COUNTY OF SANTA BARBARA

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COUNTY COUNSEL

October 8, 2013

Board of State and Community Corrections
600 Bercut Drive
Sacramento, CA 95811

Re: CEQA Certification for County of Santa Barbara's SB 1022 Financing Proposal

Dear Honorable Members of the Board of State and Community Corrections:

In consideration of the County of Santa Barbara's SB 1022 proposal for financing and the requirements therein including the California Environmental Quality Act (CEQA) compliance preference criterion, the Santa Barbara County Counsel hereby certifies that:

- The Santa Barbara County Board of Supervisors (Board) certified a Final Subsequent Environmental Impact Report (SEIR) on March 11, 2008 (State Clearinghouse No. 2007111099; http://santabarbara.legistar.com/LegislationDetail.aspx?ID=462912&GUID=18C83BF1-2F17-43AD-BC42-35280798077E) for the New County Jail Project (Project), a jail with 808-1,520 beds and a reentry facility on a 50-acre site in northern Santa Barbara County; and

- The SEIR was subsequent to the Final EIR on the North County Jail certified by the Board on October 13, 1998 (State Clearinghouse No. 97111042); and

- In 2011, the Board approved within the Project a 376-bed detention facility on that 50-acre site to be funded primarily by State financing via AB 900, after consideration of an addendum to the SEIR (http://santabarbara.legistar.com/LegislationDetail.aspx?ID=994624&GUID=EE4C2943-3AFF-40B3-B1DE-FD9CC8F25B76); and

- The County is now proposing within that same Project an additional structure for 228 beds and inmate transitional reentry programs on that 50-acre site and within about 15-feet of the approved 376-bed detention facility to be funded primarily by State financing via SB 1022, as provided in the October 8, 2013 addendum to the SEIR considered by the Board; and

- On October 8, 2013, in Open Session the Board determined, pursuant to 14 CCR 15162(a), that no subsequent EIR or Negative Declaration is required for this additional structure for 228 beds and inmate transitional reentry programs on that 50-acre site

because: (1) no substantial changes are proposed in the project which require major revisions of the 2008 Final SEIR; (2) no substantial changes have occurred with respect to the circumstances under which the project is undertaken which require major revisions of the 2008 Final SEIR; and (3) no new information of substantial importance concerning the project's significant effects or mitigation measures, which was not known and could not have been known with the exercise of reasonable diligence at the time that the Final SEIR was certified in 2008, has been received that requires a subsequent EIR or Negative Declaration; and

- The Final Notice of Determination (NOD) for the Final SEIR was filed with the County Clerk of the Board for the County of Santa Barbara on March 20, 2008; and

- In accordance with California Public Resources Code sections 21152 and 21167, subdivisions (b) and (c), and CEQA Guideline section 15094, subdivision (g), filing the NOD with the county clerk started a 30-day statute of limitations on court challenges to the approval under CEQA. No challenges were filed to the Final SEIR and all related statutes of limitations have expired.

Please contact me, Chief Assistant Michael Ghizzoni, or Deputy Johannah Hartley with any questions.

Very truly yours,

By: _____
DENNIS A. MARSHALL
COUNTY COUNSEL

Enc. Notice of Determination (March 20, 2008)

Cc. Sheriff Brown
County Executive Officer

County of Santa Barbara

Santa Barbara County Jail Northern Branch Facility Project

California Tiger Salamander and California Red-legged Frog Habitat Assessment

rincon

Environmental Scientists Planners Engineers

California Tiger Salamander and California Red-legged Frog Habitat Assessment

County of Santa Barbara

Santa Barbara County, California

Prepared for:

County of Santa Barbara,
Department of Planning and Development
624 W. Foster Road, Suite C
Santa Maria, California 93455
Contact: John Karamitsos
805-934-6255

Prepared by:

Rincon Consultants, Inc.
1530 Monterey Street, Suite D
San Luis Obispo, California 93401
805-547-0900

July 2013

Rincon Consultants, Inc., July 2013. *California Tiger Salamander and California Red-legged Frog Habitat Assessment, Santa Barbara County Jail Northern Branch Facility Project. Santa Barbara County, California*. Prepared for the County of Santa Barbara. 26+ pgs.

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SECTION 1 – INTRODUCTION

The County of Santa Barbara is proposing to develop approximately 50 acres in northern Santa Barbara County for a detention facility and ancillary facilities. The new jail facility would primarily serve northern Santa Barbara County, provide additional detention capacity, and reduce the reliance on facilities located in the cities of Santa Barbara and Goleta. The purpose of this assessment is to use available information about the California tiger salamander (*Ambystoma californiense*; CTS) and California red-legged frog (*Rana draytonii*; CRLF) and their habitat in the vicinity of the project area to determine the likelihood of CTS and CRLF occurring on the project site and if further field surveys are appropriate.

1.1 PROJECT LOCATION AND AREA DESCRIPTION

The project site is generally located within an agricultural area west of the City of Santa Maria, in Santa Barbara County, California (Figure 1). Specifically, it is located in the southwest corner of the intersection of Black Road and West Betteravia Road. Urban development within the City of Santa Maria begins approximately one mile east of the property and extends eastward. The project site occurs within portions of Assessor's Parcel Numbers 113-210-004 and 113-210-013 which are currently zoned for industrial facilities and agriculture (Figure 2). Currently the project site is in active agriculture. The approximate center of the project site occurs at latitude 34.918766° and longitude -120.492848° (WGS-84 datum) and the project site is depicted on the *Santa Maria*, *California* United States Geological Survey (USGS) 7.5-minute topographic quadrangle in Meridian San Bernardino, Township 10N, Range 34W and Section 30.

The topography of the project site is flat to gently sloping, with site drainage to the south. On-site elevations are approximately 180 feet above mean sea level. Soils on the site consist of Betteravia loamy sand, 0 to 2 percent slopes and Narlon sand, hardpan variant, 0 to 2 percent slopes (U.S. Department of Agricultural, Natural Resource Conservation Service, 2013).

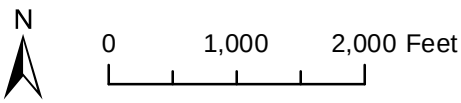
The predominant land use surrounding the property is agriculture. Anthropogenic (human) manipulated and maintained habitat types in the vicinity of the project site include row crop agriculture; ruderal areas associated with agricultural fields and support facilities such as materials storage yards, outbuildings, and machinery lots; developed areas; irrigation ponds; industrial; irrigated pasture; and, fallow agricultural fields that are vegetated by ruderal plant species and/or non-native grassland. An unnamed tributary to Orcutt Creek is present immediately to the south of the property. The main branch of Orcutt Creek is located approximately 2.3 miles to the south of the property. Orcutt Creek joins the Santa Maria River west of the town of Guadalupe.

1.2 LIFE HISTORY AND STATUS

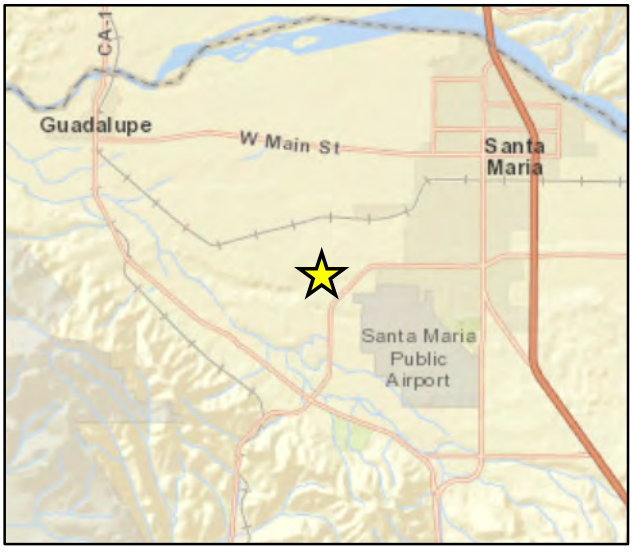
1.2.1 CALIFORNIA TIGER SALAMANDER

The CTS consists of three distinct population segments (DPS): the Santa Barbara County DPS, the Sonoma County DPS, and the Central DPS. The Santa Barbara County DPS and Sonoma County DPS are both federally listed as endangered while the Central DPS is federally listed as threatened. The CTS is state listed as threatened throughout its range. It occurs in the Coast Ranges from Sonoma to Santa

Imagery and Basemap provided by ESRI and its licensors © 2013.



Project Site



Project Location

Figure 1

Project Site

Figure 2

Barbara counties and in the Central Valley from Sacramento to Tulare counties. The CTS is a lowland species found primarily in grasslands and low foothill and oak woodland habitats located within approximately 2,200 feet (ft) (671 meters [m]) of breeding pools (Trenham and Shaffer, 2005). CTS breed in long-lasting rain pools (e.g., seasonal ponds, vernal pools, slow-moving streams) that are often turbid, and occasionally in permanent ponds lacking fish predators. During the non-breeding season, adults occur in upland habitats and occupy ground squirrel (*Spermophilus beecheyi*) or pocket gopher (*Thomomys bottae*) burrows. They migrate nocturnally to aquatic sites to breed during relatively warm winter or spring rains. Juveniles emigrate at night from the drying pools to upland refuge sites, such as rodent burrows and cracks in the soil. Following breeding, adults move 9 to 518 ft (3 to 158 m) away from breeding ponds within the first night (Loredo et al., 1996; Trenham, 2001). Most salamanders continue to move to different burrow systems further from the pond over the next one to four months, with an average distance of 374 ft (114 m) from the pond (Trenham, 2001). Trenham and Shaffer (2005) estimated that conserving upland habitats within 2,200 ft (671 m) of breeding ponds would protect 95 percent of CTS at their study location in Solano County. This distance has been adopted by regulatory agencies as a guideline for habitat protection.

