocation site is a different pond or creek than the capture site. California red-legged frogs attempting to return to capture sites are likely to be more susceptible to predation, exposure to the elements, and vehicle strikes. Relocating California red-legged frogs within the same drainage or water body, if possible, will reduce this threat. Overall, relocation by a Service-approved biologist as proposed by the Corps is intended to reduce the risk of injury or mortality from the direct effects described above.

Construction activities, including noise and vibration, may cause California red-legged frogs to temporarily abandon habitat adjacent to work areas. This disturbance may increase the potential for predation and desiccation when California red-legged frogs leave shelter sites.

Tadpoles may be entrained by pump intakes if such devices are used to dewater work areas; however, the Corps will condition its authorization or ensure that pump intakes are covered with wire mesh not larger than 0.2 inch to preclude juvenile California red-legged frogs and tadpoles from entering pump intakes.

Some potential also exists for disturbance of habitat to cause the spread or establishment of non-native invasive species, such as giant reed (*Arundo donax*) or salt cedar (*Tamarix* spp.). Once established, these species degrade habitat values through several mechanisms (Service 2002, pp. 26-27). Breeding pools surrounded by large amounts of salt cedar and giant reed may dry faster because their rates of evapotranspiration are generally greater than those of native riparian species. The abundance and diversity of prey species are generally less in dense stands of giant reed and salt cedar than in areas dominated by native plants. Additionally, these invasive species can eventually out-compete native plant species and displace them; dense aggregations of salt cedar can cause soils to become hypersaline because these plants concentrate salt from water and then excrete it onto the surrounding ground. The Corps has proposed measures to prevent the spread or introduction of these species, such as minimizing the number of access routes, size of staging areas, and the total area of the activity; and restoring disturbed areas with native species. These measures should reduce or eliminate this adverse effect.

If herbicides are used to control weeds in conjunction with proposed activities, California red-legged frog eggs, tadpoles, juveniles and adults could be exposed as a non-target species. California red-legged frogs could be exposed in aquatic habitats through direct overspray of wetlands, drift from treated areas, or contaminated runoff from treated areas. The principle herbicide likely to be used would be glyphosate, and the applicant would use formulations that do not contain polyoxyethyleneamine (POEA) surfactants.

Glyphosate is a broad-spectrum herbicide used primarily to kill weeds and grasses. Several studies suggest that the toxicity of glyphosate products to amphibians is linked with the surfactant, and not the glyphosate. Howe et al. (2004, pp.1932-1933) found that the toxicity of glyphosate with POEA, a surfactant used as a wetting agent and emulsifier, was similar to the POEA surfactant alone, which was much greater than glyphosate alone, indicating that the POEA was responsible for the toxic effects to amphibians. In a comprehensive review of studies involving the effects of glyphosate on amphibians, Govindarajulu (2008, p. 31) concluded that the toxic effect of glyphosate products containing POEA are due to the POEA rather than the active glyphosate ingredient. These studies indicate that glyphosate products formulated with POEA surfactants will likely kill or injure California red-legged frogs in aquatic habitats, with tadpoles being particularly vulnerable. Based on the literature (Howe 2004, Govindarajulu 2008), adverse effects to California red-legged frogs from the use of glyphosate products can be minimized through the use of products that do not contain a surfactant. Formulations that lack a surfactant include Rodeo and Aquamaster, which have been approved by EPA, through their registration process, for aquatic use.

The protective measures proposed by the Corps, including surveys prior to the application of herbicides, capture and relocation of California red-legged frogs out of harm's way and restricting the use of herbicides to the non-breeding season (dry summer months) will greatly reduce the potential for injury or mortality of the California red-legged frog as a result of herbicide use. The Corps will ensure any herbicides are applied at half the maximum rate indicated on the label, and maintain a hazard quotient of less than or equal to one. According to the California Invasive Plant Council Best Management Practices, a hazard quotient of less than or equal to one should have no effect on California red-legged frogs.

If water that is impounded during or after work activities creates favorable habitat conditions for non-native predators, such as bullfrogs, crayfish, and centrarchid fishes, California red-legged frogs may suffer abnormally high rates of predation. Additionally, any time California red-legged frogs are concentrated in a small area at unusually high densities, predators such as herons, egrets, and raccoons (*Procyon lotor*) may feed on them opportunistically. Finally, if impoundments occupied by California red-legged frogs were to dry out as a result of construction activity, California red-legged frogs may die of desiccation or be eaten by predators as they attempt to find other suitable habitat. The Corps' proposal to avoid creating impoundments of water within project areas is likely to reduce these effects.

Trash left during or after project activities could attract predators to work sites, which could, in turn, prey on California red-legged frogs. For example, raccoons are attracted to trash and also prey opportunistically on California red-legged frogs. This potential impact will be reduced or avoided by careful control of waste products at all work sites as proposed by the Corps.

Chytridiomycosis is an infectious disease that affects amphibians worldwide, and is caused by the chytrid fungus. Chytrid fungus (*Batrachochytrium dendrobatidis*) is a water-borne fungus that can spread through direct contact between aquatic animals and by a spore that can move short distances through the water. The fungus only attacks the parts of a frog's skin that have keratin (thickened skin), such as the mouthparts of tadpoles and the tougher parts of adults' skin, such as the toes. The fungus can decimate amphibian populations, causing fungal dermatitis which usually results in death in 1 to 2 weeks, but not before infected animals may have spread the fungal spores to other ponds and streams. Once chytrid fungus infects a pond or waterway, the fungus stays in the water for an undetermined amount of time. Chytrid fungus could spread if infected California red-legged frogs are relocated and introduced into areas with healthy California red-legged frogs. It is also possible during the relocation of California red-legged frogs that infected equipment or clothing could introduce chytrid fungus into areas where it did not previously occur. The Corps proposes to require biologists to implement the fieldwork code of practice developed by the Declining Amphibian Populations Task Force (Appendix B), which should reduce or eliminate the potential for movement of chytrid fungus.

Accidental spills of hazardous materials or careless fueling or oiling of vehicles or equipment could degrade aquatic or upland habitat to a degree where California red-legged frogs are adversely affected or killed. The potential for this impact to occur will be reduced by the Corps' proposal to require: all refueling, maintenance, and staging of equipment and vehicles to occur at least 60 feet from riparian habitat or water bodies and not in a location from where a spill would drain directly toward aquatic habitat; the monitor to ensure contamination of habitat does not occur during such operations; that a plan is in place for prompt and effective response to any accidental spills; and all workers to be informed of the importance of preventing spills and of the appropriate measures to take should a spill occur.

