AGREEMENT FOR SERVICES OF INDEPENDENT CONTRACTOR

THIS AGREEMENT (hereafter Agreement) is made by and between the County of Santa Barbara, a political subdivision of the State of California (hereafter COUNTY) and Rincon Consultants having its principal place of business at 790 East Santa Clara Street, Ventura, Ca 93001 (hereafter CONTRACTOR) wherein CONTRACTOR agrees to provide and COUNTY agrees to accept the services specified herein.

NOW, THEREFORE, in consideration of the mutual covenants and conditions contained herein, the parties agree as follows:

1. **DESIGNATED REPRESENTATIVE.** Alex Tuttle at phone number (805) 884-6844 is the representative of COUNTY and will administer this Agreement for and on behalf of COUNTY. Duane Vander Pluym at phone number (805) 641-1000 is the authorized representative for CONTRACTOR. Changes in designated representatives shall be made only after advance written notice to the other party.

2. **NOTICES.** Any notice or consent required or permitted to be given under this Agreement shall be given to the respective parties in writing, by first class mail, postage prepaid, or otherwise delivered as follows:

To COUNTY:
County Of Santa Barbara
Planning & Development
123 E. Anapamu St.
Santa Barbara, Ca 93101
Attn.: Alex Tuttle

To CONTRACTOR:
Rincon Consultants
790 East Santa Clara Street
Ventura, Ca 93001
Attn.: Duane Vander Pluym

or at such other address or to such other person that the parties may from time to time designate. Notices and consents under this section, which are sent by mail, shall be deemed to be received five (5) days following their deposit in the U.S. mail.

3. **SCOPE OF SERVICES.** CONTRACTOR agrees to provide services to COUNTY in accordance with EXHIBIT A attached hereto and incorporated herein by reference.

4. **TERM.** CONTRACTOR shall commence performance on May 1, 2008 and end performance upon completion, but no later than December 31, 2009 unless otherwise directed by COUNTY or unless earlier terminated.

5. **COMPENSATION OF CONTRACTOR.** CONTRACTOR shall be paid for performance under this Agreement in accordance with the terms of EXHIBIT B attached hereto and incorporated herein by reference. Billing shall be made by invoice, which shall include the contract number assigned by COUNTY and which is delivered to the address given in Section 2 NOTICES. above following completion of the increments identified on EXHIBIT B. Unless otherwise specified on EXHIBIT B, payment shall be net thirty (30) days from presentation of invoice.

6. **INDEPENDENT CONTRACTOR.** CONTRACTOR shall perform all of its services under this Agreement as an independent contractor and not as an employee of COUNTY. CONTRACTOR understands and acknowledges that it shall not be entitled to any of the benefits of a COUNTY employee,

including but not limited to vacation, sick leave, administrative leave, health insurance, disability insurance, retirement, unemployment insurance, workers' compensation and protection of tenure.

7. **STANDARD OF PERFORMANCE.** CONTRACTOR represents that it has the skills, expertise, and licenses/permits necessary to perform the services required under this Agreement. Accordingly, CONTRACTOR shall perform all such services in the manner and according to the standards observed by a competent practitioner of the same profession in which CONTRACTOR is engaged. All products of whatsoever nature, which CONTRACTOR delivers to COUNTY pursuant to this Agreement, shall be prepared in a first class and workmanlike manner and shall conform to the standards of quality normally observed by a person practicing in CONTRACTOR's profession. CONTRACTOR shall correct or revise any errors or omissions, at COUNTY'S request, without additional compensation. Permits and/or licenses shall be obtained and maintained by CONTRACTOR without additional compensation.

8. **TAXES.** COUNTY shall not be responsible for paying any taxes on CONTRACTOR's behalf, and should COUNTY be required to do so by state, federal, or local taxing agencies, CONTRACTOR agrees to promptly reimburse COUNTY for the full value of such paid taxes plus interest and penalty, if any. These taxes shall include, but not be limited to, the following: FICA (Social Security), unemployment insurance contributions, income tax, disability insurance, and workers' compensation insurance.

9. **CONFLICT OF INTEREST.** CONTRACTOR covenants that CONTRACTOR presently has no interest and shall not acquire any interest, direct or indirect, which would conflict in any manner or degree with the performance of services required to be performed under this Agreement. CONTRACTOR further covenants that in the performance of this Agreement, no person having any such interest shall be employed by CONTRACTOR.

The term "organizational conflict of interest" means that a relationship exists whereby CONTRACTOR has interests which may diminish the capacity to give impartial, technically sound, objective assistance and advice or may otherwise result in a biased work product or may result in an unfair competitive advantage.

CONTRACTOR agrees that if an organizational conflict of interest is discovered with respect to this CONTRACT, CONTRACTOR shall make an immediate and full disclosure in writing to COUNTY which shall include a description of the action which the CONTRACTOR has taken or proposes to take to avoid, eliminate or neutralize the conflict. COUNTY may, however, terminate the CONTRACT if it could be in the best interests of the COUNTY.

10. **RESPONSIBILITIES OF COUNTY.** COUNTY shall provide all information reasonably necessary by CONTRACTOR in performing the services provided herein.

11. **OWNERSHIP OF DOCUMENTS.** COUNTY shall be the owner of the following items incidental to this Agreement upon production, whether or not completed: all data collected, all documents of any type whatsoever, and any material necessary for the practical use of the data and/or documents from the time of collection and/or production whether or not performance under this Agreement is completed or terminated prior to completion. CONTRACTOR shall not release any materials under this section except after prior written approval of COUNTY.

No materials produced in whole or in part under this Agreement shall be subject to copyright in the United States or in any other country except as determined at the sole discretion of COUNTY. COUNTY shall have the unrestricted authority to publish, disclose, distribute, and other use in whole or in part, any reports, data, documents or other materials prepared under this Agreement.

12. **RECORDS, AUDIT, AND REVIEW.** CONTRACTOR shall keep such business records pursuant to this Agreement as would be kept by a reasonably prudent practitioner of CONTRACTOR's

profession and shall maintain such records for at least four (4) years following the termination of this Agreement. All accounting records shall be kept in accordance with generally accepted accounting practices. COUNTY shall have the right to audit and review all such documents and records at any time during CONTRACTOR's regular business hours or upon reasonable notice.

13. **INDEMNIFICATION AND INSURANCE.** CONTRACTOR shall agree to defend, indemnify and save harmless the COUNTY and to procure and maintain insurance in accordance with the provisions of EXHIBIT C attached hereto and incorporated herein by reference.

14. **NONDISCRIMINATION.** COUNTY hereby notifies CONTRACTOR that COUNTY's Unlawful Discrimination Ordinance (Article XIII of Chapter 2 of the Santa Barbara County Code) applies to this Agreement and is incorporated herein by this reference with the same force and effect as if the ordinance were specifically set out herein and CONTRACTOR agrees to comply with said ordinance.

15. **NONEXCLUSIVE AGREEMENT.** CONTRACTOR understands that this is not an exclusive Agreement and that COUNTY shall have the right to negotiate with and enter into contracts with others providing the same or similar services as those provided by CONTRACTOR as the COUNTY desires.

16. **ASSIGNMENT.** CONTRACTOR shall not assign any of its rights nor transfer any of its obligations under this Agreement without the prior written consent of COUNTY and any attempt to so assign or so transfer without such consent shall be void and without legal effect and shall constitute grounds for termination.

17. **TERMINATION.**

A. By COUNTY. COUNTY may, by written notice to CONTRACTOR, terminate this Agreement in whole or in part at any time, whether for COUNTY's convenience or because of the failure of CONTRACTOR to fulfill the obligations herein. Upon receipt of notice, CONTRACTOR shall immediately discontinue all services effected (unless the notice directs otherwise), and deliver to COUNTY all data, estimates, graphs, summaries, reports, and all other records, documents or papers as may have been accumulated or produced by CONTRACTOR in performing this Agreement, whether completed or in process.

1. For Convenience. COUNTY may terminate this Agreement upon thirty (30) days written notice. Following notice of such termination, CONTRACTOR shall promptly cease work and notify COUNTY as to the status of its performance.

Notwithstanding any other payment provision of this Agreement, COUNTY shall pay CONTRACTOR for service performed to the date of termination to include a prorated amount of compensation due hereunder less payments, if any, previously made. In no event shall CONTRACTOR be paid an amount in excess of the full price under this Agreement nor for profit on unperformed portions of service. CONTRACTOR shall furnish to COUNTY such financial information as in the judgment of COUNTY is necessary to determine the reasonable value of the services rendered by CONTRACTOR. In the event of a dispute as to the reasonable value of the services rendered by CONTRACTOR, the decision of COUNTY shall be final. The foregoing is cumulative and shall not effect any right or remedy which COUNTY may have in law or equity.

2. For Cause. Should CONTRACTOR default in the performance of this Agreement or materially breach any of its provisions, COUNTY may, at COUNTY's sole option, terminate this Agreement by written notice, which shall be effective upon receipt by CONTRACTOR.

B. By CONTRACTOR. Should COUNTY fail to pay CONTRACTOR all or any part of the payment set forth in EXHIBIT B, CONTRACTOR may, at CONTRACTOR's option terminate this

agreement if such failure is not remedied by COUNTY within thirty (30) days of written notice to COUNTY of such late payment.

18. **SECTION HEADINGS.** The headings of the several sections, and any Table of Contents appended hereto, shall be solely for convenience of reference and shall not affect the meaning, construction or effect hereof.

19. **SEVERABILITY.** If any one or more of the provisions contained herein shall for any reason be held to be invalid, illegal or unenforceable in any respect, then such provision or provisions shall be deemed severable from the remaining provisions hereof, and such invalidity, illegality or unenforceability shall not affect any other provision hereof, and this Agreement shall be construed as if such invalid, illegal or unenforceable provision had never been contained herein.

20. **REMEDIES NOT EXCLUSIVE.** No remedy herein conferred upon or reserved to COUNTY is intended to be exclusive of any other remedy or remedies, and each and every such remedy, to the extent permitted by law, shall be cumulative and in addition to any other remedy given hereunder or now or hereafter existing at law or in equity or otherwise.

21. **TIME IS OF THE ESSENCE.** Time is of the essence in this Agreement and each covenant and term is a condition herein.

22. **NO WAIVER OF DEFAULT.** No delay or omission of COUNTY to exercise any right or power arising upon the occurrence of any event of default shall impair any such right or power or shall be construed to be a waiver of any such default or an acquiescence therein; and every power and remedy given by this Agreement to COUNTY shall be exercised from time to time and as often as may be deemed expedient in the sole discretion of COUNTY.

23. **ENTIRE AGREEMENT AND AMENDMENT.** In conjunction with the matters considered herein, this Agreement contains the entire understanding and agreement of the parties and there have been no promises, representations, agreements, warranties or undertakings by any of the parties, either oral or written, of any character or nature hereafter binding except as set forth herein. This Agreement may be altered, amended or modified only by an instrument in writing, executed by the parties to this Agreement and by no other means. Each party waives their future right to claim, contest or assert that this Agreement was modified, canceled, superseded, or changed by any oral agreements, course of conduct, waiver or estoppel.

24. **SUCCESSORS AND ASSIGNS.** All representations, covenants and warranties set forth in this Agreement, by or on behalf of, or for the benefit of any or all of the parties hereto, shall be binding upon and inure to the benefit of such party, its successors and assigns.

25. **COMPLIANCE WITH LAW.** CONTRACTOR shall, at his sole cost and expense, comply with all County, State and Federal ordinances and statutes now in force or which may hereafter be in force with regard to this Agreement. The judgment of any court of competent jurisdiction, or the admission of CONTRACTOR in any action or proceeding against CONTRACTOR, whether COUNTY be a party thereto or not, that CONTRACTOR has violated any such ordinance or statute, shall be conclusive of that fact as between CONTRACTOR and COUNTY.

26. **CALIFORNIA LAW.** This Agreement shall be governed by the laws of the State of California. Any litigation regarding this Agreement or its contents shall be filed in the County of Santa Barbara, if in state court, or in the federal district court nearest to Santa Barbara County, if in federal court.

27. **EXECUTION OF COUNTERPARTS.** This Agreement may be executed in any number of counterparts and each of such counterparts shall for all purposes be deemed to be an original; and all

such counterparts, or as many of them as the parties shall preserve undestroyed, shall together constitute one and the same instrument.

28. **AUTHORITY.** All parties to this Agreement warrant and represent that they have the power and authority to enter into this Agreement in the names, titles and capacities herein stated and on behalf of any entities, persons, or firms represented or purported to be represented by such entity(ies), person(s), or firm(s) and that all formal requirements necessary or required by any state and/or federal law in order to enter into this Agreement have been fully complied with. Furthermore, by entering into this Agreement, CONTRACTOR hereby warrants that it shall not have breached the terms or conditions of any other contract or agreement to which CONTRACTOR is obligated, which breach would have a material effect hereon.

29. **PRECEDENCE.** In the event of conflict between the provisions contained in the numbered sections of this Agreement and the provisions contained in the Exhibits, the provisions of the Exhibits shall prevail over those in the numbered sections.

30. **SUBCONTRACTORS.** CONTRACTOR is authorized to subcontract with subcontractors identified in Contractor's Proposal. CONTRACTOR shall be fully responsible for all services performed by its subcontractor. CONTRACTOR shall secure from its subcontractor all rights for COUNTY in this Agreement, including audit rights.

31. **HANDLING OF PROPRIETARY INFORMATION**. CONTRACTOR understands and agrees that certain materials which may be provided may be classified and conspicuously labeled as proprietary confidential information. That material is to be subject to the following special provisions:

A. All reasonable steps will be taken to prevent disclosure of the material to any person except those personnel of CONTRACTOR working on the project who have a need to use the material.

B. Upon conclusion of CONTRACTOR's work, CONTRACTOR shall return all copies of the material direct to party providing such material. CONTRACTOR shall contact COUNTY to obtain the name of the specific party authorized to receive the material.

32. **IMMATERIAL CHANGES.** CONTRACTOR and COUNTY agree that immaterial changes to the work program (time frame and mutually agreeable work program changes which will not result in a change to the total contract amount) may be authorized by Planning and Development Director, or designee in writing, and will not constitute an amendment to the Agreement.

33. **NEWS RELEASES/INTERVIEWS.** CONTRACTOR agrees for itself, its agents, employees and subcontractors, it will not communicate with representatives of the communications media concerning the subject matter of this Agreement without prior written approval of the COUNTY Project Coordinator. CONTRACTOR further agrees that all media requests for communication will be referred to COUNTY's responsible personnel.

////Agreement for Services of Independent Contractor between the **County of Santa Barbara** and Rincon Consultants.

IN WITNESS WHEREOF, the parties have executed this Agreement to be effective on the date executed by COUNTY.

COUNTY OF SANTA BARBARA

By: _____
Chair, Board of Supervisors

Date: _____

ATTEST:
MICHAEL F. BROWN
CLERK OF THE BOARD

By: _____
Deputy

CONTRACTOR

By: _____
SocSec or TaxID Number: 77-039-0093

APPROVED AS TO FORM:
DANIEL J. WALLACE
COUNTY COUNSEL

By: _____ 4/1/08
Deputy County Counsel

APPROVED AS TO ACCOUNTING FORM:
ROBERT W GEIS, CPA
AUDITOR-CONTROLLER

By: _____
Deputy

APPROVED AS TO INSURANCE:
RAY AROMATORIO
RISK PROGRAM MANAGER

By: _____
Risk Program Administrator

EXHIBIT A

STATEMENT OF WORK

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Rincon Consultants, Inc.
[illegible]

March 6, 2008
Project Number 08-92550

Alex Tuttle, Planner
County of Santa Barbara, Planning and Development
Development Review Division
123 E. Anapamu Street
Santa Barbara, CA 93101

Subject: **Proposal Supplemental Revisions to Prepare a Comprehensive Biological Resource Study for the More Mesa Property and Area of Influence, Santa Barbara County, California**

Dear Mr. Tuttle:

Rincon Consultants, Inc., is pleased to submit this supplement to our proposal dated February 1, 2008 based on the email comments dated March 5, 2008, comments submitted by the California Coastal Commission (CCC memo dated March 3, 2008), and the discussion during our March 4 interview. Rincon Consultants remains very excited about the opportunity to work with the County on this unique project and are committed to successfully implementing the work scope. We fully understand that the County will be working closely with the California Department of Fish and Game and the CCC to ensure that the work program provides the biological evidence needed to support the Coastal Act policies and County local land use decisions. We also understand that the CCC wants to make sure that the level of survey effort is similar to that of the 1982 study and that the study be updated to reflect cases where methods have been changed. That was the premise of our original work program and where applicable, it is further clarified below. We believe that you will find this additional clarification highly responsive to your questions and the overall needs of this program. Note that we remain flexible to further fine tune or clarify our work program as necessary to meet the County's objectives for this important local project.

The following is a detailed response to those comments provided in the California Coastal Commission March 3rd memo, concerns discussed in our meeting with Santa Barbara County staff and the applicant on March 4th, and items summarized in your March 4th email. Several of the questions raised have been addressed in our proposal and where appropriate we have referenced those sections for your review. Other issues are addressed in greater detail below. Comments requiring new tasks or amendments to existing tasks are summarized on page 6 of this supplement and included in the revised Budget Estimate and Survey Schedule (attached).

RESPONSES TO CALIFORNIA COASTAL COMMISSION MEMO FROM J. ENGEL

The CCC in their memo recommended that several elements should be included as part of the More Mesa survey program. Rincon's proposal addressed each of these elements and, thus, we have outlined their location within the proposal for your reference. The only change necessitated by these comments would be to **increase the number of raptor surveys to twice monthly for the months of December through February and March through June.** In our original proposal Rincon had provided for once monthly raptor surveys for the entire year, as this was overlapped and complimented by the general avian surveys under Task 2, the white-tailed kite focused surveys under Task 3, and the special-status

species surveys under Task 5. It is our understanding that the CCC and County would prefer focused twice monthly surveys during the wintering and nesting period of raptors. Therefore, the total number of raptor surveys will be increased by fourteen and is reflected in our revised budget estimate and schedule provided in the following pages. The following provides further detail regarding CCC comments.

Wintering Raptor Survey.

1) **The CCC noted that surveys shall be conducted by professional ornithologists.** As noted in our proposal we have two highly-qualified in-house ornithologists with extensive experience studying and managing numerous avian species, including several federally listed species. Our in-house experts will perform the field efforts for the avian studies, with support from subconsultant John Storrer. The proposal provides a brief description of two of our in-house ornithologists, Jennifer Turner and Nancy Fox-Fernandez, on page 10 and a detailed description for each in the resumes attached to the proposal. Both have recently conducted a number of burrowing owl surveys. Additionally, subconsultant John Storrer will be providing his local expertise and provide a peer review of our methods and results. Mr. Storrer's experience and credentials are also discussed in the proposal and his resume included as an attachment. Details regarding the roles and responsibilities for each are outlined in the above mentioned sections of the proposal.

2) **The CCC suggested the use of available USFWS and CDFG standard protocols.** The USFWS and CDFG do not have specific protocols with respect to survey methods. In developing the More Mesa survey plan Rincon has incorporated federal, state, and other industry accepted practices (i.e. Burrowing Owl Consortium) where appropriate. Where regulatory or other species specific standards are not provided, we have outlined accepted scientific sampling and survey methodologies (i.e. Emlen Line-transect as described by Bibby et al. (1993)). The Emlen Line method is consistent with that used by Labinger and Laymon in their *A Winter Avifauna Study of More Mesa, Santa Barbara County*, California (October 1999). Due to the volume of information provided in our proposal, and to avoid reproducing the same information here, we would refer you to pages 31-33, 37-40, and 42-45 of the proposal. We also note that the US Forest Service has recently published the *Multiple Species Inventory and Monitoring Technical Guide* (August 2006) that provides a description of various methodologies to be employed, including day and nighttime surveys for various raptors (Chapter 4). As we had previously discussed on page 31 of our proposal that specific surveys to capture owl activity would be conducted, the following supplements that discussion based on the USFS guidance: we will be scheduling four of the general avian surveys (twice during the spring and summer months) during the evening hours (one hour before sunset to around midnight) to specifically conduct Nocturnal Broadcast Surveys. These surveys will include broadcasting owl calls of all local species in an effort to detect number and species present at the Mesa. The NBSs will be conducted during good weather and scheduled if possible near to the full moon timing. These evening surveys will also provide an opportunity to observe crepuscular species such as snipe and nighthawks that may utilize the property. Similarly, it will provide an opportunity to observe bats that may emerge from refuge and begin foraging at the site.

3) **The CCC outlined a survey protocol for wintering raptors when none is provided by the wildlife agencies.** As discussed in the proposal, Rincon's survey plan includes and exceeds the elements recommended by the CCC, except that Rincon provided for once monthly raptor surveys. As stated in our proposal (page 33), the necessity to conduct additional survey effort was to be based on the data collected; based on the CCC request, Rincon will increase the monitoring frequency to twice monthly during the winter for both general raptor and for the white-tailed kite roosts. We have adjusted our budget and schedule accordingly for the months of December through February. Thus, Rincon will increase the winter raptor surveys with

an additional three surveys and white-tailed kite roosting surveys by three. All other elements suggested under this line item were addressed in our proposal.

4) **The CCC requested a list of species with the potential to occur onsite.** As discussed in our proposal, the information provided in the report will include the results of past observations acquired during the literature review, such as those made during the 1982 (Ferren, et al.) and 1997 (LSA) studies. Given past observations and the level of surveys proposed to be performed, it is anticipated that all species that can "reasonably be expected to use habitats on the site" will be or have been detected.

Nesting Raptor Survey. The CCC reiterated the same questions and concerns noted above for the wintering raptor surveys. The responses provided above also apply, with the exception of comment number three. The CCC recommends twice monthly surveys for nesting raptors between the months of March through June. To accomplish this, Rincon would increase the number of nesting raptor surveys from once monthly to twice monthly during this period for both the 2008 and 2009 nesting seasons. **This equates to a total of three additional surveys in 2008 and five additional surveys for 2009 between March and June.**

RESPONSES TO SANTA BARBARA COUNTY STAFF COMMENTS

1) **CCC and SB County would like to see bi-weekly general avian surveys throughout the entire study period, as well as monthly dusk and dawn surveys.** As noted on page 31 of our proposal "Extensive field surveys for avian species will be conducted at least once every two weeks during the peak activity times during the spring and winter periods (spring/fall migration and core breeding season – Late April - June, September, December, and January). Fewer surveys are anticipated to be needed outside of the peak activity periods, and the actual timing and length of the intensive surveys will be determined by the study year's specific climatic conditions (i.e., normal rainfall vs. drought year)." As previously stated, the necessity for additional survey effort was to be based on the data collected and the specific environmental conditions encountered; nonetheless, as a conservative measure, **we propose to increase the frequency of surveys to twice monthly, providing an additional seven surveys during the course of the study year.** This addition in surveys is reflected in our amended budget estimate and schedule attached below.

   Regarding survey hours, as noted on page 31 of our proposal, "surveys will be conducted during daylight hours (typically sunrise to 11:00 AM as this is when the peak activity period occurs for the majority of birds); however specific surveys will be conducted after sunset during the spring and in the winter in an effort to capture owl activity." **This effort will be scheduled to include regular monthly dusk surveys, such that each month will include one dusk and one dawn survey throughout the entire study period. As discussed above, four of these surveys will be extended into the evening to conduct Nocturnal Broadcast Surveys.**

2) **CCC and SB County requested that native grassland be mapped regardless of the 0.25 acre County threshold.** Mapping unit is dependent on the nature of the biological resource being mapped and is related to the ecological functioning that is associated with that particular resource. In light of these comments, we propose to provide a 200 square foot minimum mapping unit for grasslands (approximate 5x5 meter resolution). This would require a more intense survey effort, however, given the additional surveys occurring throughout the spring and summer months (i.e. floristic, plant community and wildlife habitat mapping), the extensive coverage of the site during these surveys, and staff familiarity with the site, the additional survey time would be minimal. **We have estimated an additional two days of staff time will be necessary to map native grasslands to this level.**

3) CCC and SB County requested bat surveys to be added to the general surveys under Task 2. A limited number of bat species could potentially roost in the wooded portions of the site, with several additional species potentially foraging in the open areas. We propose to inventory the species of bats utilizing the More Mesa site with a Petterssen D240x to record the inaudible ultrasonic calls of bats. This detection system will allow for the identification of different species and their activities without handling individuals. The detector will automatically download and record complete waveforms of sound for confident species identification. A qualified biologist would install the D240x for **three survey-nights per season (spring, summer and fall)**. Each survey night would begin at dusk and continue for up to five hours of recording. Due to the high level of human activity at the site and the chance of vandalism, a monitor would be required to accompany the survey equipment each night. Visual surveys for bats and other crepuscular wildlife will be conducted simultaneously with the monitoring. The detector would be located within habitat suitable for bat activity, such as water features or corridors along riparian habitat. Acoustical surveys are recommended as compared to mist netting as this method is more likely to detect more species present than the latter. The Petterssen dectector was chosen over the AnaBat system as it is more likely to provide definitive species identification.

   Prior to beginning survey efforts, the site would be reviewed for the top three suitable sites for bat detection. Survey nights would rotate between each of these locations during each survey period. Recorded data would be reviewed at a lab specializing in bat detection and analysis, utilizing Sonobat software. Due to the time constraint for providing this amendment, we were unable to obtain a price quote directly from the lab where this data is interpreted. However, , **based on related experience and per the USFS MSIM guidance, we have budgeted for a range of $2,400 - $3,600 for reviewing the data for the entire year.** This additional task is reflected in our amended budget estimate and schedule below.

4) **CCC and SB County requested that wandering skipper and blue butterfly be added to the survey list.** The wandering skipper (*Panoquina errans*) generally utilizes saltgrass (*Distichlis spicata*) for mating and laying their eggs. Suitable habitat for the skipper is not expected on More Mesa; however, suitable habitat may be found within the Goleta Slough which is located roughly one and a half miles to the north. Although the potential for observing this species onsite is low, we propose surveying for adult skippers concurrently and/or immediately following the general avian surveys during the months of June through September. **We have budgeted for up to eight additional hours for butterfly specific surveys during the summer months.** Specific attention would be paid to the bluff, shore and coastal areas of the Mesa.

   According to the USFWS species accounts neither the Smith's blue butterfly nor the El Segundo blue butterfly (both *Euphilotes*) subsist within Santa Barbara County. Additionally, the Santa Barbara Museum of Natural History's Field Guide to Santa Barbara butterflies does not list either as occurring within the area. The SBMNH's Field Guide "describes all of the butterflies thought to occur in Santa Barbara County. The list of species is based on a combination of field sightings, the collections of the Santa Barbara Museum of Natural History, and other worker's records (especially the USGS "Butterflies of North America" site, maintained by Paul Opler.)." Based on these sources the potential to find either *Euphilotes* at the site is remote; however, if the County and CCC would prefer surveys to be performed we **recommend as an additional subtask under Task 2, that limited sweep net surveys be conducted** concurrently and/or immediately following the general avian surveys during the months of June through September. Surveys would be conducted in and around any coastal bluff scrub containing *Eriogonum parvifolium* (the butterflies' host plant). We would also assess other species in the area and make note of any other potential butterfly host plants such as

Plantago spp. which some of the checkerspots use. Potential habitat for these and any other special status species would be identified during the wildlife habitat mapping efforts.

5) **CCC and SB County requested that the wetland delineations be performed in the spring with repeated winter observations and mapping of hydrology.** To address this request, we have rescheduled our delineation for the augmented our wetland delineation to include two additional site visits during the 2009 winter rain season. Surveys during this period will provide direct observations of winter rain events and correlate that with onsite wetland hydrology. However, while looking at the greatest extent of ponding at the site is useful in identifying locations that may otherwise be overlooked, it is important to note that such pond levels do not necessarily accurately identify the extent of Corps and State (CCC and RWQCB) jurisdiction. For example, water that puddles during typical winter rain events may form a large pond with a varying rate of drainage and evaporation in any one year. Where that ponded water is present sufficiently to saturate the soils to support hydrophytic vegetation over a long period of time more accurately defines the extent of the wetland. As this can be a defining characteristic of a wetland; our proposal has focused on the floristic inventory and plant community mapping during the spring blooming period. In addition to adding two 2009 winter survey dates to map the extent of onsite wetlands, we propose further augmenting our proposal with two additional site visits in June, when it is still possible to observe most all (especially late blooming) annual and perennial flowering plants. **Thus, our revised wetland delineation schedule would include two survey dates in late April, two visits in June and two visits during the winter months of 2009 to map the extent of onsite wetlands.**

6) **CCC and SB County suggested revisiting the level of effort proposed for surveying vernal pools.** Rincon's original proposal for surveying for vernal pool fairy shrimp assumes sampling of up to six vernal pools at More Mesa. Based on a literature review of historic site conditions, a January 2008 site walk and the extent of ponding observed on site, we believe this to be an adequate level of effort to determine the presence or absence of the vernal pool fairy shrimp. Although discussed in detail within our original proposal, Rincon proposes to start the fairy shrimp surveys in the spring of 2008 with USFWS notification, a habitat assessment and a dry season cyst analysis. The wet season survey, to be performed during the winter of 2009, would complete the analysis by April of next year. Although few pools were detected during the January 2008 site walk, the vernal pool habitat assessment, wetland delineation, and floristic inventory identified in our proposal will be used to identify other potential pools onsite. **Given the adequacy of our assumptions for this particular task, we see no need to augment our original approach.**

RESPONSES TO QUESTIONS RAISED IN THE RINCON MARCH 4TH INTERVIEW

Additional comments discussed during our March 4th interview that were not included in the email or memo referenced above are further addressed herein. Specifically, the County was concerned if adequate time had been allotted for review of the accumulated information for this site and if adequate oversight (project management) for individual tasks had been allocated. Our professional biologists are skilled and trained at self-management, and given that the field work will be done by in-house staff, the amount of individual task management time was minimized. Nonetheless, based on County input regarding several line-item tasks, we propose to augment the literature review and project management effort. **We propose increasing the amount of hours dedicated to background material review from 20 hours to 40 hours. Further, we have provided for an additional 30 hours of project management time.** Pursuant with the County's request, the project management, GIS, and technical advisor hours originally listed as Additional Costs in the budget estimate were re-allocated to the specific tasks where most appropriate. Further, as discussed in our meeting, Rincon intends to utilize subconsultants on a limited basis to provide input on survey design and for peer review. Given the qualifications of our in-house staff, we intend to utilize Rincon staff to fully implement the field efforts

outlined under this scope of work (with the exception of surveys for vernal pool fairy shrimp and lichens). However, based on comments from our meeting we have added eight additional hours for technical review.