The critical habitat rule for the CTS lists the following Primary Constituent Elements (PCEs) for CTS as defined in the *Designation of Critical Habitat for the California Tiger Salamander (Ambystoma californiense) In Santa Barbara County; Final Rule* published on November 24, 2004:

> *(1) Standing bodies of fresh water, including natural and man-made (e.g., stock) ponds, vernal pools, and dune ponds, and other ephemeral or permanent water bodies that typically become inundated during winter rains and hold water for a sufficient length of time (i.e., 12 weeks) necessary for the species to complete the aquatic portion of its life cycle.*
>
> *(2) Barrier-free uplands adjacent to breeding ponds that contain small mammal burrows. Small mammals are essential in creating the underground habitat that adult California tiger salamanders depend upon for food, shelter, and protection from the elements and predation.*
>
> *(3) Upland areas between breeding locations (PCE 1) and areas with small mammal burrows (PCE 2) that allow for dispersal among such sites.*

1.2.2 CALIFORNIA RED-LEGGED FROG

The CRLF is federally listed as threatened and a state species of special concern throughout its range. The historic range of the CRLF extended along the coast from the vicinity of Point Reyes National Seashore, Marin County, and inland from the vicinity of Redding, Shasta County, southward to northwestern Baja California, Mexico. The species has lost approximately 70 percent of its former range; California red-legged frogs are locally abundant in the San Francisco Bay area and the central coast, but only isolated populations have been documented in the Sierra Nevada, northern Coast, and northern Transverse ranges.

The California red-legged frog inhabits quiet pools of streams, marshes, and ponds. All life history stages are most likely to be encountered in and around breeding sites, which include coastal lagoons, marshes, springs, permanent and semi-permanent natural ponds, and ponded and backwater portions of streams, as well as artificial impoundments such as stock ponds, irrigation ponds, and siltation ponds. Eggs are typically deposited in permanent pools, attached to emergent vegetation.

The critical habitat rule for the CRLF lists the following PCEs for CRLF as defined in the *Revised Designation of Critical Habitat for the California Red-legged Frog (Rana aurora draytonii); Final Rule* published on March 17, 2010:

> *(1) Aquatic Breeding Habitat. Standing bodies of fresh water (with salinities less than 7.0 ppt), including natural and manmade (e.g., stock) ponds, slow moving streams or pools within streams, and other ephemeral or permanent water bodies that typically become inundated during winter rains and hold water for a minimum of 15 weeks in all but the driest of years.*
>
> *(2) Non-Breeding Aquatic Habitat. Fresh water habitats as described above which may or may not hold water long enough for the subspecies to hatch and complete its aquatic lifecycle but which does provide for shelter, foraging, predator avoidance, and aquatic dispersal habitat for juvenile and adult California red-legged frogs.*
>
> *(3) Upland Habitat. Upland areas within 200 ft (60 m) of the surrounding aquatic and wetland habitat comprised of various vegetational series such as grasslands, woodlands, and/or wetland/riparian plant species.*
>
> *(4) Dispersal Habitat. Accessible upland or wetland dispersal habitat within designated units and between occupied locations within 0.7 mile (1.2 kilometers [km]) of each other that allow for movement between such sites. Dispersal habitat includes various natural habitats and altered habitats such as agricultural fields, which also do not contain barriers to dispersal.*

SECTION 2 – METHODOLOGY

2.1 CALIFORNIA TIGER SALAMANDER

This California tiger salamander site assessment was conducted in accordance with the U.S. Fish and Wildlife Service (USFWS) *Interim Guidance on Site Assessment and Field Surveys for Determining Presence or a Negative Finding of the California Tiger Salamander* (USFWS, 2003).

2.1.1 DATABASE AND LITERATURE REVIEW

Queries of the California Department of Fish and Wildlife (CDFW; formerly California Department of Fish and Game) California Natural Diversity Database (CDFW, 2003), a CTS range map (USFWS, 2010), as well as a literature review were conducted in order to identify CTS localities within 3.1 miles (5.0 km) of the project boundaries. Biological and environmental documents prepared for projects in the region as well as previous studies conducted onsite were also reviewed for pertinent information (Rincon Consultants, Inc., 2012; Rincon Consultants, Inc., 2007; Rincon Consultants, Inc., 2004). In addition, the following resources were reviewed for information about the project site:

- Aerial imagery of the project site and vicinity (Google Earth, 2013);
- USFWS Critical Habitat Portal (2013); and
- CDFW Biogeographic Information and Observation System (2013).

2.1.2 FIELD RECONNAISSANCE SURVEY

Rincon Consultants, Inc. (Rincon) biologist Michael Tom (see Appendix A for qualifications) visited the project site on May 10, 2013 to characterize the existing conditions of the site and to assess CTS habitat suitability. Weather conditions during the survey included an average temperature of 66 degrees Fahrenheit, with winds of one to five miles per hour, and zero percent cloud cover. Mr. Tom surveyed the entire project site on foot along intuitively controlled transects and recorded all biological resources encountered onsite. During the field survey, an inventory of all plant and animal species observed was compiled. Plant species nomenclature and taxonomy followed *The Jepson Manual: Vascular Plants of California*, second edition (Baldwin et al., 2012). All plant species encountered were noted and identified to the lowest possible taxonomic level. The vegetation classification system used for this analysis is based on *A Manual of California Vegetation, Second Edition* (Sawyer et al., 2009) and *Preliminary Descriptions of the Terrestrial Communities of California* (Holland, 1986); but has been modified as needed to accurately describe the existing habitats observed onsite. The relative density of fossorial mammal burrows and soil characteristics throughout the site were also noted. In addition, the area within 1.24 miles (2.0 km) of the project site was assessed for potentially suitable CTS aquatic and upland habitats (photos are included in Appendix B). Because of access issues to private properties, habitats were assessed from publicly accessible vantages such as public roads. Upland refuge habitat was characterized within the 1.24-mile radius as low quality, medium quality, or high quality as follows:

- **Low quality** upland refuge habitat included areas of active agriculture or areas of urban/industrial development. Few or no small mammal burrows were found or expected to be

found in these areas due to frequent ground disturbance or heavily compacted soils. Low quality upland habitat may still be suitable for CTS dispersal.

- **Medium quality** upland refuge habitat was identified as areas that have moderate amounts of disturbance such as fields that have been disced at one time but not recently planted, rural residential, orchards, and livestock corrals. Medium quality upland habitat was also defined as areas where soils were somewhat disturbed and there was low to moderate amount of small mammal burrowing activity.

  Also in this category were areas of grassland and/or coastal scrub habitat that otherwise had high quality habitat but were small in area and isolated by actively farmed agricultural fields or roads with moderate to high levels of vehicular use.

- **High quality** upland refuge habitat was considered to be those areas of contiguous native habitat such as grassland, coastal scrub, and riparian with medium to high concentrations of small mammal burrowing activity. These areas also may exhibit potential connectivity to a known or potential CTS breeding location identified by the USFWS.

2.2 CALIFORNIA RED-LEGGED FROG

This California red-legged frog site assessment was conducted in accordance with the USFWS *Revised Guidance on Site Assessment and Field Surveys for California Red-legged Frogs* (USFWS, 2005).

2.2.1 DATABASE AND LITERATURE REVIEW

Queries of the CDFW California Natural Diversity Database (CDFW, 2003), as well as a literature review were conducted in order to identify CRLF localities within 1.0 mile (1.6 km) of the project boundaries. The USFWS *Recovery Plan for the California Red-legged Frog* (USFWS, 2002) provided information regarding the known existing and historic populations of California red-legged frogs in the region. Biological and environmental documents prepared for projects in the region as well as previous studies conducted onsite were also reviewed for pertinent information. The following resources were reviewed for information about the CRLF:

- Aerial imagery of the project site and vicinity (Google Earth, 2013);
- USFWS Critical Habitat Portal (2013);
- CDFW Biogeographic Information and Observation System (2013);
- Area 9 Specific Plan EIR (Rincon Consultants, Inc., 2012);
- Santa Barbara County Jail Northern Branch Facility EIR (Rincon Consultants, Inc., 2007); and
- Mahoney Ranch Focused Biological Studies and Wetland Delineation (Rincon Consultants, Inc., 2004).

2.2.2 FIELD RECONNAISSANCE SURVEY

Rincon biologist Michael Tom visited the project site on May 10, 2013 to also assess CRLF habitat suitability. Weather conditions during the survey included an average temperature of 66 degrees

Fahrenheit, with winds of one to five miles per hour, and zero percent cloud cover. Mr. Tom surveyed the entire project site on foot along intuitively controlled transects and recorded all biological resources encountered onsite. During the field survey, an inventory of all plant and animal species observed was compiled. Plant, wildlife and habitat identification and classifications were determined using the same resources mentioned in Section 2.1.2. The area within 1.0 mile (1.6 km) of the project site was assessed for potentially suitable CRLF aquatic and upland habitats (photos are located in Appendix B). Habitats on private properties were assessed from publicly accessible vantages such as public roads due to access constraints. Aquatic habitats were mapped and characterized (e.g., ponds vs. creeks, pool vs. riffle, ephemeral vs. permanent, vegetation type and characteristics, water depth, substrate, and description of bank), and the presence of bullfrogs and other aquatic predators documented. A *CRLF Habitat Site Assessment Data Sheet* was filled out for those aquatic habitat areas observed during the field reconnaissance survey (see Appendix C). Upland refuge habitat was characterized within the 1.0-mile radius as low quality, medium quality, or high quality as follows:

- **Low quality** upland refuge habitat included areas of active agriculture or areas of urban/industrial development. Few or no small mammal burrows were found or expected to be found in these areas due to frequent ground disturbance or heavily compacted soils. Low quality upland habitat, however, may still be suitable for CRLF dispersal.
- **Medium quality** upland refuge habitat was identified as areas that have moderate amounts of disturbance such as fields that have been disced at one time but not recently planted, rural residential, orchards and livestock corrals. Medium quality upland habitat was also defined as areas where soils were somewhat disturbed and there was low to moderate amount of small mammal burrowing activity.

  Also in this category were areas of grassland and/or coastal scrub habitat that otherwise had high quality habitat but were small in area and isolated by actively farmed agricultural fields or roads with moderate to high levels of vehicular use.
- **High quality** upland refuge habitat was considered to be those areas of contiguous native habitat such as grassland, coastal scrub, and riparian with medium to high concentrations of small mammal burrowing activity.