Workers may intentionally or unintentionally disturb, injure, or kill California red-legged frogs. The potential for this impact to occur will be reduced by the Corps' proposal to require pre-construction training informing workers of the presence and protected status of this species and the measures that are being implemented to protect it during project activities.

Work in streams or in floodplains could cause unusually high levels of siltation downstream. This siltation could smother eggs of the California red-legged frog and alter the quality of habitat to the extent that use by individuals of the species is precluded. Implementing best management practices and reducing the area to be disturbed to the minimum necessary, as proposed by the Corps, will assist in reducing the amount of sediment that is washed downstream, as a result of project activities.

The Corps has proposed numerous measures that will reduce the injury and mortality of California red-legged frogs as a result of project activities. We expect that few California red-legged frogs would be injured or killed in any given year, and these losses are not likely to compromise the recovery of the species.

Effects of the Proposed Action on Critical Habitat for the California Red-legged Frog

Actions conducted pursuant to this biological opinion may be located within any one of the 22 aforementioned critical habitat units, which total approximately 876,384 acres. The PBFs of critical habitat for the California red-legged frog include: (1) aquatic breeding habitat; (2) aquatic non-breeding habitat; (3) upland habitat; and (4) dispersal habitat.

The PBFs associated with individual project sites may be permanently or temporarily altered as a result of projects conducted pursuant to this biological opinion; however, we anticipate that the effects of those projects, which must meet the criteria for use of this biological opinion, will be of such a small scale that they will not preclude the PBFs from supporting the essential life history functions of the California red-legged frog. For example, a culvert replaced due to storm damage may have a slightly larger footprint as a result of the project. Such a minor permanent loss of aquatic habitat is not likely to compromise the ability of a stream to support the aquatic life stages of the California red-legged frog.

The reinitiation thresholds that the Corps has proposed will ensure that the conservation of the California red-legged frog is not compromised within the affected critical habitat units. These upper limits for permanent loss of critical habitat (a maximum of 2 acres in any given year or 15 acres over the 10-year life of this biological opinion), and temporary disturbance of critical habitat (a maximum of 4 acres in any given year, or 20 acres total over the 10-year life of this biological opinion) would be spread across 22 critical habitat units in which the proposed activities in this biological opinion would be implemented. We expect the PBFs in each of the affected critical habitat units to continue to provide the life history functions essential to the conservation of the California red-legged frog because the relatively small amount of disturbance or loss of aquatic, upland, and dispersal habitat would be distributed across a wide geographic area and throughout the 10-year life of the biological opinion. Furthermore, areas of temporary disturbance are likely to recover within a few years, and the minimal permanent losses of habitat will be compensated for by habitat of equal or higher quality.

The protective measures included in the Description of the Proposed Action section of this biological opinion would minimize adverse effects to the PBFs of critical habitat for the California red-legged frog. Based on the suitability criteria to qualify for use of this biological opinion, and the protective measures the Corps would require, we anticipate that the effects to critical habitat for the California red-legged frog would not appreciably diminish the value of a critical habitat unit for supporting the PBFs and associated life history functions (i.e., reproduction, dispersal, feeding, and sheltering) of critical habitat for the California red-legged frog.

CUMULATIVE EFFECTS

Cumulative effects include the effects of future State, tribal, local, or private actions that are reasonably certain to occur in the action area considered in this biological opinion. We do not consider future Federal actions that are unrelated to the proposed action in this section because they require separate consultation pursuant to section 7 of the Act. At this time, we are unaware of any future non-Federal actions that are reasonably certain to occur within the action area.

CONCLUSION

California Red-legged Frog and Jeopardy

The regulatory definition of "to jeopardize the continued existence of the species" focuses on assessing the effects of the proposed action on the reproduction, numbers, and distribution, and their effect on the survival and recovery of the species being considered in the biological opinion. For that reason, we have used those aspects of the California red-legged frog's status as the basis to assess the overall effect of the proposed action on the species.

Reproduction

The loss of reproductive individuals, eggs and larvae, and breeding habitat could lower the reproductive capacity of a local population. We expect such effects to be minor because measures the Corps has proposed to avoid and minimize effects on individual California red-legged frogs and their habitat would be effective. In particular, a Service-approved biologist will capture and relocate individuals to suitable habitat, which will greatly reduce the number of individuals removed from the breeding population through injury or mortality. As such, we expect minimal impacts to breeding California red-legged frogs locally and conclude that the proposed action will not appreciably reduce the reproduction of the species locally or rangewide.

Numbers

California red-legged frogs may be injured or killed as a result of activities authorized by the Corps pursuant to this programmatic opinion. However, we expect those numbers to be low due to the measures proposed by the Corps to avoid and minimize the number of California red-legged frogs injured or killed as a result of project activities. These measures include capture and relocation of California red-legged frogs out of harm's way, which will further reduce the number of individuals affected by project activities. We conclude that loss of small numbers of individuals, which may occur as a result of actions covered by this programmatic opinion would not appreciably reduce the local or rangewide population of the California red-legged frog.

Distribution

Individual actions proposed to be covered by this programmatic consultation would affect only a small amount of the California red-legged frog habitat available. Even combined, these areas would constitute a small percentage of the habitat available in the California red-legged frog's geographic range. The Corps would require mitigation to compensate for permanent losses of habitat, which we anticipate will help maintain the California red-legged frog's distribution and may increase the total amount of protected habitat available to the species. We conclude that actions proposed to be covered by this programmatic opinion will not appreciably reduce the distribution of the California red-legged frog rangewide.

Recovery

As discussed in the Status of the Species section, the 2002 recovery plan for the California red-legged frog states that the goal of recovery efforts is to reduce threats and improve the population status of the California red-legged frog sufficiently to warrant delisting. While actions proposed to be covered by the programmatic opinion would have some negative effects on California red-legged frogs and their habitat, we do not expect that these activities will diminish the likelihood of the species' recovery because the effects would be small, and the proposed measures would reduce impacts to individuals and habitat. Also, the Corps would require mitigation to compensate for permanent losses and these mitigation efforts are intended to contribute to the California red-legged frog's recovery.