The following table summarizes the changes to our proposal of February 1, 2008, based on the prior discussion.

Summary of Task Amendments

Task Description	Corresponding Task #	Proposed Change	Additional Effort	Expenses
Winter Raptor Surveys	Task 2.5 General Raptor Surveys	Increase Frequency to 2 X month (Dec-Feb)	3 surveys	
Nesting Raptor Surveys	Task 2.5 General Raptor Surveys	Increase Frequency to 2 X month (Mar-June)	8 surveys	
General Avian Surveys	Task 2.5 General Avian Surveys	Increase Frequency to 2 X month (year-round)	7 surveys	
Grassland Mapping	Task 2.3 Plant Community Mapping	Increase Survey Intensity (100 sf min. mapping unit)	2 survey days	
Bat Surveys	Task 2.9 Bat Surveys	Addition of Bat Surveys	9 survey days	Equip ($180/ survey); Lab ($3,600 total)
Butterfly Surveys	Task 5 Butterfly Surveys	Addition of Survey Hours for Two Species	8 hours	
Wetland Delineation	Task 4 Wetland Delineation	Addition of 2 Spring and 2 Winter Surveys	4 survey days	
Material Review	Task 1 Review Past Studies & Reports	Increase Hours for Literature Review	20 hours	
Project Management	Tasks 2, 3, and 5	Increase Hours for Project Management	30 hours	
Technical Advisor/Review	Tasks 2 and 3	Increase Hours for Project Management	30 hours	

We have provided a revised cost estimate based on the changes outlined above and attached it to this document. As you will note, with the listed amendments the project total costs has increased to $199,617. This includes a 10% contingency of approximately $18,000. The majority of this increase is due to the costs associated with performing bat surveys and identification ($16,020). The increase in frequency of general avian and raptor surveys requested by the CCC results in an estimated increased cost of $13,500. Additionally, we augmented the project management and technical review budget by approximately $4,000. Please note that optional tasks as previously proposed amounting to an additional $16,253 are shown in the table, of which Quarterly Progress Reports amount to $8,680.

The County requested a more detailed breakdown of staff allocation per task for the project; please note that our proposal contains a thorough account of the roles and responsibilities of each staff member. As we discussed in our proposal and the March 4th interview, those staff members listed in our proposal will be assigned to this project and in accordance with the roles outlined in our proposal. No additional staff would be brought on to assist with this effort unless approved by the County. We have added a column to the attached cost estimate to denote those staff members involved in the individual tasks.

Phase I Description

Pursuant with the County's request, we have outlined the initial Phase of the More Mesa Biological Resources Study. It is our understanding that the County would like to approve the first phase of the work scope to facilitate initiation of the proposed field work while the remainder of the proposal is

submitted for approval to the Board of Supervisors. At this time, we have estimated the cost of time-sensitive field efforts necessary through the month of April. We have provided a limited cost spreadsheet (a subset of our full proposal) with those efforts we propose should be commenced immediately. **The total cost for efforts to perform these tasks through the month of April totals $22,260.**

Proposal Strategy and Costing. The following reiterates our discussion during the interview regarding Rincon's scope of work and cost assumptions. When Rincon made the decision to pursue this project our strategic goals were to: 1) Assemble the best qualified team for the assignment; 2) Develop a highly responsive work scope that considered the biological complexity of the project site as well as the regulatory and political framework associated with this important coastal resource area of the County; and 3) to offer our services at highly competitive rates. Simply stated, we were seeking to offer the County the Strongest Team, Most Technically Responsive Work Scope, and the Best Price. While we rarely reduce our rates for a particular assignment, we made a business decision to reduce our field rates for our highly qualified staff to help ensure that we met our proposal objectives. As a medium sized firm with hands-on principal involvement in all projects, we enjoy the benefits of having a low overhead structure that allows us to make such strategic pricing decisions when we believe they are warranted. Professional interest and the challenge of this complex assignment were two factors that were used in this decision as well as our general philosophy that price/value is always important to our clients. We are fully committed to the cost structure outlined in our original proposal and further detailed herein.

We look forward to the opportunity to meet with you to further discuss your needs and how our qualifications are especially well suited to this program. If you have any questions regarding this submittal, please contact us.

Sincerely,
RINCON CONSULTANTS, INC.

Duane Vander Pluym, D.ESE
Principal-in-Charge

MORE MESA BIOLOGICAL RESOURCES STUDY BUDGET ESTIMATE

Task	Hours / Task	Visits	Staff	Total Hours	Hourly Cost	Total Cost	Key Staff *
1 REVIEW PAST STUDIES AND REPORTS							
Material Review				40	$75	$3,000	KM, LC
Data Abstract and Findings Summary				4	$75	$300	LC
TASK 1 TOTAL						**$3,300**	
2 CONDUCT GENERAL FIELD SURVEYS/INVESTIGATIONS							
Project Management				40	$115	$4,600	KM, LC
GIS support and mapping				100	$65	$6,500	KW, LC
Technical Advisor/Review				40	$110	$4,400	JS, TO, DH, EP, KK
2.1 Floristic Inventory							
Survey 1	10	1	4	40	$75	$3,000	KM, JB, CB, EP
Survey 2	10	1	2	20	$75	$1,500	KM, JB, CB, EP
Survey 3	10	1	2	20	$75	$1,500	KM, JB, CB, EP
2.2 Non-Vascular Survey (If Needed)	8	1	1	8	$115	$920	KK
2.3 Plant Community Mapping	8	4	2	64	$75	$4,800	KM, JB, CB
2.4 Wildlife Habitat Mapping	5	1	2	10	$75	$750	JB, JT
2.5 Bird Surveys							
General Avian Surveys	5	28	2	280	$75	$21,000	JT, NFF
General Raptor Surveys	5	24	2	240	$75	$18,000	JT, NFF
2.6 Mammal Trapping							
Initital Location and Trap Mapping	4	1	2	8	$75	$600	JT, JD, TO
Grid Trapping (9 grids)	4	12	2	96	$75	$7,200	JT, JD
Traplines (4)	4	4	2	32	$75	$2,400	JT, JD
2.7 Reptile/Amphibian Trapping and Inventory							
Visual Encounter Surveys	4	7	2	56	$75	$4,200	SC, JD
Installing/Removing Pitfall Traps	8	2	2	32	$75	$2,400	SC, JD, TO, JS
Trap Check and Data Collection	1	57	2	114	$75	$8,550	SC, JD
2.8 Invertebrate Surveys							
Monarch Butterflies	N	N	N	N	N	N	JT, NFF
Vernal Pool Fairy Shrimp (See Task 5)	N	N	N	N	N	N	JDIV
2.9 Bat Surveys	8	9	2	144	$75	$10,800	WK
TASK 2 TOTAL (without optional subtask 2.2)						**$102,200**	
TASK 3 CONDUCT WHITE-TAILED KITE INVESTIGATION							
Project Management				10	$115	$1,150	KM, LC
GIS support and mapping				20	$65	$1,300	KW
Technical Advisor/Review				8	$110	$880	JS
Roosting Surveys (2/month Dec-Feb)	2	8	2	32	$75	$2,400	JT, NFF
Breeding Surveys (2/month)	3	13	2	78	$75	$5,850	JT, NFF
Foraging Surveys (2/month)	2	26	1	52	$75	$3,900	JT, NFF
TASK 3 TOTAL						**$15,480**	
TASK 4 CONDUCT FORMAL WETLAND DELINEATIONS AND IDENTIFY ON-SITE WETLANDS.							
Wetland Delineation and Identification	10	6	2	120	$75	$9,000	KM, CB, DH
TASK 4 TOTAL						**$9,000**	
TASK 5 SPECIES SENSITIVITY UPDATES AND EVALUATION.							
Project Management				20	$115	$2,300	KM, LC
GIS support and mapping				20	$65	$1,300	KW
Burrowing Owl Survey							
Walkover and Binocular Survey	3	1	1	3	$75	$225	JT, NFF
Dusk or Dawn Survey	3	4	1	12	$75	$900	JT, NFF
Report	3		1	3	$75	$225	JT, NFF
Other Focused Special-Status Bird Surveys (Up to 3 species)							
Non-raptor (Individual Survey)	2	4	1	8	$75	$600	JT, NFF
Raptor (Individual Survey)	2	10	1	20	$75	$1,500	JT, NFF
Report	3		1	3	$75	$225	JT, NFF
Subtotal for (3) Non-Raptor Species Surveys	**15**	**12**	**1**	**33**		**$2,475**	
Subtotal for (3) Raptor Species Surveys	**15**	**30**	**1**	**69**		**$5,175**	
California Red-Legged Frog							
5 Night Surveys	4	5	2	40	$75	$3,000	SC, LC, JD
3 Day Surveys	4	3	2	24	$75	$1,800	SC, LC, JD
Report	3		1	3	$75	$225	SC, LC, JD

MORE MESA BIOLOGICAL RESOURCES STUDY BUDGET ESTIMATE

Task	Hours / Task	Visits	Staff	Total Hours	Hourly Cost	Total Cost	Key Staff *
Reptiles							
Southwestern Pond Turtle	N	N	N	N	N	N	SC, LC, JD
Two-Striped Garter Snake	N	N	N	N	N	N	SC, LC, JD
Vernal Pool Fairy Shrimp							
Annual Site Assessment	8	2	1	16	$85	$1,360	JDIV
Sampling	6	9	1	54	$85	$4,590	JDIV
Laboratory Identification	8	1	1	8	$85	$680	JDIV
Reporting	34	1	1	34	$85	$2,890	JDIV
Butterflies (Monarch, blue spp. and wandering skipper)							
Census (September-October)	N	N	N	N	N	N	SC
Roost Survey (November-December)	2	4	1	8	$75	$600	SC
Sweep Surveys	2	4	1	8	$75	$600	SC
TASK 5 TOTAL (assumes 3 non-raptor species surveys)						**$23,170**	
TASK 6A. HABITAT SENSITIVITY UPDATE AND EVALUATION							
Refinement of sensitivity factors and scoring system				8	$75	$600	KW, LC
Scoring Data				16	$75	$1,200	KW, LC
Preparation of Model				32	$75	$2,400	KW, LC
Technical Oversight and Summary				16	$85	$1,360	KW, LC
TASK 6B. OPTIONS FOR DEVELOPMENT							
Draft Recommendations and Guidelines				8	$95	$760	AL, RM
Revisions				8	$95	$760	AL, RM
TASK 6 TOTAL						**$7,080**	
TASK 7 PREPARE COMPREHENSIVE REPORT							
Quarterly Progress Reports							
Progress Report Preparation	16	4	1	64	$85	$5,440	LC
Administrative Draft Biological Resources Study							
Report Preparation	60			60	$85	$5,100	JT, CB, LC, KM, DVP
Graphics Preparation	20			20	$65	$1,300	KW
Draft Biological Resources Study							
Respond to County Comments	12			12	$85	$1,020	JT, CB, LC, KM, DVP
Draft (Public) Report Preparation	16			16	$85	$1,360	LC, DVP
Final Biological Resources Study							
Respond to County/Public Comments	12			12	$85	$1,020	JT, CB, LC, KM, DVP
Final Report Preparation	16			16	$85	$1,360	LC, DVP
TASK 7 TOTAL (without optional progress reports)						**$11,160**	
EXPENSES							
Additional Costs							
Meetings	4	8		32	$85	$2,720	KM, LC
Hearings	5	2		10	$85	$850	KM, DVP
Production Costs	**Copies**	**Digital**					
Quarterly Progress Reports	12	4				$520	
Administrative Draft Report	3	1				$130	
Draft (Public) Report	1	1				$50	
Final Report	3	1				$130	
Miscellaneous							
Travel/Mileage						$1,500	
Supplies						$800	
General and Administrative						$1,400	
Pettersen D240x (9 days at $180/day)						$1,620	
Sonobat Lab Interpretation Costs						$3,600	
ADDITIONAL TASKS AND EXPENSES SUBTOTAL						**$10,080**	
Contingency (10%)						**$18,147**	
PROJECT TOTAL						**$199,617**	
Optional Tasks are highlighted in green above and total (with 10% contingency):						*$16,253*	

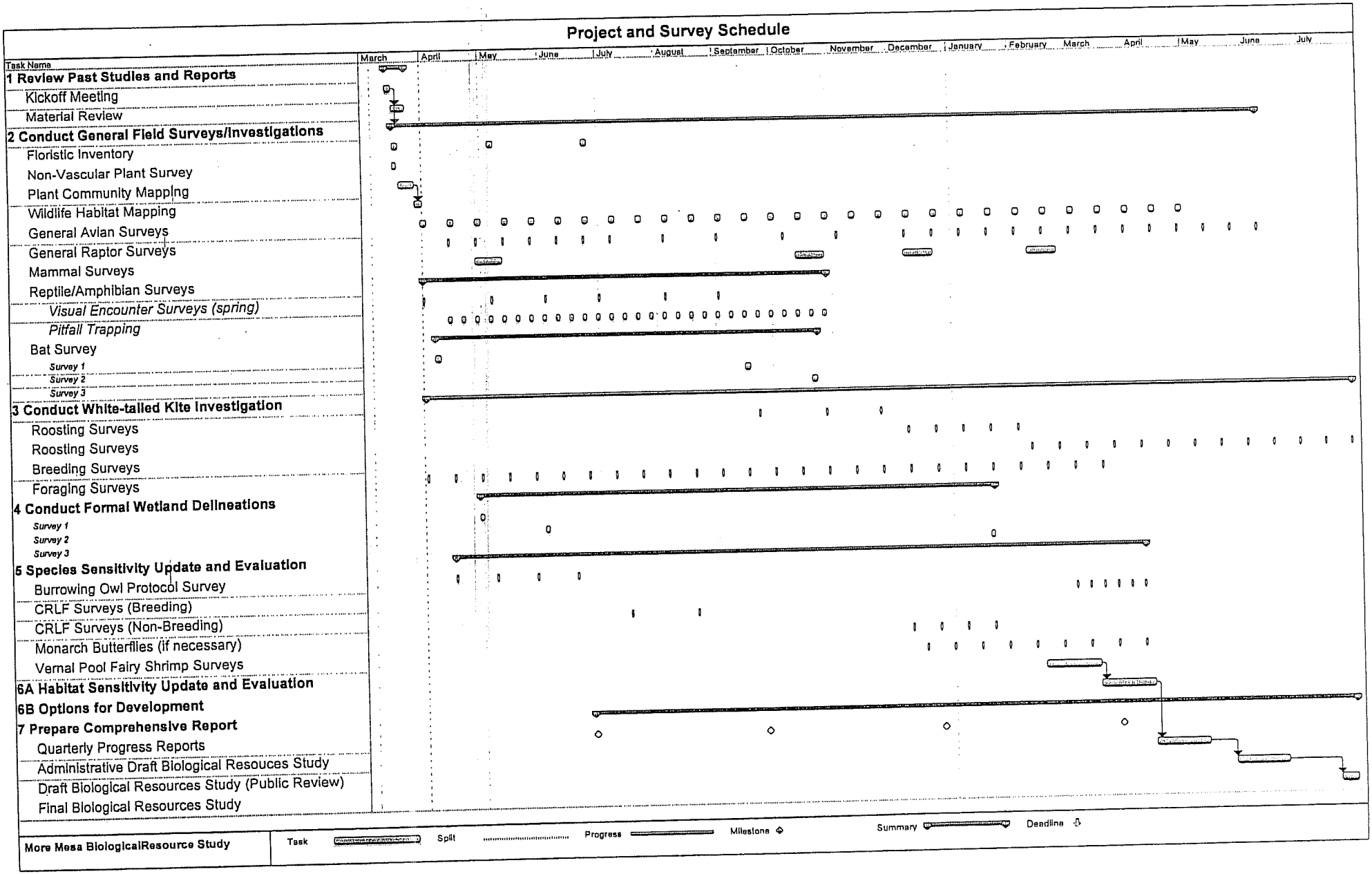
Items which have been augmented in response to California Coastal Commission and Santa Barbara County staff comments are shaded.

* Abe Leider (AL), Cher Batchelor (CB), Duane Vander Pluym (DVP), Jennifer Turner (JT), John Dreher (JD), Julie Broughton (JB), Katherine Warner (KW), KathyJ Babcock (KJB), Kevin Merk (KM), Lacrissa R. Cook (LC), Mike Glalketsis (MG), Nancy Fox-Fernandez (NFF), Susan Christopher (SC), Wendy Knight (WK), John Davis IV (JDIV), John Storrer (JS), Tom Olsen (TO), Kerry Knudsen (KK), Elizabeth Painter (EP), Dave Hubbard (DH)

MORE MESA BIOLOGICAL STUDY - PHASE I BUDGET ESTIMATE

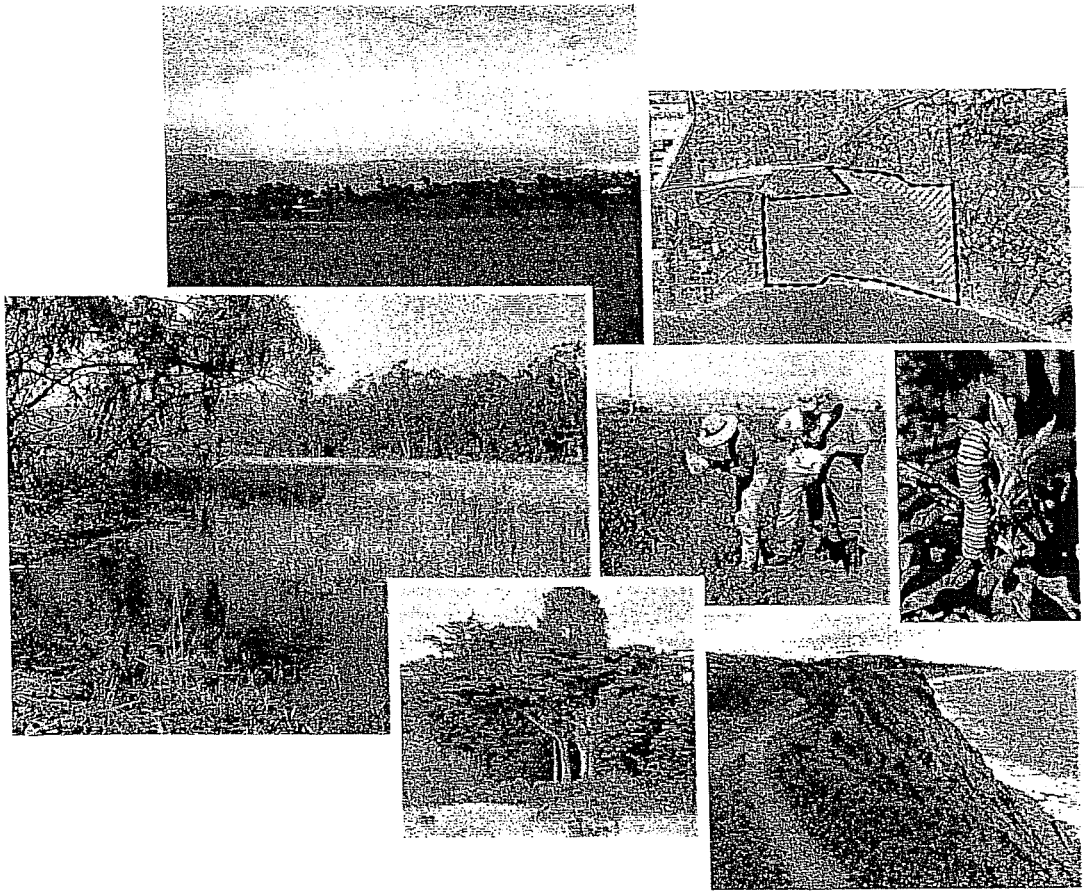
Task	Hours / Task	Visits	Staff	Total Hours	Hourly Cost	Total Cost
1 REVIEW PAST STUDIES AND REPORTS						
Material Review				40	$75	$3,000
Data Abstract and Findings Summary				4	$75	$300
TASK 1 TOTAL						**$3,300**
2 CONDUCT GENERAL FIELD SURVEYS/INVESTIGATIONS						
Project Management				10	$115	$1,150
GIS support and mapping				16	$65	$1,040
Technical Advisor/Review				16	$110	$1,760
2.1 Floristic Inventory						
Survey 1	10	1	4	40	$75	$3,000
2.4 Wildlife Habitat Mapping	5	1	2	10	$75	$750
2.5 Bird Surveys						
General Avian Surveys	5	3	2	30	$75	$2,250
General Raptor Surveys	5	3	2	30	$75	$2,250
2.7 Reptile/Amphibian Trapping and Inventory						
Visual Encounter Surveys	4	1	2	8	$75	$600
Installing/Removing Pitfall Traps	8	2	2	32	$75	$2,400
Trap Check and Data Collection	1	3	2	6	$75	$450
2.8 Invertebrate Surveys						
Monarch Butterflies	N	N	N	N	N	N
Vernal Pool Fairy Shrimp (See Task 5)	N	N	N	N	N	N
TASK 2 TOTAL (without optional subtask 2.2)						**$15,650**
TASK 3 CONDUCT WHITE-TAILED KITE INVESTIGATION						
Foraging Surveys (2/month)	2	3	1	6	$75	$450
TASK 3 TOTAL						**$450**
Vernal Pool Fairy Shrimp						
Annual Site Assessment	8	2	1	16	$85	$1,360
TASK 5 TOTAL (assumes 3 non-raptor species surveys)						**$1,360**
TASK 6A. HABITAT SENSITIVITY UPDATE AND EVALUATION						
Refinement of sensitivity factors and scoring system				4	$75	$300
TASK 6 TOTAL						**$300**
EXPENSES						
Miscellaneous						
Travel/Mileage						$400
Supplies						$800
ADDITIONAL TASKS AND EXPENSES SUBTOTAL						**$1,200**
PROJECT TOTAL						**$22,260**

Project and Survey Schedule



Proposal to Prepare

More Mesa Biological Resource Study



Prepared for:
County of Santa Barbara

Prepared by:
Rincon Consultants, Inc

February 1, 2008

Rincon Consultants, Inc.

February 1, 2008
Project Number 08-02550

Alex Tuttle, Planner
County of Santa Barbara, Planning and Development
Development Review Division
123 E. Anapamu Street
Santa Barbara, CA 93101

Subject: Proposal to Prepare a Comprehensive Biological Resource Study for the More Mesa Property and Area of Influence, Santa Barbara County, California

Dear Mr. Tuttle:

Rincon Consultants, Inc., is pleased to submit this proposal to prepare a Comprehensive Biological Resource Study of More Mesa and its surrounding area of influence. We are very enthusiastic about the opportunity to work with you on this interesting project and are confident that you will find our team highly qualified in all of the technical areas and analyses that will be required.

For this contract we have assembled a team of skilled biologists, botanists, environmental scientists, GIS technicians and planning professionals who combine extensive technical qualifications and knowledge of the resource issues of the South Coast area. At the same time our team offers an independent and fresh approach to analyzing the sensitivity of More Mesa, based on sound scientific data collection and study; federal, state, and local policies; and our past experience with successful management of similar projects.

Of particular relevance is our team's recent completion of a sensitivity analysis for a 66,000 acre area within Ventura County to prioritize conservation targets. The analysis evaluated biological sensitivity based on eight sensitivity criteria (presence of special-status species, rarity of habitat, habitat types, wetlands, development threat, contiguity, wildlife corridors, and restoration potential). Additionally, Rincon has recently completed several other comprehensive biological resource studies. Notable is our work on the Bradley Ranch EIR biological investigation. Rincon conducted a floristic inventory, general habitat assessment, focused rare plant surveys, focused habitat assessments for the federally-listed California tiger salamander and California red-legged frog, and a wetland delineation for the roughly 1,700 acre property. Additionally, Rincon completed a floristic inventory; community and habitat mapping; rare, threatened, and endangered plant surveys; special-status wildlife surveys; an oak tree inventory; and special-status lichen surveys for a 135 acre site within the City of Agoura Hills. Survey results were summarized in a Biological Technical Appendix to supplement a Programmatic EIR for the site.

The Rincon team consists of technical experts in all of the issue areas that the County may need for assessing the sensitivity of More Mesa. Rincon's in-house staff, alone, is a highly qualified and technically skilled group consisting of two doctorates of biological and environmental sciences, one doctoral candidate in geology (emphasis in distribution and climatic constraints of fossil plants of California), two botanists with over 25 years combined experience within the South Coast region, one Master's of Environmental Science and Management (emphasis in Conservation Planning), two Master's

of Science (emphasis in Wildlife Biology), other general wildlife biologists with multiple years experience in this area, and GIS experts and certified planners.

We believe that the following features of our project team make us uniquely suited to this important local project.

- *Proven Project Management*
- *Highly Experienced Team of Professionals*
- *Technical Experience with Resource Issues of More Mesa*
- *Successful Completion of Sensitivity Analyses, General and Focused Resource Studies for Projects of a Similar or Greater Size*
- *Senior Planning Team, Highly Experienced with Santa Barbara Planning and Policies*

The following is a brief description of our team's capabilities in each of these areas.

Proven Project Management. This project would be managed by Kevin Merk, Senior Project Manager, who has over fifteen years of work experience in biological consulting. Kevin has successfully managed a wide array of projects requiring similar Biological Resource Investigations (BRI) to those proposed for More Mesa (rare plant surveys, floristic inventories, habitat mapping, focused special-status species surveys and wetland delineations). Projects of particular note include:

- Mahoney Ranch BRI and Habitat Conservation Plan (450 acres) – Santa Barbara County
- Biddle Ranch Agr. Cluster Residential Subdivision BRI (4,000 acres) – San Luis Obispo County
- Seabreeze Biological Resources Investigation (80 acres) – Lompoc

Highly Experienced Team of Professionals. For the More Mesa Project we proposed to augment our team with the following five key subconsultants that have specific experience relevant to the resource issues that are of concern for this project.

- *John Storrer – Amphibians and Reptiles*
- *Tom Olson – Mammals*
- *Elizabeth Painter– Special-Status Plants*
- *Coastal Restoration Consultants (CRC) – Wetland Delineations*
- *Kerry Knudsen – Lichenologist*
- *John Davis IV, - Vernal Pool Fairy Shrimp*

Technical Experience with Resource Issues of More Mesa. Rincon and its key team members have considerable experience with resources issues of the South Coast. Of particular note is the technical expertise of our biological experts. John Storrer assisted with the development of Standard Mitigation Policies employed by the Santa Barbara County Planning and Development Department. He has authored four multi-disciplinary resource management plans in the Santa Barbara Region (More Mesa, Burton Mesa, Point Sal, and Gaviota) and recently completed a long-range conservation planning document for the Gaviota Coast. Tom Olsen is also highly regarded for his work with special-status mammals, reptiles and amphibians across the south and central coasts. Elizabeth Painter currently works as Research Associate for the Santa Barbara Botanic Garden. Mrs. Painter has been a primary author or contributor to more than fifteen publications in her career, including five publications in *The Jepson Manual: Higher Plants of California*. Further, Mrs. Painter's breadth of experience with California grasslands (native, naturalized, disturbed, etc...) is exhaustive in addition to her other professional work throughout southern California.

Although we have only described half of our experts here, their experience combined with that of our other subconsultants and Rincon's in-house staff will be especially important for a project of this nature where a substantial amount of data collection and technical analysis is required.

Successful Completion of Sensitivity Analyses, General and Focused Resource Studies for Projects of a Similar or Greater Size. Rincon has considerable previous experience working on resource investigation projects throughout California, several of which have involved sensitivity analyses to examine development or conservation potential. As noted above, Rincon recently finished preparing a sensitivity analysis for a 66,000 acre area of interest in Ventura County to prioritize conservation targets.

Senior Planning Team, Highly Experienced with Santa Barbara Planning and Policies. We have included two senior planners as part of our More Mesa team to assist in outlining and examining appropriate local and coastal policies for the sensitivity determination. Rob Mullane and Abe Leider are senior planners with extensive experience with Santa Barbara County planning policies, and City of Goleta and Goleta Community Plan policies. Mr. Leider has over 10 years of experience in planning, including eight years with the County of Santa Barbara's Planning and Development Department. Mr. Mullane was formerly a senior planner with the City of Goleta and prior to that he was a Senior Planner with the County of Santa Barbara Department of Planning and Development and Energy Division. With Mr. Leider and Mr. Mullane's assistance our biological team will be better able to convey the complex and technical results in a manner that is clear and comprehensible not only for County staff, but also for the public and decision makers.

We look forward to the opportunity to meet with you to further discuss your needs and how our qualifications are especially well suited to this program. If you have any questions regarding this submittal, please contact us.

Sincerely,
RINCON CONSULTANTS, INC.