SECTION 3 – ENVIRONMENTAL SETTING

3.1 HABITAT TYPES

3.1.1 TERRESTRIAL HABITATS

Six terrestrial habitat types were observed in the regional vicinity of the project site that include agriculture, Eucalyptus grove, ruderal, non-native annual grassland, coastal scrub, and arroyo willow riparian. Three of these terrestrial habitat types were identified as occurring on the project site during the field survey: agriculture; Eucalyptus grove; and ruderal. These habitat types also occur with 1.24 miles (relevant to CTS) and/or 1.0 mile (relevant to CRLF) of the project site and are shown on Figures 5 and 7. Vegetation classification was based on Sawyer et al. (2009) and cross-referenced to Holland (1986). A map that illustrates the extent of the terrestrial habitats or vegetation communities on the project site is presented as Figure 3 and is also discussed in greater detail below.

Agriculture

Given that this community type is not naturally occurring, it is not described in either the Holland (1986) or Sawyer et al. (2009) classification systems. Agricultural type habitats are common within 1.24 miles of the project site and, by inclusion, also within 1.0 mile of the project site. Agriculture is an anthropogenic, frequently disturbed habitat and includes irrigated row crops. Regular cultivation and other agricultural practices generally eliminate habitat for burrowing animals such as small mammals, and many amphibian and reptile species that utilize small mammal burrows or construct their own burrows. This habitat type was also observed on the project site and encompassed the entire project area except for the northern and eastern edge near the fence line. At the time of the site visit the project site showed evidence of semi-recent discing; however, no row crops were present. No small mammal burrows were observed within this habitat type and the majority of ground cover consisted of bare soil. Vegetation within this habitat type consisted of sparse grass and annual herbaceous species such as rip-gut brome (*Bromus diandrus*), red brome (*Bromus madritensis*), black mustard (*Brassica nigra*), mallow (*Malva* spp.), and wild oat (*Avena fatua*).

Eucalyptus

Eucalyptus is a non-native tree that comprises an anthropogenic habitat type. This habitat onsite most closely corresponds to the *Eucalyptus (globulus, camaldulensis) semi-natural woodland stands* in Sawyer et al. (2009) and is not described in Holland (1986). Eucalyptus habitat has lower species diversity than most other habitat types and often occurs as a monoculture of tall dense eucalyptus trees with dense tree litter (i.e., branches, bark, and leaves). The dense overstory and abundant tree litter reduces sunlight to the soil surface, thereby reducing understory shrub and herb growth. In addition, allelopathic (growth-inhibiting) chemicals leached from tree litter during rainfall or fog drip further inhibits growth of other plants species. Nonetheless, eucalyptus trees serve as roosting and nesting habitat for raptors and other birds, and provide a nectar source for hummingbirds and butterflies. Within the project site, several mature eucalyptus trees that are likely part of a former windbreak were present between the farm road and Black Road in the southeast portion of the site adjacent to an existing agricultural ditch.

Imagery provided by ESRI and its licensors © 2013.

Habitats on Site

Figure 3

Ruderal

Given that this community type is not naturally occurring, it is not described in either the Holland (1986) or Sawyer et al. (2009) classification systems. Ruderal habitat occurs in areas that are regularly disturbed by human activities and is within 1.24 miles of the project site. This habitat type is commonly associated with road shoulders, fallow fields, and abandoned lots. Non-native herbaceous species such as black mustard, filaree (*Erodium* spp.) and fennel (*Foeniculum vulgare*), and non-native grasses such as rip-gut brome, red brome and wild oat are the dominant species. Cover by plant species is generally low due to disturbance, and there is a high percentage of bare soil. Ruderal areas provide poor habitat for animal species; however, these areas can be used during dispersal and for movement during foraging in adjacent habitats. Within the project site, ruderal habitat occurs along the northern and eastern edges and is limited in extent to uncultivated areas such as around power poles, within an agricultural ditch, and in association with the facility in the northeast corner. An active ground squirrel complex consisting of approximately 5-10 burrows was observed in this habitat type in the vicinity of the building in the northeast corner of the site.

Non-native Annual Grassland

The non-native annual grassland habitat does not occur within the project site; however, it does occur within 1.24 miles of the project site. The non-native grassland is primarily confined to the vicinity of the drainages that occur south of the project site. One isolated patch of non-native grassland occurs northeast of the project approximately 0.3 mile south of the intersection of Stowell Road and Black Road and during the site visit cattle were present. Non-native annual grasslands observed in the vicinity are characterized by a mixture of native and introduced herbaceous annual and grass species such as rip-gut brome, red brome, fox-tail barley (*Hordeum murinum*), wild oat, black mustard, and poison hemlock (*Conium maculatum*). Some areas also contained coyote brush (*Baccharis pilularis*). Areas within this habitat type that were accessible showed signs of small mammal activity (primarily California ground squirrel and pocket gopher burrows). This habitat type can be high quality upland habitat pending the patch is of sufficient size as well as contiguous. This habitat type most closely resembles element #42200 Non-native grassland in the Holland system (Holland, 1986) and to the *Brassica nigra* and Other Mustards Semi-Natural Herbaceous Stands Alliance in the Manual of California Vegetation system (Sawyer et al., 2009).

Coastal Scrub

The coastal scrub habitat type does not occur within the project site; however, it does occur within 1.24 miles of the project site. Coastal scrub habitats are primarily confined to areas in the vicinity of the drainages that occur south of the project site, but small isolated patches also occur sporadically in other areas within 1.24 miles of the project site. Coastal scrub observed in the vicinity is dominated by moderate to dense coyote brush with the understory and inter-shrub area dominated by introduced herbaceous annual and grass species such as rip-gut brome, red brome, fox-tail barley, wild oat, black mustard, and poison hemlock. Areas within this habitat type that were accessible showed signs of small mammal activity (primarily California ground squirrel and pocket gopher burrows). This habitat type can be high quality upland habitat and can provide suitable refugia and dispersal corridors. This habitat type most closely resembles element #32200 Central (Lucian) Coastal Scrub in the Holland system (Holland, 1986) and to the *Baccharis pilularis* (Coyote Bush Scrub) Alliance in the Manual of California Vegetation system (Sawyer et al., 2009).

Arroyo Willow Riparian

The arroyo willow riparian habitat type does not occur within the project site; however, it does occur within 1.24 miles of the project site. Arroyo willow riparian habitat is primarily confined to the

immediate vicinity of the drainages that occur south of the project site. These areas are dominated by dense, closed canopy stands of arroyo willow (*Salix lasiolepis*). Small mammal burrows were observed in areas accessible from public roads. The understory consisted of extremely dense poison hemlock. These areas were given an upland habitat quality ranking of high. This habitat type most closely resembles element #61230 Central Coast Arroyo Willow Riparian Forest in the Holland system (Holland, 1986) and to the *Salix lasiolepis* (Arroyo willow thicket) Alliance in the Manual of California Vegetation system (Sawyer et al., 2009).

3.1.2 AQUATIC HABITATS

Four aquatic habitat types were also observed in the regional vicinity of the project site that includes agricultural pond, agricultural ditch, drainage, and seasonally ponded depression. These habitat types are visible on aerial photography (Figures 5 and 7) and are also discussed below. The extent of these aquatic habitats on the project site is presented as Figure 3 and is also discussed in greater detail below.

Agricultural Pond

The project site does not contain man-made agricultural ponds; however, they do occur within 1.24 miles of the project site as indicated by aerial imagery. Only one pond could be seen from public roads (Pond 1) during the site visit and, in general, this pond and other agricultural ponds vary in size and depth but are typically up to three feet or more in depth. The agricultural ponds in the vicinity also contain varying amounts of emergent vegetation (if any) and algal cover on the surface of the water. Most of the agricultural ponds in the vicinity can be potential CTS breeding areas; however, the limiting factor is connectivity to suitable upland habitat. The one pond visited during the reconnaissance survey is located at the northeast corner of the intersection of Betteravia Road and Sinton Road. The pond is approximately 50 feet wide by 100 feet long and the water depth appeared to be at least two feet. No emergent vegetation was present; however, algal cover was prevalent along the shoreline. The berm of this pond was sparsely vegetated with species typical of the ruderal type habitat type (e.g., black mustard). This pond may provide suitable breeding habitat for CTS; however, it is surrounded by agricultural and industrial development as well as bordered by two major roadways.

Agricultural Ditch

Agricultural ditches, which are man-made structures, occur within 1.24 miles of the project site and are closely associated with agricultural operations. One such agricultural ditch occurs immediately adjacent to the project site between Black Road and the fence line along the eastern property boundary in an upland area (Figure 3). It drains surface and irrigation runoff to the south into an unnamed drainage that flows into the historic Betteravia Lakes area. At the time of the site visit approximately water was present at a depth of one inch and was moving quite fast. Vegetation within the drainage ditch was sparse and consisted of upland species including non-native grasses, plantain (*Plantago* sp.), Italian thistle (*Carduus pycnocephalus*), milk thistle (*Silybum marianum*), prickly ox-tongue (*Picris echioides*), curly dock (*Rumex crispus*), and black mustard. Small mammal burrows were also observed on the banks of the ditch

Drainage

The project site does not contain natural drainages or streams; however, they do occur within 1.24 miles of the project site. The nearest are two drainages that occur approximately 0.1 and 0.6 mile south of the project site. These drainages are unnamed tributaries to Orcutt Creek. These drainages contain mature riparian forest which extends upslope and north of the floodplain. A series of seasonal pools, including Betteravia Lake (an historic shallow lake), are located within this drainage to the west (Rincon

Consultants, Inc., 2007). During the site visit ponding was observed within the northern drainage where it intersects with Black Road (west side). The water depth was approximately two feet.

Seasonally Ponded Depression

The project site does not contain any seasonally ponded depressions; however, one occurs within 1.24 miles of the project site. According to the Area 9 Specific Plan EIR (Rincon Consultants, Inc., 2012) in February 2010 and January 2011, ponded water was observed within a non-native grassland area located approximately 0.4 mile south of the intersection of Stowell Road and Black Road. The ponded area was approximately 175 feet by 150 feet and at least two feet deep and likely the result of accumulated storm water runoff from several rainfall events that had occurred the previous weeks. The duration of ponding at the site is not known as this area has not been studied in detail. In August of 2010, the pond was observed to be dry.

SECTION 4 – RESULTS

4.1 CALIFORNIA TIGER SALAMANDER

4.1.1 CALIFORNIA TIGER SALAMANDER RANGE AND CRITICAL HABITAT

The project site is located within the potential range of CTS in Santa Barbara County based upon the USFWS map of CTS range and breeding ponds (2010). Federally designated critical habitat for the CTS has also been identified in the vicinity (Critical Habitat Unit 1: Western Santa Maria/Orcutt) and is located approximately 1.14 miles south of the project site (Figure 4).