After reviewing the current status of the California red-legged frog, the environmental baseline for the action area, the effects of the projects that could be authorized under the provisions of this programmatic biological opinion, and the cumulative effects, it is the Service's biological opinion that the Corps' proposed actions pursuant to this program are not likely to jeopardize the continued existence of the California red-legged frog.

Critical Habitat and Destruction or Adverse Modification

As discussed earlier, "Destruction or adverse modification means a direct or indirect alteration that appreciably diminishes the value of critical habitat as a whole for the conservation of a listed species." In making our conclusion, we focus on how the proposed actions affect the quantity and quality of the physical or biological features in the designated critical habitat for a listed species and, especially in the case of unoccupied habitat, on any impacts to the critical habitat itself. Specifically, the Service will generally conclude that a Federal action is likely to "destroy or adversely modify" designated critical habitat if the action results in an alteration of the quantity or quality of the essential physical or biological features of designated critical habitat, or that precludes or significantly delays the capacity of that habitat to develop those features over time, and if the effect of the alteration is to appreciably diminish the value of critical habitat as a whole for the conservation of the species.

We conclude that the sum of the actions likely to be authorized by the Corps pursuant to this biological opinion is not likely to destroy or adversely modify critical habitat for the California red-legged frog. We have based this conclusion on the following: The activities likely to be covered by this consultation would be small; the Corps' proposed measures would mostly avoid and minimize effects to critical habitat; the Corps, through the applicant, would compensate for permanent loss of critical habitat in perpetuity through mitigation; and on-site restoration would minimize the temporary loss of critical habitat. Although the proposed action may negatively affect the PBFs of critical habitat, these effects will not prevent critical habitat from providing essential life functions for the California red-legged frog. All critical habitat units will retain their PBFs, and the PBFs within each critical habitat unit will remain functional. Thus, we have determined that implementation of the activities covered by this biological opinion would not appreciably diminish the value of critical habitat for the conservation of the species.

After reviewing the current status of the critical habitat of California red-legged frog, the environmental baseline of critical habitat for the action area, the effects of the projects that could be authorized under the provisions of this programmatic biological opinion on critical habitat, and the cumulative effects, it is the Service's biological opinion that the actions are not likely to result in the destruction or adverse modification of California red-legged frog critical habitat.

Summary Conclusion

We have reached these conclusions because:

1. The notification process described previously allows us to review each proposed action to determine if it falls within the scope of this programmatic biological opinion, and to ensure the effects are not likely to be outside of the limited levels we anticipate.

2. Few California red-legged frogs are likely to be killed or injured during project activities.

3. The Corps will ensure, through the applicant, that permanent loss of habitat will be compensated for by habitat of equal or higher quality.

4. The Corps will ensure, through the applicant, the on-site restoration and monitoring of temporary losses of California-red legged frog habitat.

5. In comparison with the amount of critical habitat available to the California red-legged frog in San Benito, Santa Cruz, Monterey, San Luis Obispo, Santa Barbara, Ventura, and Los Angeles Counties, only a small amount of critical habitat would be permanently lost within each critical habitat unit and relative to the entire critical habitat designation.

6. Although we anticipate that some minor or temporary adverse effects to the PBFs in each of the critical habitat units within the scope of this opinion may occur, we do not anticipate effects of this nature to preclude those PBFs from providing the essential life

history functions (i.e., reproduction, dispersal, feeding, and sheltering) necessary to ensure the conservation of the California red-legged frog. We conclude this because the Corps has established a limit of affected acres of habitat types that comprise the PBFs, and that reaching this limit will trigger reinitiation of formal consultation.

7. The Corps has proposed numerous measures that would be effective at reducing adverse effects of the proposed activities on the California red-legged frog and its critical habitat.

INCIDENTAL TAKE STATEMENT

Section 9 of the Act and Federal regulation pursuant to section 4(d) of the Act prohibit the take of endangered and threatened wildlife species, respectively, without special exemption. Take is defined as to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture or collect, or to attempt to engage in any such conduct. Harm is further defined by the Service to include significant habitat modification or degradation that results in death or injury to wildlife by significantly impairing essential behavioral patterns, including breeding, feeding, or sheltering. Incidental take is defined as take that is incidental to, and not the purpose of, the carrying out of an otherwise lawful activity. Under the terms of section 7(b)(4) and section 7(o)(2), taking that is incidental to and not the purpose of the agency action is not considered to be prohibited taking under the Act provided that such taking is in compliance with the terms and conditions of this incidental take statement.

In June 2015, the Service finalized new regulations implementing the incidental take provisions of section 7(a)(2) of the Act. The new regulations also clarify the standard regarding when the Service formulates an Incidental Take Statement [50 CFR 402.14(g)(7)], from "…if such take may occur" to "…if such take is reasonably certain to occur." This is not a new standard, but merely a clarification and codification of the applicable standard that the Service has been using and is consistent with case law. The standard does not require a guarantee that take will result; only that the Service establishes a rational basis for a finding of take. The Service continues to rely on the best available scientific and commercial data, as well as professional judgment, in reaching these determinations and resolving uncertainties or information gaps.

AMOUNT OR EXTENT OF TAKE

We anticipate that some California red-legged frogs could be taken as a result of the proposed action. We expect the incidental take to be in the form of capture, injury, and mortality**.** We cannot quantify the precise number of California red-legged frogs that may be taken as a result of proposed activities authorized by the Corps because California red-legged frogs move over time; for example, animals may have entered or departed the action area since the time of pre-construction surveys. Other individuals may not be detected due to their cryptic nature, small size, and low mobility. The protective measures proposed by the Corps, including Service-approved biologists relocating frogs out of harm's way into suitable habitat, are likely to prevent mortality or injury of most individuals.

Similarly, for estimating the number of California red-legged frogs that would be taken by capture, we cannot predict how many may be encountered for reasons stated earlier. While the benefits of relocation (i.e., minimizing mortality) outweigh the risk of capture, we must provide a limit for take by capture at which consultation would be reinitiated because high rates of capture may indicate that some important information about the species' in the action area was not apparent (e.g., it is much more abundant than thought). Conversely, because capture and relocation can be highly variable, depending upon the species and the timing of the activity, we do not anticipate a number so low that reinitiation would be triggered before the effects of the activity were greater than what we determined in the Effects Analysis.