Duane Vander Pluym, D.ESE
Principal-in-Charge

Proposal to Prepare
More Mesa
Biological Resource Study

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1.0 SUMMARY of the PROPOSAL

Rincon Consultants, Inc. is pleased to submit this proposal in response to the County of Santa Barbara's Request for Proposal for the preparation of a comprehensive biological resource study to address the More Mesa property. It is our understanding that the intent of these studies is to determine the extent of important coastal biological resources and the changes that may have occurred over the years to the site, especially those areas designated Environmentally Sensitive Habitat. The purpose of this study is to determine from a biological basis those areas that should be considered for open space as compared to those that may be suitable for development. Rincon is well qualified to assist the County for this project because of our familiarity conducting multiple large and small-scale biological studies throughout Santa Barbara, San Luis Obispo and Ventura Counties. The Rincon team has extensive experience in all the biological resources present at More Mesa, long term experience at the specific site and within coastal habitats, and the expertise necessary to objectively quantify and analyze the data, interpret ecological functions and County policies, and present the information in a usable, understandable, and accessible form.

Leading this project is **Kevin Merk**, a Senior Biologist with Rincon Consultants with over 10 years of experience including expansive work in Santa Barbara County. **Duane Vander Pluym, D.ESE** and **Michael Gialketsis, REA**, both Principals of the firm will provide QA/QC and Contract Administration respectively. **Lacrissa Cook, MESM**, will be assisting Mr. Merk with overall project management. Our in-house staff of botanists, ESA Section 10 permitted wildlife biologists, and certified wetland delineators will form the core of the research team. To augment our in-house expertise, our team also includes the following highly qualified subconsultants for their technical guidance and expertise:

John Davis IV (Quatro Biological Services) – *Vernal Pool Fairy Shrimp*
David Hubbard (Coastal Restoration Consultants) – *Wetland/Jurisdictional Delineations*
Tom Olson – *Mammals/Amphibians/Reptiles Expert*
John Storrer – *Avian/Amphibians/Reptiles Expert*
Elizabeth Painter – *Botanist*
Kerry Knudsen – *Lichenologist*

The More Mesa Biological Studies will be focused on determining the appropriate extent and nature of Environmentally Sensitive Habitat at the site and would involve approximately 1,700 hours of personnel time. To this end, specialized studies are focused on listed and special status species (40% of the work effort), unique coastal resources (20% of the work effort), and raptors, especially the white-tailed kite (20% of the work effort). From the base data, Rincon will employ geographical analyses tools using AcrGIS to interpret the spatial data and apply sensitivity ranking analyses to determine those areas that meet the definition of Environmentally Sensitive Habitat and those potentially developable areas with the least potential for causing impacts to the biological resources of greatest concern. The final report will include the data, explanation of the various biological resources and their sensitivity within the ecological context of the South Coast environment, a composite of all individually scored and ranked GIS data layers, and the findings of the sensitivity and development potential analyses.

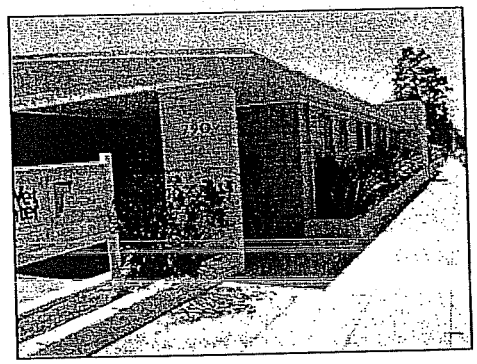
The following sections of this proposal describe in more detail, our general understanding and approach to this assignment, our proposed methodology, personnel and management qualifications, firm qualifications, and our proposed cost and schedule. We believe that you will find the Rincon approach highly effective and sensitive in addressing requirements for this very important, highly visible project.

2.0 PERSONNEL and PROJECT MANAGEMENT

2.1 MANAGEMENT STYLE

Rincon's senior staff has considerable management experience on both large and small projects throughout Santa Barbara County and California. The firm employs proven project management and quality control techniques, which are based on:

- *Regular communication with client and client representatives;*
- *Clear documentation and communication of project management decision making;*
- *Direct communication between managers, subconsultants, and analysts;*
- *Peer and management review of all documents; and*
- *Effective cost control and financial reporting.*



We have assembled a highly qualified team with strong credentials to prepare the More Mesa Biological Resource Study. The Rincon Consultants team offers senior project managers and environmental scientists; ornithology, herpetology, and mammals experts; general wildlife biologists; certified wetlands specialists; a range of botanical experts; a lichenologist and vernal pool fairy shrimp expert. The team as a whole holds the following scientific collecting permits:

- *Federal 10(a)(1)(A) handling permits for the California tiger salamander and California red-legged frog; CDFG Scientific Collecting permit for amphibian and reptile Species of Special Concern*
- *Federal 10(a)(1)(A) handling permits for the Morro Shoulderband Snail (MSS) and federally*

Listed Vernal Pool Branchiopods (LVPB – fairy and tadpole shrimps)

- *CDFG Rare, Threatened, and Endangered Plant Voucher Collecting Permit, 2008*
- *Certified Wildlife Biologist (The Wildlife Society);*
- *CDFG Scientific Collecting Permit; US Fish & Wildlife Recovery Permit – CA Tiger Salamander*
- *CDFG Scientific Collecting Permit, 2008*
- *U.S. Army Corps of Engineers Wetland Delineation, and Hydrogeomorphic Model Approach to Functional Assessment of Riverine Waters and Wetlands in the South Coast Region;*
- *California State Park statewide permit*

Our experience working in Central and South Coast communities ensures a sound understanding of the nuances of local habitat sensitivity and development issues. Rincon applies a hands-on, problem-solving approach intended to ensure schedule, budget, and quality control. Several of Rincon's principals and senior staff have been involved in biological resources studies within the region for a majority of their careers. We are cognizant of the issues and potential problems specific to the area, and also have the breadth of knowledge to develop alternative solutions to problems as they arise.

Our standard project management and quality control methods include: written project assignments, bi-weekly project progress meetings, project control using Microsoft Excel and Microsoft Project software, peer review of all technical sections, and principal review of all final products. Principal members of the project team, their responsibilities, and similar project experience are described below.

The study's success will also depend upon effective communication with the County and the ability to implement the proposed study in a technically sound, cost effective manner that meets the County's objectives. Rincon understands the need to become an effective extension of County staff for this project as we have done for many public agencies throughout our 13 year history. We will provide the County with regular, quarterly, progress reports on work status, schedules, as well as the budget (See Task 7.1 for more details).

To accomplish the project objectives we have assigned highly qualified technical experts to thoroughly review all of the existing project documentation, to perform the elected detailed project studies, and to ensure that the body of information is accurate, complete, and fully addresses the sensitivity of the habitats within More Mesa. This team of experts will be managed by a highly experienced management team and proven management approach. The following outlines the Rincon team key personnel and subcontractors, and their individual responsibilities and expertise. A resume for each is provided as an attachment to this proposal.

2.2 THE PROJECT TEAM

Rincon's basic approach to biological assessments is to provide appropriate biological expertise were needed to meet the requested requirements. Our team contains extensive biological expertise for listed species that could be affected by the project, specifically:

- **Birds:** Jennifer Turner, Nancy Fox-Fernandez, John Storrer
- **Amphibians:** Susan Christopher, John Storrer, John Dreher, Lacrissa Cook
- **Reptiles:** Susan Christopher, John Storrer, John Dreher
- **Mammals**: Tom Olson, Susan Christopher, Jennifer Turner
- **Fairy Shrimp:** John Davis IV
- **Plants**: Kevin Merk, Julie Broughton, Cher Batchelor, Elizabeth Painter
- **Wetland/Jurisdictional Determinations**: Kevin Merk, Cher Batchelor, Dave Hubbard

The qualifications of the key professionals that will be assigned to the More Mesa Biological Resource Study are summarized in the table on the following page and further described below.

Kevin Merk: Senior Biologist
Project Role: Project Manager
Responsibilities: Mr. Merk will oversee all aspects of project execution: team organization, study implementation, master scheduling, monitoring of staff and subconsultants, progress reporting (for study results, schedule and cost), County/Consultant communications, and deliverables. Mr. Merk will work with the assistant project manager and team leads to ensure that field data is collected, recorded and analyzed properly, as to assure proper translation and support for the habitat sensitivity analysis.

Mr. Merk is the Manager of the Biological Resources Group in Rincon's San Luis Obispo office. He has fifteen years of work experience in biological consulting with emphasis in botany, plant propagation, landscape design, habitat mitigation/restoration plan development and implementation, and construction monitoring. Mr. Merk holds a BA in Plant Sciences from the University of California, Santa Cruz, and has extensive knowledge of both native and non-native California plant species. He is also highly skilled in working with regulatory agencies, community environmental groups, and agency task forces. Kevin brings his broad experience in quantitative vegetation analysis, habitat evaluation procedures, surveys for legally protected plant species, methodologies for restoring native plant communities and biotechnical erosion control to the proposed work program. Mr. Merk also holds certificates in OSHA 40-hour HAZWOPER training, U.S. Army Corps of Engineers Wetland Delineation, and Hydrogeomorphic Model Approach to Functional Assessment of Riverine Waters and Wetlands in the South Coast Region.

Mr. Merk has managed and executed many diverse projects throughout California's Central Coast. Most recently, he is completing a Habitat Conservation Plan in support of an application for an incidental take permit for a mixed use project on 300 acres in Santa Maria. Kevin has managed other large-scale projects of regional significance including the Biddle Ranch Agricultural Cluster Residential Subdivision project in San Luis Obispo County. For this project, Kevin managed the biological resources investigations, which included conducting focused rare plant surveys, California red-legged frog and tiger salamander surveys, and a federal wetland delineation on an approximately 4,000 acre property.

Michael Gialketsis: Principal
Project Role: Contract Manager and Principal Administrator
Responsibilities: Mike Gialketsis will support the management team to ensure that all aspects of the contract are adhered to and that all products meet the quality standards of the County.

Bio Team Member	Areas of Expertise									Certifications / Permits	Relevant Experience
	Birds	*Amphibians*	*Reptiles*	*Mammals*	*Fairy Shrimp*	*Monarch*	*Plants*	*Wetland*	*Non-Vascular*		
Kevin Merk, Project Manager							X	X	X	U.S. Army Corps of Engineers Wetland Delineation, and Hydrogeomorphic Model Approach to Functional Assessment of Riverine Waters and Wetlands in the South Coast Region; Rare Plant collecting permit.	Mahoney Ranch BA and HCP; Biddle Ranch Surveys
Lacrissa Cook, MESM, Assistant Project Manager		X								CDFG Scientific Collecting Permit, 2008; Authorized by USFWS to capture and relocate red-legged frogs for specific projects in SB County	Ventura Hillsides Conservancy Tech Studies, Agoura Village EIR Biological Technical Appendix and Studies; Human Impact Studies on CRLF for Los Padres Nat. Forest
Susan Christopher, PhD		X	X	X		X				federal 10(a)(1)(A) handling permits for the California tiger salamander and California red-legged frog; CDFG Scientific Collecting permit for amphibian and reptile Species of Special Concern	Upland Habitat Use, Movement Patterns and Population Monitoring of Southwestern Pond Turtles; Movement Patterns and Habitat Use by California Red-legged Frogs; El Segundo blue butterfly monitoring on Vandenberg Air Force Base
Julie Broughton, PhD (candidate)							X	X		CDFG Rare, Threatened, and Endangered Plant Voucher Collecting Permit, 2008	Research Assistant at Santa Barbara Botanic Garden aid in establishment of USDA's PLANTS Database
John Dreher, Jr		X	X					X		CDFG Rare, Threatened, and Endangered Plant Voucher Collecting Permit, 2008; CDFG Scientific Collecting Permit, 2008; Wetland Delineation Certified, Wetland Training Institute	Southwestern Pond Turtle Surveys; Adams Canyon Wetland Delineation; General Wildlife Surveys Throughout Southern California
Nancy Fox-Fernandez, MS	X			X						CDFG Scientific Collecting Permit, 2008	Conducted surveys and assisted in management of western snowy plover, California least tern, light-footed clapper rail, California brown pelican, San Clemente loggerhead shrike, and San Clemente sage sparrow and shorebird roosts.
Jennifer Turner, MS (candidate)	X			X						CDFG Scientific Collecting Permit, 2008	Conducted surveys and assisted in management of the San Clemente Sage Sparrow, San Clemente Loggerhead Shrike, Po'ouli, Maui Parrotbill, and Crested Honeycreeper
Cher Batchelor							X	X		Wetland Delineation Certified, Wetland Training Institute; Training in Hydrogeomorphic Model Approach to Functional Assessment of Riverine Waters and Wetlands in the South Coast Region	Lyons Canyon Ranch Constraints Analysis, Biota Report, and Wetland Delineation; Bridle Ridge Development Botanical Surveys, Santa Barbara County

Bio Team Member	Areas of Expertise									Certifications / Permits	Relevant Experience
	Birds	*Amphibians*	*Reptiles*	*Mammals*	*Fairy Shrimp*	*Monarch*	*Plants*	*Wetland*	*Non-Vascular*		
Dave Hubbard							X	X		Wetland Delineation Certified, Wetland Training Institute	Mapping non-native plants in Carpinteria Salt Marsh Reserve; Wetland and Riparian Restoration Plan for Ojai Meadows Savannah Wetland and El Nido Ventura River Preserve
Tom Olsen, MS		X	X	X						CDFG Scientific Collecting Permit, 2008; Certified Wildlife Biologist (The Wildlife Society); Federal Fish and Wildlife handling permit for California tiger salamander	Several Habitat Conservation Plan; San Miguel Community Services District - California red-legged frog, southwestern pond turtle, and San Joaquin kit fox
John Storrer	X	X	X	X						CDFG Scientific Collecting Permit; US Fish & Wildlife Recovery Permit – CA Tiger Salamander	Gaviota Coast Long-Range Conservation Plan; Authored 4 multi-disciplinary, resource management plans in the SB Region (More Mesa, Burton Mesa, Point Sal, and Gaviota)
Elizabeth Painter, PhD							X			CDFG Rare, Threatened, and Endangered Plant Voucher Collecting Permit, 2008	Research Associate, Jepson and University Herbaria; Survey for Species of Special Concern; Verification of identifications of specimens from floristic surveys – Camp Roberts & Camp San Luis Obispo
Kerry Knudsen, PhD									X	California State Park statewide permit various permits with national parks and forest service agencies	Lichen Surveys - Santa Monica Mountains, the Channel Islands National Park, Joshua Tree National Park, as well as in Santa Barbara
John Davis IV, MS					X		X	X		Federal 10(a)(1)(A) handling permits for the Morro Shoulderband Snail (MSS) and federally Listed Vernal Pool Branchiopods (LVPB – fairy and tadpole shrimps)	Calle Joaquin Road Realignment; Unocal Tank Farm Tract 2342, City of SLO Santa Margarita Ranch EIR; San Miguel Ranch Holland Road Property, Menifee

Mr. Gialketsis has a strong multidisciplinary background and has been responsible for the preparation of several hundred environmental studies throughout southern California. Michael has been involved in the management of several large compliance programs, including a $1.5 million baseline study and environmental compliance audit of oil and gas facilities within a 300 square mile area of the Amazon Delta in Ecuador. He has also been involved in large-scale property portfolio analysis and environmental compliance studies for implementation of Sprint PCSs establishment of its cell tower network in southern California. Mike is a graduate of UCSB and has extensive experience working on large projects in Santa Barbara County. Early in his career, he conducted an agricultural suitability analysis for the Goleta Valley that ultimately established the County of Santa Barbara impact thresholds for conversion of small agricultural parcels.

Duane Vander Pluym, D.ESE: Principal
Project Role: Technical Quality Assurance/Quality Control Manager
Responsibilities: Dr. Vander Pluym will provide principal-level review of all final products and technical support for project studies.

Dr. Vander Pluym has more than 28 years of environmental consulting experience, during which time he has conducted numerous environmental studies for public agencies and private clients throughout central and southern California. Dr. Vander Pluym's project experience includes a wide range of technical and environmental studies for general and specific plans, development plans, major planned residential communities, commercial and industrial facilities, energy and pipeline projects (including preparation of biological data for the Four Corners pipeline proposal through Santa Barbara County), and infrastructure projects. Dr. Vander Pluym's biological expertise primarily concerns wildlife ecology (birds, small mammals, reptiles, and amphibians) and population biology, with extended expertise with flora and fauna within terrestrial, aquatic, and marine environments. He recently oversaw the wetlands delineation and special species investigations (rare plant surveys; CRLF, arroyo toad, and western pond turtle surveys; California gnatcatcher survey) for 2,200 acres in Fagan Canyon and general biological surveys, rare plant surveys, and wetland delineations in the 4,000+ acre Adams Canyon. He is trained and experienced in the delineation of wetlands, mitigation planning, the creation and restoration of wetland and riparian habitats, and endangered species consultations and habitat conservation planning. He has served as an expert witness with respect to California red-legged frog, wetland habitats, and coastal intertidal ecosystems. He has conducted and directed surveys for a variety of listed species including the California least tern, Belding's savannah sparrow, western snowy plover, California gnatcatcher, least Bell's vireo, southwestern willow flycatcher, California red-legged frog, Braunton's milkvetch, and Santa Susana tarplant, among others.

Lacrissa Cook, MESM: Ventura Biological Program Manager
Project Role: Assistant Project Manager
Responsibilities: Ms. Cook will manage schedule and budget control, execution of regular County communications, preparation of quarterly progress reports, and assistance with field studies.

Ms. Cook holds a Master's of Environmental Science and Management degree with an emphasis in Conservation Planning from the University of California at Santa Barbara, with expertise in

the areas of watershed and resource management, ecology, threatened and endangered species, as well as CEQA and NEPA. She has wide ranging biological, ecological, business, and land-use planning experience in the government, academic, non-profit, and private sectors. Ms. Cook is an experienced field biologist and technical writer. She has worked extensively on watershed management and human impact studies for the National Forest Service and The Nature Conservancy, developing relational databases to unify resources data, reduce data entry and data analysis efforts, and promote standardized and geographically referenced data. In addition, Ms. Cook has prepared environmental review documents and performed wetland and jurisdictional waters surveys, special-status species surveys, and construction monitoring for projects ranging from individual residential developments to watershed scale review of public use impacts across several counties. Ms. Cook recently completed an analysis of the conservation value of an approximately 66,000 acre area to assess priorities for future purchase and conservation. Her analysis involved the preparation and use of an ArcGIS Spatial Analyst model to score individual parcels according to their resource value.

Susan Christopher, Ph D: Senior Biologist and Regulatory Specialist
Project Role: Special Species Surveys Team Lead
Responsibilities: Dr. Christopher will oversee the scheduling and implementation of focused special-status species surveys. Focused surveys, such as those under Task 3 and Task 5 will be coordinated through Dr. Christopher to ensure timeliness and budget control. Further, she will ensure that status updates are submitted regularly to the Assistant Project Manager for incorporation into the quarterly and final reports. She will also lead the amphibian and reptile surveys for this study, including USFWS protocol surveys for California Red-Legged Frog.

Dr. Christopher serves as a Senior Biologist/Regulatory Specialist with Rincon Consultants specializing in the ecology of central California amphibians and reptiles. She also has substantial experience with other special status wildlife and plant species and in water quality monitoring, botanical inventories, and ecological restoration. She holds federal 10(a)(1)(A) handling permits for the California tiger salamander and California red-legged frog, as well as a Department of Fish and Game Scientific Collecting permit for amphibian and reptile Species of Special Concern, fish, invertebrates and mammals. She has conducted consultations with the U.S. Fish and Wildlife Service and National Marine Fisheries Service in support of obtaining Section 404 and 401 permits. She has conducted U.S. Fish and Wildlife Service protocol surveys, site assessments, relocations, construction monitoring, and project evaluations for the California red-legged frog and other special status amphibians and reptiles. She has also received training in the identification of California vernal pool branchiopods, and was the principal investigator on a study to determine the extent and distribution of El Segundo Blue butterfly at Vandenberg Air Force Base.

Dr. Christopher is a herpetologist with extensive experience in conducting amphibian and reptile inventories in the California central coast, who completed her Ph.D. under Dr. Samuel Sweet. She has conducted numerous pitfall trapping studies throughout the central coast region, and regularly performs protocol surveys as well as common species visual encounter surveys. Dr. Christopher has also taught laboratory herpetology at the University of California, Santa Barbara.

Julie Broughton, PhD (candidate): Senior Botanist and Paleobotanist
Project Role: General Surveys Team Lead
Responsibilities: Ms. Broughton will oversee the scheduling and implementation of general surveys under Task 2 to ensure timeliness and budget control. Further, Ms. Broughton will ensure that status updates are submitted regularly to the Assistant Project Manager for incorporation into the quarterly and final reports. She will also lead the botanical, community and habitat mapping surveys for this study.

Ms. Broughton serves as a Senior Botanist with Rincon and holds a Bachelor's of Science (BS) in Ecology and Evolution from the University of California, Santa Barbara, where her studies focused on the identification, taxonomy and ecology of plants. She is currently pursuing her PhD, with an expected completion date of March 2008, in Geology through the Earth Science Department at the University of California, Santa Barbara with an emphasis in identification, distribution and climatic constraints of Tertiary fossil plants of California. Ms. Broughton was responsible for the Glossary of Terms published in A Flora of Santa Cruz Island (Junak, et al. 1995). She has worked with the Santa Barbara Botanic Garden as a Research Assistant aiding in the establishment of the USDA's PLANTS Database and as a plant and seed identification specialist for S & S Seeds, a native California seed company. During her enrollment as a Graduate Student, Ms. Broughton was a teaching assistant for a lower division botany class and helped develop the curriculum for the outreach program 'Kids in Nature', a joint botanical restoration project between UCSB's Museum of Systematics and Ecology and the Sedgwick Reserve. Ms. Broughton's responsibilities include research and field surveys for plant habitat evaluation, general biological surveys, and the preparation of biological reports for compliance with both NEPA and CEQA.

John Dreher: Senior Biologist
Project Role: Reptile, Amphibian, and Wetland Delineations
Responsibilities: Mr. Dreher will assist with the herpetological studies and wetland delineations.

Mr. Dreher serves as a senior biological scientist and senior project manager with specific expertise in environmental regulatory compliance and restoration ecology. He managed a large pipeline abandonment effort as part of the Bolsa Chica Wetland Restoration project which required extensive coordination between several resource agencies and the utility company. He has been an integral part in maintaining compliance and resolving several encounters with endangered species through adaptive management practices to ensure species avoidance which has required effective communication with the resource agencies. John conducted long-term monitoring surveys (four years) and Habitat Suitability Index assessments for the southwestern pond turtle. John has extensive permit processing expertise and has completed the Wetland Training Institute Wetland Delineation course. John has worked under the Director of the Museum of Systematics and Ecology at UC Santa Barbara managing the natural resource areas throughout the campus which included public outreach and education and coordinating student interns. John has conducted US Fish and Wildlife protocol surveys for California red-legged frog, San Joaquin kit fox, arroyo toad, and desert tortoise. He has monitored construction with respect to western snowy plover and Belding's savannah sparrow to determine compliance with mitigation actions.

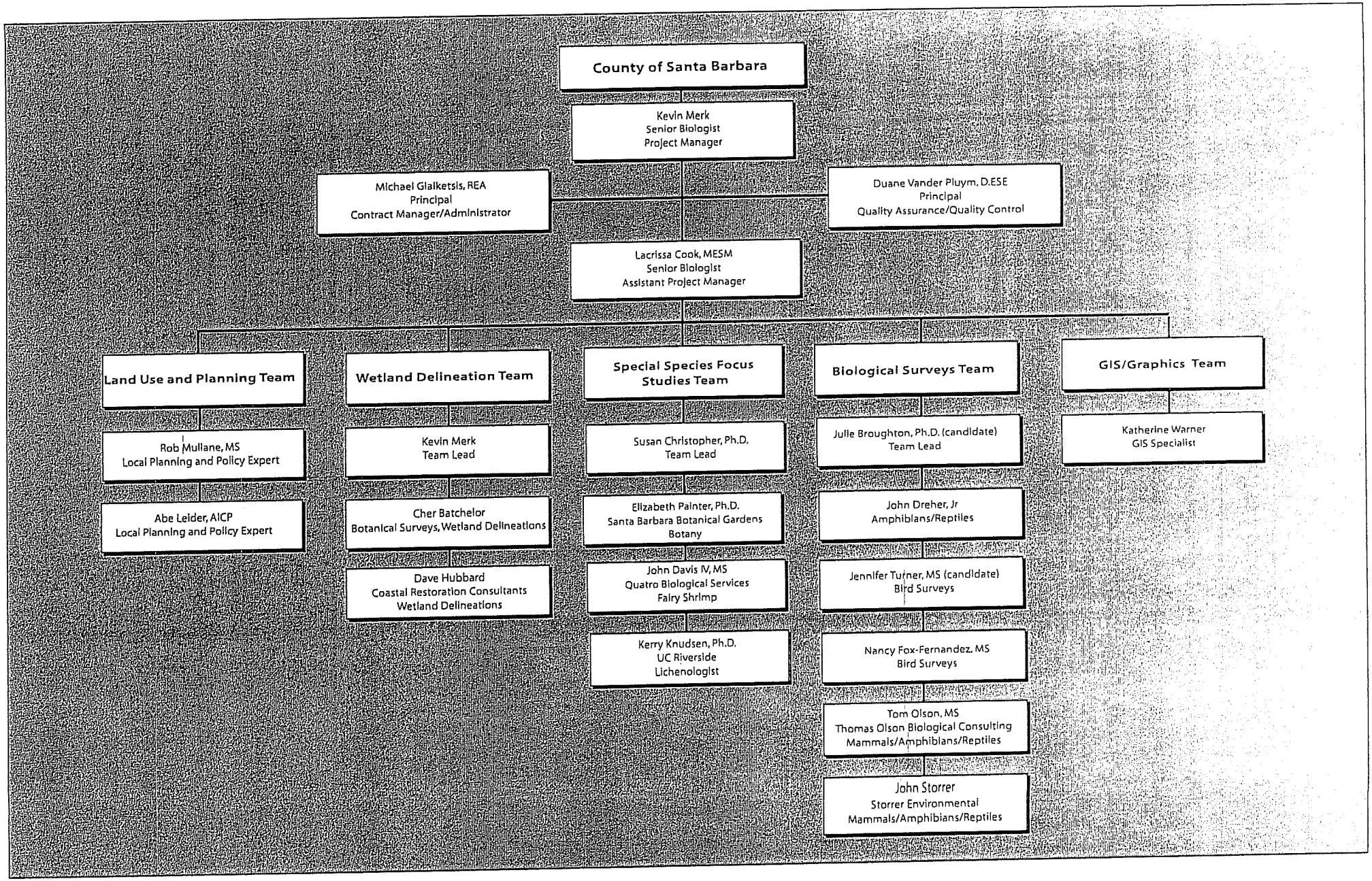
Nancy Fox-Fernandez, MS: Biologist
Project Role: Bird Surveys
Responsibilities: Ms. Fox-Fernandez will work with the ornithology team to execute all necessary proposed bird surveys.

Ms. Fox-Fernandez serves as a Biologist for Rincon and has performed biological, environmental, and land use planning studies. Ms. Fox-Fernandez has a Master of Science degree in Natural Resources with a focus in Wildlife from Humboldt State University. She has expertise in the fields of endangered species management and behavior, wildlife and habitat ecology, resource management, regulatory compliance, and the preparation of biological reports and environmental documents for compliance with both NEPA and CEQA. She has completed trainings in NEPA, CEQA, environmental impacts, and interagency consultation for the Endangered Species Act. Ms Fox-Fernandez has over 3 years of professional experience in the management of projects, agency coordination, field biology, analytical methods, and the preparation of biological and environmental documents for compliance with CEQA and NEPA. Ms. Fox-Fernandez's field experience in Northern, Central, and Southern California has included assessments of desert, coastal sage scrub, chaparral, woodland, riparian, mudflat, and invasive species studies, wetland and jurisdictional water delineations, and special-status species surveys, among other activities.

Jennifer Turner, MS (candidate): Biologist
Project Role: Bird Surveys
Responsibilities: Ms. Turner will lead the ornithology team to execute the proposed bird surveys. Additionally, Ms. Turner will assist with mammal trapping studies for the duration of the project.

Ms. Turner serves as a Biologist with Rincon and is currently completing her Master's of Natural Resources with an emphasis in Wildlife from Humboldt State University. Her particular concentration is in ornithology and bird/habitat relationships. She also has a baccalaureate in Biology (Chemistry Minor) that focused on ecological studies. Ms. Turner's expertise is in the fields of endangered species management and behavior, wildlife and habitat ecology, and resource management. She has over 10 years of experience working in the biological field and has worked on monitoring and recovery projects for several federally threatened and endangered species. She was the project manager for the San Clemente Loggerhead Shrike Recovery Project, where she developed and implemented husbandry, monitoring, release, and post-release methodologies for this endangered bird for four years.

Ms. Turner has also conducted surveys and assisted in management of the San Clemente Sage Sparrow, Po'ouli, Maui Parrotbill, and Crested Honeycreeper, and is currently obtaining experience to conduct protocol surveys for the federally threatened California Gnatcatcher. She has worked collaboratively with government, academic, and non-profit agencies and with private landowners. Her responsibilities at Rincon include general biological surveys, research and field surveys for threatened and endangered species, habitat evaluation, resource constraints analysis, construction and mitigation monitoring, regulatory compliance, and the preparation of biological resource reports.