4.1.2 KNOWN CALIFORNIA TIGER SALAMANDER OCCURRENCES

Five CTS occurrences have been recorded within 3.1 miles of the project area (CDFW, 2003; Figure 5):

1) This occurrence is located at the Rancho Maria Golf Club, about one mile east on Highway 1 from the Black Road intersection. The surrounding land uses consist of agriculture to the north, northwest, and northeast.

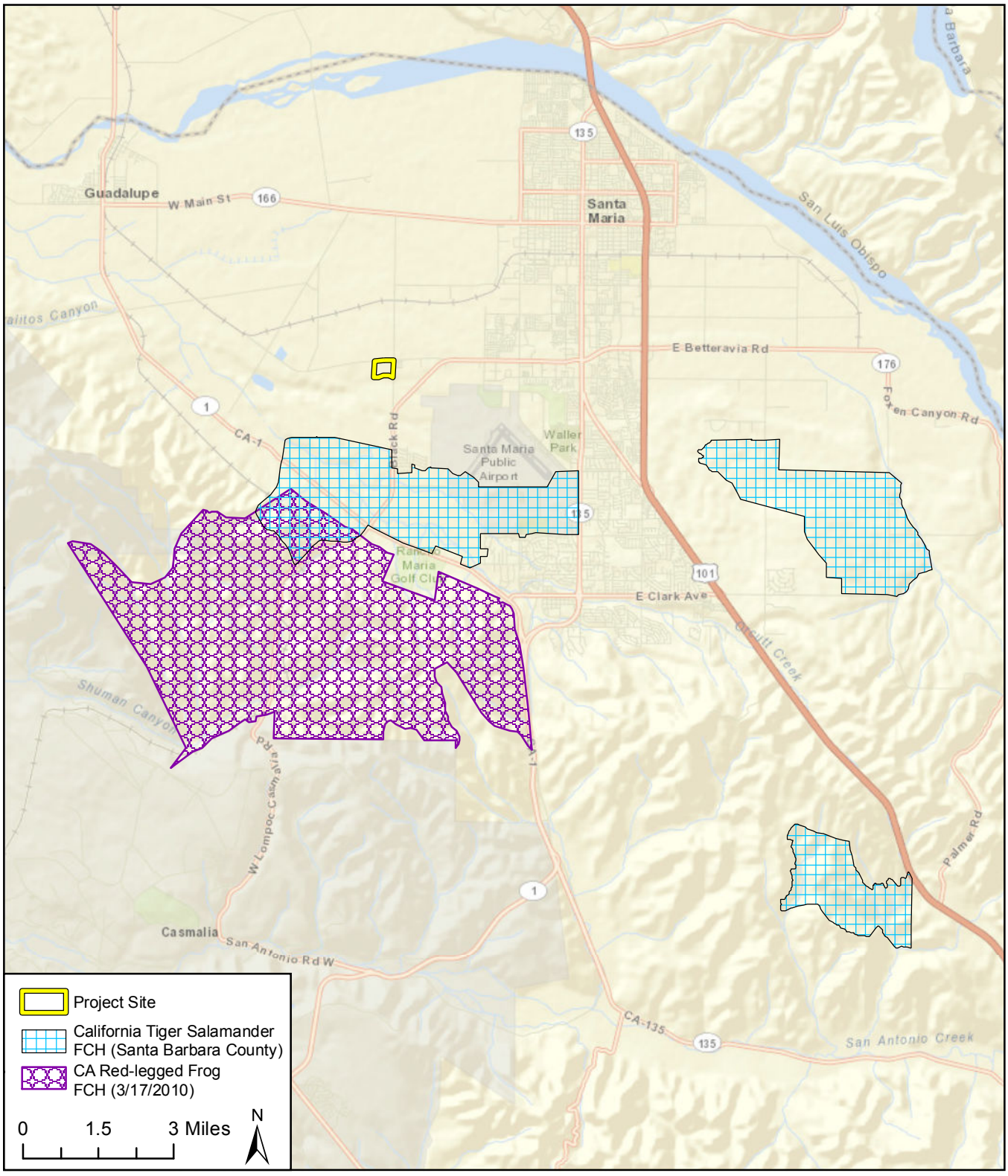
2) This occurrence is located on the south side of Santa Maria Airport. Habitat onsite consists of two vernal pools, surrounded by non-native grassland, coastal sage scrub, chaparral and scattered oaks.

3) This occurrence is located approximately 0.3 mile northwest of the intersection of Lompoc-Casmalia Road and Union Pacific Railroad tracks, 3.5 miles north of Casmalia. Habitat onsite consists of a farm pond surrounded by open grassland. The pool has a muddy bottom, is approximately 3.5 feet in depth, and has sparse aquatic vegetation.

4) This occurrence is located approximately 0.5 mile northwest of the intersection of Airox Road and Lompoc-Casmalia Road, four miles northeast of Casmalia. Habitat onsite consists of a farm pond surrounded by open grassland. The pool has a muddy bottom, is approximately 3.5 feet in depth, and has little aquatic vegetation.

5) This occurrence is located approximately 0.3 mile east of the intersection of Dutard Road and Black Road, west of the Santa Maria Airport. Habitat onsite consists of a vernal pool surrounded by relatively undisturbed, open grassland.

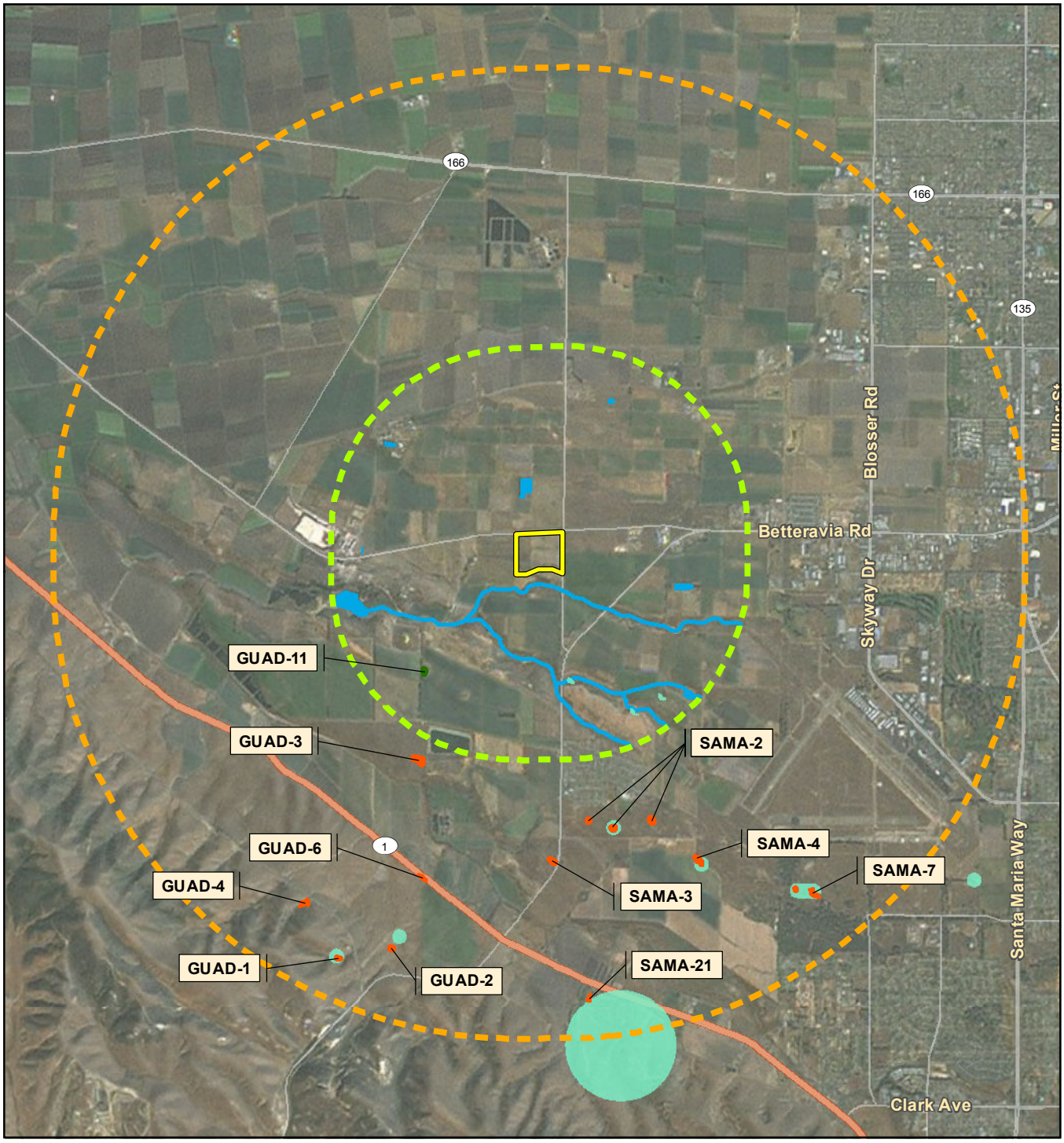
Three additional CTS occurrences, not identified in the query results of the CNDDB, have also been recorded within 3.1 miles of the project site (Rincon Consultants, Inc., 2007; Rincon Consultants, Inc., 2004) (Figure 5). The set of three occurrences is in and near the drainage located at the intersection of Black Road and Mahoney Road (Rincon Consultants, Inc., 2004). Within this drainage, the CTS was found at the intersection of Mahoney Road and Black Road and at both forks further upstream in this drainage, one approximately 2,400 feet and the other approximately 3,300 feet east of the intersection (Rincon Consultants, Inc., 2007). The CTS found at the intersection of Mahoney Road and Black Road represents the closest occurrence to the project site under investigation in this habitat assessment (approximately 0.75 mile south of the project site).



Basemap provided by ESRI and its licensors © 2013.

California Tiger Salamander and California Red-legged Frog Critical Habitat

Figure 4



Basemap provided by ESRI and its licensors © 2013.