Consequently, we are unable to reasonably anticipate the actual number of California red-legged frogs that would be taken by the proposed project; however, we must provide a level at which formal consultation would have to be reinitiated. The Environmental Baseline and Effects Analysis sections of this biological opinion indicate that adverse effects to California red-legged frogs would likely be low given the nature of the proposed activities, and we, therefore, anticipate that take of California red-legged frogs would also be low. We also recognize that for every California red-legged frog found dead or injured, other individuals may be killed or injured that are not detected, so when we determine an appropriate take level we are anticipating that the actual take would be higher and we set the number below that level. The Corps must contact our office immediately to reinitiate formal consultation in the event any of the following limits are reached as a result of projects conducted under the provisions of this consultation:

a. 10 California red-legged frog adults or juveniles, or 5 egg masses, or 50 tadpoles have been killed or injured in any given year;

b. 50 California red-legged frog adults or juveniles, or 25 egg masses, or 250 tadpoles have been killed or injured in total at any point in the 10-year duration of this biological opinion; and

c. 150 California red-legged frog adults or juveniles, 75 egg masses, or 750 tadpoles have been captured in total at any point in the 10-year duration of this biological opinion.

Project activities that are likely to cause additional take should cease during this review period because the exemption provided under section 7(o)(2) would lapse and any additional take would not be exempt from the section 9 prohibitions.

REASONABLE AND PRUDENT MEASURES

The measures described below are non-discretionary, and must be undertaken by the Corps or made binding conditions of any grant or permit issued to the applicant, as appropriate, for the exemption in section 7(o)(2) to apply. The Corps has a continuing duty to regulate the activity covered by this incidental take statement. If the Corps (1) fails to assume and implement the

terms and conditions or (2) fails to require the (applicant) to adhere to the terms and conditions of the incidental take statement through enforceable terms that are added to the permit or grant document, the protective coverage of section 7(o)(2) may lapse. To monitor the impact of incidental take, the Corps or applicant must report the progress of the action and its impact on the species to the Service as specified in the incidental take statement [50 CFR 402.14(i)(3)].

The Service believes the following reasonable and prudent measure is necessary and appropriate to minimize the impacts of the incidental take of California red-legged frog:

1. The Service-approved biologist(s) must identify suitable habitat to receive relocated California red-legged frogs prior to the onset of project activities.

TERMS AND CONDITIONS

To be exempt from the prohibitions of section 9 of the Act, the Corps must comply with the following terms and conditions, which implement the reasonable and prudent measure described above and outline reporting and monitoring requirements. These terms and conditions are non-discretionary.

1. The following terms and conditions implement reasonable and prudent measure 1:

    a. Prior to the onset of grading and construction activities, a Service-approved biologist must identify appropriate areas to receive relocated California red-legged frog adults, juveniles, tadpoles, and egg masses in the action area. These areas must be in proximity to the capture site, outside of any area likely to be adversely impacted by construction activities, provide suitable habitat, and be free of exotic predatory species (e.g., bullfrogs, crayfish) to the best of the Service-approved biologist's knowledge.

    b. If the affected aquatic habitat includes a creek or river system, the relocation site must be within the same drainage.

    c. If the affected aquatic habitat includes a pond or other isolated water body, the Corps must receive the Service's approval, in writing, prior to relocating any California red-legged frogs.

REPORTING REQUIREMENTS

Pursuant to 50 CFR 402.14(i)(3), the Corps or applicant must provide a written report to the Service within 90 days following completion of each project appended to this programmatic biological opinion. The report must state the number and life stage (egg mass, tadpole, juvenile, or adult) of California red-legged frogs killed or injured, and describe the circumstances of the mortalities or injuries, if known. The report must contain the following information: (1) the type

of activities that occurred in the action area (e.g., construction activities, monitoring); (2) the location of the activities; (3) a brief description of the habitat in which the activities occurred; (4) the acreage of permanent and temporary impacts of the project; (5) the number of California red-legged frogs captured and relocated; (6) the locations from which California red-legged frogs were moved and where they were relocated to; (7) the results of any surveys conducted for any listed species; (8) an analysis of the effectiveness of the avoidance and minimization measures and recommendations for future measures; (9) receipt or description of completed mitigation; (10) the names of individuals that served as biologist and biological monitor for the project and; (11) any other relevant information. This report does not replace the report required immediately upon the take of California red-legged frog as described in the next section.

Additionally, the Corps will submit to the Service an annual summary report by January 31 of each year to include: (1) the reference number for this programmatic biological opinion (08EVEN00-2020-F-0226); (2) confirmation that a project completion report has been completed for each project appended to this biological opinion within the last calendar year; (3) the total number of each life stage of California red-legged frogs taken within the last calendar year; (4) the total cumulative of each life stage taken under the 10-year term of the PBO; (5) the total number of acres of critical habitat temporarily and permanently lost within the calendar year; (6) the total number of acres of critical habitat temporarily and permanently lost within the 10-year term of the PBO; and (7) the total number of acres of habitat protected and/or restored as a result of mitigation (proposed in Mitigation of Adverse Effects under Description of Proposed Action) within the 10-year term of the PBO.

DISPOSITION OF DEAD OR INJURED SPECIMENS

As part of this incidental take statement and pursuant to 50 CFR 402.14(i)(1)(v), upon locating a dead or injured California red-legged frog, initial notification within 3 working days of its finding must be made by telephone and in writing to the VFWO (805-644-1766). The report must include the date, time, location of the carcass, a photograph, cause of death or injury, if known, and any other pertinent information.

The Corps or the project applicant must take care in handling injured animals to ensure effective treatment and care, and in handling dead specimens to preserve biological material in the best possible state. The Corps or the project applicant must transport injured animals to a qualified veterinarian. Should any treated California red-legged frogs survive, the Corps or the project applicant must contact the Service regarding the final disposition of the animal(s).

The remains of California red-legged frogs found in San Benito, Santa Cruz, or Monterey Counties must be placed with the California Academy of Sciences Herpetology Department (Contact: Lauren Scheinberg, Collections Manager, California Academy of Sciences Herpetology Department, 55 Music Concourse Drive, San Francisco, California 94118, Phone: (415) 379-5292, Email: herpetology@calacademy.org).