County of Santa Barbara
Kevin Merk
Senior Biologist
Project Manager
Michael Glalketsis, REA
Principal
Contract Manager/Administrator
Duane Vander Pluym, D.ESE
Principal
Quality Assurance/Quality Control
Lacrissa Cook, MESM
Senior Biologist
Assistant Project Manager
Land Use and Planning Team
Rob Mullane, MS
Local Planning and Policy Expert
Abe Leider, AICP
Local Planning and Policy Expert
Wetland Delineation Team
Kevin Merk
Team Lead
Cher Batchelor
Botanical Surveys, Wetland Delineations
Dave Hubbard
Coastal Restoration Consultants
Wetland Delineations
Special Species Focus Studies Team
Susan Christopher, Ph.D.
Team Lead
Elizabeth Painter, Ph.D.
Santa Barbara Botanical Gardens
Botany
John Davis IV, MS
Quatro Biological Services
Fairy Shrimp
Kerry Knudsen, Ph.D.
UC Riverside
Lichenologist
Biological Surveys Team
Julie Broughton, Ph.D. (candidate)
Team Lead
John Dreher, Jr
Amphibians/Reptiles
Jennifer Turner, MS (candidate)
Bird Surveys
Nancy Fox-Fernandez, MS
Bird Surveys
Tom Olson, MS
Thomas Olson Biological Consulting
Mammals/Amphibians/Reptiles
John Storrer
Storrer Environmental
Mammals/Amphibians/Reptiles
GIS/Graphics Team
Katherine Warner
GIS Specialist

Cher Batchelor: Senior Biologist
Project Role: Botanical Surveys and Wetland Delineations
Responsibilities: Ms. Batchelor will work with the botanical team to inventory plants and map community vegetation and habitat types within More Mesa. Additionally, Ms. Batchelor will work with Kevin Merk to delineate onsite wetland habitats.

Ms. Batchelor serves as a senior biologist and project manager with ten years experience in biological field studies of natural, naturalized, and disturbed ecosystems. She holds a Bachelor of Science degree in Ecology and Systematic Biology from California Polytechnic State University, San Luis Obispo. Ms. Batchelor's responsibilities include biological and botanical surveys, including special-status species surveys; habitat classification, evaluation, and mapping using protocols developed by CNPS and USFWS; biological constraints analyses; construction and mitigation monitoring; and the preparation of biological reports and environmental documents. She has advanced field identification skills of the California flora and a thorough understanding of vascular plant keys. Ms Batchelor prepares permit acquisition packages for U.S. Army Corps of Engineers Section 404 permits, Regional Water Quality Control Board Section 401 Certification, and California Department of Fish and Game Streambed Alteration Agreements. She conducts detailed wetland delineations using protocols developed by Environmental Laboratory and the U.S. Army Corps of Engineers, including implementation of Atypical Situations and the Arid West Supplement. Ms. Batchelor also prepares mitigation monitoring plans and performs construction-phase biological monitoring for projects working within or near sensitive resources.

Abe Leider, AICP: Senior Environmental Planner
Project Role: Local Planning and Policy Expert
Responsibilities: Mr. Leider will assist the biological team with Tasks 6A and 6B to ensure that the habitat sensitivity and development potential analyses are consistent with locally adopted plans and policies.

Mr. Leider is a Senior Environmental Planner with Rincon, holds a degree in English and Environmental Studies from UC Santa Barbara and a Professional Certificate in Land Use and Environmental Planning from UCSB Extension. He has over 10 years of experience in long-range planning, permit processing and performing environmental impact analyses for public and private infrastructure and development projects under CEQA, including eight years with the County of Santa Barbara's Planning and Development Department. Mr. Leider is especially adept at conveying complex and technical information to the public, press and decision makers in a clear and accessible manner. Mr. Leider recently managed the preparation of two environmental constraints analyses for the Santa Barbara School District and an EIR for a mixed-use project in the City of Carpinteria. He is currently managing environmental review for Santa Barbara County Long Range Planning's Ordinance 661 Rezone program. Mr. Leider has recently managed EIRs for large residential developments for the cities of Oxnard and Long Beach.

Rob Mullane, MS: Senior Environmental Planner
Project Role: Local Planning and Policy Expert
Responsibilities: Mr. Mullane would be available to support both the management and administration of the program as well as providing technical expertise to the monitoring team.

Mr. Mullane has worked extensively with the California Coastal Commission and could provide relevant coastal policy guidance for the surveying and analysis teams.

Mr. Mullane is a Senior Environmental Planner in Rincon's San Luis Obispo office. Rob has over 8 years of professional experience developing and implementing mitigation programs for a broad range of projects. While previously at the County of Santa Barbara he was responsible for the environmental review, permit processing, and condition compliance for a number of major oil and gas development projects as well as large scale land development projects. He was responsible for the preparation of numerous in-house environmental review documents such as Initial Study/Mitigated Negative Declarations and Environmental Impact Studies, and also the management of contracts services for such environmental reports, mitigation programs, and compliance review. Given the coastal location of these projects and the fact that many spanned multiple jurisdictional boundaries, review of these developments required close cooperation with staff from the California Coastal Commission, the California State Lands Commission, and neighboring municipalities.

SUBCONSULTANTS

John Davis IV, MS: Senior Biologist
Project Role: Vernal Pool Fairy Shrimp Protocol Surveys
Responsibilities: Surveys for vernal pool fairy shrimp will be conducted by John H. Davis, IV (MS) who has over 10 years of relevant work experience and is permitted by the U.S. Fish and Wildlife Service (USFWS) under Permit# TE-110095-0 to perform protocol surveys for the federally endangered Morro Shoulderband Snail (MSS) and federally Listed Vernal Pool Branchiopods (LVPB – fairy and tadpole shrimps).

Mr. Davis provides expertise in water quality sampling and rangeland best management practices; quantitative analysis and interpretation of long-term watershed and vegetation land use experiments; design, implementation, and monitoring of restoration and revegetation projects; biological surveys, wetland delineations, and habitat assessments; and environmental construction monitoring and coordination. John has over 10 years of relevant work experience, and has conducted watershed monitoring and plant and animal surveys throughout Southern and Central California. John previously worked as a water quality specialist with the California Regional Water Quality Control Board. His experience also includes management of water quality monitoring within the Morro Bay watershed from 2000 to 2002 and he was a major contributor to the Morro Bay National Monitoring Program: Nonpoint Source Pollution and Treatment Measure Evaluation for the Morro Bay Watershed, Final Report. As part of this program he collected water quality samples, monitored revegetation, analyzed yearly bank stability and sediment deposition, and benthic macro-invertebrate biodiversity from twenty creek locations in the Morro Bay Watershed. He also managed a ten year database and performed advanced statistics to determine the effects of rangeland best management practices on water quality within the Morro Bay Watershed.

David Hubbard: Senior Biologist
Project Role: Botanical Surveys and Wetland Delineations
Responsibilities: Mr. Hubbard (Coastal Restoration Consultants) will work with the botanical team to inventory plants and map community vegetation and habitat types within More Mesa.

Additionally, Mr. Hubbard will work with Kevin Merk and Cher Batchelor to delineate onsite wetland habitats.

David Hubbard has participated in numerous ecological research projects since getting a degree in Studio Art (1980) and a second major in Biology (1983) at University of California, Santa Barbara. Dave's experience in reserve management and restoration ecology began in 1996, working with the University of California Natural Reserve System in Carpinteria Salt Marsh Reserve. Since then, Dave has designed, managed and monitored restoration projects in a variety of habitats including: vernal pool, freshwater wetland, riparian corridor, coastal dune, grassland, coastal sage scrub, coastal bluff scrub, and oak woodland. Dave has consulted for local governments and non-profits, and has written and implemented restoration, management and monitoring plans. Dave managed natural areas and restoration projects for six years at UCSB where he also organized the Restoration Ecology seminar for five years, and taught the Fieldwork in Restoration Ecology class for four years.

Tom Olson: Senior Biologist
Project Role: Mammal Surveys
Responsibilities: Mr. Olson will provide technical assistance with mammal surveys on More Mesa and provide technical review of data analysis and reporting.

Mr. Olson is a Wildlife Biologist and project manager with more than 20 years of experience in natural resources management, regulatory permitting, and mitigation planning. His expertise includes planning, conducting and directing biological resources studies, including literature and field surveys for terrestrial fauna and flora. He is also adept at developing mitigation plans and negotiating mitigation requirements. He is also well experienced in preparing documents for both Section 7 and Section 10(a) (of the Endangered Species Act) consultations.

John Storrer: Senior Biologist
Project Role: Wildlife Surveys
Responsibilities: Mr. Storrer will provide technical assistance with the avian, reptile and amphibian surveys on More Mesa and provide technical review of data analysis and reporting.

Mr. Storrer has worked as an independent biological consultant in the Santa Barbara Region for more than twenty years. His consulting business, Storrer Environmental Services, offers biological survey and assessment, permit compliance monitoring, and conservation planning services to a varied clientele. Mr. Storrer's academic training is in wildlife biology. He has used this skill toward a wide range of disciplinary applications, while specializing in wildlife survey and habitat assessment. He has extensive first-hand experience on the More Mesa property, spanning a period of more than thirty years.

Elizabeth Painter, PhD: Senior Botanist
Project Role: Botanical Surveys
Responsibilities: Dr. Painter will provide technical assistance with botanical, community and habitat mapping surveys for this study, and vegetation identification. Dr. Painter will also be responsible for housing voucher specimens at the Santa Barbara Botanic Garden.

Dr. Painter has been conducting floristic surveys and inventories (including rare plant surveys) and specimen collection, identifications, and verifications since 1978. She earned her BS in Botany and a PhD in Range Science from Colorado State University. Dr. Painter is currently a research associate at the Santa Barbara Botanic Garden and the Jepson Herbarium, University of California, Berkeley. She was an author for *The Jepson Manual* (first edition) and *The Jepson Desert Manual*, and was an author for the forthcoming second edition of *The Jepson Manual*.

Kerry Knudsen, PhD: Lichenologist
Project Role: Non-Vascular Lichen Surveys
Responsibilities: Dr. Knudsen will assess the need for lichen surveys at More Mesa. In the event that there is the potential for sensitive lichens within the site, Dr. Knudsen would conduct the appropriate lichen surveys.

Dr. Knudsen is Lichen Curator of the Herbarium at the University of California at Riverside (http://herbarium.ucr.edu/). He is a mycologist specializing in the study of lichens and lichenicolous fungi. He has published or has in press over 62 papers on lichen taxonomy and biodiversity. He has described 17 species of lichens and lichenicolous fungi new to science from California, Brazil, Mexico, and Peru. He regularly works on grants and surveys for the Nature Conservancy, Irvine Foundation, the National Park Service, the National Forest Service, San Diego Natural History Museum and the California State Parks, and for various consulting firms. In recognition of his work, fellow lichenologists have named two new species from California after him, *Placynthiella knudsenii* Lendemer and *Aspicilia knudsenii* Owe-Larsson & A. Nordin.

3.0 QUALIFICATIONS and EXPERIENCE

3.1 FIRM QUALIFICATIONS

Rincon Consultants, Inc. is a multi-disciplinary environmental and planning consulting firm with offices in Ventura, San Luis Obispo, and Carlsbad California. Founded in 1994, Rincon has an established history of serving both public and private sector clients. We understand the needs of each sector and possess the insight to apply both proven and innovative techniques specific to a project's need.

Rincon employs 54 professionals, including wildlife biologists, certified wetland specialists, botanists, registered geologists, a certified engineering geologist, registered environmental assessors (REA I and II), noise and air quality experts, and certified urban planners. Our firm has managed some of the most complex environmental consulting projects in Southern and Central California. This breadth of expertise allows Rincon to analyze many of the issues relevant to nearly any project in-house. Our approach focuses on well-designed solutions that respond to our clients' specific needs in a cost-effective manner.

During Rincon's 13-year history, the firm has received multiple awards for excellence from environmental planning industry organizations, including the American Planning Association and the Association of Environmental Professionals. In addition, our financial strength was recognized in 2004 by ZwiegWhite, when the nationally recognized A/E/P industry tracking

group named us to its Hot 100 Firm list, recognizing revenue growth over time. In 2007, Rincon was named to the Inc 5,000 List of Fastest Growing Companies by Inc. 500.

Rincon is a leader in environmental impact assessment, planning, biological resources, and contamination assessment and remediation. Our services can be categorized into three key areas: Environmental Planning, Environmental Site Assessment and Remediation, and Biological Resources and Permitting. We also have a GIS and Graphics group to support production of our documents and data analyses.

- *The Biological Resources group offers services for riparian and wetland systems, biological resource assessments, special-status species surveys, a range of permit compliance services, construction and mitigation monitoring, as well as revegetation and restoration planning.*

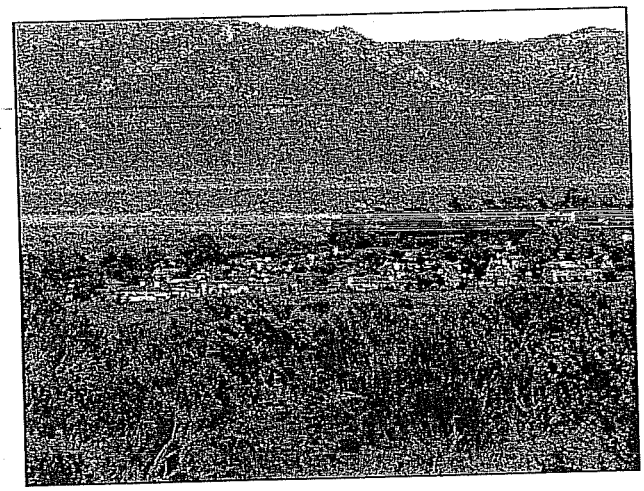
- *The Environmental Science and Planning group offers CEQA and NEPA compliance; storm water pollution prevention plans; blight studies and environmental analysis; general, specific, and master plans; trails, and open space planning; and noise studies and air quality analysis.*

- *The Site Assessment and Remediation branch offers Phase I and Phase II environmental site assessments, hazardous waste characterization, expert witness and litigation support services, geologic and seismic studies, health risk assessments, soil and groundwater remediation, and construction monitoring.*

- *The GIS and Graphics Resources group offers graphics, mapping, and analysis services using Geographic Information Systems (GIS), computer-aided drafting (CAD), graphic design, communications, 3-D photosimulation, and Web site development.*

Specific analyses and documentation related to our biological monitoring expertise include the following:

Biological Resource Protection and Planning



- Baseline Biological Resources Inventories and Vegetation Mapping
- Rare, Threatened, and Endangered Plant and Wildlife Species Surveys
- Wetland Delineations
- Complete Regulatory Compliance and Mitigation Planning
- Drainage/Wetlands Permits: USACE Sections 404 and 10, RWQCB Section 401, CDFG SAAs
- Coastal Development and Grading Permits
- ESA Section 7 Consultations and Section 10 Habitat Conservation Plans
- CESA Permits and Natural Community Conservation Plan
- Wetland, Riparian, and Upland Habitat Revegetation and Restoration Planning
- Construction and Mitigation Monitoring

GIS and Graphics Resources

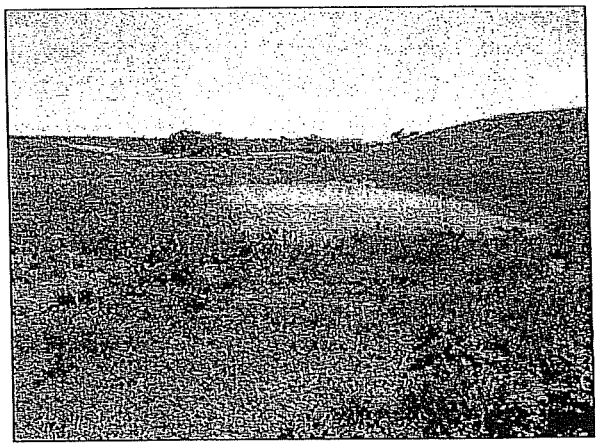
- Geographic Information Systems (GIS)
- Mapping and Data Management
- Computer Aided Drafting (CAD) and Design
- Graphic Design
- 3-D Photosimulation
- Newsletters/Brochures
- Website Development

3.2 RELEVANT PROJECT EXPERIENCE

The projects listed below illustrate the past experience of the Rincon team. We have emphasized projects that demonstrate our expertise in the analysis of large biological projects that address issues similar to those faced by the More Mesa project.

Rincon Consultants Experience

Mahoney Ranch Focused Biological Studies, Wetland Delineation and Habitat Conservation Plan, Santa Barbara County
Signature Pacific Development



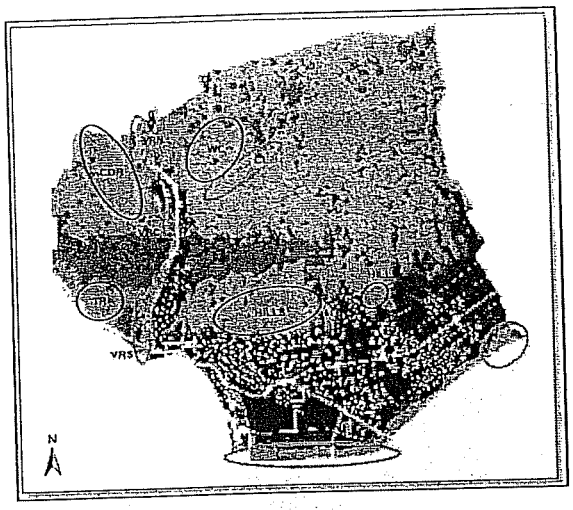
- Focused Biological Surveys of property
  - USFWS protocol surveys for the *California tiger salamander* and the *California red legged-frog*
  - Spring floristic inventory
  - Focused rare plant surveys
- Wetland Delineation
- Prepared Habitat Conservation Plan
  - Covered 11 animal species: *California tiger salamander, California red-legged frog, western spadefoot toad, silvery legless lizard, coast horned lizard, southwestern pond turtle, two-striped garter snake, burrowing owl, tri-colored blackbird, yellow warbler, and horned lark.*
  - Covered 2 special-status plants: *Blochman's leafy daisy and San Luis Obispo County (or Cambria) morning glory*

The Mahoney Ranch is an approximately 450-acre property located just outside the City of Santa Maria's western city limits in the Santa Maria Valley, Santa Barbara County, California. Rincon Consultants began this project by preparing a due diligence constraints analysis that identified a number of potential biological resources issues, including the potential presence of two federally endangered species. Following consultation with resource agency personnel and the landowner, Rincon conducted USFWS protocol surveys for the California tiger salamander and the California red legged-frog. Spring floristic inventory and focused rare plant surveys were also conducted, as well as a Wetland Delineation. The focused technical studies were then

organized into a final report that was utilized throughout the development planning process for this property.

The next phase of the project was to prepare a Habitat Conservation Plan in order to obtain a Section 10(a)(1)(B) incidental take permit under the Endangered Species Act. This was required because of the potential for federally endangered species that was found in the focused technical studies. Rincon incorporated and updated the findings included in the Mahoney Ranch Focused Biological Studies and Wetland Delineation (Rincon Consultants Inc. 2004) to establish the baseline conditions for determining levels of incidental take and effects on CRLF and CTS. The preparation of the HCP included the mandatory elements of an HCP and satisfied the permit issuance criteria required by regulation.

Ventura Hillsides Conservancy Sensitivity Analysis and Development Potential Analysis
City of San Buenaventura



- Sensitivity analysis of 66,000 acres in Ventura
- Examined Biological: rarity, sensitive species, habitat, wetlands, development threat, contiguity, wildlife corridors, and restoration potential
- Also examined: scenic resources & recreation resources

Rincon analyzed the conservation value of an approximately 66,000 acre Area of Interest (IA) surrounding the City of San Buenaventura for the Ventura Hillsides Conservancy. The goal of the study was to assist the VHC in determining which parcels within the IA represent priorities for future purchase and conservation. High priority acquisition parcels, as defined by the VHC, include those with high biological, visual, and recreational function. To measure these values Rincon performed biological, cultural, historical, hydrological, and geological technical analyses, as well as a development potential analysis. Using ArcGIS Spatial Analyst, the results of these technical studies were modeled to score each individual parcel within the IA according to its resource value. The final output of the model was a ranked list of parcels within the IA, detailing those parcels with the highest resource value and conservation potential.

Biological Resources Analyses for the Supplemental Environmental Impact Report (SEIR) UCSB – North Campus Project
PBR/University of California Santa Barbara

- Floristic Inventory (including rare plant surveys)
- Wetland delineation confirmation
- Jurisdictional determination

Rincon was part of the planning team to prepare the biological resources section of the Supplemental Environmental Impact Report (SEIR) for the UCSB - North Campus Project. This project involved the development of UCSB faculty and student housing on the North Campus, including 122 dwelling units, a community meeting room, exercise area, streets and parking areas on approximately 13 acres of the 28.9-acre site. The site contains approximately 1.9 acres of identified wetlands, and the project would include approximately 14 acres dedicated as wetland buffer for a total of 15.9 acres of wetland and buffer. Community gardens, a picnic area, pedestrian and bike trails and wetland restoration areas were also planned within the wetland buffer open space area. Seventy-five percent of the parcel or approximately 21.8 acres would remain in open space, including walks, patios and pools.

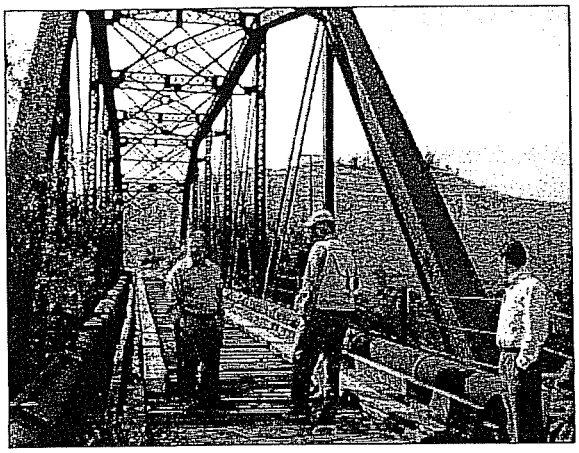
Key tasks performed included definition of biological impacts, including downstream impacts to the Devereux Slough and Coal Oil Point Reserve, assessment of cumulative impacts, and review and updating of the existing mitigation program. Specific subtasks include: wetland delineation confirmation, spring special-status plant species surveys, and review and integration of the open space and habitat management plan.

Local Experience. Rincon has extensive experience on projects throughout the Central and Southern Coast of California. Each of these projects illustrates Rincon's close working relationship and familiarity with various city and county departments and staff in Santa Barbara County.

- *Biological Studies for the Goleta Beach Master Plan EIR*
- *Revised Research Park Specific Plan, Biological Resources Background Report [California Red-legged Frog, California Tiger Salamander] (Santa Maria Public Airport District)*
- *Union Valley Parkway Extension/U.S. 101 Interchange EIR/EA (City of Santa Maria, Caltrans, County of Santa Barbara)*
- *Phase I and II Environmental Site Assessments, 691 Botello Road (Santa Barbara Airport)*
- *Cota Street UST Site Assessment (City of Santa Barbara Public Works Department)*
- *Westmont College EIR (County of Santa Barbara)*
- *Franklin Trail Biological Assessment/Biological Evaluation and Initial Study (Santa Barbara County Parks)*
- *Santa Maria Research Park Specific Plan EIR Update (Santa Maria Public Airport District)*

- *2005 Santa Barbara County Regional Transportation Plan EIR (Santa Barbara County Association of Governments)*
- *Santa Maria Landfill EIR (City of Santa Maria)*
- *Santa Maria Sphere of Influence Study (City of Santa Maria)*
- *Skytt Mesa Project EIR (City of Solvang)*

- *Buellton General Plan Update (City of Buellton)*
- *Oak Springs Village Specific Plan EIR (City of Buellton)*
- *Seabreeze Estates Project EIR (City of Lompoc)*
- *Seabreeze Estates Construction Monitoring (City of Lompoc)*
- *Goleta Annexation EIR (City of Santa Barbara)*



Interagency Coordination and Communication Experience. Rincon has considerable experience working with a wide range of regulatory authorities to implement the requirements of environmental and resource protection legislation. This experience has included preparation of detailed technical reports in the areas of biological resources, soils, water quality, air quality, environmental contamination, and noise as well as other more specific specialty studies when they are required. This experience has involved working extensively with the U.S. Army Corps of Engineers, U.S. Fish and Wildlife Service, California Department of Fish and Game, National Marine Fisheries Service, U.S. Forest Service, California Regional Water Quality Control Board, Caltrans, FHWA, FEMA, as well as numerous other local and regional agencies.

Subconsultants Experience

John Davis IV (Quatro Biological Services) Experience

- City of San Luis Obispo Biological Assessment and USFWS Protocol Vernal Pool Fairy Shrimp Survey Report
- Morro Bay Power Plant Design Projects, USFWS Protocol Morro Shoulderband Surveys
- UNOCAL Tank Farm Road Property, USFWS Protocol Vernal Pool Fairy Shrimp Surveys
- Talley Farms Bridge Project, USFWS Protocol CRLF Surveys

David Hubbard (Coastal Restoration Consultants) Experience

- Wetland and Riparian Restoration and Enhancement Plan for the Ojai Meadows Preserve Savannah Wetland
- Restoration Plan for the El Nido Ventura River Preserve
- Restoration Plan for Stormwater Polishing Wetlands and Riparian Habitat at the Ojai Meadows Preserve
- Mission Creek Re-vegetation at the Santa Barbara Museum of Natural History
- Carpinteria Salt Marsh – Sand Cove Road Dune Scrub Restoration

Tom Olson Experience

- Kern County Valley Floor Habitat Conservation Plan
- Environmental Impact Statement/Environmental Impact Report (EIS/EIR) for Chevron's Lokern Habitat Conservation Plan (HCP)

- Natural Environment Study (NES) for the River Road Bridge in San Miguel
- Surveys for listed and sensitive species for San Miguel Community Services District improvement project
- San Joaquin Kit Fox Surveys at Hernandez Hunting Preserve in Cuyama

John Storrer Experience

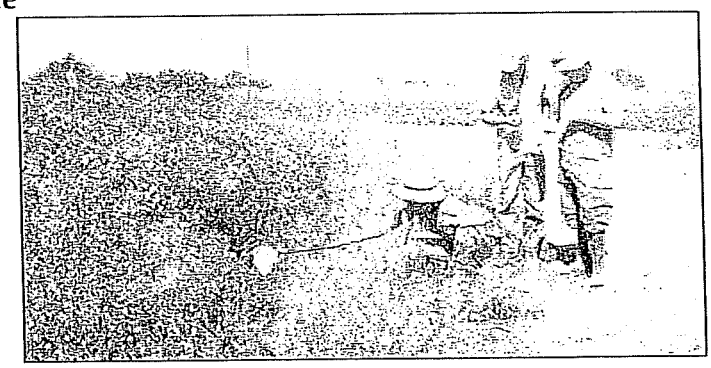
- Biological Resources Assessment - Santa Barbara County Property (APN 65-320-04), More Mesa, California
- Wildlife Resources Assessment - Point Sal
- Biological Resources Assessment - Burton Mesa Project Area, Santa Barbara County, California

Elizabeth Painter Experience

- Survey for taxa omitted from floristic surveys of Camp Roberts and Camp San Luis Obispo; Survey for Species of Special Concern at Camp Roberts and Camp San Luis Obispo; Verification of identifications of specimens from floristic surveys of Camp Roberts and Camp San Luis Obispo
- Floristic Survey of Fort Hunter Liggett
- Floristic Surveys of military installations

Kerry Knudsen Lichen Survey Experience

- Point Loma Ecological Preserve
- Cuyamaca State Park
- Palomar Mountain State Park
- San Bernardino National Forest
- San Simeon State Park
- Santa Monica Mountains
- Channel Islands National Park
- Joshua Tree National Park



4.0 METHODOLOGY

This section discusses Rincon's approach to tasks necessary to complete the biological resource study, including details relative to the research and evaluation techniques to be employed. Rincon proposes a scope of work designed to build on the 1982 study to allow for easy comparison between past and current biological conditions at the Mesa and to clearly delineate any changes in species or habitats previously identified. Recommendations based on the study results will allow the County to distinguish between Environmentally Sensitive Habitat (ESH) areas, buffer areas, and developable areas and determine any appropriate changes in land use at the site.

4.1 STUDY APPROACH

Because considerable technical and planning work has been completed for the study area over the past 26 years, this proposal is fashioned with consideration for these past reports in light of the County's request for proposals. In addressing each task in the RFP we have attempted to isolate

relevant issues and prepare clear tasks that focus the analysis on issues of concern relative to the County's request. Where possible we have identified, explained and eliminated redundant studies, and where appropriate we have identified, explained and discussed necessary additional studies.

We have assembled a team of skilled biologists, botanists, environmental scientists, GIS technicians and planning professionals who combine extensive technical qualifications and knowledge of the resource issues of the South Coast area. Details for the proposed tasks discussed below include: the team lead and key support staff, the study area, the survey type, the survey period, as well as the standards and protocols that will be followed in the field surveys. The primary Point-of Contact for this work will be the Project Manager Kevin Merk in Rincon's San Luis Obispo office (805-547-0900) and secondarily the Assistant Project Manager Lacrissa Cook in Rincon's Ventura office (805-641-1000). The POCs will have access to and the responsibility to contact the individual Rincon biologists and subconsultants.

For a detailed discussion of management style and quality assurance/quality control proposed for this project including: how project reporting, technical direction and control, cost control, schedule control, editorial review and other quality control will be handled, how subcontractors and staff will be monitored, and how progress reports and deliverables will be presented to the County, see Task 7 below, Tasks 7.2.1 and 7.2.2.

4.2 TECHNICAL APPROACH

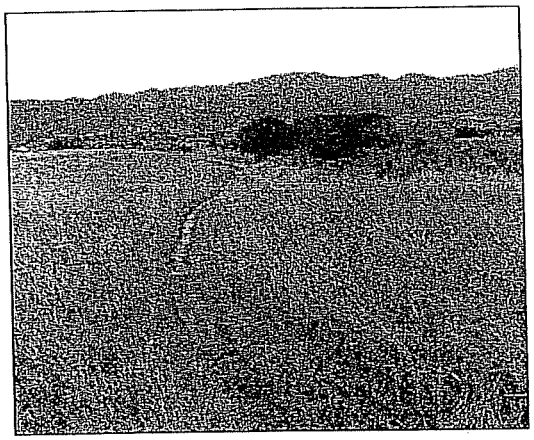
TASK 1 - REVIEW PAST STUDIES AND REPORTS.