Legend

- Project Site
- 1.24 Mile Buffer
- 3.1 Mile Buffer

California Tiger Salamander

- Known Breeding Ponds
- Potential Breeding Ponds (from USFWS)
- California Tiger Salamander Occurences
- Potential Breeding Habitat (from Survey)

0 3,250 6,500 Feet

N

Known California Tiger Salamander Localities
within 3.1 Miles and Breeding Habitat within 1.24 Miles Figure 5

Twelve known CTS breeding pools, all of which occur south of the project site, have been recorded within 3.1 miles of the project area (USFWS, 2010; Figure 5) and include the following: GUAD-1, GUAD-2, GUAD-3, GUAD-4, GUAD-6, SAMA-2, SAMA-3, SAMA-4, SAMA-6, SAMA-7, SAMA-10, and SAMA-21. One mapped CTS breeding area (SAMA-17), which was altered and no longer serves as suitable breeding habitat (pers. comm. Standley, 2013), previously occurred in the northeast corner of the intersection Black Road and Betteravia Road.

4.1.3 HABITAT QUALITY

Aquatic Habitat

The project site does not contain suitable breeding habitat for CTS. During the site reconnaissance survey water flows within the agricultural ditch on site were too fast to support CTS breeding; however, CTS could potentially utilize the agricultural ditch as dispersal habitat and/or refugia considering that small mammal burrows were observed on its banks as well as its connectivity to drainages located south of the project.

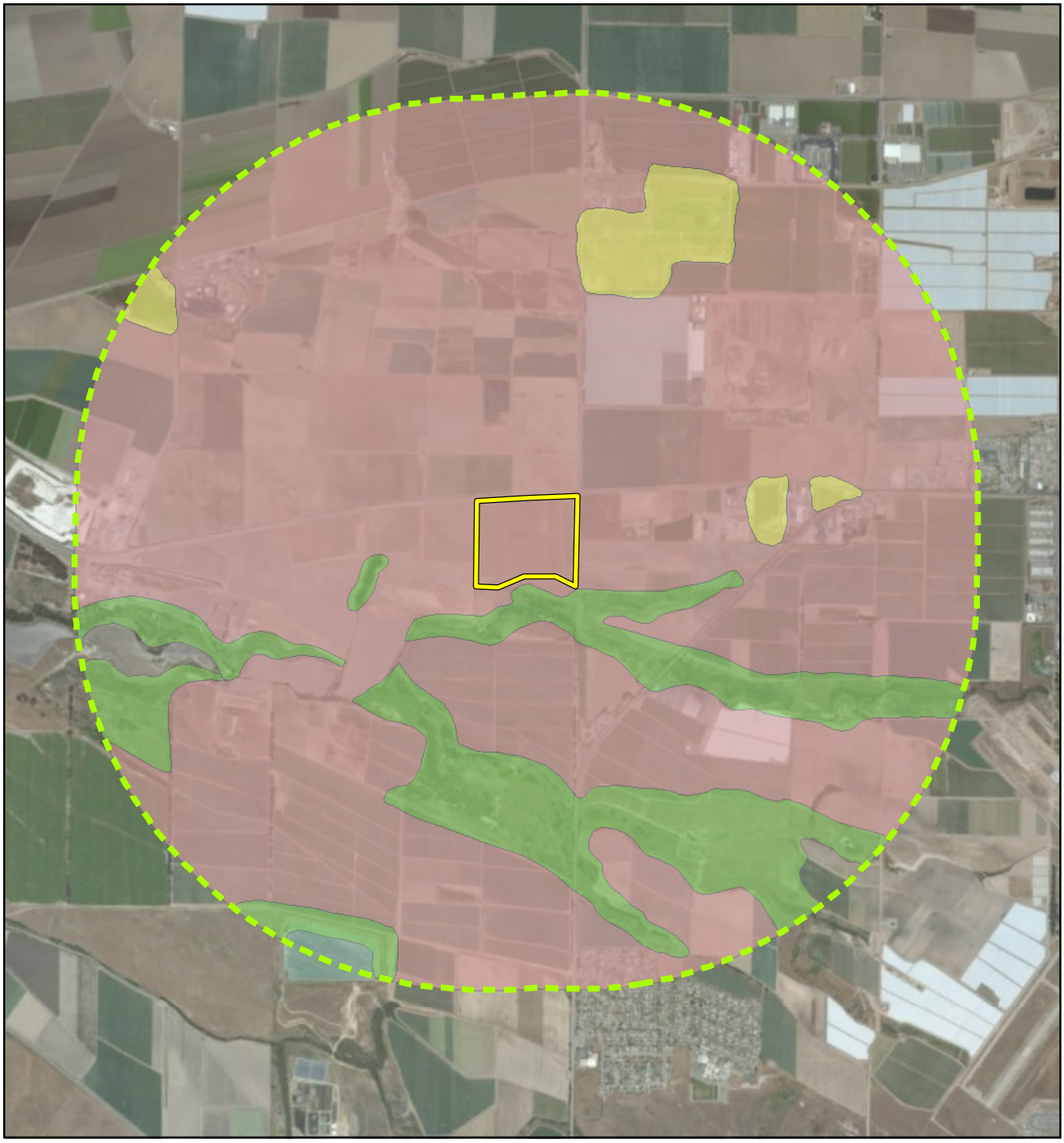
Potential CTS breeding habitat does occur in the vicinity of the project. One USFWS potential breeding pond (GUAD-11) does occur approximately 0.92 mile southwest of the project site (Figure 5). The two drainages to the south of the project could also support CTS breeding considering that they contain areas of seasonal ponding, such as the area of ponding observed 0.1 mile south of the project site along Black Road. The southernmost drainage also has documented occurrences of CTS. Other potential breeding areas include any of the agricultural ponds that occur in the vicinity of the project site; however, those that have low to no connectivity through medium to high quality upland habitat may be less likely to support CTS breeding.

The area documented as a seasonally ponded depression by Rincon in 2012 located approximately 0.4 mile south of the intersection of Stowell Road and Black Road may provide suitable CTS breeding habitat depending upon the duration of ponding. However, this area is highly isolated and some distance from USFWS known or potential breeding ponds.

Upland Habitat

Onsite upland habitat quality is generally low because of its use as an agricultural field as well as the lack of small mammal burrows (Figure 6). However, based of the proximity of the site to the drainages to the south and connectivity through the agricultural ditch it is possible that CTS could occur transiently and utilize the project site as dispersal habitat or utilize the ground squirrel complex observed in the northeast corner as refugia.

Within 1.24 miles of the project the majority of habitats are of low quality consisting of agricultural and industrial uses. Areas of high quality habitat are restricted to the vicinity of the two drainages to the south of the project site and consist of non-native grassland, coastal scrub, and arroyo willow riparian habitats (Figure 6). This corridor of high quality habitat is also approximately 0.25 mile north of a potential CTS breeding pond (GUAD-11) and is in close proximity (approximately 200 feet south) to the project site. Areas of medium quality non-native grassland and coastal scrub habitats occur in the vicinity of the project; however, these areas are small and are highly isolated by agricultural and industrial land uses.



California Tiger Salamander
Upland Habitat Quality

Figure 6

4.2 CALIFORNIA RED-LEGGED FROG

4.2.1 CALIFORNIA RED-LEGGED FROG RANGE AND CRITICAL HABITAT

The project site is located within the known range of CRLF in Santa Barbara County based upon the current range depicted in the USFWS *Recovery Plan for the California Red-legged Frog* (USFWS, 2002). Federally designated critical habitat for the CRLF has also been identified in the vicinity and is located approximately 1.39 miles southwest of the project site (Figure 4).

4.2.2 KNOWN CALIFORNIA RED-LEGGED FROG OCCURRENCES

Four CRLF occurrences have been recorded within one mile of the project site (CDFW, 2003; Figure 7):

1) This occurrence is located on the north side of Betteravia Road, 0.5 mile east of Black Road and northwest of the Santa Maria Airport. Habitat onsite consists of a vernal pool in grazed grassland surrounded by intensive, cultivated agriculture.

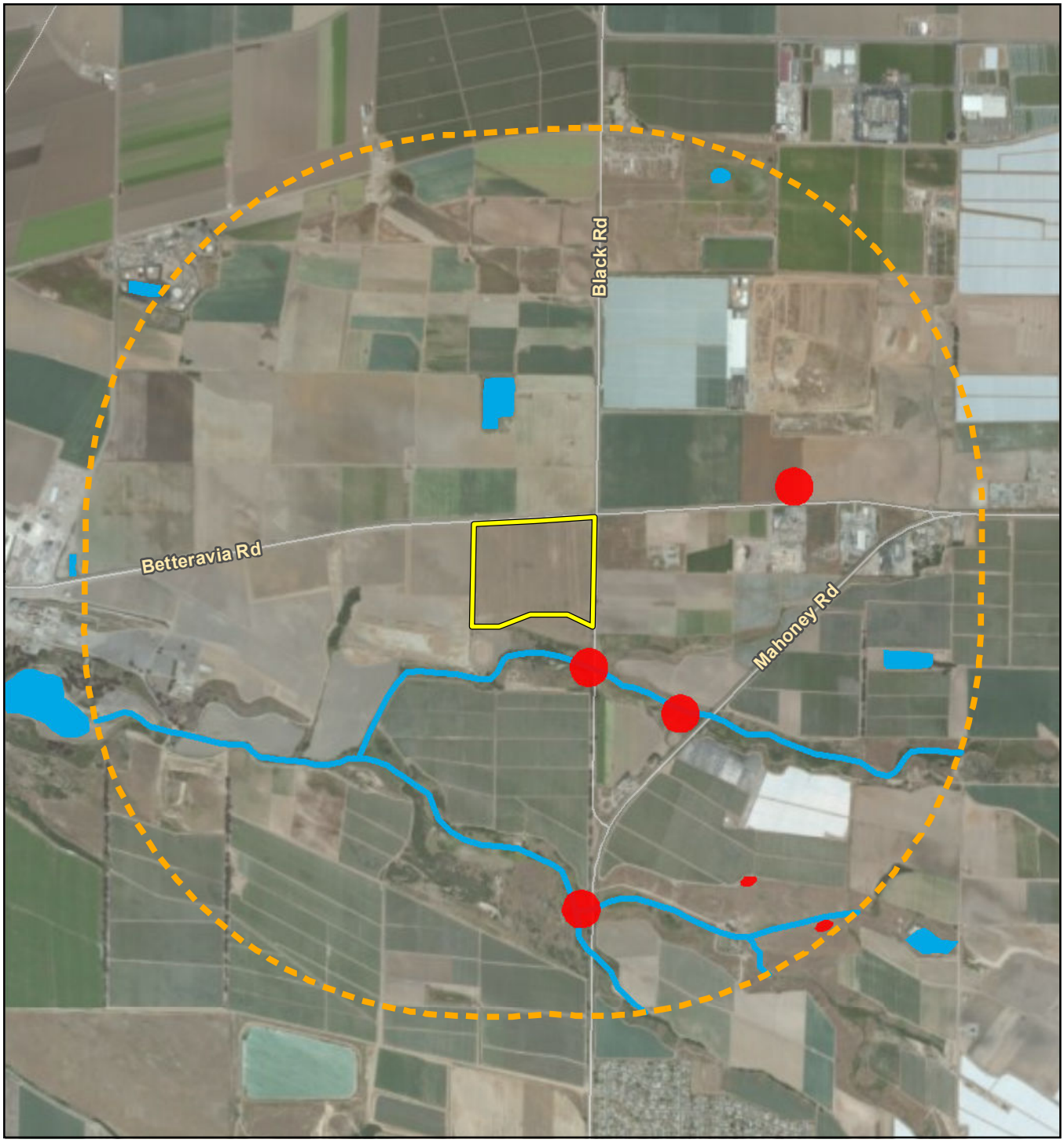
2) This occurrence is located on the north side of Mahoney Road, 0.4 mile northeast of Black Road and northwest of the Santa Maria Airport. Habitat onsite consists of ponds within a small drainage in Green Canyon vegetated by tules, cattails and bulrush and surrounded by intensive agriculture. Adult CRLF and numerous tadpoles were observed.