The remains of California red-legged frogs found in San Luis Obispo, Santa Barbara, or Ventura Counties must be placed with the Santa Barbara Natural History Museum (Contact: Paul Collins, Santa Barbara Natural History Museum, Vertebrate Zoology Department, 2559 Puesta Del Sol, Santa Barbara, California 93460, Phone: (805) 682-4711, extension 321).

The Corps must make arrangements regarding proper disposition of potential museum specimens prior to implementation of any actions conducted pursuant to this biological opinion.

CONSERVATION RECOMMENDATIONS

Section 7(a)(1) of the Act directs Federal agencies to use their authorities to further the purposes of the Act by carrying out conservation programs for the benefit of endangered and threatened species. Conservation recommendations are discretionary agency activities to minimize or avoid adverse effects of a proposed action on listed species or critical habitat, to help implement recovery plans, or to develop information.

1. We encourage the Corps, biological consultants, and/or other researchers to participate in and support research on California red-legged frogs. Research topics could include, but are not limited to: metapopulation dynamics, dispersal and migration studies, and the effects of predation and habitat quality on California red-legged frogs. We encourage the Corps to coordinate with the Service and the California Department of Fish and Wildlife to develop research proposals under the Service's Endangered Species Conservation Grants (Section 6 Traditional) Program.

2. We encourage the Corps to work with the applicant to report sightings of western spadefoot toad (*Spea hamondii*) and foothill yellow-legged frogs (*Rana boylii*) to the Service, should they occur within project boundaries. These species are known to occupy similar habitat to California red-legged frogs. We recommend the Corps work with the applicant to reduce project-related impacts to these species. Reporting sightings and reducing impacts will contribute to conservation of these at-risk species and may preclude the need for listing in the future.

The Service requests notification of the implementation of any conservation recommendations so we may be kept informed of actions minimizing or avoiding adverse effects or benefitting listed species or their habitats.

REINITIATION NOTICE

This concludes formal consultation on projects funded or approved by the Corps that are likely to adversely affect the California red-legged frog and its critical habitat. As provided in 50 CFR 402.16, reinitiation of formal consultation is required where discretionary Federal agency involvement or control over the action has been retained (or is authorized by law) and if: (1) the amount or extent of incidental take is exceeded; (2) new information reveals effects of the

agency action that may affect listed species or critical habitat in a manner or to an extent not considered in this opinion; (3) the agency action is subsequently modified in a manner that causes an effect to the listed species or critical habitat not considered in this opinion; or (4) a new species is listed or critical habitat designated that may be affected by the action. In instances where the amount or extent of incidental take is exceeded, the exemption issued pursuant to section 7(o)(2) may have lapsed and any further take could be a violation of section 4(d) or 9. Consequently, we recommend that any operations causing such take cease pending reinitiation.

If you have any questions about this biological opinion, please contact Danielle Fagre of my staff at 805-677-3339, or by electronic mail at danielle_fagre@fws.gov.

Sincerely,

Stephen P. Henry
Field Supervisor

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[Service] U.S. Fish and Wildlife Service. 2005. Revised guidance on site assessments and field surveys for the California red-legged frog. U.S. Fish and Wildlife Service, Sacramento, California.

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[USGS] U.S. Geological Survey, Gap Analysis Program (GAP). 2018. Protected Areas Database of the United States (PAD-US): U.S. Geological Survey data release, https://doi.org/10.5066/P955KPLE.

APPENDIX A

Informal consultation form

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U.S. Army Corps of Engineers
Programmatic Informal Section 7 Form
for California Red-legged Frog

TAILS #

Date Received

Project Information

All projects appended to the Programmatic Informal Concurrence (FWS# 2020-I-0292) must meet the following criteria: 1.) California red-legged frogs are not known to occur at the proposed project site, but the potential exists for them to be present. 2.) Any effects to the California red-legged frog and its critical habitat must be discountable, insignificant, or completely beneficial. 3.) The applicant must implement measures to avoid adverse effects to the California red-legged frog and its critical habitat, as detailed in the Programmatic Informal Concurrence. See the Programmatic Informal Concurrence (pp. 2-6) for details on these criteria.

Originating, Office **Originating, Person and Title** **Telephone Number**

Email Address

Project Name

Expected Start Date **Expected End Date**

Project Coordinates (eg: 45.4591° N, -123.8442° W) – Attach relevant maps

Description of the Proposed Action

Are California red-legged frogs known to occur in the action area? Attach supporting information. Yes: ◉ No: ○

Would the project take place, fully or in part, within critical habitat for California red-legged frogs? Yes: ◉ No: ○

The Army Corps of Engineers' jurisdiction is defined as the boundaries of the project work in the Waters of the United States, plus an additional 50-foot buffer, unless otherwise defined by the Army Corps of Engineers on a project-specific basis. If any changes have been made to the jurisdiction for this project, please describe below:

Condition of Habitat in Action Area

Effects of the Action on California Red-legged Frogs and/or Their Critical Habitat

List of Attachments

Service Assessment

- ☐ We concur with your determination
- ☐ We do not concur with your determination
- ☐ More information is needed
- ☐ Remarks (attach additional information as needed)

Description of additional information needed:

Electronic Signatures & Authorizations

The following individuals have reviewed the Informal Section 7 Form for accuracy and compliance with the Endangered Species Act and approve implementation of the project as described here in.

Corps Official's Title and Office: Date

Assistant Field Supervisor
Ventura Field Office
US Fish and Wildlife Service
Date

APPENDIX B

The Declining Amphibian Populations Task Force Fieldwork Code of Practice

1. Remove mud, snails, algae, and other debris from nets, traps, boots, vehicle tires, and all other surfaces. Rinse cleaned items with sterilized (e.g., boiled or treated) water before leaving each work site.

2. Boots, nets, traps, and other types of equipment used in the aquatic environment should then be scrubbed with 70 percent ethanol solution and rinsed clean with sterilized water between study sites. Avoid cleaning equipment in the immediate vicinity of a pond, wetland, or riparian area.

3. In remote locations, clean all equipment with 70 percent ethanol or a bleach solution, and rinse with sterile water upon return to the lab or "base camp". Elsewhere, when washing-machine facilities are available, remove nets from poles and wash in a protective mesh laundry bag with bleach on the "delicates" cycle.