The Rincon team will initiate our study program by attending a kickoff meeting with County staff upon authorization to proceed. This meeting will serve as a forum to confirm the region of influence and geographic scope of study for the individual biological resources; details of our approach; preliminary goals and scheduling for the initial phases of the project; and discussion and acquisition of reference material in County possession to be used as background data for the report. The kickoff meeting allows the County/consultant team an opportunity to discuss data needs, exchange available resources, and confirm that our library of County-related GIS data is still relevant to the proposed project. If necessary, we will gather any additional materials available at this meeting, including relevant planning documents, any technical analyses prepared by the applicant team or industry representatives, and recent, applicable, CEQA documents prepared for projects located within the study area and region of influence. In addition, County staff and the Rincon team will confirm the timing and methodology of surveys proposed in this scope of work.

In preparation of this proposal, Rincon has acquired and reviewed much of the background data and relevant planning documents surrounding this project. With the receipt of additional materials at the kickoff meeting, the Rincon team would complete its material review, revisit any previously reviewed materials, and prepare an outline of each document's relevance for the new study. This outline shall include a brief abstract of applicable resource documents, a bullet list of key findings, and a list of pertinent chapters in the final report where reference may be appropriate. Data and findings from these reports will be incorporated into the final report to frame the historical context of resources at the site and within the region of influence.

TASK 2 - CONDUCT GENERAL FIELD SURVEYS/INVESTIGATIONS.

This project phase includes detailed surveys of the different vegetation, habitat types, and floristically-based plant communities of More Mesa to determine the overall extent and condition of habitats throughout the site. Additionally, detailed surveys of the relative abundance, diversity, and sensitivity of wildlife present will be conducted in an effort to determine what aspects of More Mesa are critical to their persistence and maintenance of normal population fluctuations. The investigations proposed under this task include floristic surveys of vascular plants (and non-vascular mosses and lichens if determined necessary) and generalized surveys of birds, mammals, reptiles, amphibians, and invertebrates. The surveys will be comprehensive in nature, providing habitat and plant community level characterization, as well as inventory and presence/absence data for special-status species (which will be discussed in more detail under Task 5 below).



Habitat and community data collected under this task will be used to compare changes within the baseline physiographic areas provided in the 1982 study. For purposes of this study, we propose utilization of the original physiographic areas throughout the document to measure changes against the 1982 study. Although the underlying habitat and vegetation composition within the original study will have changed, we feel it is important to measure those changes against the original physiographic areas rather than to draw new lines, which would make comparisons more difficult.

Due to the length of this study, spanning over the course of one year with multiple studies occurring during the same time period, many of these studies will overlap. Our goal is to utilize this overlap in timing and to maximize our field presence by coordinating survey efforts where feasible and by lending data between, rather than duplicating, surveys in an effort to minimize costs. For instance, a full floristic inventory performed over the spring and summer would list not only common species, but would also identify special-status species, reducing the need for additional focused special-status plant surveys under Task 5. Further, although a floristic inventory during the spring and summer months is expected to capture most of the common and special-status plant species flowering within the area, the potential always exists for an outlier, a plant which did not bloom within the expected time frame due to climatic variations or which bloomed in atypical habitat. For this reason, Rincon biologists would be prepared to identify, report and record additional common and/or target plant species observed during all other surveys performed at the site throughout the remainder of the year. Likewise, data gathered during the mammal, amphibian, and reptile trapping surveys are anticipated to provide a cumulative common and special-status species inventory and would serve as the basis for the sensitivity update in Task 5. The following provides a list of the surveys proposed under Task 2:

- *Floristic Inventory and Mapping of Special-status Plant Species (Vascular Plants)*

- *Non-Vascular Survey (if needed)*
- *Plant Community Level and Grassland Mapping*
- *Wildlife Habitat Mapping*
- *Bird Surveys*
- *Mammal Trapping and Inventory*
- *Reptile/Amphibian Trapping and Inventory*
- *Invertebrate Inventory*

One-foot resolution color aerial imagery of More Mesa will be used during the field surveys to assist in mapping vegetation and wildlife onsite and any observed special-status species. In addition, a Trimble GTX, with sub-meter accuracy will be used for data entry, to map voucher collection locations, to mark specific locations of special-status species, delineate polygons around clusters of special-status plants and communities, delineate areas dominated by exotic and invasive plants, to assist in delimiting the extent of the survey area, and to trace the path of surveyors to ensure adequate coverage of the site. Results of each survey will be mapped using ArcGIS, incorporated into the sensitivity analysis model, and summarized in the final comprehensive report for the study.

Floristic Inventory

Team Leader: Merk

Key Support: Broughton, Batchelor, Painter

Study Area: Project Site

Survey Type: Standard Floristic

When: Spring, Summer

The focus of floristic surveys is to identify the plant composition within More Mesa (common and special-status species), and to use this data to assist in delineating the unique species-specific plant communities and general habitat types within the physiographic areas onsite. A floristic inventory will be conducted over the course of the blooming periods to catalogue native and introduced plant species observed onsite. Prior to commencement of field studies, previous reports prepared for the site and the most recent records tracked in the California Natural Diversity Database (CNDDB) will be reviewed (Task 1) to identify the special-status plant species and sensitive communities known, or with the potential, to occur onsite.

Based on the 1982 study and voucher records kept at the SBBG (personal communications, Painter), no state or federally listed plant species are known to occur within More Mesa. Although the 1982 study identified eight species of local importance, only four of those original species are currently listed in the SBBG's *Rare Plants of Santa Barbara County*. These include: *Alopecurus saccatus, Eryngium vaseyi, Phalaris lemmonii, Plagiobothrys undulates*. SBBG notes one additional species as occurring in between east and west More Mesa, *Aster subulatus var. ligulatus*, which was not included in the 1982 study. Each of these species is generally restricted to wetlands and/or vernal pools. The 1982 study noted that roughly 55% of the 195 plant species identified therein were naturalized (mostly from Europe). As many of these non-native plants formed the grasslands present at More Mesa, we propose that the major focus for these surveys be to delineate the composition of onsite grasslands. As grasslands species comprised 13% of the species inventoried in the 1982 study, fully identifying the composition of these

grasslands is important in understanding its habitat for small mammals, and thus the prey base of raptors. The current composition of grasses onsite will be thoroughly documented in the grassland surveys further discussed below.

A floristic inventory and special-status plant survey will be conducted by Rincon within the site to determine the presence or absence of any special-status plant species and to catalogue all other common species present. For this study, special-status plant species assessed for the potential to occur onsite are those plants listed, proposed for listing, or candidates for listing as threatened or endangered by the U.S. Fish and Wildlife Service (USFWS) under the federal Endangered Species Act (ESA); those listed or proposed for listing as rare, threatened, or endangered by the CDFG under the California Endangered Species Act (CESA); those listed as rare by the CDFG under the Native Plant Protection Act; plants occurring on the CDFG's Special Vascular Plants, Bryophytes, and Lichens List (CDFG 2007); plants occurring on Lists 1 and 2 of the California Native Plant Society's (CNPS) Inventory of Rare and Endangered Vascular Plants of California (CNPS 2001, 2006); and those plants considered locally as *Rare Plants of Santa Barbara County*.

This floristic survey would be conducted from March through August 2007 within the spring/summer blooming period for plants in this region. The survey will be conducted in accordance with the guidelines recommended by the California Native Plant Society and the California Department Fish and Game *Guidelines for Assessing the Effects of Proposed Projects on Rare, Threatened, and Endangered Plants and Natural Communities* (Revised 2000), which includes but is not limited to the following:

- Conducting the survey at the proper time of year when rare plants are both evident and identifiable. This is typically during the flowering period.
- Surveys that are floristic in nature; namely, all plant species noted in the field should be identified to the level necessary to determine if it is rare, threatened, or endangered.
- Conducting the survey using systematic field techniques in all habitats of the site to ensure a reasonable and thorough coverage.
- Up to three visits to the site may be necessary to ensure that seasonal variations in the flowering period of the target species are adequately covered.

Using meandering transects, biologists will traverse the site recording all species observed and identifiable. Unknown taxa observed in the field will be collected and brought to the laboratory for further identification. Plants will be keyed out using the Second Edition of the Jepson Manual (2008) where possible and the First Edition (1993) otherwise. Identification of plant species to the variety/subspecies level, and their scientific and common names, will follow Hickman (1993, 2008) and the recent name changes according to Flora of North America (Flora of North America Editorial Committee 1993-2007). All voucher specimens will be collected for housing at the SBBG.

Results of these surveys will be compiled into a single plant list, which will then be used to characterize the plant communities (dominant and associate species). The site location of each special status specimen collected will be identified on appropriate site maps. In an effort to maintain consistency with the 1982 study, catalogue data gathered for each voucher specimen will include: scientific and common name; plant origin; growth habit; abundance in each of the

four general vegetation types (woodland, chaparral, scrub, grassland); general flowering time; and the voucher number of the plant specimen collected from More Mesa, and listing status. Additionally, results of this study will determine the necessity for further focused sensitive plant studies.

Non-Vascular Plant Survey (If Needed)

Team Leader: Knudsen

Key Support: N/A

Study Area: Project Site

Survey Type: Specialized Lichen Survey

When: Spring or Summer

Lichens and bryophytes are not well studied, but several species are listed as special status by the CDFG. Approximately 30 -50 lichens could be present onsite in undisturbed areas, though the only special status species potentially present is woven-spored lichen (*Texosporium sancti-jacobi*), which grows on ground-dead bunchgrass clumps that are impregnated with soil. However, this species typically occurs only in semi-arid locations, with the nearest known population in the Cuyama Valley at Aliso Canyon in Santa Barbara County. Other extensive stands of lichens have been found on exposed rock in the San Marcos Pass area. If requested or determined necessary, Rincon will contract with a lichenologist with experience in sensitive lichens to perform the survey, identify suitable woven-spored lichen habitat within the Mesa, and perform a general survey for other lichen species. Once collected, the lichen species would be determined in the field and using voucher specimens. The product of this task will be a checklist of vouchered specimens and an analysis of any management problems associated with any sensitive lichen occurrences and potential suitable habitat. Text will include the methodology of the study, results of the surveys, and photo documentation, and a map of each lichen occurrence.

Plant Community Mapping

Team Leader: Merk

Key Support: Broughton, Batchelor

Study Area: Project Site

Survey Type: Plant Series and Grassland Mapping

When: Spring, Summer

The focus of plant community mapping is to delineate boundaries and ecotones between all unique and floristically-based assemblages of plants on the project site based on plant species dominance. Vegetation mapping of the More Mesa project site will be used specifically to delineate sensitive plant communities and habitats existing onsite, document the functional value of the plant communities onsite, and examine potential constraints to development at the site.

Sawyer and Keeler-Wolf (1995 and upcoming new edition) present the California Native Plant Society's (CNPS) approach to hierarchical classification, in *A Manual of California Vegetation*. Although Sawyer Keeler-Wolf is a widely accepted classification system in California today, the 1982 Biological Evaluation of More Mesa pre-dated this classification system. The 1982 study focused primarily on physiographic and topographic conditions at More Mesa, which gave vital information regarding the site conditions, but gave little information regarding species composition. For example, for the 265-acre property, the

1982 study referred to four general upland and two general wetland vegetation types when describing More Mesa. Nested within these six vegetation types were only 12 predominantly non-floristically based habitats for the site.

Vegetation classification is generally determined based on constituent species; however, it is always subjective to the eye, and may easily be interpreted in more than one way due to vegetative ecotonal transitions and successional stages. For these reasons, a hierarchical system of classification is useful for creating protocols for categorizing vegetative similarities, and it gives order to an otherwise complicated task. It will aid the process of categorizing broad vegetative groups into more unique and more descriptive mapping units (plant communities or plant series), based on plant structure, floristics, and species similarities, which provide detailed information about the species composition of a localized area. By understanding which dominant plant species inhabit specific portions of a project site, additional localized site conditions can be inferred based on the dominant species' habitat requirements.

The CNPS approach, for vegetative hierarchical classification, forms a baseline for classifying the More Mesa property vegetation into their floristically based plant series. The plant communities observed and recorded during field surveys that are not specifically described by Sawyer and Keeler-Wolf (1995 and upcoming new edition) will be classified and named according to their hierarchical protocols. With this approach, vegetative details and descriptions can be accumulated to split the vegetation into detailed unique entities, or details may be eliminated in order to group vegetation into more workable units. Grouping detailed plant associations into slightly more generalized categories are useful for data analysis, wildlife function assessments, and digital vegetation mapping. The List of California Terrestrial Natural Communities Recognized by the Natural Diversity Database (CDFG 2003) and Descriptions of the Terrestrial Natural Communities of California (Holland 1986) will be cross-referenced to aid in the classification and descriptions of the plant communities observed.

In an attempt to make observations from all areas of the property, botanists will spread out into designated work areas with specific field maps for each area. They will search for unique plant communities that are represented in several areas of the property. Mapping will be conducted as to identify vegetative units on the ground at sizes of 1-acre minimum-sized polygons. In areas that are not accessible, botanists will use binoculars to aid in identification of the dominant plant species growing in distant or inaccessible plant communities. Botanists will also use compasses for map orientation and slope aspect. During each field mapping session, all newly observed plant species will be recorded to aid in the floristic inventory of the project site. Community and Wildlife Habitat Mapping results will be provided, as available, to wildlife biologists to aid in the identification of communities or habitats utilized by wildlife observed onsite.

Consistency between field botanists is important to prevent high levels of deviation from the mapping protocols established prior to project commencement. Botanists will use as precise accuracy as possible to ensure that the location of the vegetation of interest occurs in the same location on the map as it does in the actual field. In addition, botanists will use field data forms for recording field observations and information regarding observed plant communities and specific data for each mapped polygon. Each polygon drawn on the field maps, surrounding the plant community of interest, will be labeled with a polygon number. The polygon number

and the map number will be entered on the field data sheets and will be used as each polygon's unique identification number. The field data logs will also include spaces for recording the following important data:

- Botanical names of the dominant plant species identified in each plant association;
- Botanical names of the associate species contributing to the overall vegetative canopy;
- Each dominant species' percent cover for correct vegetation classification;
- Slope-aspect on which the polygons occur;
- Polygon location (latitude and longitude); and
- Site characteristics.

The GIS map and associated database will be used to determine total acreage for each plant community present onsite, and what extent and what types would be impacted by potential development.

Grassland Classification and Mapping. Since the project site is predominated by grassland vegetation, a detailed investigation of the various grassland types based on dominant species will also be part of the mapping onsite. Based on recent aerial photography of the site and the more recent *Biological Resources Assessment of More Mesa* (LSA 1997), roughly 75% of the site can be described as grasslands. Although the grassland communities onsite likely include a large component of non-native plant species, this condition does not preclude it from being used as habitat by special-status native plants and animals (Howald 1993). CWHR rates grasslands as high reproductive, cover, and feeding value for many wildlife species; however, the wildlife habitat value is dependent on the predominant grass species present, thereby necessitating a distinction between the various onsite grassland types.

Grassland is a very general classification for the upland herbaceous vegetation onsite. The classification of grassland has been largely controversial and difficult since very little protocol has been developed to aid in such classification. Grassland habitats at More Mesa will be classified into plant series based on species composition. For the purposes of this study grassland will be classified into *native grassland habitats* and *nonnative grassland habitats*, depending upon what percent of native species are contributing to the habitat. Specifically, a native grassland is defined as an area where native grassland species comprise at least 10% or more of the total relative cover. Thus, for example, where a high density of small patches occur in an area of one acre, the whole acre would be delineated if native grassland species comprise 10% or more of the total relative cover, rather than merely delineating the patches that would sum to less than an acre. This is based on practice and opinion of CDFG. Santa Barbara County's Environmental Thresholds and Guidelines states that the Natural Heritage Division uses the 10% relative cover figure in determining acreages of remaining native grasslands (Keeler-Wolf 1992). The County further provides a one-quarter- (0.25-) acre minimum significance threshold for disturbance of clearly isolated grasslands (namely, disturbance of one-quarter acre or more of isolated native grassland habitat or an integral component of a larger ecosystem would be considered significant). Thus, the 0.25-acre standard may be used as the minimum mapping unit for defining a native grassland where greater than 10% cover of native grasses is present. This threshold will be utilized in determining grassland habitat for the purposes of this study.

Grassland surveys will be timed to ensure that the presence and identity of native annuals is

fully documented. Areas identified as native grasslands would be staked, and point-intercept and linear transects would be established with test quadrangles to measure percent coverage of native grasses and native herbs. Native grassland polygons will be delineated in the field onto one-foot resolution color aerial imagery of More Mesa.

Wildlife Habitat Mapping

Team Leader: Broughton

Key Support: Turner, Storrer, Olson

Study Area: Project Site

Survey Type: CWHR Classification

When: Spring, Summer

The purpose of wildlife habitat mapping is to define areas of the project site that are used and frequented by wildlife species based on the habitat function and classification. Wildlife habitat mapping of More Mesa will be used to delineate sensitive plant communities used by wildlife onsite, document the functional value of the wildlife habitats onsite, and examine potential constraints to development at the site.

Wildlife habitats will be mapped onsite based on the California Wildlife Habitat Relationships (CWHR) System. The CWHR habitat classification scheme has been developed to support the CWHR System, a wildlife information system and predictive model for California's regularly occurring birds, mammals, reptiles, and amphibians. Wildlife habitats mapped using the CWHR habitat classification system is a more general mapping level compared to the more detailed plant community (series) described above. In this system, stages are defined for virtually all habitats. A stage is a combination of size and cover class for tree-dominated habitats, age and cover class for shrub habitats, height and cover class for herb habitats, and depth and substrate for aquatic habitats (Mayer and Laudenslayer 1988).

Rincon biologists and botanists will conduct vegetation mapping as discussed above, and then group and classify the plant series into the CWHR habitat classification scheme to represent the more general wildlife habitats. In addition, the habitat value of the differing grassland types will be distinguished, especially in relationship to how the vegetation supports the prey base of rodents, reptiles, and invertebrates for raptorial birds.

Bird Surveys

Team Leader: Turner

Key Support: Fox-Fernandez, Storrer

Study Area: Project Site and immediate adjacent area

Survey Type: Transect Surveys

When: Spring/Summer, Fall/Winter

The focus of the bird surveys is, in part, to 1) identify those species (common and sensitive) utilizing More Mesa , 2) determine the distribution of these species on site, and to 3) identify what aspects (*i.e.*, essential habitat, habitat elements) of More Mesa are critical to ensuring these species' long term persistence on site and maintenance of normal population fluctuations. All bird species detected during these surveys will be recorded, however particular attention will be given to detecting target listed and/or special-status species that have been identified on site or have the potential

to occur within the project area. As species occurring in or around More Mesa may be year-round residents, only migratory summer or winter residents, or only migratory transients (*i.e.*, only passing through the area), it is important to conduct bird surveys during both the spring/summer period and the fall/winter period. The specific focus of the spring/summer ("spring" hence forth) surveys will be to ascertain the breeding status for birds occurring within More Mesa during this period. In contrast, the specific focus of the fall/winter ("winter" hence forth) surveys will be to ascertain the status of wintering raptors and migratory birds within More Mesa and their utilization of the project area. Winter surveys will also include detailed focus on the potential for communal roosting by white-tailed kites within More Mesa and the surrounding areas (see further discussion below).

Extensive field surveys for avian species will be conducted at least once every two weeks during the peak activity times during the spring and winter periods (spring/fall migration and core breeding season - Late April - June, September, December, and January). Fewer surveys are anticipated to be needed outside of the peak activity periods, and the actual timing and length of the intensive surveys will be determined by the study year's specific climatic conditions (*i.e.*, normal rainfall vs. drought year). This schedule meets and exceeds the requested number of surveys (two complete field surveys each period). Rincon proposes to limit surveys outside of the peak activity seasons to once per month, but suggest year-round surveys to better assess year-round utilization of the site.

Surveys will be conducted during daylight hours (typically sunrise to 11:00 AM as this is when the peak activity period occurs for the majority of birds); however specific surveys will be conducted after sunset during the spring and in the winter in an effort to capture owl activity. In addition to morning surveys within the coastal habitat, additional afternoon surveys (time dependent upon tides) will be conducted to ensure coverage of various tidal conditions and the species that utilize them. Surveys for common and special-status species will be conducted concurrently during the general surveys, however special emphasis will be placed on detecting those sensitive species observed within More Mesa during the 1982 and 1996 studies. Additional focused surveys may be necessary for those special-status species detected during the general surveys. This is dependent on the level of detailed data captured during the general surveys and species-specific survey protocols. When appropriate, special status species surveys will be conducted according to the most recent U.S. Fish and Wildlife Service (USFWS) or California Department of Game (CDFG) survey protocol.

Surveys will follow an Emlen Line-transect method as described by Bibby *et al.* (1993). Survey transects will be placed within each habitat type with the number of transects per habitat determined by the overall proportional coverage of each habitat type to ensure adequate coverage of all areas. Transect lengths will be standardized to the greatest extent possible for ease of analyses. Surveys will be conducted by a single observer walking at a constant pace, periodically stopping to look and listen for birds, and recording/mapping all birds detected visually and/or aurally. Binoculars will be used to aid in identification. The location of each bird relative to the perpendicular distance to the transect centerline at its first detection will be estimated using a laser rangefinder when possible. Although all individuals will be recorded, the final cut-off perpendicular distance (*i.e.*,25-m, 50-m, 100-m, etc.) for use in the analyses will be determined by the visual ability of the observer in the field (*i.e.*, visual observations will be limited to distances closer to the transect in areas with tall grasses or heavily foliated trees).

Observers will alternate which transects are surveyed first, middle, or last and which end of each transect is started at to avoid time biases. Surveyor biases will be avoided, to the greatest extent possible, by alternating observers between surveys. Ornithologists will use field data forms for recording all general and focused survey field observations. The standard weather parameters (cloud cover, wind, temperature, precipitation) will be recorded at the start of each survey as well as the beginning and end times of each survey. Additionally, observers will attempt to record each bird's age (using plumage characteristics), sex, behavior (*i.e.*, foraging, singing, nesting, flying overhead, disturbed, etc.), and perch and/or forage substrate will be recorded, as well as the specific habitat type they are detected in. We will also record heterospecific (same species) and conspecific (different species) interactions (*i.e.*, aggression) between raptors, if observed. Surveys will not be conducted during adverse weather conditions (*i.e.*, fog, rain, wind speeds > 20 mph).

The survey area will consist of all potential and marginally potential habitats within the entire More Mesa area and its surrounding habitats (*i.e.*, Riparian/Oak Woodland, Open Grassland/Shrub, Sandy Shore/Bluff). Further specific habitat types (i.e., Grassland, Shrub, Marsh, Bluff, Shore, Water, Residential) will be recorded during the actual surveys to better determine species' utilization of them.

As multiple and repetitive surveys will be conducted over the course of an entire year, a complete inventory of all bird species utilizing More Mesa will be compiled, which will assist in determining seasonal fluctuations in species composition, distribution, and usage of the project area. Bird survey data collected during both the spring and winter periods will be used to evaluate More Mesa, in context with the surrounding properties, with respect to ecological function. Furthermore, these data will assist in determining the connectivity and ecological relationship of More Mesa with other properties within the area.

Maps submitted in the final report may include: general species location, sensitive species location, nest locations, known or estimated territories locations and/or polygons, transect locations, and raptor use locations. Photos will be submitted with the final report to document noteworthy locations and/or occurrences.

Raptor Surveys. Researchers during both the 1982 and 1996 studies observed a large number of raptor species utilizing More Mesa. Given the highly developed nature of the surrounding communities and the general lack of foraging opportunities available to raptors within these areas, the availability of prey at More Mesa may be a key contributing factor to these observations, and may help explain the presence of a large number of white-tailed kites roosting at More Mesa during the winter months. Therefore, focused raptor surveys will be conducted once monthly throughout the duration of the study period. This exceeds the minimum requested in the request for proposals; however, we believe it is necessary in order to ascertain a more robust understanding of how raptors are utilizing the site. Additional, more focused surveys (*i.e.*, more species-specific and increased observation time of individuals) will be conducted if it is determined that the spring surveys, as currently scheduled, are insufficient to ascertain the breeding status (*i.e.*, does the species actively breed within More Mesa, and are they successfully fledging young, or do they only utilize the study area for other life functions, such as foraging) of birds occurring within More Mesa during the spring period. Likewise, the same will be done during the winter period if the combination of general winter surveys and

focused raptor surveys are insufficient to ascertain the status of wintering raptors and migratory birds and their utilization of the project area. Surveys for roosting white-tailed kites may be conducted outside of the study area as necessary so that all kites utilizing More Mesa are accounted for.

A foraging study will be conducted on all raptors utilizing the same hunting grounds (grassland areas) as the white-tailed kites in an effort to determine if conspecific interactions and/or competition are limiting the More Mesa kite population. Dunk and Cooper (1994) showed that white-tailed kite territory size was proximately correlated with competitor abundance, and all raptors (including kite) numbers were ultimately determined by prey abundance.

More Mesa has continued to be utilized by humans for various recreational activities, so a final goal of these surveys will be to collect behavior data on raptors disturbed by the normal human activities within More Mesa. These data will assist in determining the sensitivity of raptors to current and future development and use by humans, and allow for an evaluation of factors (*i.e.*, trails, development, homeless camps, etc.) that could affect the suitability of the site for white-tailed kite communal roosting

Mammal Trapping

Team Leader: Turner

Key Support: Dreher, Olson

Study Area: Project Site

Survey Type: Grid Trapping

When: Spring, Winter

The small mammal species of More Mesa function as the prey base for wildlife, specifically raptors, therefore it is important to understand not only which species are present, but also their relative abundance and distribution. A determination of seasonal prey abundance within More Mesa will provide a baseline for assessing the site's ecological function for predator species such as the white-tailed kite and other raptors during nesting and general foraging activities. Thus, the efforts of this task will include estimating the general abundance of small mammals within More Mesa and the presence/absence of special-status mammal species on-site. Small mammal trapping will be conducted predominantly focused within the grassland areas of More Mesa, which comprise roughly three-quarters of the site and the foraging area of raptors. However, additional traplines will be placed along and within woodland and riparian areas where there is the potential for capture of additional species.

We propose to conduct cluster sampling, using trapping grids throughout the site. In an effort to allow easy comparison to the 1982 study, the trapping locations will include those grid locations, and traplines identified in the original study. However, due to the low capture rate during the prior study, an average of less than 7%, we propose trapping at several additional locations in an effort to achieve a higher capture rate while still providing comparison data for the 1982 study. In addition to these trapping grids, up to three additional grids may be located in other grassland areas and two additional traplines within drainages I, II, III, or IV (as identified in the 1982 herpetological survey). The final placement of traps will be determined

pending the results of Task 1, literature review, and Task 2, grassland surveys, in order to allow comparison of prey-base between differing habitats (including the difference between native and naturalized grasslands). Traps will be set on square grids and spaced approximately 15 meters between neighboring traps. Between 20 and 50 traps will be set per grid depending on the size of the grid. Long and short Sherman live-traps will be used, with the occasional use of medium wire-mesh Havaharts in an effort to capture larger-sized mammals.

Small mammal populations fluctuate throughout the year in response to vegetative food available and the response of predators to the increasing prey base. In the Dunk and Cooper study, vole (the primary food source for white-tailed kite) abundance was highest from October to January, which correlated with the number of raptors observed. On the other hand, past trapping data conducted by Rincon biologists and other studies show higher small mammal abundance in spring that tends to correlate to vegetative growth. We propose four trapping sessions to correlate with the past studies, the timing of highest small mammal populations, transitional times in the white-tailed kite behavior, and to determine winter prey abundance (April/May, October, December, and February). The exact timing of these surveys will depend on in-field and climatic conditions during the survey years. Captured individuals will be marked to prevent double counting.

It is important to note here that certain small mammals, such as voles, tend to have multi-year cycles with sudden population increases in three to four year intervals. As this proposal assumes a one year study period, this population fluctuation cannot be fully examined with surveys onsite, but may be explored through a review of previous studies and climatic data for the area.

Upon initial layout of traps, each trap will be mapped and given a unique identification number. The trap location will be mapped using a Trimble GTX, its grid location and habitat recorded as well. Species data gathered during the trap sessions will be correlated with this trap location information. Catalogue data gathered for each trapped specimen will include: species; location (trap identification number), trap session (date), and whether marked from a previous session.

As researchers from both previous studies noted the majority of raptors observed were within the grassland areas, the abundance of prey animals within the various grassland types of More Mesa will be investigated as a consequence of this small mammal trapping. Specifically, the relative abundance of small mammals will be examined with respect to the primary and secondary foraging areas for kites and other raptors at the site. Additionally, mammal abundance will be examined relative to associated vegetation communities, habitat, historical abundance, and climatic conditions.

Reptile/Amphibian Trapping and Inventory

The purpose of the amphibian and reptile investigations is to identify the species present, their distribution on the site, and to identify what aspects of More Mesa are critical to their persistence and maintenance of normal population fluctuations. The surveys will focus on special status species and their habitats. Site-specific status will be assessed, and will include mapping of the species' extent, identification of habitat association(s), and type of use (*i.e.*,

breeding, upland refuge, dispersal). Special-status species occurrences will be evaluated within a regional context, and the connectivity and ecological relationships with other properties in the area will be addressed. Special-status species that are not observed during the surveys but which are known to occur in the region will also be discussed with reference to their potential to occur at the Mesa.

Information derived from the herpetofaunal study will be used to evaluate the environmental sensitivity of physiographic areas, plant communities, and the site as a whole. The distribution of special status species, in particular, will be used to provide recommendations for the designation of Environmentally Sensitive Habitat areas and buffers around these areas. Guidelines will be provided for environmentally sensitive options to develop the site, as well as designation of protected open space areas.