3) This occurrence is located in Green Canyon, where it intersects Black Road, 0.5 mile north of Mahoney Road and southwest of Santa Maria. The pool in which a frog was found is located 40 feet west of Black Road within a drainage that contains willows downstream from the site where the frog was observed; agricultural fields are immediately adjacent to the drainage.

4) This occurrence is located in a drainage intersecting Black Road, just south of the Black Road/Mahoney Road intersection. Habitat consists of a drainage with little aquatic vegetation; surrounded by open grassland. Most of the water is gone by mid-April, with a few pools persisting into the end of July/August.

Two additional CRLF occurrences, not identified in the query of the CNDDB, have also been recorded within one mile of the project site (Rincon Consultants, Inc., 2004)(Figure 7):

1) One CRLF was observed in an area of in-channel ponded water within the southern segment of a drainage located approximately 0.6 mile east of Black Road and 0.8 mile south of Mahoney Road. Another CRLF individual was observed in a similar area of in-channel ponded water within the northern segment of the same drainage. The drainage is an unnamed, blueline stream that is hydrologically connected to the Betteravia Lakes further west of the site. The onsite portion of this drainage consists of two distinct drainage segments (a north and south) that originate to the east of the site, converge in the central portion of the site, then flow offsite through a small culvert located under Black Road. Active ranching and agricultural activities contribute a significant source of water to this drainage through irrigating pasture and agricultural fields. While the drainage channels are dominated by wetland vegetation, very little riparian vegetation is present. Field work during the winter of 2004 identified a significant amount of impounded water at Black Road, but it did not persist for more than several weeks.



Basemap provided by ESRI and its licensors © 2013.

Project Site
1 Mile Buffer
California Red-legged Frog Occurences
Potential Breeding Habitat (from Survey)

0 1,250 2,500 Feet

N

Known California Red-legged Frog Localities
and Potentially Suitable Breeding Habitat within 1 Mile

Figure 7

2) Nine (9) CRLF individuals were observed in this location during protocol surveys. This area of ponded water is the result of a leaking irrigation well and ranges in depth from approximately two to four inches along the pond perimeter to approximately 18 inches deep in the center of the pond. It is located at the border of an active agricultural field and the irrigated pasture approximately 0.4 mile east of Black Road and 0.5 mile south of Mahoney Road. The pond was covered in duck weed (*Lemna* sp.) and contained very little emergent wetland vegetation. Small amounts of toad rush (*Juncus bufonius*) and brass buttons (*Cotula coronopifolia*) were observed along the pond perimeter and one large unidentified willow species was present.

4.2.3 HABITAT QUALITY

Aquatic Habitat

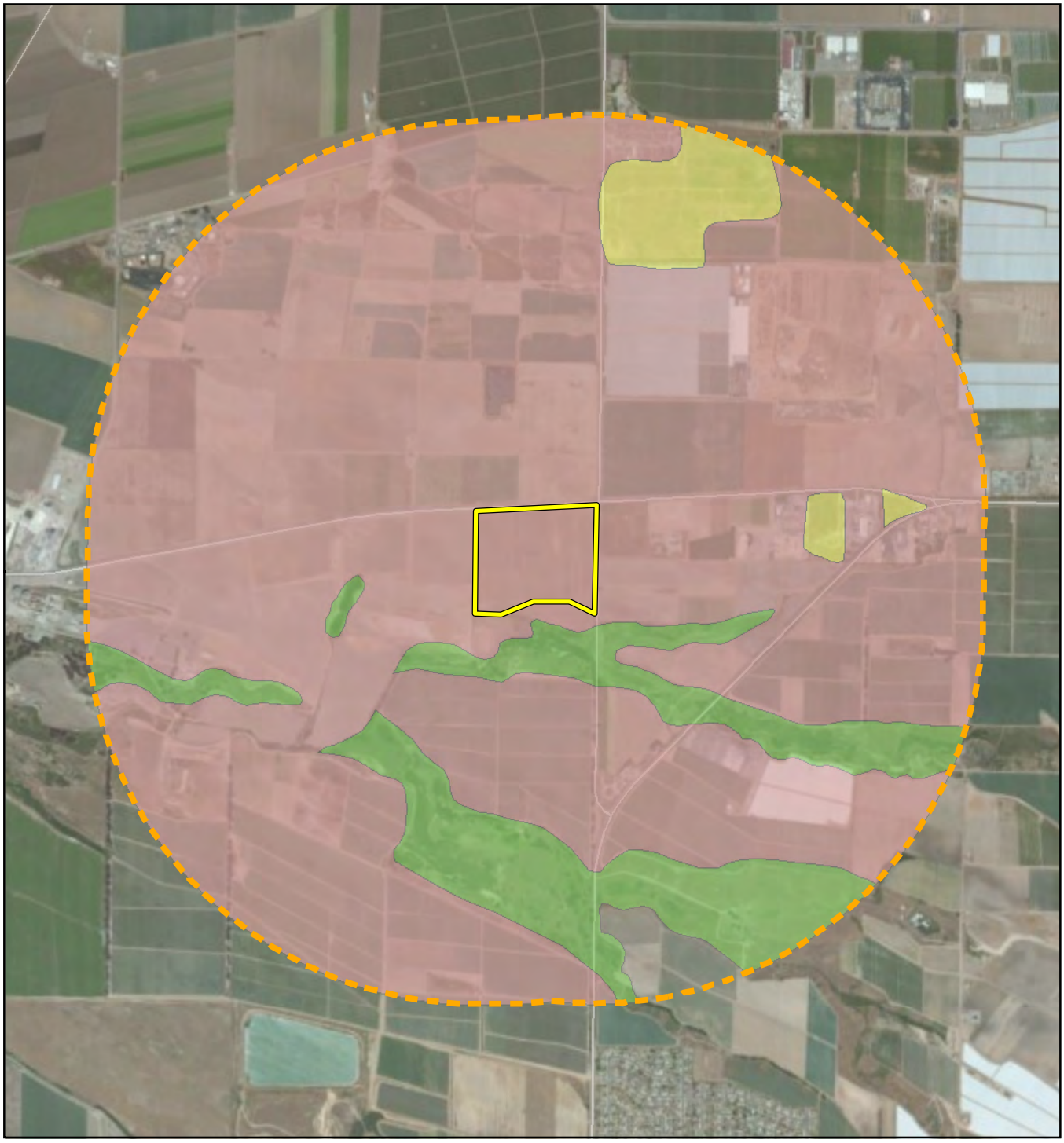
The project site does not contain suitable breeding habitat for CRLF. During the site reconnaissance survey water flows within the agricultural ditch on site were too fast and shallow to support CRLF breeding. None-the-less, CRLF could potentially utilize the agricultural ditch as dispersal habitat and/or refugia considering small mammal burrows were observed on its banks as well as its connectivity to drainages located south of the project. This agricultural ditch directly connects to a drainage located approximately 0.1 mile south of the project site. The point of connection between the drainage and the agricultural ditch also has a documented CRLF occurrence associated with it.

Potential CRLF breeding habitat does occur in the vicinity of the project (Figure 7). As stated above, tadpoles were documented in a drainage approximately 0.23 mile southeast of the project site (CDFW, 2003). Other areas of the two drainages to the south of the project could support CRLF breeding considering that they contain areas of seasonal ponding, such as the area of ponding observed 0.1 mile south of the project site along Black Road. Both drainages also have documented occurrences of CRLF. Other potential breeding areas include any of the agricultural ponds that occur in the vicinity of the project site; however, those that have low to no connectivity through medium to high quality upland habitat may be less likely to support CRLF breeding.

Upland Habitat

Onsite upland habitat quality is generally low because of its use as an agricultural field (Figure 8). However, based of the proximity of the site to the drainages to the south and connectivity through the agricultural ditch it is possible that CRLF could occur transiently utilize the project site as dispersal habitat since CRLF are not precluded from traversing agricultural areas (Bulger et al., 2003).

Within one mile of the project site the majority of habitats are of low quality consisting of agricultural and industrial uses. Areas of high quality habitat are restricted to the vicinity of the two drainages to the south of the project site and consist of non-native grassland, coastal scrub, and arroyo willow riparian habitat types (Figure 8). This corridor of high quality habitat is in close proximity to the project site (approximately 200 feet south). Areas of medium quality non-native grassland and coastal scrub habitats occur in the vicinity of the project; however, these areas are small and are highly isolated by agricultural and industrial land uses.