4. When working at sites with known or suspected disease problems, or when sampling populations of rare or isolated species, wear disposable vinyl[1] gloves and change them between handling each animal. Dedicate sets of nets, boots, traps, and other equipment to each site being visited. Clean them as directed above and store separately at the end of each field day.

5. When amphibians are collected, ensure that animals from different sites are kept separately and take great care to avoid indirect contact (e.g., via handling, reuse of containers) between them or with other captive animals. Isolation from unsterilized plants or soils which have been taken from other sites is also essential. Always use disinfected and disposable husbandry equipment.

6. Examine collected amphibians for the presence of diseases and parasites soon after capture. Prior to their release or the release of any progeny, amphibians should be quarantined for a period and thoroughly screened for the presence of any potential disease agents.

7. Used cleaning materials and fluids should be disposed of safely and, if necessary, taken back to the lab for proper disposal. Used disposable gloves should be retained for safe disposal in sealed bags.

The Fieldwork Code of Practice has been produced by the Declining Amphibian Populations Task Force with valuable assistance from Begona Arano, Andrew Cunningham, Tom Langton, Jamie Reaser, and Stan Sessions.

[1] Do not use latex gloves. Latex is toxic to amphibians.

For further information on this Code, or on the Declining Amphibian Populations Task Force, contact John Wilkinson, Biology Department, The Open University, Walton Hall, Milton Keynes, MK7 6AA, UK. E-mail: DAPTF@open.ac.uk Fax: +44 (0) 1908-654167

APPENDIX C


U.S. Fish & Wildlife Service
California Red-legged Frog Critical Habitat Units Within VFWO Jurisdiction
San Jose
Fresno
Visalia
Bakersfield
Sierra National Forest
Sequoia National Park
Sequoia National Forest
San Joaquin Valley
CALIFORNIA
CA County Boundaries
CRLF Critical Habitat Units
VFWO Jurisdictional Boundary
Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodatastyrelsen, Rijkswaterstaat, GSA, Geoland, FEMA, Intermap and the GIS user community, Sources: Esri, HERE, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community
Ventura Fish and Wildlife Office
2493 Portola Road, Suite B
Ventura, California
805.644.1766
0 55 110 Km
0 35 70 Miles
The USFWS makes no warranty for use of this map and cannot be held liable for actions or decisions based on map content.
N

United States Department of the Interior
U.S. FISH AND WILDLIFE SERVICE
Ecological Services
Ventura Fish and Wildlife Office
2493 Portola Road, Suite B
Ventura, California 93003

IN REPLY REFER TO:
2022-0059770-S7-004

June 16, 2023

Antal Szijj
Team Lead, North Coast Branch
Regulatory Division, Ventura Field Office
60 South California Street, Suite 201
Ventura, California 93001

Subject: Formal Consultation on the Anomaly Repair to Supply Line 247, Dig #10 Project, Santa Barbara County, California (Corps File No. SPL-2023-00321)

Dear Antal Szijj:

We are responding to your request, received on May 2, 2023, regarding the effects of the U.S. Army Corps of Engineers' (Corps) proposed authorization of Southern California Gas Company's (SoCalGas) Line 247, Dig #10 Anomaly Repair Project (project) to the federally threatened California red-legged frog (*Rana draytonii*). The proposed project would occur over Dos Pueblos Creek in unincorporated Santa Barbara County, California. On May 2, 2023, the Corps determined the project is appropriate to append to the April 27, 2020, Programmatic Biological Opinion (PBO) for Projects that May Affect the California Red-legged Frog, Authorized by the Corps Under Section 404 of the Clean Water Act and Sections 10 and 14 of the Rivers and Harbors Act (CRLF PBO, 08EVEN00-2020-F-0226). The project would not occur within designated critical habitat for the California red-legged frog. The Corps has requested that the Service addresses the effects of the proposed action under the PBO. Our response is provided in accordance with section 7 of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 et seq.), and is based on the biological resource assessment (Rincon 2021) that accompanied your request and other information in our files.

PROJECT DESCRIPTION

With the Corps' proposed authorization, SoCalGas proposes to repair or replace anomalies to Line 247 to comply with regulations promulgated by the U.S. Department of Transportation Pipeline Hazardous Materials and Safety Administration Office of Pipeline Safety and the California Public Utilities Commission to conform with the Pipeline Safety and Improvement Act of 2002. The proposed project would require excavation to expose Line 247 using typical construction equipment (e.g., backhoe, or similar) for initial inspection. SoCalGas anticipates

that the excavation would consist of a 215-foot by 15-foot trench. After inspection and based on the results of the inspection, SoCalGas will repair or replace the pipeline using equipment that includes, but is not limited to a side boom, crane or heavy lift, gang truck, flatbed truck, welding truck, pickup truck, portable equipment such as generators and air compressors, crew trucks, and portable restrooms. Site access, pipeline repair (partially within Dos Pueblos Canyon Creek channel), Dos Pueblos Canyon Creek and access road workspaces, and staging areas will occur within the SoCalGas designated right-of-way (ROW) or along established roads and turnout areas. SoCalGas anticipates that project activities will require 4 weeks to complete with a crew of approximately 15 persons present on the project site.

CALIFORNIA RED-LEGGED FROG

The proposed project may adversely affect the federally threatened California red-legged frog. The project area is known to have suitable habitat for breeding and foraging activities and observers have reported the species in the action area. The most recent occurrences of California red-legged frog in the project site are known from California Natural Diversity Database (CNDDB) occurrences reported in 2017. Observers documented the California red-legged frog in Dos Pueblos Canyon Creek in September 2017 within the study area (CNDDB occurrence 1511). The biological resource assessment noted that mature riparian vegetation supports the banks of Dos Pueblos Canyon Creek where California red-legged frog could seek refuge (Rincon 2021, p. 19). Encounters of dispersing California red-legged frog in upland areas would likely be limited to during the wet season (November to April) or during suitable climatic conditions for movement (e.g., during rain events, dense fog, high humidity, etc.). In addition, observers have also documented the California red-legged frog in Eagle Canyon Creek (CNDDB occurrence 1084) approximately 1.84 miles southeast of the study area. It is known that California red-legged frogs occur in Eagle Canyon, Tomate Canada, and Dos Pueblos Canyon Creek watersheds and may move between aquatic habitats in these watersheds by traversing hundreds or thousands of feet of intervening grassland, coastal scrub, and oak woodland habitats to access these aquatic sites.