Team Leader: Christopher

Key Support: Dreher, Olson, Storrer

Study Area: Project Site

Survey Type: General Herp Survey, CRLF Protocol

When: Spring, Summer

As noted under Task 1, past field survey reports that incorporated herpetofaunal investigations will be reviewed (UCSB 1982; LSA 1996, 1997). In addition, other sources of amphibian and reptile records for the More Mesa area will be consulted, such as vertebrate museum records, the CNDDB, partial studies (*i.e.*, Labinger 1997-8), and local herpetologists (Dr. Samuel Sweet, Paul Collins, etc.). These reports and records will be used to compile background data in which to evaluate trends in species occurrence and site-specific distribution patterns.

The methodology employed by Samuel Sweet (UCSB 1982) to sample herpetofauna will be used to the extent practical within the survey guidelines set forth in the RFP. Amphibian and reptile surveys will occur in the spring through the fall. Therefore, the timing of the surveys will differ slightly from that of Sweet's, in which surveys and trapping were also conducted in the winter, but this should not affect the survey results because few amphibian and reptile species are detectable in the winter. Amphibians that breed in the winter, such as the Pacific treefrog (*Hyla regilla*) and California red-legged frog (*Rana draytonii*), also can be detected at breeding sites in the spring. In addition, it is unlikely that breeding habitat for the California red-legged frog is present on-site; however, three man-made ponds were noted in 1997 (LSA) that could potentially provide breeding habitat. Rincon proposes to conduct a total of 7 visual encounter (direct observation) surveys: three surveys between April 1 and June 1 (spring), two between June 2 and August 1 (summer), and two between August 2 and October 1 (fall). These surveys will include focused search of suitable hiding and basking sites, such as downed wood, boards, logs, rock and brush pies, and exposed rocks. One of the spring and one of the summer surveys will include night time surveys using focused, high-intensity lights to detect frog eyeshine within aquatic habitats as described within the California red-legged frog survey protocol (USFWS 2005). In addition to the direct surveys and pitfall traps, Rincon will temporarily place cover boards in areas of interest (such as the loose sand area in the southwest corner) as an attraction for snakes and silvery legless lizard. Focused visual encounter surveys will also be conducted to investigate upland/nesting habitat use by southern Pacific pond turtles (*Actinemys marmorata pallida*) and if needed, 2x4 boards will be temporarily paced int eh man-made ponds

to provide basking sites to aid in detection of pond turtle. Data to be collected will include species, age class, GPSed locations of observations, and habitat type/plant community.

The pitfall trapping design will follow that employed by Sweet, with 10 lines established in the mapped locations provided in UCSB (1982). Each line will have 10 4-gallon buckets, which will be placed near bushes or other areas with suitable habitat or optimal shrub cover, and there will be 10 to 20 meters between buckets. Plant community types at each of the bucket locations will be recorded. Buckets will have plywood lids that will be raised 3 centimeters above the ground level. The lids will be attached so that small animals can walk under the lids and predators would not be able to remove the lids. Sweet noted that installation of buckets during the dry season was especially time-consuming and labor-intensive; therefore buckets will be installed near the end of the rainy season. Trapping will commence in early April and continue through October 15. Rincon proposes to open traps two days per week throughout the study period, and check the traps at least every 24 hours. This sampling design would provide approximately 57 trap days. Pitfall trapping will provide distributional information on many amphibian and reptile species. In particular, this is an appropriate technique to evaluate upland habitat use by many special status species such as the two-striped garter snake (*Thamnophis hammondii*) and California red-legged frog.

Invertebrate Surveys

Team Leader: Christopher

Key Support: Davis

Study Area: Project Site

Survey Type: general survey; Protocol for Vernal Pool Fairy Shrimp

When: Winter

A limited number of special-status invertebrates occur within Santa Barbara County. The Vernal Pool Fairy Shrimp, listed as federally threatened, does occur within the County and may be present in temporary ponds within the site. In addition, Monarch butterflies, while not a special-status species because of large, wide-spread populations, are nonetheless considered a "Special Animal" because the annual monarch migration is considered a "threatened phenomena" by the International Union for Conservation of Nature and Natural Resources (Animal Diversity Web 2007). Eucalyptus and other trees in appropriate configurations and locations are commonly used by monarchs as roosting, resting and/or feeding sites. Accounts of individual Monarch Butterflies (*Danaus plexippus*) using the project site during the winter have been recorded in several citizen counts, *Western Monarch Thanksgiving Counts*, conducted between 1997 and 2006 along the California coast (D. Frey, S. Stevens, and M. Monroe). Although only a small number (203) of individuals were recorded on the Mesa, thousands of individuals have been recorded along Atascadero Creek (20,000 in 1997; 4,000 in 1999; 8,912 in 2000; and 5,470 in 2001). Given the proximity of the site to Atascadero Creek and the presence of blue gum eucalyptus onsite, we propose a survey of habitat for potential nesting or foraging suitability for Monarchs and a census of wintering individuals using the site.

Vernal Pool Fairy Shrimp. Based on several past studies of More Mesa, a vernal pool is known to be located in the southeastern portion of the site. Given the consistent documentation of this pool, a permitted biologist, Mr. John Davis, will conduct a USFWS protocol survey for

vernal pool fairy shrimp. As extensive documentation is available to support the presence of vernal pools at the project site, and the extent and habitat of such pools will be mapped in detail under the habitat mapping effort, no additional survey hours are necessary under this task for that purpose. The protocol survey methodology will be conducted under Task 5 of this work scope and is further discussed below.

Monarch Butterflies. Monarch census data will be collected concurrently with the general avian surveys being conducted during the monarch's migration period between September and October. Because of this concurrent timing, no additional survey hours are directly associated with this effort. Further, the assessment of monarch habitat onsite would be performed concurrently with the wildlife habitat mapping efforts. Therefore, no additional survey hours are necessary to assess monarch activity or habitat under this task.

TASK 3 - CONDUCT WHITE-TAILED KITE INVESTIGATION.

Team Leader: Turner

Key Support: Storrer, Fox-Fernandez

Study Area: Project Site

Analysis Area: South Coast

Survey Type: Breeding, Focused behavioral

When: Spring, Summer, Winter

White-tailed kites (*Elanus leucurus*) have no federal status, but are fully protected under the California Fish and Game Code. White-tailed kites are considered uncommon to locally fairly common residents along the coastal slope of California. Populations declined to very low levels early in the 20th century, but had risen substantially by the mid-1970s. However, population sizes locally continue to fluctuate, which may in large part be in synchrony with fluctuating rodent populations. The instability in population sizes indicates that the kites may continue to be affected by human-induced environmental changes in ways that are not fully understood. They are threatened by the loss of habitat due to urbanization, rodenticides, and predation of young by crows and ravens. Kites require open habitats such as grasslands, croplands, and marshes for foraging. They primarily nest in riparian areas with sycamores, oaks, willows, and cottonwoods, and hunt in adjacent open spaces.

White-tailed kites have been documented foraging and roosting within More Mesa and the surrounding areas. Studies of the South Coast kites indicates that breeding and winter roost locations have changed over the past decades by encroaching urban and other uses, with much of the breeding activity shifting from the near coast to north of US 101. Winter roosts of kite still occur at or near the Mesa, and this investigation of the white-tailed kite population utilizing More Mesa will include:

- Analysis of historical data,
- Evaluation of historical, annual, and seasonal population size fluctuations and
- Territory sizes (of kites nesting within More Mesa),
- Assessment of the impacts of high and low small mammal densities (see 2.6),
- Evaluation of the long-term foraging, roosting, and nesting patterns on site and relative to other nesting and foraging areas on the south coast,

- Evaluation of the long-term use of the site as a communal roost, and
- Evaluation of factors (*i.e.*, trails, development, homeless camps, etc.) that could affect the suitability of the site for communal roosting.

White-tailed kites that use More Mesa as a foraging location but nest or roost away from the site will also be included in this examination. Data collected during the general avian and raptor studies and the small mammal trapping will be used to investigate and identify what limiting factors (*i.e.*, prey availability, habitat and foraging area suitability, competition, etc.) may be acting on the kite population in and around More Mesa. Specific data to be analyzed include first seen locations, interactions with other raptors, and disturbance to white-tailed kites by the various recreational activities allowed within More Mesa. However, in addition to the general bird and raptor surveys proposed under Task 2, we will conduct further focused white-tailed kite surveys in an effort to more adequately understand the specific dynamics of the More Mesa white-tailed kite population. We propose additional focused roosting, breeding, and foraging surveys for the white-tailed kite, particularly during the kite breeding season. Although the exact white-tailed kite breeding period may vary from year to year, and can be influenced by climatic variation, nesting typically occurs from early March through July. As kites may begin pair bonding in mid-winter (as early as January), for purposes of this study breeding behavior will be surveyed between late January through late July. The twice monthly breeding surveys will focus on the kite's behavior, in an effort to determine territory sizes and nesting status. Monthly roosting surveys during the winter period will also be conducted to evaluate the use of the site as a communal roost by white-tailed kites. As roosting fluctuates throughout the fall and winter months, we propose surveying for roosting behavior within and around More Mesa between the months of September and February. Further focused foraging surveys will also be performed twice monthly throughout the year for analysis with mammal trapping data to examine prey-base density relative to white-tailed kites and other raptors.

White-tailed kites are not known to reuse the same nest; however they will reuse the same nesting location. Therefore, nesting locations utilized by pairs within Mare Mesa in previous years will be determined through a review of available sources and through communications with local birders so that these areas may be more carefully searched. Observations of potentially nesting white-tailed kites will involve following individuals or pairs from a distance and watching for nesting behavior (*i.e.*, nest building, food carries, flying to/from a specific location, etc.). Additional observation time outside of specific survey periods may be conducted, if necessary, to assist in determination of an exact nest location. Nests that have been found will be mapped and monitored from a distance once every two weeks to determine the status (*i.e.*, incubating, presence of nestlings), if possible, and the outcome (failure or fledglings).

White-tailed kite territory within More Mesa will be mapped and recorded for individual and pair locations using spot-mapping techniques derived from Bibby *et al.* (1992). Although this data will be collected opportunistically during all surveys, focused territory surveys for white-tailed kites within More Mesa will be conducted twice monthly during the core spring period (as determined by climatic conditions). The location of all kites detected during any survey will be mapped, but territory designations will only be assigned to known individuals. Pair members will be identified by their location within the study area. The locations of unidentified kites will be used to identify total habitat use within More Mesa. We will discontinue spot

mapping when either sufficient spot-mapping data has been collected to adequately determine a pair's territory, or when territories start to shift or break down. Using the data collected, territory size for each pair within More Mesa will be calculated using Arc GIS 9.0.

Foraging surveys for white-tailed kites and all other raptors foraging in the grassland area will be conducted twice monthly throughout the entire year within established plots (size and number to be determined after initial data is collected regarding the number of raptors foraging within project area). The location of these plots will be determined by the location of the corresponding small mammal grid. A minimum of 24 total surveys will be conducted. Surveys will be 1-2 hours in length and will be conducted during the morning and/or afternoon hours when kites and other grassland raptors are most often observed foraging. At the beginning of each sampling period and every 15 minutes thereafter, a scan sample of the entire plot area will be conducted to count the number and species of raptors within the plot. During the sampling period we will also focus on individual raptors within the plot for a 10 minute interval (or until the bird leaves the study area). During this period we will record all time spent flying (presumably hunting), and the number of hovers, dives, strikes, and captures each individual makes. All hetero- and conspecific interactions will be recorded. Data on raptors foraging outside of the focused study period will be collected opportunistically. These foraging data will be used in conjunction with the small mammal density estimates for each of these study plots, which will be determined by mark-and-release trapping. Analyses of these data will provide information on the numerical (number of individuals as a function of prey density) and functional response (*i.e.*, how rapidly does a raptor encounter or feed on prey) of white-tailed kites and other raptors to the density of small mammals within the grassland habitat of More Mesa. White-tailed kite foraging data will be compared to that collected for other raptors foraging in the grassland areas to determine if conspecific interactions and/or competition are limiting the kite population within the study area.

White-tailed kites typically do not communally roost during the breeding season. Therefore, surveys for and of roosting white-tailed kites will be conducted only during the fall and winter months. Current year climatic conditions will likely drive the winter roosting period; however it could begin as early as September 1. Monthly surveys will be conducted until roosting no longer occurs, typically by the end of March. Roosting locations utilized in previous years will be determined through a review of available resources to be provided by the County and through communications with local birders. Initial surveys will confirm the location of that year's roost(s), however as roost locations may change within season, subsequent surveys will continue to monitor for the establishment of additional roosts. White-tailed kite roost surveys will be conducted from 2 hours before sunset until near dark. If deemed appropriate, periodic morning roost surveys may also be conducted from near light until all kites have left the site or until 2 hours after sunrise, whichever comes first. The number of kites present at the roost will be recorded as well as the direction each kite arrives from or, in the case of the morning surveys, leaves to.

White-tailed kite data will be collected on field data forms and mapped on a one-foot resolution color aerial imagery map of More Mesa. Maps submitted in the final report may include, but not be limited to: white-tailed kite observations, nest locations, foraging locations/areas and plot locations, territory locations and/or polygons (spot-mapping data), and roost location(s)

and direction on kite travel to/from it. Photos will be submitted with the final report to document noteworthy locations and/or occurrences.

The field data forms will include spaces for recording the: date, observer(s) name, type of survey or observation being conducted, start and end time, specific survey location, and the general weather information at the start and end of the survey period (cloud cover, wind speed, temperature, precipitation). The following information, as applicable, will be recorded for all white-tailed kite observations: common and scientific name, habitat type, behavior, perch substrate, foraging data (*i.e.*, hovers, dives, attacks, etc.), breeding/nesting observations, and hetero- and conspecific interactions. A space on the data sheet will be included for additional comments and information.

As noted above, the extent and timing of surveys proposed under this task will depend on specific climatic and behavioral conditions in the field. Thus, as the exact transition between roosting and breeding cannot be determined at this time, we have proposed an overlap herein to provide a not-to-exceed cost; however, there will be no overlap in roosting and breeding surveys once the actual transition period is recognized. Further, we will make every attempt to minimize survey hours where possible and avoid any redundancy in data collection. Therefore, to the extent that the monthly general bird and raptor surveys proposed under Task 2 provide adequate white tailed kite data, additional focused surveys will not be performed if not warranted. The additional surveys to be performed under this task include once monthly roosting surveys between the months of September and February, twice monthly breeding surveys between the months of January and July, and twice monthly foraging surveys between throughout the year.

It is our understanding that the County of Santa Barbara has been in contact with Mr. Mark Holmgren of the UCSB Museum of Systematics and Ecology regarding the White-tailed kite and information relative to this study. Mr. Holmgren can provide:

- Summary of history of kites in the Goleta Valley from mid-1960s to the present focusing on More Mesa.
- Access to unpublished studies by Holmgren, UCSB students, and Morgan Ball.
- Several hundred records of kite roosting.
- Results of a one-year study (in 1998) of data gathered weekly on kite nesting and roosting on the Goleta Valley population. This study reveals the dates and duration of nesting, territories, productivity, population size, nesting failures, nocturnal roosting habits, locations, timing, and species interactions.
- A long-term perspective on the patterns of white-tailed kite roosting, nesting, and corridor use in the area.

Mr. Holmgren is potentially conflicted from this work under the County's requirements, but may be available to the consultant to provide expertise with respect to past studies techniques and findings. While he is not part of the Rincon Consultants Team, we would work with Mr. Holmgren in whatever role the County deems is prudent.

TASK 4 - CONDUCT FORMAL WETLAND DELINEATIONS AND IDENTIFY ON-SITE WETLANDS.

Formal wetland delineations using both the County/CDFG/California Coastal Commission (Cowardin) and Federal (U.S. Army Corps of Engineers) criteria will be performed across the site in potential wetland areas so that wetlands under both jurisdictions are identified. The Cowardin classification system requires the presence of one or more of the three wetland parameters (vegetation, soils, hydrology) in defining a wetland, whereas the Corps method requires the presence of positive indicators for all three parameters in defining the existence and extent of a wetland.

Team Leader: Merk

Key Support, Batchelor, Hubbard

Study Area: Project Site

Survey Type: Corps Delineation, CDFG, CCC Wetland Determination

When: Spring, Summer

Data will be collected onsite for three criteria: hydrology, vegetation, and soils. Rincon will document the presence or absence of wetland indicators for each of the three criteria, using the methods described in the Corps Manual for Delineating Jurisdictional Wetlands (1987) and the additional local guidance in the *Interim Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Arid West Region* (Corps December 2006) using approved field data sheets. According to the Corps Manual, identification of wetlands is based on a three-criterion approach involving indicators of hydrophytic vegetation, hydric soil, and wetland hydrology. The Arid West Supplement presents regional wetland indicators, delineation guidance, and other information that is specific to the Arid West Region.

Rincon will gather existing data on any previous wetland delineation performed onsite. Existing wetland data for the project site will be collected and reviewed, including site topography, aerial photography, soils, and hydrology. Rincon will review all existing data and any previous wetland delineation to identify data gaps or areas where additional and/or more recent information is needed to submit the delineation to the agencies for verification.

Rincon will conduct onsite field surveys of the project site to delineate the boundaries of Corps and CDFG jurisdiction pursuant to the Clean Water Act and California Fish and Game Code, respectively. At the same time, wetlands as defined by the California Coastal Commission and the County of Santa Barbara will also be determined based on those findings. Data will be gathered from sites within and along existing streams and potential wetlands located on slopes or adjacent to streams. Trimble GTX, with sub-meter accuracy will be used to map each field data point (soil pit) and to delineate the jurisdictional wetland boundary in each wetland area. Rincon will also determine areas that qualify as waters of the U.S. that are not considered wetlands but are still within the Corps' jurisdiction.

Data observation points will be taken in areas that contained evidence of wetland hydrology (i.e.: observable drainage patterns, a defined bed and bank, or high levels of soil saturation/inundation). Specifically, data will be collected in drainages and other wetted areas within the property boundary. In areas where a drainage feature is present, evidence of an

Ordinary High Water Mark (OHWM) will be used to identify the extent of Corps jurisdiction within the drainage. The extent of CDFG jurisdiction will be established at the observable bed, bank, and channel or to the extent of the outer drip line margin of riparian vegetation, whichever was greater. Data collected at each sample point will include plant species composition (to determine the presence/absence of hydrophytic vegetation), presence/absence of positive indicators of wetland hydrology, and presence/absence of positive indicators of hydric soils. All field data collected onsite will be entered on the Wetland Determination Data Forms (Arid West Region).

A data point will be considered a Corps jurisdictional wetland if the area meets all three wetland parameters of dominance by wetland plant species, positive wetland hydrology, and hydric soil conditions. A data point will be considered County/CDFG/CCC jurisdiction if the area is positive for one or more of the three wetland parameters. It should be noted that only the regulatory agencies can formally determine the limits of their jurisdiction.

Rincon will summarize the background information, field data, and suggested jurisdictional boundaries for the Corps and CDFG into a report. As part of the analysis, Rincon will examine the expansion or concretion of wetlands throughout More Mesa relative to past studies, including any emerging wetlands and vernal pools now in existence. All supporting documents and field data will be included in the report in addition to a map illustrating the wetland boundaries onsite. Considerations will be given to climatic variations and the presence/absence of drought conditions at the time of the delineation. The study will include an identification of wetland watersheds and recommended buffers necessary to protect wetlands and their functions. Connectivity between wetlands will also be identified and evaluated where applicable.

Rincon will coordinate with the regulatory agencies to facilitate verification of the wetland delineation, identifying expected mitigation requirements, and efficient permit processing. This task will likely include office and field meetings with one or more of the regulatory agencies, most likely with the Corps and CDFG. Rincon will coordinate with client on development constraints and avoidance strategies that will minimize potential future permitting and mitigation requirements.

TASK 5 - SPECIES SENSITIVITY SURVEYS, UPDATES AND EVALUATION.

Based on results of the literature review performed under Task 1 and the general surveys under Task 2, special-status wildlife species found to occur, or which have the potential to occur, onsite will be the subject of further focused surveys under this task as determined necessary. This task will evaluate the "site-specific status" or species' extent, habitat association, and potential use of the site (i.e. breeding, roosting, foraging, resident, or transient). This task applies only to wildlife species, as the floristic surveys provided under Task 2 will be performed during the blooming period of rare plants within the region and would adequately document the presence, habitat associations, and extent of special-status plant species within the area. Further, this task excludes additional focused surveys of the white-tailed kite as a focused investigation would be conducted under Task 3.

Team Leader: Christopher

Key Support: Dreher, Olson, Davis, Storrer, Turner

Study Area: Project Site

Survey Type: Protocol where needed

When: Spring, Summer

Special-status species is defined here as wildlife listed, proposed for listing, or candidates for listing as threatened or endangered by the U.S. Fish and Wildlife Service (USFWS) under the federal Endangered Species Act (ESA); those listed or proposed for listing as rare, threatened, endangered or which are listed as fully protected or species of special concern by the CDFG under the California Endangered Species Act (CESA). This task may require individual surveys for each species to adequately identify the species' location, use of, and behavior at the site where not adequately documented under the general studies conducted in Tasks 2 and 3. The following species list is based on observations made during the 1982 (Ferren, et al.) and 1997 (LSA) studies and lists those species which have been previously identified at the site and, therefore, could potentially occur at the site today.

Common Name	Federal Listing	State Listing
Birds		
Western Snowy Plover	T	SSC
California Brown Pelican	E	E, FP
White-tailed Kite	N	FP
Burrowing Owl	N	SSC
Elegant Tern	N	SSC
Loggerhead Shrike	N	SSC
Merlin	N	SSC
Northern Harrier (Marsh Hawk)	N	SSC
Osprey	N	SSC
Sharp-Shinned Hawk	N	SSC
Short-Eared Owl	N	SSC
White-Faced Ibis	N	SSC
Yellow Warbler	N	SSC
Amphibians		
California Red Legged Frog	T	SSC
Reptiles		
Southwestern Pond Turtle	N	SSC
Two-Striped Garter Snake	N	SSC
Invertebrates		
Vernal Pool Fairy Shrimp	T	N

This list may be augmented during Task 1 based on County input or additional data provided in recent studies not yet reviewed. For federally protected species, such as the California red-legged frog (*Rana aurora draytonii*; CRLF) and vernal pool fairy shrimp, USFWS protocol surveys will be conducted to determine these species' presence and extent onsite. For the remaining species, focused surveys when necessary will be performed in accordance with the standard industry practice. For example, the Burrowing Owl will be surveyed pursuant with the established standards of the Burrowing Owl Consortium. Where there are no species specific

required survey protocols, a general survey methodology is described below. The following delineates the survey methodologies for the species listed above.

Burrowing Owl. A State Species of Special Concern, burrowing owl populations along coastal California have decreased precipitously, with this species no longer considered a breeding bird along the South Coast of Santa Barbara County. Nonetheless, because burrowing owls have been detected during previous studies and suitable habitat is known to occur at the site, further investigation into its breeding and wintering status is appropriate. The CDFG adopted the California Burrowing Owl Consortium's Survey Protocol in 1991 and surveys for burrowing owls at More Mesa will be conducted in general accordance with this protocol. Since habitat and former presence is know, the Phase I and II, Habitat Assessment and Burrow Surveys, are not necessary. We propose to conduct Phase III -Burrowing Owl Surveys, Census and Mapping. These survey efforts are directed towards determining owl presence, and if, when, and how the site is used. Focused burrowing owl surveys consist of four dawn or dusk surveys over four separate days during the owl nesting season (~February 1 and August 31, preferably between April 15 and July 15). A winter survey will also be conducted between December 1 and January 31. During the first survey the site will be assessed to locate potential burrows and burrowing owls. A Rincon staff biologist will conduct a 100% walkover survey of suitable habitat (mostly the grassland area) within the entire project site. Adjacent areas within 150 meters will be surveyed using binoculars to fully characterize the population on and adjacent to the site. These surveys will include a maximum transect spacing of 30 meters to confirm the presence or absence of burrowing owls or their sign (scat, tracks, burrows). Subsequent surveys will focus primarily on the potential burrows located during the first survey. If owls are present, census data will be collected to determine the number of pairs of burrowing owls that are present at the site. The findings of the surveys will be summarized in a letter report including the following: 1) methodology; 2) transect width; 3) duration; 4) conditions; 5) results of the survey; 6) maps showing burrow locations; and 7) photographs. A final count and map of all owl sightings, occupied borrows, and burrows with owl sign will be provided.

Other Special-Status Birds. Specialized raptor surveys have been proposed under Tasks 2 and 3 that will be adequate to provide data concerning white-tail kite, merlin, northern harrier, osprey, and sharp-shinned hawk use of the site. In addition, we propose under Task 2 to conduct several nighttime and dusk surveys to determine owl use of the site (particularly short-eared owl) as part of the raptor surveys. Use of the site by loggerhead shrike (primarily wintering), white-faced ibis, and yellow warbler will generally be adequately determined during the Task 2 surveys. A bird survey transect line along the southern bluff top with a view to the ocean edge will be established under Task 2 that will allow the observer to determine shorebird use of the adjacent beach habitats (western snowy plover, elegant tern, brown pelican).

Where the initial general avian studies indicate that inadequate data concerning site use is being gathered for special-status species, supplemental species specific focused surveys will be conducted twice monthly by utilizing transects of opportunity across all areas with potential habitat for the species of interest. Surveys will be most concentrated where researchers have previously located that species. Focused surveys will be conducted by the observer walking at a constant pace and stopping at regular intervals to look and listen for individuals within More

Mesa and in adjacent habitat and lands. Identification will be based on auditory and/or visual confirmation. For species breeding within More Mesa, the number of active territories (areas defended by the male in which an active nest typically occurs) of each sensitive species detected will be estimated and mapped. Where appropriate, active territories will be determined by USFWS survey protocols, and at a minimum be counted by the single detection of a singing male. Behavioral observations (e.g., nesting behavior and activity, aggression, foraging, roosting, etc.) for all individuals will be recorded. Point locations of all sensitive species, inferred or mapped territories, and nests of all sensitive birds will be mapped using a Trimble GTX, with sub-meter accuracy. Any active nests detected during the surveys will be monitored throughout the survey period to determine outcome. Data collected during these surveys will assist in the determination of habitat utilization by each species, and the number and location of breeding and/or wintering pairs/individuals within More Mesa. For budgetary purposes, it is anticipated that these specialized focus surveys will be needed for up to three species.

California Red-legged Frog Surveys. Field surveys for the present study will be led by Dr. Susan V. Christopher, who completed her Ph.D. under Samuel Sweet in herpetology. Additional qualified biologists, including Lacrissa Cook, MESM, who has over 400 field hours working with CRLF will assist with the effort. Dr. Christopher is a herpetologist with extensive experience in conducting amphibian and reptile inventories in the California central coast. She holds a federal 10(A)(1)(a) collecting permit for the California red-legged frog and the California tiger salamander. She also holds a California Department of Fish and Game Scientific Collecting Permit which authorizes the handling of all amphibian and reptile species of special concern. Qualified biologists approved by the FWS will conduct protocol field surveys in accordance with the *Revised Guidance on Site Assessment and Field Surveys for the CRLF* (FWS 2005) to determine if CRLF are present onsite. FWS protocol surveys consist of up to eight surveys conducted between January and September. The survey schedule consists of two day surveys and four night surveys during the breeding season (between February 25 and April 30), and one day and one night survey during the non-breeding season (between July 1 and September 30). Each survey must take place at least seven days apart, although one day and one night survey can be performed within the same twenty-four hour period. Surveys must be conducted during favorable weather conditions, as specified within the protocol.

The qualified biologists will employ calling surveys and visual encounter surveys. Surveyors will use binoculars and a FWS-approved light to detect frog eyeshine during night surveys. All aquatic survey equipment will be decontaminated following the guidelines provided in the FWS and The Declining Amphibian Task Force protocol.

Rincon Consultants will prepare a report detailing the results of the field surveys. The survey report will contain the following information, as specified by the FWS:

- Completed FWS protocol survey data sheets;
- Copies of field notes;
- Photographs of CRLF observed and their habitats;
- Maps showing the locations of any observed CRLFs; and,
- Copies of California Natural Diversity Data Base (CNDDB) forms that will be submitted to the California Department of Fish and Game.

Southwestern Pond Turtle and Two-Striped Garter Snake. The aquatic habitat onsite may also provide suitable habitat for state listed species of concern such as the southwestern pond turtle (*Emys* (=*Actinemys* and *Clemmys*) *marmorata pallida*) and the two-striped garter snake (*Thamnophis hammondii*). Although there is no specific survey protocol for the southwestern pond turtle or two-striped garter snake, their presence or absence can be evaluated at the time the CRLF protocol surveys are being conducted. Therefore, no additional survey effort is necessary to evaluate the presence of these species. Rincon will apply the Habitat Suitability Index for the pond turtle that Rincon developed as a consequence of long term monitoring (five years) for this species along Conejo Creek as part of the analysis effort. This index will be used to identify those wetland areas of the site most important to maintaining pond turtles if present.

Winter Roost Survey for Monarch Butterfly. Investigations of Monarch Butterflies at the site will be conducted by Susan Christopher (PhD). As the clustering of Monarchs near the ocean begins in the fall and winter, a census of individuals onsite will be recorded during general bird surveys as described under Task 2. If monarchs are present during these months, a separate set of surveys would be performed during November and December, when the monarchs generally move into select over-wintering sites, such as the Permanent Site at Ellwood Mesa.