California Red-legged Frog
Upland Habitat Quality

Figure 8

SECTION 5 – CONCLUSIONS

5.1 CALIFORNIA TIGER SALAMANDER

Based on the proximity of the project site to a potential CTS breeding pond (approximately 0.92 mile), CTS occurrences within 1.24 miles, the presence of other suitable aquatic habitat within 1.24 miles, the presence of an agricultural ditch adjacent to the site and the presence of a relatively high quality upland movement corridor along the drainages south of the project site, CTS may occur on the project site. CTS are not expected to breed on the site due to the lack of breeding habitat; however, they could disperse from adjacent areas of suitable upland habitat and therefore, have the potential to occur transiently on the project site. That said, based on the condition of the site the potential for CTS to traverse the site is low and therefore the potential for the project to impact CTS is low. In order to evaluate the appropriate steps necessary to ensure project compliance with the Federal Endangered Species Act (FESA) and California Endangered Species Act (CESA), this assessment should be submitted to the USFWS and CDFW for their review and informal consultation initiated at a minimum to determine if further study is required.

The USFWS may choose to assume that CTS is present on the project site or may request protocol-level surveys to determine presence or absence of CTS. According to the CTS survey protocol (USFWS, 2003), a drift fence study conducted during the fall and winter is the primary method used to study CTS in upland habitats. Since the project site is located within 1.2 miles (2.0 km) of a potential breeding pool, a two-year drift fence study would likely be recommended (USFWS, 2003).

If CTS presence is assumed or if CTS are found to be present, a federal permit for incidental take would be required from the USFWS under either Section 7 or Section 10 of the FESA. Take can be authorized under Section 7 if a federal agency is involved in the project (e.g., permitting or funding) and agrees to be the lead agency requesting Section 7 consultation. This consultation process takes 135 days from the official request that includes the preparation of a Biological Assessment of the predicted impacts of the project on the species with measures to avoid, minimize, and mitigate for such impacts. The result is a Biological Opinion (BO) issued by the USFWS that includes specified life stage(s) and allowable number of individuals for each life stage to which take can occur in addition to terms and conditions to minimize and offset such take. Take may or may not be issued for operation of the project. Section 10 is used to authorize incidental take when no federal permit or funding is involved. This process can take years to complete and involves preparation of a Habitat Conservation Plan (HCP) typically including protection of the covered species at a specific location in perpetuity. If no federal nexus can be invoked, the only option is to obtain a Section 10 permit through preparation and approval of a HCP.

The CDFW may also require an incidental take permit (ITP) pursuant to Section 2081 if CTS presence is assumed or CTS are found to be onsite. The issuance of an ITP is dependent upon the following: 1) the authorized take is incidental to an otherwise lawful activity; 2) the impacts of the authorized take are minimized and fully mitigated; 3) the measures required to minimize and fully mitigate the impacts of the authorized take are roughly proportional in extent to the impact of the taking on the species, maintain the applicant's objectives to the greatest extent possible, and are capable of successful implementation; 4) adequate funding is provided to implement the required minimization and mitigation measures and to monitor compliance with and the effectiveness of the measures; and 5) issuance of the permit will not jeopardize the continued existence of a State-listed species.

An alternative, since suitable habitat occurs in the vicinity of the project site, would be to obtain a "may affect but is not likely to adversely affect" concurrence from USFWS and/or consistency determination from CDFW through informal consultation.

5.2 CALIFORNIA RED-LEGGED FROG

Based on the proximity of the project site to a documented CRLF breeding area, CRLF occurrences within one mile, the presence of other suitable aquatic habitat within one mile, the presence of an agricultural ditch adjacent to the site and the presence of a relatively high quality upland movement corridor along the drainages south of the project site, CRLF may occur on the project site. CRLF are not expected to breed on the site due to the lack of breeding habitat; however, they could disperse from adjacent areas of suitable upland habitat and therefore, have the potential to occur transiently on the project site. However, there is a low potential for CRLF to transiently occur based on the current condition of the site and therefore the potential for the project to impact CRLF is low. In order to evaluate the appropriate steps necessary to ensure project compliance with the FESA, this assessment should be submitted to the USFWS for their review and informal consultation initiated at a minimum to determine if further study is required.

USFWS may choose to assume CRLF presence on the project site or may request protocol-level surveys to determine presence or absence of CRLF. According to CRLF survey protocol (USFWS, 2005), night and day time surveys would be conducted February to April to detect presence or confirm absence of CRLF.

If CRLF presence is assumed or if CRLF are found to be present, a federal permit for incidental take would be required from the USFWS under either Section 7 or Section 10 of the FESA. Take can be authorized under Section 7 if a federal agency is involved in the project (e.g., permitting or funding) and agrees to be the lead agency requesting Section 7 consultation. This consultation process takes 135 days from the official request that includes the preparation of a Biological Assessment of the predicted impacts of the project on the species with measures to avoid, minimize, and mitigate for such impacts. The result is a BO issued by the USFWS that includes specified life stage(s) and allowable number of individuals for each life stage to which take can occur in addition to terms and conditions to minimize and offset such take. Take may or may not be issued for operation of the project. Section 10 is used to authorize incidental take when no federal permit or funding is involved. This process can take years to complete and involves preparation of a HCP typically including protection of the covered species at a specific location in perpetuity. If no federal nexus can be invoked, the only option is to obtain a Section 10 permit through preparation and approval of a HCP.

An alternative, since suitable habitat occurs in the vicinity of the project site, would be to obtain a "may affect but is not likely to adversely affect" concurrence from USFWS through informal consultation.

SECTION 6 – REFERENCES

Baldwin, B.G., D.H. Goldman, D.J. Keil, R. Patterson, T.J. Rosatti, and D.H. Wilken (Eds.). 2012. *The Jepson Manual: Vascular Plants of California, second edition*. University of California Press, Berkeley, California.

Bulger, John, B., Norman J. Scott Jr., and Richard B. Seymour. 2003. *Terrestrial Activity and Conservation of Adult California Red-legged Frogs Rana aurora draytonii in Coastal Forest and Grasslands*. Biological Conservation 110: 85-95.

California Department of Fish and Game (Note, now CDFW). 2003. California Natural Diversity Database, Rarefind V. 3.1.0. Updated, May 1, 2013.

California Department of Fish and Wildlife. 2013. *Biogeographic Information and Observation System (BIOS).* Retrieved January 23, 2013 from http://bios.dfg.ca.gov

Holland, Robert F. 1986. *Preliminary Descriptions of the Terrestrial Natural Communities of California*. California Department of Fish and Game, Nongame Heritage Program.

Loredo, I., D. Van Vuren, and M.L. Morrison. 1996. *Habitat Use and Migration Behavior of the California Tiger Salamander*. Journal of Herpetology 30: 282-285.

Rincon Consultants, Inc. 2004. *Mahoney Ranch Focused Biological Studies and Wetland Delineation.* Prepared for Signature Pacific Development.

Rincon Consultants, Inc. 2007. *Santa Barbara County Jail Northern Branch Facility EIR.* Prepared for the County of Santa Barbara.

Rincon Consultants, Inc. 2012. *Area 9 Specific Plan EIR*. Prepared for the City of Santa Maria.

Sawyer, J. O., T. Keeler-Wolf, and J.M. Evens. 2009. *A Manual of California Vegetation, Second Edition.* California Native Plant Society, Sacramento, California.

Standley, Bill. Personal communication. May 2013.

Trenham, P.C. 2001. *Terrestrial Habitat Use by Adult Ambystoma californiense*. Journal of Herpetology 35: 343-346.

Trenham, P.C. and H.B. Shaffer. 2005. *Amphibian upland habitat use and its consequences for population viability*. Ecological Applications 15(4): 1158-1168.

United States Department of Agricultural, Natural Resources Conservation Service. 2012. *Web Soil Survey*. Accessed May 13, 2013. Soil Survey Area: Santa Barbara County, California, Northern Santa Barbara Area. Soil Survey Data: Version 4, January 3, 2008. Available at: http://websoilsurvey.nrcs.usda.gov/app/.

United States Fish and Wildlife Service. 2003. *Interim Guidance on Site Assessment and Field Surveys for Determining Presence or a Negative Finding of the California Tiger Salamander.*

United States Fish and Wildlife Service. 2005. *Revised Guidance on Site Assessments and Field Surveys for the California Red-legged Frog.*

United States Fish and Wildlife Service. 2010. *California Tiger Salamander Habitat Map.*

United States Fish and Wildlife Service. 2013. *Critical Habitat Portal*. Available at: http://criticalhabitat.fws.gov

SECTION 7 – LIST OF PREPARERS

RINCON CONSULTANTS, INC.

- Primary Author:
    - Michael Tom, Associate Biologist
- Technical Review:
    - Colby J. Boggs, Principal/Senior Ecologist
- Graphics:
    - Kevin Howen, GIS Analyst
- Production:
    - Stephanie Flores, Administrative Assistant
- Field Reconnaissance Survey:
    - Michael Tom, Associate Biologist

Appendix A

Qualifications

MICHAEL W. TOM
Associate Biologist
Rincon Consultants, Inc.

Michael Tom works as an Associate Biologist with Rincon's biological resources group. Mr. Tom has experience conducting general and focused surveys for a variety of plant and animal species. He is proficient in maintaining herpetology collections and providing assistance with a number of vertebrate and invertebrate species. Mr. Tom has working knowledge and extensive training with the fauna and flora of the central coast, San Joaquin Valley, and desert regions of California. He has also received specific training in survey protocols, habitat requirements and natural histories of the California Red-legged Frog and desert tortoise. Mr. Tom has assisted in special status species, general wildlife and pre-construction surveys. He has performed habitat assessments and pre-construction clearance and monitoring for California red-legged frog (Total non-protocol survey and handling hours = 61.75 hours). He has also performed protocol level desert tortoise surveys and has performed pre-construction surveys for giant garter snake, blunt-nosed leopard lizards, western pond turtles, coast horned lizards, western spade foot toads and nesting birds.

TECHNICAL CAPABILITIES

- Mr. Tom is skilled at performing surveys for special-status animal species including blunt-nosed leopard lizard, giant kangaroo rats, San Joaquin kit fox, American badger, San Joaquin coachwhip, and desert tortoise.
- Mr. Tom performed surveys for various invertebrates and mammals in which he utilized a number of different techniques including Sherman Live Traps, Serber sampler techniques, and Stream survey techniques.
- Mr. Tom is skilled in public speaking and has experience teaching in live classroom settings as well as in the field.

