



**COUNTY OF SANTA BARBARA
PLANNING AND DEVELOPMENT**

MEMORANDUM

TO: Planning Commission

FROM: Matt Young, Planner, (805) 568-2513

DATE: May 6, 2016

HEARING DATE: May 11, 2016

RE: **Orcutt Hill Resource Enhancement Plan**
Case No. 13PPP-00000-00001

Planning and Development staff recommends minor revisions to the Conditions of Approval, included as Attachment B in the Staff Report dated April 20, 2016. The revisions detailed below are intended to address legal limitations associated with the involvement of outside agencies referenced in Conditions of Approval Nos. 7, 9, 12, 22, and 25. A revision is also proposed to clarify Condition No. 27. Revisions are shown below in ~~strikeout~~ and underline.

- 7. MM Bio-1a.** Prior to issuance of Zoning Clearance, the Owner/Permittee shall prepare and submit a Habitat Restoration Plan to the County Planning and Development Department, ~~the USEFWS, and CDFW~~. The Plan shall include the 6.09 acres of habitat disturbance caused by the past seep can installation and management. The Plan shall provide details for the replacement of specific habitat types, including oak woodland, which could include the use of conservation easements and contribution to the Oak Woodland Conservation Fund to ensure the permanent preservation of oak woodland habitat. The Plan shall identify locations where restoration is to occur, methods of achieving its objectives, and performance criteria for determining success. The Habitat Restoration Plan shall include success criteria for all habitat restoration that are based on both vegetative percent cover and species abundance. Monitoring all restoration sites will be the Owner/Permittee's responsibility for a minimum of 5 years, or until the County, ~~and appropriate resource agencies (e.g., USEFWS, CDFW)~~, judges all of the Project's long-term performance standards to be satisfied. Long-term performance standards shall include, but not be limited to, criteria such as requiring that restorations areas support at least 80 percent of the native species abundance and percent cover and are relatively weed free or demonstrate similar weed cover to surrounding, good quality habitat. If the Owner/Permittee is unable

to restore the appropriate amount of habitat onsite, the ~~County approving resource agencies (County, USFWS, and the CDFW)~~ shall have the option to require that the Owner/Permittee provide permanent protection of habitat as suitable mitigation, which could include the purchase of credits to an agency-approved conservation bank. **Plan Requirements and Timing:** Prior to the issuance of Zoning Clearance, the Habitat Restoration Plan shall be reviewed and approved by P&D, ~~USFWS, and CDFW.~~ P&D shall consult with USFWS and CDFW prior to approving the Habitat Restoration Plan. **Monitoring:** P&D, USFWS, and CDFW shall spot check in the field as applicable.

9. **MM Bio-1c.** The final Habitat Restoration Plan shall provide for restoration and/or creation of habitat suitable for special status plant species including Lompoc yerba santa, La Purisima manzanita, mesa horkelia, and black-flowered figwort. The final Habitat Restoration Plan shall include defined schedules of restoration efforts, success criteria, weed management methods, monitoring schedules, reporting requirements, and long-term monitoring requirements. The objective of the long-term monitoring shall be to assess if the restored habitats are functioning equal to or better than pre-Project conditions. Restoration monitoring shall continue for five years or until the predetermined success criteria have been met. The assessment of function shall be based on indicators such as wildlife use and presence of sensitive species within the habitats compared to pre-Project conditions. **Plan Requirements and Timing:** Prior to the issuance of Zoning Clearance the Habitat Restoration Plan shall be reviewed and approved by P&D in consult with USFWS and CDFW. **Monitoring:** P&D, ~~USFWS, and CDFW~~ shall spot check in the field as applicable.
12. **MM Bio-1f.** The monitoring results collected as part of the Habitat Restoration Plan shall be reported at least annually to the County ~~and appropriate resource agencies (e.g., USFWS and CDFW).~~ The annual report shall document the effects of the proposed protection of sensitive resources on the Project Site and include acreage of occupied habitat that was impacted. The report shall contain a discussion of the problems encountered in implementing sensitive species habitat protection and other protective measures and recommendations for adaptive management to enhance the conservation of sensitive species habitat. **Plan Requirements and Timing:** The Owner/Permittee shall submit Habitat Restoration Plan monitoring reports by February 28 for the previous calendar year for review by P&D. **Monitoring:** P&D staff shall review restoration efforts throughout the restoration phase.
22. **MM Bio-4a.** The final Habitat Restoration Plan shall require a 3:1 replacement of all Waters of the U.S. impacted by past and future potential oil seep cleanup and management activities. **Plan Requirements and Timing:** Prior to the issuance of Zoning Clearance the Habitat Restoration Plan shall be reviewed and approved by P&D, ~~USFWS and CDFW.~~ **Monitoring:** Applicant Biologist shall coordinate with applicable agencies and the County EQAP Monitor/P&D.
25. **MM Bio-6a.** The Applicant Biologist shall conduct surveys throughout areas proposed to be disturbed to determine the presence of wildlife species prior to ground disturbance. The Applicant Biologist shall be onsite during initial site disturbance (i.e., brush removal, top

soil disturbances). Wildlife species encountered during the initial disturbance shall be relocated to suitable habitat out of potential danger. Construction activities, including oil seep and surface expression cleanup, containment, and management efforts, shall be regularly monitored to ensure that wildlife species have not entered work areas. The Applicant Biologist shall conduct regular site inspections of the construction activities to ensure that all applicable mitigation measures are being enacted properly. The Applicant Biologist shall have the authority to temporarily halt activities if permit requirements and conditions are not being met. By February 28 of each year, the Applicant Biologist shall prepare a comprehensive annual summary report for the previous calendar year describing site visit observations and shall provide this report to the County, ~~and regulatory agencies (including CDFW, ACOE, and USFWS)~~ for review. **Plan Requirements and Timing:** Surveys and wildlife salvage and relocation efforts shall be conducted prior to any ground disturbances or vegetation removal. Applicant biologist shall submit a comprehensive annual report by February 28 for the previous calendar year. This condition shall be printed on all final construction, grading, and building plans. **Monitoring:** EQAP Monitor shall perform site inspections throughout the construction phase and receive regular updates from the Applicant Biologist.

27. **MM CR-1.** Phase 3 Data Recovery Excavations. Archaeological site SBA-4069/H, a multi-component site, is recommended as eligible for listing in the California Register (Kremkau et al. 2014) and is considered a historical resource under CEQA. Prior to issuance of grading permit, the Owner/Permittee shall fund and implement a Phase 3 mitigation program for SBA-4069/H consistent with County Cultural Resource Guidelines. The Phase 3 data recovery plan shall be specifically designed to mitigate for the direct impacts on the site from the use of the access road to seep can 88. The Phase 3 data recovery plan shall be submitted to the County, and P&D staff shall approve the plan prior to issuance of grading permit. The data recovery excavation portion of the Phase 3 study shall be completed prior to the start of construction. After completion of the work, the Owner/Permittee shall submit the required archaeological studies for P&D review and approval. The Owner/Permittee shall fund, in perpetuity, curation of the excavated materials from all Phase 2 and Phase 3 studies at an accredited curatorial facility. **Plan Requirements/Timing:** The Phase 3 Plan shall be reviewed and approved by P&D prior to issuance of grading permit. Phase 3 excavations shall be completed prior to issuance of grading permit. **Monitoring:** P&D shall perform field visits and report review as applicable.