Vernal Pool Fairy Shrimp. Following current USFWS protocol, Mr. John Davis will conduct wet season surveys for two consecutive rain seasons beginning with the 2008/2009 winter rain season. Prior to each year's surveys, Rincon will contact the USFWS in writing to receive permission for our permitted biologist to perform the survey protocol. We have allocated field time at the beginning of each survey season to monitor the vernal pools onsite, immediately following rain events to ensure our field work begins once a sufficient amount of water is present. The protocol considers a depression to be inundated when it holds greater than 3 cm of standing water 24 hours after a rain event. Surveys require dip net sampling all aquatic habitat every two weeks following inundation in the fall/winter months for a period of 120 days, which equates to approximately nine surveys. If fairy shrimp are located, then surveys can cease. Absence determinations require sampling every two weeks for 120 days of continuous inundation that typically extends until March/April depending on the rainfall pattern during the year the survey is conducted.

It is important to note that the protocol states that in cases where ponded water within a depression dries and then refills in the same wet season, sampling is required to be reinitiated within eight days of refilling every time the 3 cm of standing water criterion is met. This is required until the depression has experienced 120 days of continuous inundation or until it is no longer inundated. Also, if a depression has already experienced 120 days of continuous inundation, but then dries down and subsequently refills in the same wet season, surveys must be re-initiated each time the depression meets the 3 cm of standing water criterion. As you can see, this could greatly affect the amount of field time required to complete the surveys.

Biologist John Davis is currently authorized by the USFWS to conduct protocol surveys for listed vernal pool branchiopods. We have based this cost estimate on Mr. Davis being the lead investigator on this study. As discussed above, the amount of field time is directly influenced by environmental parameters which are difficult to predict and that are out of our control. We believe that the work scope and cost provided herein contains reasonable assumptions for a

project of this nature and is a sound budgetary estimate of likely costs to implement the program; however, we recognize this may be subject to change pending unforeseen climatic conditions.

The following is a breakdown of the survey effort for completion of this task, pursuant to USFWS standards.

- 8 hours of field time each year to monitor the depressions following early storm events to determine when to initiate the sampling effort. We would work with you and your representatives to be as efficient as possible in monitoring ponded water in the onsite depressions;
- 54 hours of field time (6 hours/visit including drive time) to complete the required sampling frequency of nine visits within the 120-day survey period.
- 8 hours of laboratory work and voucher specimen collection should any vernal pool branchiopods be identified onsite.
- 24 hours for the preparation of the Year 1 90-day compliance report, which was reduced to 10 hours for the second year.

TASK 6A - HABITAT SENSITIVITY UPDATE AND EVALUATION.

Team Leader: Cook

Key Support: Warner, Rincon Team,

Study Area: Project Site

Analysis Type: ArcGIS Spatial Analyst

To analyze the environmental sensitivity of the various physiographic areas, habitats, and vegetation communities, as well as the ecosystem as a whole, we propose to utilize ArcGIS Spatial Analyst. Using ArcGIS each data layer collected in the field (i.e.: points collected for observations of sensitive wildlife species or polygons of mapped wetlands) will be scored according to their sensitivity factor (i.e. whether special-status species are present or whether wetlands are present). Because this is done in GIS the results can then be analyzed according to physiographic area (or an even smaller mapping unit), the sensitivity factors can be ranked, and/or scores weighted. The final result is a GIS file with layers representing data collected onsite, illustrations of scoring results for each sensitivity factor, and a composite final map of More Mesa illustrating the relative score (high-low) of each physiographic area. Rincon previously utilized a similar GIS Criteria Scoring System to analyze the conservation value of Ventura County lands (VHC, 2005). A weighted score was used to prioritize conservation targets based on the conservation values of lands, assessed to the parcel level. The following explains this approach in more detail.

Although the scoring concept is similar in idea to the sensitivity analysis utilized in the 1982 report, we propose a much more transparent and mechanized process whereby the allocation of scores is based on measurable data (provided in the form of mapped distributions, polygons and point data, etc...). Additionally, we propose working with the County, to refine the sensitivity factors and scoring system with more dichotomous (yes/no) questions and options, rather than nominal choices (low, moderate or high) that were used in the 1982 study. Such scores can be arbitrary and biased depending on who is deciding between moderate sensitivity and high sensitivity.

For example, the first sensitivity factor presented in Table 16 of the 1982 study asked of each physiographic area "the extent the area is utilized by plants, animals or communities of special concern or proposed as such at the state or national levels." The study then scored the sensitivity of each physiographic area using the following criteria: 0= no known sensitivity; 1= low sensitivity; 2= moderate sensitivity; 3 = high sensitivity. One might suggest refining this factor to "presence/absence of sensitive resources." This is a yes/no question that is readily answered by data, yes - a sensitive resource is present within a physiographic area or no - only common species are present. Thus, the scoring system would also be refined to reflect more categorical based results specific to the GIS data that will be recorded for special-status species. For instance we may recommend that federally and state RTE species are scored 3, fully protected and species of special concern are scored 2, species of local concern are scored 1, and common species 0. The table below illustrates the potential change in scoring criteria and sensitivity factor.

		Scoring Criteria			
	Sensitivity Factors	**0**	**1**	**2**	**3**
1982 Study	To what extent is area utilized by plants, animals or communities of special concern or proposed as such at state or national levels?	no known sensitivity	low sensitivity	moderate sensitivity	high sensitivity
Suggested Revision	Presence of Special-Status species	common	locally sensitive	fully protected or species of special concern	federally T, E or state R, T, E species

Substantial consideration is needed to set such rankings so that they present an unbiased viewpoint and we propose to work with the County to determine what is most appropriate based on federal, state, and local policy, as well as current and historical biological understandings. Additionally, utilization of this tool would allow for a more regional examination of resources, where appropriate. For instance, in interpreting the importance of More Mesa as a roosting site for white-tailed kites or as a migratory stopover for other birds, the study area boundaries would be expanded and a sensitivity factor for regional importance examined.

The final deliverable for this task is a composite of all individually scored and ranked data layers. The layers are totaled within the model and a single illustration is produced that color codes the physiographic areas (or smaller mapping unit) based on their relative sensitivity. This map of More Mesa would illustrate the Environmentally Sensitive Habitat suitability of each physiographic area (or smaller mapping unit) as, for example, green (3), yellow (2), orange (1), or red (0). Results of this analysis would be incorporated into the final comprehensive report for this study and an appendix provided that details the revised scoring criteria, sensitivity factors, and an explanation of how each sensitivity factor was analyzed. The data results will be used in consultation with the County to provide recommendations for the protection of Environmentally Sensitive Habitat.

TASK 6B. OPTIONS FOR DEVELOPMENT

Team Leader: Leider

Key Support: Mullane

Study Area: Project Site

Analysis Type: Coastal and County Development Policies

Under Task 6A above, biological recommendations will be made regarding the habitat sensitivity of the site based on the diversity of plants and animals discovered during the field surveys performed and in comparison to previous studies. Conversely, this will indicate what portions of the site are more suitable for future residential use as compared to effects on biological resources. Drawing on the data results from this study, our past experience with biological resources in the More Mesa area, and a regional understanding of resources within the greater Goleta Valley and Santa Barbara County, we propose to work with the County to develop reasonable guidelines and options for development and areas to be preserved as permanent open space. Part of this effort will include determining in what spatial areas sufficient buffering between critical resources and biological elements can or cannot occur.

Although this effort will be based on biological sensitivity, we propose to work with our in-house planning and policy experts as well to develop feasible, enforceable and sound development guidelines and/or policy recommendations. Rincon's planning team who will assist in this effort includes Rob Mullane and Abe Leider.

TASK 7 - PREPARE COMPREHENSIVE REPORT

Team Leader: Merk

Key Support: Cook, Christopher, Broughton, Turner

Peer Review and Guidance: Olson, Storrer, Painter

Overall QA/QC: Vander Pluym

The biological resource study will address the extent of environmentally sensitive habitat for the More Mesa site, the extent of developable area relative to biological resources, and the site's relative importance to the related open lands within the Atascadero Creek ecosystem and the Santa Barbara region as a whole. The evaluation will illustrate the current biological character of the site based on species (flora and fauna) diversity, composition (native or naturalized), ecosystem health (habitat value), and presence/absence of special-status species. Using the 1982 Biological Evaluation of More Mesa (Ferren et al.) as a baseline, the current conditions of the site will be compared with that of the 1982 study and other reports prepared since that time, to frame the historical context and changes in sensitivity of the site. This evaluation will be based on existing literature sources, previous studies prepared for the site, aerial photograph reviews, our field reconnaissance conducted for the project area, and analysis of current resource data collected at the site. Rincon will also discuss the regional ecological implications of the project area in terms of wildlife movement pathways and habitat linkages. Impacts on oak or other native trees and habitat types present at the site will also be included as part of the biological context regarding Environmentally Sensitive Habitat. This information will be used to develop resource management parameters and appropriate sensitive habitat

protection measures, as well as recommendations on areas to be subject to development, potential development units and those areas to be preserved as permanent open space.

Quarterly Progress Reports. In an effort to maintain clear communication with the County and to assist with the preparation of the final comprehensive report, Rincon will submit quarterly progress reports to the County illustrating current study findings, budget and schedule status. The purpose of these reports is not only to provide the County with up-to-date findings and information, but also to create a venue for discussing possible changes in scope (i.e. to reduce or increase the number of surveys or survey intensity). The quarterly reports will also serve as the building blocks for the final comprehensive report, providing the County with an early opportunity to review and provide feedback on the formatting and progression of findings.

Rincon will produce up to three (3) hard copies and one (1) digital copy of each quarterly progress report for submittal to the County's project manager. As an option, each report can be submitted electronically as a Portable Document File (PDF). We also propose a one to two hour meeting for submittal of each quarterly report. Rincon will prepare a brief presentation to illustrate the key findings and conclusions for County staff.

Administrative Draft Biological Resources Study. Rincon proposes to utilize a report format similar to the 1982 *Biological Evaluation of More Mesa* (Ferren et. al). We propose to address resource values and sensitivity in, generally, the same order to allow for easy comparison between the two documents and to clearly delineate any changes in species or habitats previously identified. Textual, tabular, and graphic presentation will be used as necessary to facilitate a thorough understanding of current, past and changing conditions of the site. Emphasis will be placed not only on the site itself, but More Mesa's role within a regional context.

Up to three (3) copies of the Administrative Draft Biological Resource Study will be delivered to the County's project manager for initial review and comment. Each major section of the Biological Resource Study is described below.

Executive Summary. The Executive Summary will include a brief description of the study program, findings, recommendations for habitat protection, options for development, and a map of the habitat sensitivity of the site.

Introduction. This section will include an introduction and purpose, a narrative on the background of the project site, and the regional environmental setting. The setting will provide a description of the existing environmental conditions in the project region including: climatic conditions, geology, soils, ecological function, connectivity, and land use. In addition the policy setting will be discussed in this section.

Biological Evaluation. The main body of the Biological Resources Study will consist of the assessment of the sensitivity of biological resources within More Mesa. For each resource area the analysis will include an introduction and discussion of current and past studies, overview of the current studies performed, study methodology, results, and findings. The following is a list of the issue areas to be surveyed, studied, and assessed for sensitivity:

- Physiographic Areas, Habitats, and Vegetation
- Wetlands
- Vascular Plants
- Non-Vascular Bryophytes, Lichens and Mosses (if necessary)
- Birds
- Mammals
- Amphibians and Reptiles
- Invertebrates

Each specific analysis will have four main subsections: introduction, methodology, results, and sensitivity findings. The following is a description of the discussion points under each subsection.

The **introduction** will recap conditions or known occurrences for the specific resources based on previous studies and relevant literature sources, as available. This section will frame the historical context of resources within and surrounding the site.

The **methodology** section will discuss survey methods and timing.

The **results** section will illustrate survey results textually, tabularly and/or graphically. Results will be examined in two ways. First, results will be explained as they pertain to current site conditions (i.e. to provide a current vegetation or habitat map). Second, results will be examined in comparison with the 1982 study (i.e. each physiographic area will be described as it has changed or remained over time). As noted above in the Technical Approach, the physiographic areas could be redefined for the project site; however, in an effort to facilitate comparison between the 1982 study and current proposed studies, we propose utilization of the original physiographic areas to provide a baseline for illustrating change.

Habitat Sensitivity Update and Evaluation. The final section, sensitivity findings, will describe findings of sensitivity (i.e. whether a special-status species was present). Sensitivity will be evaluated based on criteria defined by the California Coastal Commission, Santa Barbara County, California Department of Fish and Game, and the US Fish and Wildlife Service. Based on the sensitivity findings, recommendations for protection of habitats and possible changes in development potential at the site will be discussed. The final conclusions will provide recommended guidelines and options for development, the potential number of units, and areas to be preserved as permanent open space.

Draft Biological Resources Study. After receiving County comments regarding the Administrative Draft BRS, and meeting with County Staff to review the comments, Rincon will produce a document containing the public Draft BRS. Rincon will provide one (1) camera-ready copy and one (1) digital copy to the County's project manager for distribution. We assume here that the County shall be responsible for any circulation and public distribution of the Draft report. In the event that the County would prefer that Rincon produce the report for circulation we would address this as an additional task, cost to be determined.

Final BRS Preparation. Rincon will prepare the final BRS based on comments received. It is noted that depending on the nature of the comments received and direction provided by the County, additional focused studies may be conducted for a scope and schedule to be determined. Pursuant with the RFP Rincon is prepared to attend one public hearing to discuss the study findings. We would prepare a presentation as necessary.

County Meetings and Public Hearings. During the course of BRS preparation, we anticipate needing to attend several meetings and possibly public hearings. Based on the scope we have provided, we are prepared to attend one kickoff meeting (Task 1), two meetings to discuss options for development (Task 6B), up to four meetings to discuss the quarterly progress reports (Task 7), and one final meeting to discuss the draft public Biological Resources Study. Per the January 10 public workshop, we anticipate attendance at up to 2 public hearings. These meetings and hearings would be scheduled at the discretion of the County.

5.0 SCHEDULE

We have attached a detailed schedule at the end of this proposal that illustrates our anticipated survey and reporting timeline for the More Mesa Biological Resources Study. We have assumed a February award date and March 1st kickoff. Upon receipt of all project related materials we will finalize the study scope with input from the County regarding optional tasks and our proposed approach. Our proposal assumes survey activity would commence in mid- to late-March in time for the 2008 spring blooming period for local plants.

Timing for this study is presumed to take approximately one year; however, a limiting factor is the breeding period for white-tailed kites. To capture a single year's roosting and breeding data for this species, these surveys will need to begin in the fall of 2008 and continue through the spring of 2009. Therefore, as shown in our timeline, breeding surveys for white-tailed kites would begin in January/February of 2009 and continue through July of 2009. Thus, our survey efforts at More Mesa would conclude in July of 2009. Although the final surveys for the project would not be completed until July of 2009, we propose drafting the bulk of this document prior to completion of these surveys. Although this data is necessary to complete the final report, much of the remaining resource data for the site can be summarized prior to the completion of the white-tailed kite breeding surveys in 2009.

We propose to begin drafting the Administrative Draft Biological Resource Study in April of 2009, after all but the final white-tailed kite breeding surveys have been completed. We have assumed one month to prepare the Administrative Draft and two weeks for County review. Upon receipt of County comments we have assumed up to four weeks to prepare the Draft (public) report. Our timeline assumes one month for public review. We have assumed no more than two weeks to address public comments and prepare the Final Biological Resources Study. With the above assumptions we anticipate completion of the Final Biological Resources Study in late July of 2009.

6.0 COST QUOTATION AND BUDGET SUMMARY

The Rincon Consultants Inc. team proposes to complete the scope of work outlined above on a time and materials basis for an amount not to exceed $149,512, including the 10% contingency

based on the basic requirements. At the end of this proposal we have attached a spreadsheet which provides our cost proposal and itemized budget for each of the tasks described above. As we have attempted to address the minimum requirements provided by the County, as well as those efforts we deemed necessary to capture the extent of data solicited in the RFP, the cost spreadsheet delineates both required and optional tasks. Therefore, we have highlighted those items that are optional in the attached spreadsheet; these are not included in our final not-to-exceed cost estimate stated above, but can be added upon the County's request. Please note that our proposed work scope and cost are fully negotiable to meet the needs of the County.

Items which are considered optional include:

- Non-vascular surveys (Task 2)
- Additional survey hours for raptors (Task 5)
  (we have assumed these will not be necessary due to the extent of raptor surveys in Tasks 2 and 3)
- Quarterly Progress Reports (Task 7)
- Attendance of up to (8) meetings with the County (Task 7)
- Attendance of up to (2) hearings (Task 7)

Additionally, our proposal outlines a very detailed and formal approach for addressing Task 6A, using ArcGIS Spatial Analyst. Although there are numerous means of performing this analysis, we feel this is the best available technology and most appropriate assessment method and have therefore included it in our cost proposal. If this method is too costly, we can consider a more simplistic modeling approach similar to that provided in the 1982 study, using a revised scoring criterion. If the County would prefer a less costly approach to this task we would be happy to work with the County to formulate this analysis and associated cost.

Based on our experience on similar projects we have provided for a 10% contingency on the total cost to include unbudgeted issues, not currently known, that will need to be addressed during project implementation. Additional work not included within our proposed work program will not be completed without written authorization. Additional services, if required, would be completed on a time-and-materials basis.

This offer for professional services, including the above scope discussed above and not to exceed cost of $149,512, will remain in effect for a period of 90 days from the date of this proposal (February 1, 2008). During this period, questions regarding our proposed scope of services may be directed to Mr. Kevin Merk, Senior Biologist and Project Manager or Dr. Duane Vander Pluym, Principal in Charge.

7.0 REFERENCES

Rincon Consultants is proud of the reputation that it has built over the past thirteen years. The following is a select list of our references as required in the RFP. We encourage you to contact any or all of the references listed on the following page regarding our performance on these recent assignments.

Project: Mahoney Ranch BRI and Habitat Conservation Plan (450 acres) - Santa Barbara County
Client: Standard Pacific Homes,
Contact: Ken Melvin
Phone Number: 818-575-8455

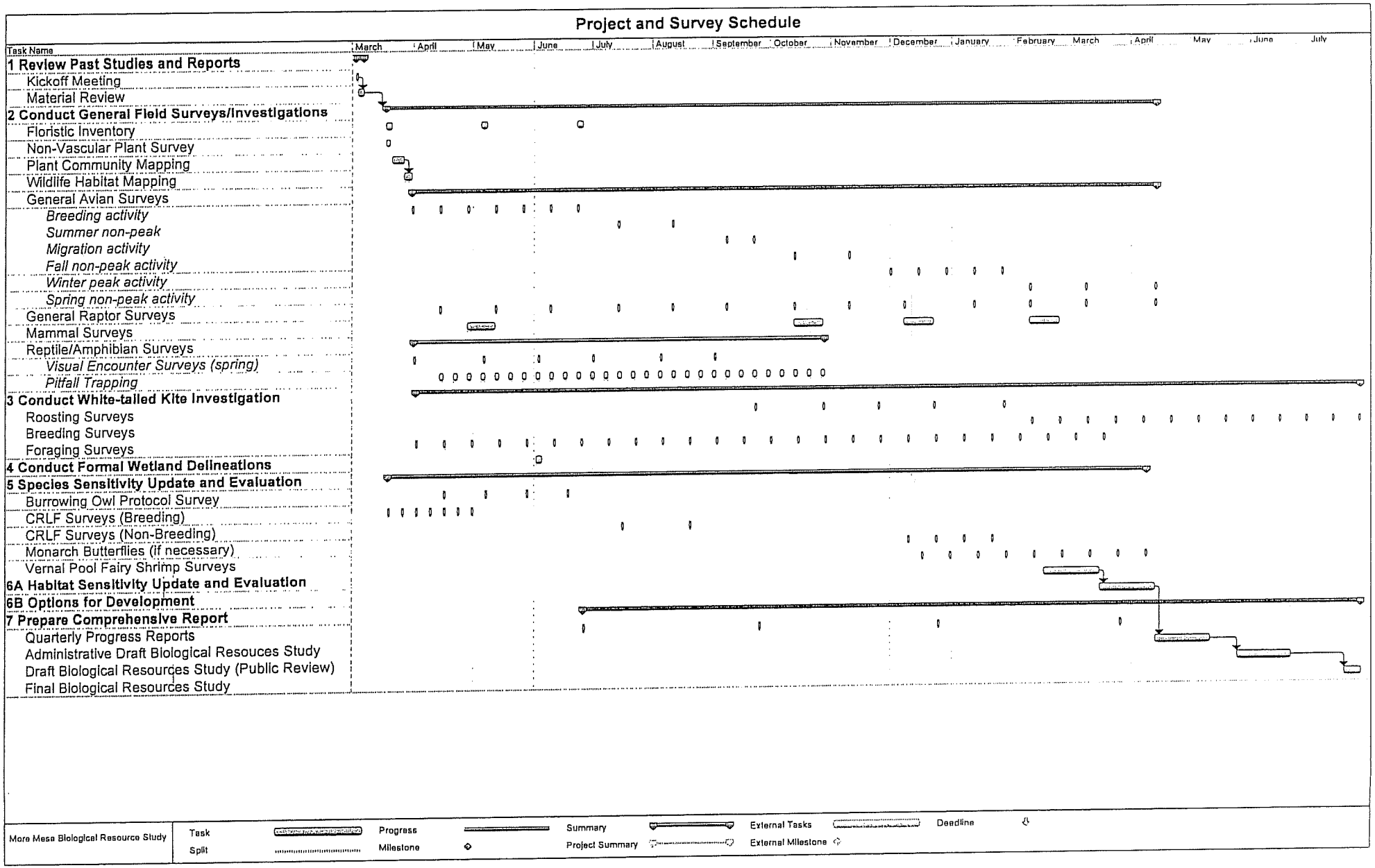
Project: Biddle Ranch Agricultural Cluster Residential Subdivision BRI (4,000 acres) - San Luis Obispo County
Client: County of San Luis Obispo
Contact: Jeff Oliveira, County Environmental Resource Specialist
Phone Number: 805-781-4167

Project: Seabreeze Biological Resources Investigation (80 acres) - Lompoc
Client: City of Lompoc
Contact: Lucille Breese, City of Lompoc Planning Director
Phone Number: 805-875-8273

CONFLICT OF INTEREST STATEMENT

This statement is to confirm that neither Rincon Consultants, Inc., nor any subconsultants proposed to be contracted for this project, have been, or will be, hired by Sinclair Real Estate, Sinclair Oil, or any of their affiliates to provide any services that are directly related to any component of the proposed project. In addition, neither Rincon Consultants, Inc., nor any proposed team members or subconsultants have been or are now members or affiliates of organizations which oppose development of the More Mesa property. No project team members are individually opposed to the development. Our firm, and, to our knowledge, team members do not intend to provide services to organizations to assist in opposing development of the More Mesa property.

Project and Survey Schedule



MORE MESA BIOLOGICAL RESOURCES STUDY BUDGET ESTIMATE

Task	Hours / Task	Visits	Staff	Total Hours	Hourly Cost	Total Cost
1 REVIEW PAST STUDIES AND REPORTS						
Material Review				16	$75	$1,200
Data Abstract and Findings Summary				4	$75	$300
TASK 1 TOTAL						**$1,500**
2 CONDUCT GENERAL FIELD SURVEYS/INVESTIGATIONS						
2.1 Floristic Inventory						
Survey 1	10	1	4	40	$75	$3,000
Survey 2	10	1	2	20	$75	$1,500
Survey 3	10	1	2	20	$75	$1,500
2.2 Non-Vascular Survey (If Needed)	8	1	1	8	$115	$920
2.3 Plant Community Mapping	8	2	2	32	$75	$2,400
2.4 Wildlife Habitat Mapping	5	1	2	10	$75	$750
2.5 Bird Surveys						
General Avian Surveys	5	21	2	210	$75	$15,750
General Raptor Surveys	5	13	2	130	$75	$9,750
2.6 Mammal Trapping						
Initital Location and Trap Mapping	4	1	2	8	$75	$600
Grid Trapping (9 grids)	4	12	2	96	$75	$7,200
Traplines (4)	4	4	2	32	$75	$2,400
2.7 Reptile/Amphibian Trapping and Inventory						
Visual Encounter Surveys	4	7	2	56	$75	$4,200
Installing/Removing Pitfall Traps	8	2	2	32	$75	$2,400
Trap Check and Data Collection	1	57	2	114	$75	$8,550
2.8 Invertebrate Surveys						
Monarch Butterflies	N	N	N	N	N	N
Vernal Pool Fairy Shrimp (See Task 5)	N	N	N	N	N	N
TASK 2 TOTAL (without optional subtask 2.2)						**$60,000**
TASK 3 CONDUCT WHITE-TAILED KITE INVESTIGATION						
Roosting Surveys (1/month)	2	5	2	20	$75	$1,500
Breeding Surveys (2/month)	3	13	2	78	$75	$5,850
Foraging Surveys (2/month)	2	26	1	52	$75	$3,900
TASK 3 TOTAL						**$11,250**
TASK 4 CONDUCT FORMAL WETLAND DELINEATIONS AND IDENTIFY ON-SITE WETLANDS.						
Wetland Delineation and Identification	10	2	2	40	$75	$3,000
TASK 4 TOTAL						**$3,000**
TASK 5 SPECIES SENSITIVITY UPDATES AND EVALUATION.						
Burrowing Owl Survey						
Walkover and Binocular Survey	3	1	1	3	$75	$225
Dusk or Dawn Survey	3	4	1	12	$75	$900
Report	3		1	3	$75	$225
Other Focused Special-Status Bird Surveys (Up to 3 species)						
Non-raptor (Individual Survey)	2	4	1	8	$75	$600
Raptor (Individual Survey)	2	10	1	20	$75	$1,500
Report	3		1	3	$75	$225
Subtotal for (3) Non-Raptor Species Surveys	**15**	**12**	**1**	**33**		**$2,475**
Subtotal for (3) Raptor Species Surveys	**15**	**30**	**1**	**69**		**$5,175**
California Red-Legged Frog						
5 Night Surveys	4	5	2	40	$75	$3,000
3 Day Surveys	4	3	2	24	$75	$1,800
Report	3		1	3	$75	$225
Reptiles						
Southwestern Pond Turtle	N	N	N	N	N	N
Two-Striped Garter Snake	N	N	N	N	N	N

MORE MESA BIOLOGICAL RESOURCES STUDY BUDGET ESTIMATE

Task	Hours / Task	Visits	Staff	Total Hours	Hourly Cost	Total Cost
Vernal Pool Fairy Shrimp						
Annual Site Assessment	8	2	1	16	$85	$1,360
Sampling	6	9	1	54	$85	$4,590
Laboratory Identification	8	1	1	8	$85	$680
Reporting	34	1	1	34	$85	$2,890
Monarch Butterflies						
Census (September-October)	N	N	N	N	N	N
Roost Survey (November-December)	2	4	1	8	$75	$600
TASK 5 TOTAL (assumes 3 non-raptor species surveys)						**$18,970**
TASK 6A. HABITAT SENSITIVITY UPDATE AND EVALUATION						
Refinement of sensitivity factors and scoring system				8	$75	$600
Scoring Data				16	$75	$1,200
Preparation of Model				32	$75	$2,400
Technical Oversight and Summary				16	$85	$1,360
TASK 6B. OPTIONS FOR DEVELOPMENT						
Draft Recommendations and Guidelines				8	$95	$760
Revisions				8	$95	$760
TASK 6 TOTAL						**$7,080**
TASK 7 PREPARE COMPREHENSIVE REPORT						
Quarterly Progress Reports						
Progress Report Preparation	16	4	1	64	$85	$5,440
Administrative Draft Biological Resources Study						
Report Preparation	60			60	$85	$5,100
Graphics Preparation	20			20	$65	$1,300
Draft Biological Resources Study						
Respond to County Comments	12			12	$85	$1,020
Draft (Public) Report Preparation	16			16	$85	$1,360
Final Biological Resources Study						
Respond to County/Public Comments	12			12	$85	$1,020
Final Report Preparation	16			16	$85	$1,360
TASK 7 TOTAL (without optional progress reports)						**$11,160**
EXPENSES						
Additional Costs						
Project Management				40	$115	$4,600
GIS support and mapping				140	$65	$9,100
Technical Advisor/Review				40	$110	$4,400
Meetings	4	8		32	$85	$2,720
Hearings	5	2		10	$85	$850
Production Costs	**Copies**	**Digital**				
Quarterly Progress Reports	12	4				$520
Administrative Draft Report	3	1				$130
Draft (Public) Report	1	1				$50
Final Report	3	1				$130
Miscellaneous						
Travel/Mileage						$1,500
Supplies						$800
General and Administrative						$1,400
ADDITIONAL TASKS AND EXPENSES SUBTOTAL						**$22,960**
Contingency (10%)						**$13,592**
PROJECT TOTAL						**$149,512**

Optional Tasks are highlighted in green above and total (with 10% contingency): *$16,253*

EXHIBIT B

PAYMENT ARRANGEMENTS
Periodic Compensation (with attached Schedule of Fees)

A. For CONTRACTOR services to be rendered under this contract, CONTRACTOR shall be paid a total contract amount, including cost reimbursements, not to exceed $172,237.

B. Payment for services and /or reimbursement of costs shall be made upon CONTRACTOR's satisfactory performance, based upon the scope and methodology contained in **EXHIBIT A** as determined by COUNTY. Payment for services and/or reimbursement of costs shall be based upon the costs, expenses, overhead charges and hourly rates for personnel, as defined in **Attachment B1** (Schedule of Fees). Invoices submitted for payment that are based upon **Attachment B1** must contain sufficient detail to enable an audit of the charges and provide supporting documentation if so specified in **EXHIBIT A.** Payment for services associated with the preparation of survey work identified under Optional Tasks in **Attachment B1** shall be made upon delivery of the survey findings, if found to be satisfactory and within the cost basis identified in **Attachment B1**, and upon provision of supporting documentation.