EDUCATION, REGISTRATIONS AND AFFILIATIONS

M.S. Candidate, Biological Sciences, California Polytechnic State University, San Luis Obispo
BS, Ecology and Systematic Biology, Concentration in Wildlife Biology; California Polytechnic State University – San Luis Obispo

- Amphibian Summit, Elkhorn Slough National Estuarine Research Reserve, May 2012.
- Desert tortoise handling workshop, Desert Tortoise Council, Ridgecrest, California, November 7th and 8th, 2011.
- Desert Tortoise Survey Workshop, Primm, Nevada, 2011.
- California red-legged frog workshop, Elkhorn Slough Coastal Training Program, April 27th and 28th, 2011. Captured and handled 11 California red-legged frogs under the supervision of the permitted instructors during training.

EMPLOYMENT HISTORY

Rincon Consultants, Inc. (2010 through present)
California Polytechnic State University San Luis Obispo, Department of Biological Sciences (2005 – 2010)

PERMITS AND AUTHORIZATIONS

USFWS California red-legged frog handling authorization (Under supervision), Rodriguez Waterline Stabilization Project. BO 8-8-12-F-17

NMFS steelhead monitoring authorization under the supervision of lead fisheries biologist Don Alley, Heritage Ranch Community Services District Gallery Well Repair Project. BO 151422SWR03SR8572

USFWS California red-legged frog, San Joaquin kit fox and California condor monitoring authorization, Heritage Ranch Community Services District Gallery Well Repair Project.

USFWS California red-legged frog handling authorization (Under supervision), Salinas Road Interchange Project. BO 8-8-09-F-65R

USFWS California red-legged frog relocation authorization under the BO, Highway 46 Improvements Project: Whitley Phase I. BO 1-8-03-F-59

EXPERIENCE WITH CALIFORNIA RED-LEGGED FROG (CRLF) & CALIFORNIA TIGER SALAMANDER (CTS)

- Rancho Rio Road Bridge Replacement Project Natural Environment Study. Santa Cruz County. 2012.
- Cypress Mountain Drive at Klau Creek Bridge Replacement Project Biological Assessment. San Luis Obispo County, 2012.
- Rodriguez Road Waterline Stabilization Project. San Luis Obispo County, 2012.
- Santa Rosa Creek Road 7.0 Emergency Culvert Repair Project. San Luis Obispo County. 2012.
- California Tiger Salamander focused monitoring and pre-construction surveys for the Purisima Road Safety Improvements Project. Santa Barbara County. 2012.
- California red-legged frog focused biological monitoring for the Arroyo Grande Creek Levee Maintenance Project. San Luis Obispo County. 2011.
- California red-legged frog biological monitoring for the Old Los Berros Culvert Repair & Duckbill Valve Replacement Project. San Luis Obispo County. 2011.
- California red-legged frog, western pond turtle and nesting bird pre-construction surveys for the City of Arroyo Grande, San Luis Obispo County. 2011.
- California red-legged frog and California tiger salamander focused construction monitoring for the Salinas Road Interchange project. Captured and handled 4 California red-legged frogs under the supervision of the permitted biologist, Monterey County. 2011.
- Biological construction monitoring for the Highway 46 Improvements Project: Whitley Phase I, San Luis Obispo County. 2011.
- California tiger salamander upland drift fence/pit fall trap surveys for the Los Flores Integrated Waste Management Facilities Project, Santa Barbara County. 2011.
- California tiger salamander husbandry, California Academy of Sciences – Steinhart Aquarium. 2002-2004.

RECENT PROJECT EXPERIENCE

- Assisted with protocol level juvenile blunt-nosed leopard lizards and wildlife surveys for the Panoche Valley Solar Farm. Live Oak Associates, San Benito County. 2012.
- Assisted Don Alley with relocating juvenile steelhead by electro-fishing from the work area (60 individuals relocated). Santa Rosa Creek Road 7.0 Emergency Culvert Repair Project. San Luis Obispo County. 2012.
- AT&T Jefferson Avenue & Godetia Drive Biological Assessment. San Mateo County. 2011.
- AT&T Woodlake Colo Biological Assessment. Tulare County. 2011.
- Biological monitoring for the Old Los Berros Culvert Repair & Duckbill Valve Replacement Project. San Luis Obispo County. 2011.
    Focal Species:
    - Tidewater goby
    - California red-legged frog
    - Sothern steelhead
- Giant Garter Snake focused pre-construction survey and construction monitoring for the Recurrent Energy Kammerer Solar Site, Sacramento County. 2011.
- Biological construction monitoring for the Tehachapi Renewable Transmission Project 2011.
    Focal Species:
    - California Condor
    - Desert Tortoise
    - Nesting birds
- Assisted with protocol level blunt-nosed leopard lizards and wildlife surveys for the California Valley Solar Farm. Other species that were surveyed included American badger, San Joaquin kit fox and San Joaquin Coachwhip. 7 days with a level 2 surveyor present – H.T. Harvey and Associates, San Luis Obispo County. 2011.
- Biological construction monitoring for the Highway 46 widening project, San Luis Obispo County. 2011.
    Focal Species:
    - California red-legged frog
    - San Joaquin Kit fox
- Coast horned lizard and western spadefoot toad pre-construction survey for the Union Valley Parkway Extension Project, Santa Barbara County. 2011.
- Ivanpah Solar Project. Assisted with desert tortoise surveys and biological construction monitoring. San Bernardino County, CA. 2011.
- Assisted with protocol level blunt-nosed leopard lizards and wildlife surveys for the Panoche Valley Solar Farm. Other species that were surveyed included American badger, San Joaquin kit fox and San Joaquin Coachwhip. 25 Days of protocol level surveys with a Level 2 surveyor present – Live Oak Associates, San Benito County. 2010.
- Payette National Forest, Idaho. Performed stream surveys for tailed frogs, and Giant Salamanders in 2007.
- San Luis Obispo, CA. Maintained and created a database for preserved Cal Poly Herpetology research collection and systematically organized and databased invertebrate fossil collection in 2007.

Appendix B

Photos

Photo 1. View of the project site showing the disced field. The photo was taken in the northwest corner of the project site and facing southeast (notice ruderal vegetation along the bottom of the photo).

Photo 2. View of the project site showing the ruderal vegetation along the fence line. This photo was taken in the northeast corner of the project site facing west.

Photo 3. View of the agricultural ditch along the east boundary of the project site. Photo was taken in the northeast corner of the site facing south.

Photo 4. View of ponded water and associated riparian vegetation in the drainage located approximately 0.10 mile south of the project site. The photo was taken on Black Road facing west.

Photo 5. View of a typical agricultural operation occurring within the regional vicinity of the project site.

Photo 6. View of a typical agricultural pond occurring within the regional vicinity of the project site. This pond is located at the intersection of Betteravia Road and Sinton Road.

Photo 7. View of a grazed non-native grassland habitat located south of the intersection of Stowell Road and Black Road.

Photo 8. View of a mosaic of coastal scrub and non-native grassland habitat observed within a drainage corridor. This photo was taken south of the intersection of Mahoney Road and Black Road.

Appendix C

CRLF Site Assessment Data Sheet

Appendix D.
California Red-legged Frog Habitat Site Assessment Data Sheet

Site Assessment reviewed by _____ _____ _____
(FWS Field Office) (date) (biologist)

Date of Site Assessment: 05/10/2013
(mm/dd/yyyy)

Site Assessment Biologists: Tom (Last name) Michael (first name) _____ (Last name) _____ (first name)

_____ (Last name) _____ (first name) _____ (Last name) _____ (first name)

Site Location: Santa Barbara County, SW corner of the intersection of Black Road/Betteravia Road, 729029E, 3866880N
(County, General location name, UTM Coordinates or Lat./Long. or T-R-S).

****ATTACH A MAP** (include habitat types, important features, and species locations)**

Proposed project name: Santa Barbara County Jail Northern Branch Facilities Project
Brief description of proposed action:
The County of Santa Barbara is proposing to develop approximately 50 acres in northern Santa Barbara County for a detention facility and ancillary facilities. The new jail facility would primarily serve northern Santa Barbara County, provide additional detention capacity, and reduce the reliance on facilities located in the cities of Santa Barbara and Goleta.

1) Is this site within the current or historic range of the CRF (circle one)? YES ☑ NO ☐

2) Are there known records of CRF within 1.6 km (1 mi) of the site (circle one)? YES ☑ NO ☐
If yes, attach a list of all known CRF records with a map showing all locations.

GENERAL AQUATIC HABITAT CHARACTERIZATION

(if multiple ponds or streams are within the proposed action area, fill out one data sheet for each)

POND:

Size: N/A Maximum depth: N/A

Vegetation: emergent, overhanging, dominant species: N/A

Substrate: N/A

Perennial or Ephemeral *(circle one)*. If ephemeral, date it goes dry: N/A

Appendix D.
California Red-legged Frog Habitat Site Assessment Data Sheet

STREAM:

Bank full width: ~5 feet
Depth at bank full: 1-2 inch water depth
Stream gradient: ~2% slope

Are there pools (circle one)? YES NO ☑
If yes,
Size of stream pools: _____
Maximum depth of stream pools: _____

Characterize non-pool habitat: run, riffle, glide, other: Low-gradiant riffle type with sections of faster flowing water.

Vegetation: emergent, overhanging, dominant species: Vegetation within the ditch comprises sparse ruderal type species, non-native grasses, plantain (Plantago sp.), milk thistle (Silybum marianum), prickly ox-tongue (Picris echioides), and black mustard (Brassica nigra). A small number of eucalyptus overhang the southern portion.

Substrate: Fine particles. No large cobble or rocks.

Bank description: Steep vertical, banks. Vegetation is sparse and small mammal burrows are present.

Perennial or Ephemeral *(circle one)*. If ephemeral, date it goes dry: Dependent upon agricultural run-off

Other aquatic habitat characteristics, species observations, drawings, or comments:
This is not a natural drainage and is a agricultural ditch which conveys run-off from adjacent properties. The drainage is located on the eastern boundary of the property between Black Road and the fence line.

Necessary Attachments:

1. All field notes and other supporting documents
2. Site photographs
3. Maps with important habitat features and species location