The proposed project would not result in permanent impacts to aquatic non-breeding habitat; however, the project would temporarily result in 0.2-acre of disturbance to California red-legged frog habitat. Temporary disturbance will result from excavation activities as well as additional disturbances associated with access, surface water diversion, and temporary stockpiles. Personnel will utilize approximately 0.15-acre of laydown yard in areas deemed not suitable habitat for California red-legged frog. The Corps will ensure that SoCalGas will implement all minimization measures (1 through 20) of the PBO to minimize adverse effects to the California red-legged frog.

CONCLUSION

This project meets the criteria outlined in the PBO for projects that may result in adverse effects to the California red-legged frog but would not affect the long-term viability of the population in

the action area. The Service has analyzed projects that fit these criteria in the PBO under the Effects of the Action section (Service 2020 pp. 27-31). The project will result in less than 0.5-acre of temporary disturbance and will not result in permanent impacts to California red-legged frog habitat.

We have determined that the anomaly repairs to Supply Line 247, Dig #10 Project is consistent with and appropriate for inclusion under the PBO. The applicant must implement all avoidance and minimization measures, reasonable and prudent measures, and terms and conditions found within the PBO. With this approval, the project may proceed without further consultation. If you have any questions regarding this biological opinion, please contact Daniel Cisneros by electronic mail at Daniel_cisneros@fws.gov, or at (805) 677-3369.

Sincerely,

Christopher J. Diel
Assistant Field Supervisor

LITERATURE CITED

[CNDDB] California Department of Fish and Wildlife. 2018. California Natural Diversity Database (CNDDB); Rarefind application – Government version 5.3.0. Retrieved June 12, 2023 from https://map.dfg.ca.gov/rarefind/view/RareFind.aspx.

[Rincon] Rincon Consultants, Inc. 2021. Biological resources assessment anomaly repair to Supply Line 247, Dig 10 project prepared for Southern California Gas Company. Santa Barbara, California. 60 pp.

[Service] U.S. Fish and Wildlife Service. 2020. Programmatic biological opinion for projects that may affect the California red-legged frog, authorized by the Corps under Section 404 of the Clean Water Act and Sections 10 and 14 of the Rivers and Harbors Act (08EVEN00-2020-F-0226). Ventura Fish and Wildlife Service, Ventura, California. 40 pp.

UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
West Coast Region
501 West Ocean Boulevard, Suite 4200
Long Beach, California 90802-4250

September 22, 2023

Refer to NMFS No:
WCRO-2023-02271

Antal Szijj
Army Corps of Engineers – North Coast Branch
60 South California Street, Second Floor
Ventura, California 93001

Re: Endangered Species Act Section 7(a)(2) Concurrence Letter for the proposed natural gas pipeline inspection on Dos Pueblos Creek in Santa Barbara County, California (File No. SPL-2023-00321)

Dear Mr. Szijj:

On August 4, 2023, NOAA's National Marine Fisheries Service (NMFS) received the U.S. Army Corps of Engineers' (Corps) request for written concurrence under Section 7 of the Endangered Species Act (ESA). The request concerns the Southern California Gas Company's (SCG) inspection of a natural gas pipeline (Line 247) at the crossing of Dos Pueblos Creek (proposed action). This creek is within the range of the endangered Southern California (SC) Distinct Population Segment (DPS) of steelhead (*Oncorhynchus mykiss*) and is designated critical habitat for this species.

On July 5, 2022, the U.S. District Court for the Northern District of California issued an order vacating the 2019 regulations that were revised or added to 50 CFR part 402 in 2019 ("2019 Regulations," see 84 FR 44976, August 27, 2019) without making a finding on the merits. On September 21, 2022, the U.S. Court of Appeals for the Ninth Circuit granted a temporary stay of the district court's July 5 order. On November 14, 2022, the Northern District of California issued an order granting the government's request for voluntary remand without vacating the 2019 regulations. The District Court issued a slightly amended order two days later on November 16, 2022. As a result, the 2019 regulations remain in effect, and we are applying the 2019 regulations here. For purposes of this consultation and in an abundance of caution, we considered whether the substantive analysis and conclusions articulated in the letter of concurrence would be different under the pre-2019 regulations. We determined our analysis and conclusions would not be different.

This letter underwent pre-dissemination review using standards for utility, integrity, and objectivity in compliance with applicable guidelines issued under the Data Quality Act (section 515 of the Treasury and General Government Appropriations Act for Fiscal Year 2001, Public

Law 106-554). The document will be available within two weeks at the Environmental Consultation Organizer [https://www.fisheries.noaa.gov/resource/tool-app/environmental-consultation-organizer-eco]. A complete record of this consultation is on file at the Southern California Branch of the California Coastal Office in Long Beach, California.

Consultation History

On August 4, 2023, NMFS received the Corps' letter requesting initiation of informal consultation for the subject proposed action. The information included with this request was determined sufficient for developing a clear understanding of the proposed action pursuant to Section 7(a)(2) of the ESA. As such, NMFS initiated informal consultation on August 4, 2023.

Proposed Action and Action Area

SCG is proposing to inspect (and repair if necessary) Line 247 at a crossing on Dos Pueblos Creek approximately 100 feet upstream of the Highway 101 bridge, in Santa Barbara County, California. In total, the action area includes a 150-foot (0.16 acres) section of creek with the northern boundary starting in the channel approximately 50-feet upstream of the existing pipeline crossing and extending downstream (south). Overall, the proposed action is expected to be completed during a single dry season with in-creek activities completed within a consecutive 4-week work period during late summer and early fall when rainfall is unlikely and streamflow is typically lowest.