C. Each month, CONTRACTOR shall submit to the COUNTY DESIGNATED REPRESENTATIVE an invoice or certified claim on the County Treasury for the service performed over the period specified. These invoices or certified claims must cite the assigned Board Contract Number. COUNTY REPRESENTATIVE shall evaluate the quality of the service performed and/or item(s) delivered and if found to be satisfactory and within the cost basis of **Attachment B1,** shall initiate payment processing. COUNTY shall pay invoices or claims for satisfactory work within 30 days of presentation.

The final payment shall not be made until all services have been completed and item(s) as specified in **EXHIBIT A** have been delivered and found to be satisfactory.

D. COUNTY's failure to discover or object to any unsatisfactory work or billings prior to payment will not constitute a waiver of COUNTY's right to require CONTRACTOR to correct such work or billings or seek any other legal remedy.

MORE MESA BIOLOGICAL RESOURCES STUDY BUDGET ESTIMATE
(Minus Phase I Costs)

Task	Hours / Task	Visits	Staff	Total Hours	Hourly Cost	Total Cost	Key Staff *
2 CONDUCT GENERAL FIELD SURVEYS/INVESTIGATIONS							
Project Management				30	$115	$3,450	KM, LC
GIS support and mapping				60	$65	$3,900	KW, LC
Technical Advisor/Review				24	$110	$2,640	JS, TO, DH, EP, KK
2.1 Floristic Inventory							
Survey 2	10	1	2	20	$75	$1,500	KM, JB, CB, EP
Survey 3	10	1	2	20	$75	$1,500	KM, JB, CB, EP
2.2 Non-Vascular Survey (If Needed)	8	1	1	8	$115	$920	KK
2.3 Plant Community Mapping	8	4	2	64	$75	$4,800	KM, JB, CB
2.5 Bird Surveys							
General Avian Surveys	5	28	2	250	$75	$18,750	JT, NFF
General Raptor Surveys	5	24	2	210	$75	$15,750	JT, NFF
2.6 Mammal Trapping							
Initital Location and Trap Mapping	4	1	2	8	$75	$600	JT, JD, TO
Grid Trapping (9 grids)	4	12	2	96	$75	$7,200	JT, JD
Traplines (4)	4	4	2	32	$75	$2,400	JT, JD
2.7 Reptile/Amphibian Trapping and Inventory							
Visual Encounter Surveys	4	7	2	48	$75	$3,600	SC, JD
Installing/Removing Pitfall Traps	8	2	2	0	$75	$0	SC, JD, TO, JS
Trap Check and Data Collection	1	57	2	108	$75	$8,100	SC, JD
2.8 Invertebrate Surveys							
Monarch Butterflies	N	N	N	N	N	N	JT, NFF
Vernal Pool Fairy Shrimp (See Task 5)	N	N	N	N	N	N	JDIV
2.9 Bat Surveys	8	9	2	96	$75	$7,200	WK
TASK 2 TOTAL (without optional subtask 2.2)						**$81,390**	
TASK 3 CONDUCT WHITE-TAILED KITE INVESTIGATION							
Project Management				10	$115	$1,150	KM, LC
GIS support and mapping				20	$65	$1,300	KW
Technical Advisor/Review				8	$110	$880	JS
Roosting Surveys (2/month Dec-Feb)	2	8	2	32	$75	$2,400	JT, NFF
Breeding Surveys (2/month)	3	13	2	78	$75	$5,850	JT, NFF
Foraging Surveys (2/month)	2	26	1	46	$75	$3,450	JT, NFF
TASK 3 TOTAL						**$15,030**	
TASK 4 CONDUCT FORMAL WETLAND DELINEATIONS AND IDENTIFY ON-SITE WETLANDS.							
Wetland Delineation and Identification	10	6	2	80	$75	$6,000	KM, CB, DH
TASK 4 TOTAL						**$6,000**	
TASK 5 SPECIES SENSITIVITY UPDATES AND EVALUATION.							
Project Management				20	$115	$2,300	KM, LC
GIS support and mapping				20	$65	$1,300	KW
Burrowing Owl Survey							
Dusk or Dawn Survey	3	4	1	12	$75	$900	JT, NFF
Report	3		1	3	$75	$225	JT, NFF
Other Focused Special-Status Bird Surveys (Up to 3 species)							
Non-raptor (Individual Survey)	2	4	1	8	$75	$600	JT, NFF
Raptor (Individual Survey)	2	10	1	20	$75	$1,500	JT, NFF
Report	3		1	3	$75	$225	JT, NFF
Subtotal for (3) Non-Raptor Species Surveys	**15**	**12**	**1**	**33**		**$2,475**	
Subtotal for (3) Raptor Species Surveys	**15**	**30**	**1**	**69**		**$5,175**	
California Red-Legged Frog							
5 Night Surveys	4	5	2	40	$75	$3,000	SC, LC, JD
3 Day Surveys	4	3	2	24	$75	$1,800	SC, LC, JD
Report	3		1	3	$75	$225	SC, LC, JD

MORE MESA BIOLOGICAL RESOURCES STUDY BUDGET ESTIMATE
(Minus Phase I Costs)

Task	Hours / Task	Visits	Staff	Total Hours	Hourly Cost	Total Cost	Key Staff *
Reptiles							
Southwestern Pond Turtle	N	N	N	N	N	N	SC, LC, JD
Two-Striped Garter Snake	N	N	N	N	N	N	SC, LC, JD
Vernal Pool Fairy Shrimp							
Sampling	6	9	1	54	$85	$4,590	JDIV
Laboratory Identification	8	1	1	8	$85	$680	JDIV
Reporting	34	1	1	34	$85	$2,890	JDIV
Butterflies (Monarch, blue spp. and wandering skipper)							
Census (September-October)	N	N	N	N	N	N	SC
Roost Survey (November-December)	2	4	1	8	$75	$600	SC
Sweep Surveys	2	4	1	8	$75	$600	SC
TASK 5 TOTAL (assumes 3 non-raptor species surveys)						**$21,585**	
TASK 6A. HABITAT SENSITIVITY UPDATE AND EVALUATION							
Scoring Data				16	$75	$1,200	KW, LC
Preparation of Model				32	$75	$2,400	KW, LC
Technical Oversight and Summary				16	$85	$1,360	KW, LC
TASK 6B. OPTIONS FOR DEVELOPMENT							
Draft Recommendations and Guidelines				8	$95	$760	AL, RM
Revisions				8	$95	$760	AL, RM
TASK 6 TOTAL						**$6,480**	
TASK 7 PREPARE COMPREHENSIVE REPORT							
Quarterly Progress Reports							
Progress Report Preparation	16	4	1	64	$0	$0	LC
Administrative Draft Biological Resources Study							
Report Preparation	60			60	$85	$5,100	JT, CB, LC, KM, DVP
Graphics Preparation	20			20	$65	$1,300	KW
Draft Biological Resources Study							
Respond to County Comments	12			12	$85	$1,020	JT, CB, LC, KM, DVP
Draft (Public) Report Preparation	16			16	$85	$1,360	LC, DVP
Final Biological Resources Study							
Respond to County/Public Comments	12			12	$85	$1,020	JT, CB, LC, KM, DVP
Final Report Preparation	16			16	$85	$1,360	LC, DVP
TASK 7 TOTAL (without optional progress reports)						**$11,160**	
EXPENSES							
Additional Costs							
Meetings	4	8		32	$0	$0	KM, LC
Hearings	5	2		10	$85	$850	KM, DVP
Production Costs	**Copies**	**Digital**					
Quarterly Progress Reports	0	4				$0	
Administrative Draft Report	3	1				$130	
Draft (Public) Report	1	1				$50	
Final Report	3	1				$130	
Miscellaneous							
Travel/Mileage						$1,100	
Supplies						$0	
General and Administrative						$0	
Petterssen D240x (9 days at $180/day)						$1,080	
Sonobat Lab Interpretation Costs						$2,400	
ADDITIONAL TASKS AND EXPENSES SUBTOTAL						**$5,740**	
Contingency (10%)						**$18,147**	
PROJECT TOTAL						**$165,532**	
Optional Tasks are highlighted in green above and total (with 10% contingency):						*$6,705*	

* Abe Leider (AL), Cher Batchelor (CB), Duane Vander Pluym (DVP), Jennifer Turner (JT), John Dreher (JD), Julie Broughton (JB), Katherine Warner (KW), KathyJ Babcock (KJB), Kevin Merk (KM), Lacrissa R. Cook (LC), Mike Gialketsis (MG), Nancy Fox-Fernandez (NFF), Susan Christopher (SC), Wendy Knight (WK), John Davis IV (JDIV), John Storrer (JS), Tom Olsen (TO), Kerry Knudsen (KK), Elizabeth Painter (EP), Dave Hubbard (DH)

EXHIBIT C

STANDARD INDEMNIFICATION AND INSURANCE PROVISIONS
for contracts REQUIRING professional liability insurance

INDEMNIFICATION

Indemnification pertaining to other than Professional Services:

CONTRACTOR shall defend, indemnify and save harmless the COUNTY, its officers, agents and employees from any and all claims, demands, damages, costs, expenses (including attorney's fees), judgments or liabilities arising out of this Agreement or occasioned by the performance or attempted performance of the provisions hereof; including, but not limited to, any act or omission to act on the part of the CONTRACTOR or his agents or employees or other independent contractors directly responsible to him; except those claims, demands, damages, costs, expenses (including attorney's fees), judgments or liabilities resulting from the sole negligence or willful misconduct of the COUNTY.

CONTRACTOR shall notify the COUNTY immediately in the event of any accident or injury arising out of or in connection with this Agreement.

Indemnification pertaining to Professional Services:

CONTRACTOR shall indemnify and save harmless the COUNTY, its officers, agents and employees from any and all claims, demands, damages, costs, expenses (including attorney's fees), judgments or liabilities arising out of the negligent performance or attempted performance of the provisions hereof; including any willful or negligent act or omission to act on the part of the CONTRACTOR or his agents or employees or other independent contractors directly responsible to him to the fullest extent allowable by law.

CONTRACTOR shall notify the COUNTY immediately in the event of any accident or injury arising out of or in connection with this Agreement.

Without limiting the CONTRACTOR's indemnification of the COUNTY, CONTRACTOR shall procure the following required insurance coverages at its sole cost and expense. All insurance coverage is to be placed with insurers which (1) have a Best's rating of no less than A: VII, and (2) are admitted insurance companies in the State of California. All other insurers require the prior approval of the COUNTY. Such insurance coverage shall be maintained during the term of this Agreement. Failure to comply with the insurance requirements shall place CONTRACTOR in default. Upon request by the COUNTY, CONTRACTOR shall provide a certified copy of any insurance policy to the COUNTY within ten (10) working days.

1. Workers' Compensation Insurance: Statutory Workers' Compensation and Employers Liability Insurance shall cover all CONTRACTOR's staff while performing any work incidental to the performance of this Agreement. The policy shall provide that no cancellation, or expiration or reduction of coverage shall be effective or occur until at least thirty (30) days after receipt of such notice by the COUNTY. In the event CONTRACTOR is self-insured, it shall furnish a copy of

Certificate of Consent to Self-Insure issued by the Department of Industrial Relations for the State of California. This provision does not apply if CONTRACTOR has no employees as defined in Labor Code Section 3350 et seq. during the entire period of this Agreement and CONTRACTOR submits a written statement to the COUNTY stating that fact.

2. General and Automobile Liability Insurance: The general liability insurance shall include bodily injury, property damage and personal injury liability coverage, shall afford coverage for all premises, operations, products and completed operations of CONTRACTOR and shall include contractual liability coverage sufficiently broad so as to include the insurable liability assumed by the CONTRACTOR in the indemnity and hold harmless provisions of the Indemnification Section of this Agreement between COUNTY and CONTRACTOR. The automobile liability insurance shall cover all owned, non-owned and hired motor vehicles that are operated on behalf of CONTRACTOR pursuant to CONTRACTOR's activities hereunder. CONTRACTORS shall require all subcontractors to be included under its policies or furnish separate certificates and endorsements to meet the standards of these provisions by each subcontractor. COUNTY, its officers, agents, and employees shall be Additional Insured status on any policy. A cross liability clause, or equivalent wording, stating that coverage will apply separately to each named or additional insured as if separate policies had been issued to each shall be included in the policies. A copy of the endorsement evidencing that the policy has been changed to reflect the Additional Insured status must be attached to the certificate of insurance. The limit of liability of said policy or policies for general and automobile liability insurance shall not be less than $1,000,000 per occurrence and $2,000,000 in the aggregate. Any deductible or Self-Insured Retention {SIR} over $10,000 requires approval by the COUNTY.

   Said policy or policies shall include a severability of interest or cross liability clause or equivalent wording. Said policy or policies shall contain a provision of the following form:

   "Such insurance as is afforded by this policy shall be primary and non-contributory to the full limits stated in the declarations, and if the COUNTY has other valid and collectible insurance for a loss covered by this policy, that other insurance shall be excess only."

   If the policy providing liability coverage is on a 'claims-made' form, the CONTRACTOR is required to maintain such coverage for a minimum of three years following completion of the performance or attempted performance of the provisions of this agreement. Said policy or policies shall provide that the COUNTY shall be given thirty (30) days written notice prior to cancellation or expiration of the policy or reduction in coverage.

3. Professional Liability Insurance. Professional liability insurance shall include coverage for the activities of CONTRACTOR's professional staff with a combined single limit of not less than $1,000,000 per occurrence or claim and $2,000,000 in the aggregate. Said policy or policies shall provide that COUNTY shall be given thirty (30) days written notice prior to cancellation, expiration of the policy, or reduction in coverage. If the policy providing professional liability coverage is a on 'claims-made' form, the CONTRACTOR is required to maintain such coverage for a minimum of three (3) years (ten years [10] for Construction Defect Claims) following completion of the performance or attempted performance of the provisions of this agreement.

CONTRACTOR shall submit to the office of the designated COUNTY representative certificate(s) of insurance documenting the required insurance as specified above prior to this Agreement becoming effective. COUNTY shall maintain current certificate(s) of insurance at all times in the office of the designated County representative as a condition precedent to any payment under this Agreement. Approval of insurance by COUNTY or acceptance of the certificate of insurance by COUNTY shall not relieve or decrease the extent to which the CONTRACTOR may be held responsible for payment of damages resulting from CONTRACTOR'S services of operation pursuant to the contract, nor shall it be deemed a waiver of COUNTY'S rights to insurance coverage hereunder.

In the event the CONTRACTOR is not able to comply with the COUNTY'S insurance requirements, COUNTY may, at their sole discretion and at the CONTRACTOR'S expense, provide compliant coverage.

The above insurance requirements are subject to periodic review by the COUNTY. The COUNTY's Risk Manager is authorized to change the above insurance requirements, with the concurrence of County Counsel, to include additional types of insurance coverage or higher coverage limits, provided that such change is reasonable based on changed risk of loss or in light of past claims against the COUNTY or inflation. This option may be exercised during any amendment of this Agreement that results in an increase in the nature of COUNTY's risk and such change of provisions will be in effect for the term of the amended Agreement. Such change pertaining to types of insurance coverage or higher coverage limits must be made by written amendment to this Agreement. CONTRACTOR agrees to execute any such amendment within thirty (30) days of acceptance of the amendment or modification

Contract Summary Form: **Contract Number :** BC 08 - 105 - ____ - ____

D1. Fiscal Year ..... : FY 07/08
D2. Budget Unit Number *(plus -Ship/-Bill codes in paren's)* 053
D3. Requisition Number ..... : N/A
D4. Department Name ..... : Planning & Development
D5. Contact Person ..... : Alex Tuttle
D6. Phone ..... : (805) 884-6844

K1. Contract Type *(check one)*: [X] Personal Service [ ] Capital Project/Construction
K2. Brief Summary of Contract Description/Purpose : More Mesa Biological Resource Study
K3. Original Contract Amount ..... : $172,237.00
K4. Contract Begin Date ..... : May 1, 2008
K5. Original Contract End Date ..... : December 31, 2009
K6. Amendment History *(leave blank if no prior amendments)*: N/A

Seq#	*EffectiveDate*	*ThisAmndtAmt*	*CumAmndtToDate*	*NewTotalAmt*	*NewEndDate*	*Purpose (2-4 words)*
		$	$	$		

K7. Department Project Number ..... :

B1. Is this a Board Contract? *(Yes/No)* ..... : Yes
B2. Number of Workers Displaced *(if any)* ..... : None
B3. Number of Competitive Bids *(if any)* ..... : 5
B4. Lowest Bid Amount *(if bid)* ..... : $186,324
B5. If Board waived bids, show Agenda Date ..... : N/A
B6. ... and Agenda Item Number ..... : #N/A
B7. Boilerplate Contract Text Unaffected? *(Yes or cite ¶¶)*
No. Added two paragraphs to #9 Conflict of Interest, Added section #30, Subcontractors, #31 Handling of Proprietary Information, #32 Immaterial Changes, #33 News Releases/Interviews.

F1. Encumbrance Transaction Code ..... : 1701
F2. Current Year Encumbrance Amount ..... : $0
F3. Fund Number ..... : 0001
F4. Department Number ..... : 053
F5. Division Number *(if applicable)* ..... : 2000
F6. Account Number ..... : 7510
F7. Cost Center number *(if applicable)* ..... : N/A
F8. Payment Terms ..... : Net 30

V1. Vendor Numbers *(A=uditor; P=urchasing)* ..... : A/C
V2. Payee/Contractor Name ..... : Rincon Consultants
V3. Mailing Address ..... : 790 East Santa Clara Street
V4. City State *(two-letter)* Zip *(include +4 if known)* : Ventura, CA 93001
V5. Telephone Number ..... : (805) 641-1000
V6. Contractor's Federal Tax ID Number *(EIN or SSN)* : 77-0390093
V7. Contact Person ..... : Duane Vander Pluym
V8. Workers Comp Insurance Expiration Date ..... : 02/01/09
V9. Liability Insurance Expiration Date[s] *(G=enl; P=rofl)*: 12/17/08
V10. Professional License Number ..... : #
V11. Verified by *(name of County staff)* ..... : Ruth Reverdy
V12. Company Type *(Check one)*: [ ] Individual [ ] Sole Proprietorship [ ] Partnership [X] Corporation

I certify: information complete and accurate; designated funds available; required concurrences evidenced on signature page.

Date : 3-31-08 Authorized Signature: R Reverdy

ACORD CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY) 02/11/2008

PRODUCER (949)348-7400 FAX (949)348-2373
Insurance Solutions
License #0746539
26522 La Alameda, Suite 190
Mission Viejo, CA 92691

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.

INSURED Rincon Consultants, Inc.
790 E. Santa Clara
Ventura, CA 93001

INSURERS AFFORDING COVERAGE	NAIC #
INSURER A: The Hartford	
INSURER B: Delos	
INSURER C:	
INSURER D:	
INSURER E:	

COVERAGES

THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	ADD'L INSRD	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS	
		GENERAL LIABILITY				EACH OCCURRENCE	$
		COMMERCIAL GENERAL LIABILITY				DAMAGE TO RENTED PREMISES (Ea occurrence)	$
		[ ] CLAIMS MADE [ ] OCCUR				MED EXP (Any one person)	$
						PERSONAL & ADV INJURY	$
						GENERAL AGGREGATE	$
		GEN'L AGGREGATE LIMIT APPLIES PER:				PRODUCTS - COMP/OP AGG	$
		[ ] POLICY [ ] PRO-JECT [ ] LOC					
A		AUTOMOBILE LIABILITY	72SBATV4044	01/07/2008	01/07/2009	COMBINED SINGLE LIMIT (Ea accident)	$ 1,000,000
		[ ] ANY AUTO				BODILY INJURY (Per person)	$
		[ ] ALL OWNED AUTOS					
		[X] SCHEDULED AUTOS				BODILY INJURY (Per accident)	$
		[X] HIRED AUTOS					
		[X] NON-OWNED AUTOS				PROPERTY DAMAGE (Per accident)	$
		GARAGE LIABILITY				AUTO ONLY - EA ACCIDENT	$
		[ ] ANY AUTO				OTHER THAN AUTO ONLY: EA ACC	$
						AGG	$
		EXCESS/UMBRELLA LIABILITY				EACH OCCURRENCE	$
		[ ] OCCUR [ ] CLAIMS MADE				AGGREGATE	$
							$
		[ ] DEDUCTIBLE					$
		[ ] RETENTION $					$
B		WORKERS COMPENSATION AND EMPLOYERS' LIABILITY	DCP000341-00	02/01/2008	02/01/2009	[X] WC STATU-TORY LIMITS [ ] OTH-ER	
		ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED?				E.L. EACH ACCIDENT	$ 1,000,000
		If yes, describe under SPECIAL PROVISIONS below				E.L. DISEASE - EA EMPLOYEE	$ 1,000,000
						E.L. DISEASE - POLICY LIMIT	$ 1,000,000
		OTHER					

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES / EXCLUSIONS ADDED BY ENDORSEMENT / SPECIAL PROVISIONS
Certificate Holder named as Additional Insured.

*10 Days written notice for non-payment of premium.

RECEIVED
FEB 19 2008
S.B. COUNTY
PLANNING & DEVELOPMENT

CERTIFICATE HOLDER

County of Santa Barbara
Planning & Development
123 E Anapamu St.
Santa Barbara, CA 93101-2058

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING INSURER WILL ENDEAVOR TO MAIL 30* DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO MAIL SUCH NOTICE SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE INSURER, ITS AGENTS OR REPRESENTATIVES.

AUTHORIZED REPRESENTATIVE
Tony Alessandra/BRIANS

ACORD CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YY)
12/15/2006

PRODUCER
Serial # A11834

LEGENDS ENVIRONMENTAL INS.SVCS,LLC
2165 N. GLASSELL ST.
ORANGE, CA 92865
LICENSE #0C79875
(714) 634-2683 (714) 634-3704

INSURED

RINCON CONSULTANTS, INC.
790 EAST SANTA CLARA STREET # 103
VENTURA, CA 93001

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.

COMPANIES AFFORDING COVERAGE

COMPANY A: AMERICAN SAFETY CASUALTY INSURANCE CO.

COMPANY B:

COMPANY C:

COMPANY D:

COVERAGES

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED, NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED B Y THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES, LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

CO LTR	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS	
A	GENERAL LIABILITY X COMMERCIAL GENERAL LIABILITY CLAIMS MADE [X] OCCUR OWNER'S & CONTRACTOR'S PROT X CONTRACTORS POLL	ENV007375-06-02	12/17/06	12/17/08	GENERAL AGGREGATE	$ 3,000,000
					PRODUCTS - COMP/OP AGG	$ 3,000,000
					PERSONAL & ADV INJURY	$ 3,000,000
					EACH OCCURRENCE	$ 3,000,000
					FIRE DAMAGE (Any one fire)	$ 100,000
					MED EXP (Any one person)	$ 10,000
	AUTOMOBILE LIABILITY ANY AUTO ALL OWNED AUTOS SCHEDULED AUTOS HIRED AUTOS NON-OWNED AUTOS				COMBINED SINGLE LIMIT	$
					BODILY INJURY (Per person)	$
					BODILY INJURY (Per accident)	$
					PROPERTY DAMAGE	$
	GARAGE LIABILITY ANY AUTO				AUTO ONLY - EA ACCIDENT	$
					OTHER THAN AUTO ONLY:	
					EACH ACCIDENT	$
	EXCESS LIABILITY UMBRELLA FORM OTHER THAN UMBRELLA FORM				AGGREGATE	$
					EACH OCCURRENCE	$
					AGGREGATE	$
	WORKER'S COMPENSATION AND EMPLOYERS' LIABILITY THE PROPRIETOR/ PARTNERS/EXECUTIVE OFFICERS ARE: INCL / EXCL					$
					WC STATU-TORY LIMITS / OTH-ER	
					EL EACH ACCIDENT	$
					EL DISEASE - POLICY LIMIT	$
					EL DISEASE - EA EMPLOYEE	$
A	OTHER PROFESSIONAL LIABILITY CLAIMS MADE	ENV007375-06-02	12/17/06	12/17/08	INCLUDED IN ABOVE LIMITS RETRO DATE 12/9/94	

DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES/SPECIAL ITEMS

CERTIFICATE HOLDER IS INCLUDED AS ADDITIONAL INSURED WITH RESPECTS TO WORK PERFORMED FOR THEM BY THE NAMED INSURED.
INSURANCE IS PRIMARY

CERTIFICATE HOLDER

COUNTY OF SANTA BARBARA
123 E. ANAPAMU
SANTA BARBARA, CA 93101-2058

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING COMPANY WILL ENDEAVOR TO MAIL 30 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO MAIL SUCH NOTICE SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE COMPANY, ITS AGENTS OR REPRESENTATIVES.

AUTHORIZED REPRESENTATIVE OF INDEPENDENT INSURANCE AGENCY

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY

ASCIC 98 06 11 99

ADDITIONAL INSURED COVERAGE ENDORSEMENT

This Endorsement shall not serve to increase our limits of insurance, as described in SECTION III - LIMITS OF INSURANCE.

In consideration of the payment of premiums, it is hereby agreed that the following provisions are added to the policy.

A. The following shall be added to SECTION I, COVERAGE A., Par. 1. as subparagraphs d. and e. of the policy:

   d. Any person shown as an Additional Insured on a certificate of insurance issued by us or our authorized representative, or by endorsement to the policy, provided such person is required to be named as an Additional Insured in a written contract with you, shall be entitled to coverage hereunder solely for "claims" or "suits" for "bodily injury" or "property damage" arising solely out of your negligence. The limits of insurance provided to such Additional Insured shall be limited to the lesser of the limits of insurance required in a written contract with you, or the limits of insurance as described in SECTION III - LIMITS OF INSURANCE under the policy. No obligation for defense or indemnity under the policy is provided to any Additional Insured for "claims" or "suits" directly or indirectly "arising from" the status, actions or inaction, including (without limitation) for vicarious, derivative or strict liability of said Additional Insured, its agents, consultants, servants, contractors or subcontractors (other than the Named Insured), except for the actions or Inactions of the Named Insured.

   e. We will have no duty to defend any insured, other than the Named Insured, except when the sole allegation against that insured is vicarious liability for the sole negligence of the Named Insured.

   All terms, conditions and exclusions of the policy, including, but not limited to, any deductible or self-insured retention, shall apply to such Additional Insured.

All other terms, conditions and exclusions under the policy are applicable to this Endorsement and remain unchanged.

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

ASCIC 98 12 11 99

PRIMARY INSURANCE ENDORSEMENT FOR SPECIFIED PROJECT

This Endorsement shall not serve to increase our limits of insurance, as described in SECTION III - LIMITS OF INSURANCE.

In consideration of the payment of premiums, it is hereby agreed as follows.

Solely with respect to the specified project listed below and subject to all terms, conditions and exclusions of the policy, this insurance shall be considered primary to the Additional Insured listed below if other valid and collectible insurance is available to the Additional Insured for a loss we cover for the Additional Insured under COVERAGE A.

Additional Insured	Specified Project
COUNTY OF SANTA BARBARA 123 E. ANAPAMU SANTA BARBARA, CA 93101-2058	VARIOUS

All other terms, conditions and exclusions under the policy are applicable to this Endorsement and remain unchanged.

CERTHOLDER COPY SL

STATE COMPENSATION INSURANCE FUND

P.O. BOX 420807, SAN FRANCISCO,CA 94142-0807

CERTIFICATE OF WORKERS' COMPENSATION INSURANCE

ISSUE DATE: 02-01-2008

RECEIVED
JAN 28 2008
S.B. COUNTY
PLANNING & DEVELOPMENT

GROUP:
POLICY NUMBER: 1414358-2008
CERTIFICATE ID: 243
CERTIFICATE EXPIRES: 02-01-2009
02-01-2008/02-01-2009

COUNTY OF SANTA BARBARA
PLANNING & DEVELOPMENT
123 E ANAPAMU
SANTA BARBARA CA 93101-2058

This is to certify that we have issued a valid Workers' Compensation insurance policy in a form approved by the California Insurance Commissioner to the employer named below for the policy period indicated.

This policy is not subject to cancellation by the Fund except upon 30 days advance written notice to the employer.

We will also give you 30 days advance notice should this policy be cancelled prior to its normal expiration.

This certificate of insurance is not an insurance policy and does not amend, extend or alter the coverage afforded by the policy listed herein. Notwithstanding any requirement, term or condition of any contract or other document with respect to which this certificate of insurance may be issued or to which it may pertain, the insurance afforded by the policy described herein is subject to all the terms, exclusions, and conditions, of such policy.

James Keary
AUTHORIZED REPRESENTATIVE

Janet Frank
PRESIDENT

EMPLOYER'S LIABILITY LIMIT INCLUDING DEFENSE COSTS: $1,000,000 PER OCCURRENCE.

ENDORSEMENT #0015 ENTITLED ADDITIONAL INSURED EMPLOYER EFFECTIVE 2001-02-01 IS ATTACHED TO AND FORMS A PART OF THIS POLICY. NAME OF ADDITIONAL INSURED: COUNTY OF SANTA BARBARA

ENDORSEMENT #1600 - MICHAEL GIALKETSIS, CFO - EXCLUDED.

ENDORSEMENT #1600 - JOSEPH VANDER PLUYM, SEC - EXCLUDED.

ENDORSEMENT #1600 - STEPHEN SVETE, PRES - EXCLUDED.

ENDORSEMENT #1600 - WALTER HAMANN,, VICE PRESIDENT - EXCLUDED.

ENDORSEMENT #2065 ENTITLED CERTIFICATE HOLDERS' NOTICE EFFECTIVE 02-01-2003 IS ATTACHED TO AND FORMS A PART OF THIS POLICY.

EMPLOYER

RINCON CONSULTANTS, INC
790 E SANTA CLARA ST STE 103
VENTURA CA 93001

SL

M0408

PRINTED : 01-18-2008

(REV.2-05)