Activities associated with the proposed action include the following:

1. The work site will be accessed from existing roads and right-of-way;

2. Standard best management practices for sediment and erosion control (e.g., fiber rolls, silt fencing) will be implemented to prevent sediment entering the creek and all machinery will be properly maintained and inspected to ensure there are no leaks of lubricants or fuels;

3. Up to 14 willow and one sycamore tree will be trimmed or removed on the adjacent creekbanks and upland areas within a 50- foot width (25-feet north and south from the center of the existing pipeline);

4. A coffer dam and pipe diversion will be installed to isolate and dewater the in-creek work area (up to 50-linear feet of creek starting 25-feet upstream from the existing pipeline) for up to 4-weeks during construction activities;

5. Heavy machinery (e.g., a backhoe) will be used to excavate a trench (up to 15-feet wide and 15-feet deep) to expose and allow inspection of an approximately 215-foot segment of pipeline;

6. If inspection reveals the pipeline is damaged, then the damaged portion of the pipe will be removed and a new pipe segment installed along the same alignment;

7. After inspection and repair (if necessary), the trench and pipeline will be backfilled with native creek materials (i.e., sand, gravel, cobble) removed during the initial excavation, and the creek channel will be recontoured similar to pre-construction conditions;

8. Once in-creek construction is complete, the diversion and associated materials will be entirely removed from the channel and streamflow returned through the reach; and,

9. Post-construction, disturbed portions of the action area will be planted with native vegetation including a minimum of 140 willow cuttings and trees damaged or removed will be replaced at a minimum ratio of 10:1.

Other Actions

NMFS considered under the ESA whether the proposed action would cause other activities and determined it would not.

Action Agency's Effects Determination

The Corps determined the proposed action is not likely to adversely affect endangered SC steelhead (71 FR 834) or designated critical habitat for this species (70 FR 52488). The Corps' determination is based on an expectation no steelhead will be present in the action area at the time of construction and effects to critical habitat will be confined to a relatively small area, minimal in magnitude, and temporary in duration.

ENDANGERED SPECIES ACT

Effects of the Action

Under the ESA, "effects of the action" are all consequences to listed species or critical habitat that are caused by the proposed action, including the consequences of other activities that are caused by the proposed action. A consequence is caused by the proposed action if it would not occur but for the proposed action and it is reasonably certain to occur. Effects of the action may occur later in time and may include consequences occurring outside the immediate area involved in the action (50 CFR 402.02). In our analysis, which describes the effects of the proposed action, we considered 50 CFR 402.17(a) and (b). When evaluating whether the proposed action is not likely to adversely affect listed species or critical habitat, NMFS considers whether the effects are expected to be completely beneficial, insignificant, or discountable. Completely beneficial effects are contemporaneous positive effects without any adverse effects to the species or critical habitat. Insignificant effects relate to the size of the impact and should never reach the scale where take occurs. Effects are considered discountable if they are extremely unlikely to occur.

Adverse effects on steelhead in Dos Pueblos Creek resulting from the proposed action are expected to be discountable. While water is expected in the action area throughout the year, steelhead are not expected to be present at the time of construction (late summer or early fall)

owing in part to negligible surface flow. Further, the biological assessment for the project reports no steelhead were observed in the action area during habitat and steelhead surveys on September 24, 2020, June 27, 2022, and September 13, 2023.

With respect to effects on critical habitat, effects from fine sediment incidentally entering surface water in the creek are expected to be insignificant for several reasons. Once the diversion is in place, in-channel construction will occur only in a dewatered work area, which eliminates the potential for excavation activities to contribute fine sediment to surface flow. A small amount of sediment from the creekbed may become disturbed and enter surface water during diversion installation and removal. However, the diversion will be installed and removed when creekflow is minimal (less than 1 cfs) so elevated sediment in surface flow is expected to remain localized (i.e., not extend beyond 50 feet downstream) and temporary (settling within less than an hour after the diversion is constructed or removed). This minimal amount of sediment temporarily entering the creek's surface flow, if observed, is not expected to diminish the functional value of critical habitat.

The effects of incidental fine sediment input to the creek channel are expected to be insignificant. Construction activities (e.g., trench excavation) may disturb sediment particles in the creek channel making them more susceptible to mobilization. However, loose particles within the channel are expected to be composed of native creek alluvium that will redistribute and settle within the first few hours of elevated creek flow through the channel. Further, planting disturbed areas immediately after construction will ensure the establishment vegetation prior to the following wet-season. As a result, the likelihood fine sediment input from disturbed upland areas will be greatly reduced and not expected to result in measurable fine sediment input to the creek. As a result, these sediment disturbances are not expected to diminish the functional value of critical habitat.

The effects from trimming or removing trees is expected to be insignificant. This trimming is expected to be minimal and discrete, and the riparian corridor upstream and downstream of the work area is dense sycamore and willow canopy, which will remain undisturbed. Further, the proposed post-construction planting of native vegetation is expected to become established relatively quickly (i.e., within 1 to 2 years). Overall, this minor vegetation loss is considered temporary and not expected to diminish the functional value of this habitat feature.

Adverse effects of the proposed action on migration conditions for steelhead are expected to be insignificant. Once in-channel construction activities are complete, the diversion will be removed and the creek channel regraded to pre-construction elevations and composed of only native creek materials. Therefore, the physical structure (e.g., slope, shape, substrate size and composition) of the active creek channel is expected to be retained similar to existing conditions, which currently impose no impediment to steelhead passage. As a result, the creek bed in the action area is not expected to experience an alteration that would reduce the ability of the corridor to serve as a migration route for the species.

Conclusion

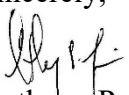
Based on this analysis, NMFS concurs with the Corps' determination that the proposed action is not likely to adversely affect endangered SC steelhead or designated critical habitat.

Reinitiation of Consultation

NMFS or the Corps are required to request re-initiation of consultation, where discretionary Federal involvement or control over the action has been retained or is authorized by law and (1) the proposed action causes take, (2) new information reveals effects of the action that may affect listed species or critical habitat in a manner or to an extent not previously considered, (3) the identified action is subsequently modified in a manner that causes an effect to the listed species or critical habitat that was not considered in the written concurrence, or (4) a new species is listed or critical habitat designated that may be affected by the identified action (50 CFR 402.16). This concludes the ESA consultation.

Please direct a question regarding this letter to Matthew McGoogan in the Southern California Branch of the California Coastal Office (Matthew.McGoogan@noaa.gov or 562-980-4026).

Sincerely,



Anthony P. Spina
Chief, Southern California Branch
California Coastal Office

cc: Chris Dellith, U.S. Fish and Wildlife Service, Ventura
Copy to E-File: ARN 151422WCR2023CC00198