4.3 Biological Resources

This section describes the existing environmental conditions and regulatory setting for biological resources in the city and assesses potential impacts to special status species, sensitive natural communities, riparian areas and wetlands, trees, and wildlife movement corridors. Rincon Consultants, Inc. gathered information for this assessment through a desktop literature review of the United States Fish and Wildlife Service's (USFWS) National Wetlands Inventory (NWI), the California Department of Fish and Wildlife's California Natural Diversity Database (CNDDB), the City's 2010 General Plan Environmental Impact Report (EIR), and the City's 2019 Coastal Land Use Plan (LUP).

4.3.1 Environmental Setting

a. Habitats

Although the City largely developed, Santa Barbara contains substantial areas of relatively undisturbed natural habitats. These include a large range of upland habitats, wetlands, riparian areas, streams, hillsides, and marine areas. Descriptions of the different habitats throughout Santa Barbara are provided below. The locations of habitats throughout the city are shown in Figure 4.3-1.

Upland Habitats

Contiguous areas of upland habitats within the city of Santa Barbara are located in the foothills, the Las Positas Valley, Rivera slopes and canyons, and the north side of the Mesa. Within the upland habitat areas, vegetation communities are primarily dominated by California annual non-native grassland; native perennial grassland; coastal sage scrub; chaparral; coast live oak woodland, savanna, or forest; ruderal; ornamental trees; and invasive species.

California Annual Non-Native Grassland

California annual non-native grassland supports many local species of birds and mammals, including white-tailed kite and grasshopper sparrow. These grasslands are typically found on hillsides and mesas in Elings Park and San Marcos Foothills, and scattered in undeveloped land on the Mesa, Rivera, Las Positas Valley, and in Mission Canyon.

Native Perennial Grasslands

Native perennial grasslands are grasslands with at least 10 percent cover of native grasses. These grasslands exist at the San Marcos Foothills Preserve, with smaller stands at Elings Park and along Arroyo Burro Creek north of Stevens Park. Native perennial grasslands provide high-quality habitat for small mammals and birds, and foraging habitat for raptors.

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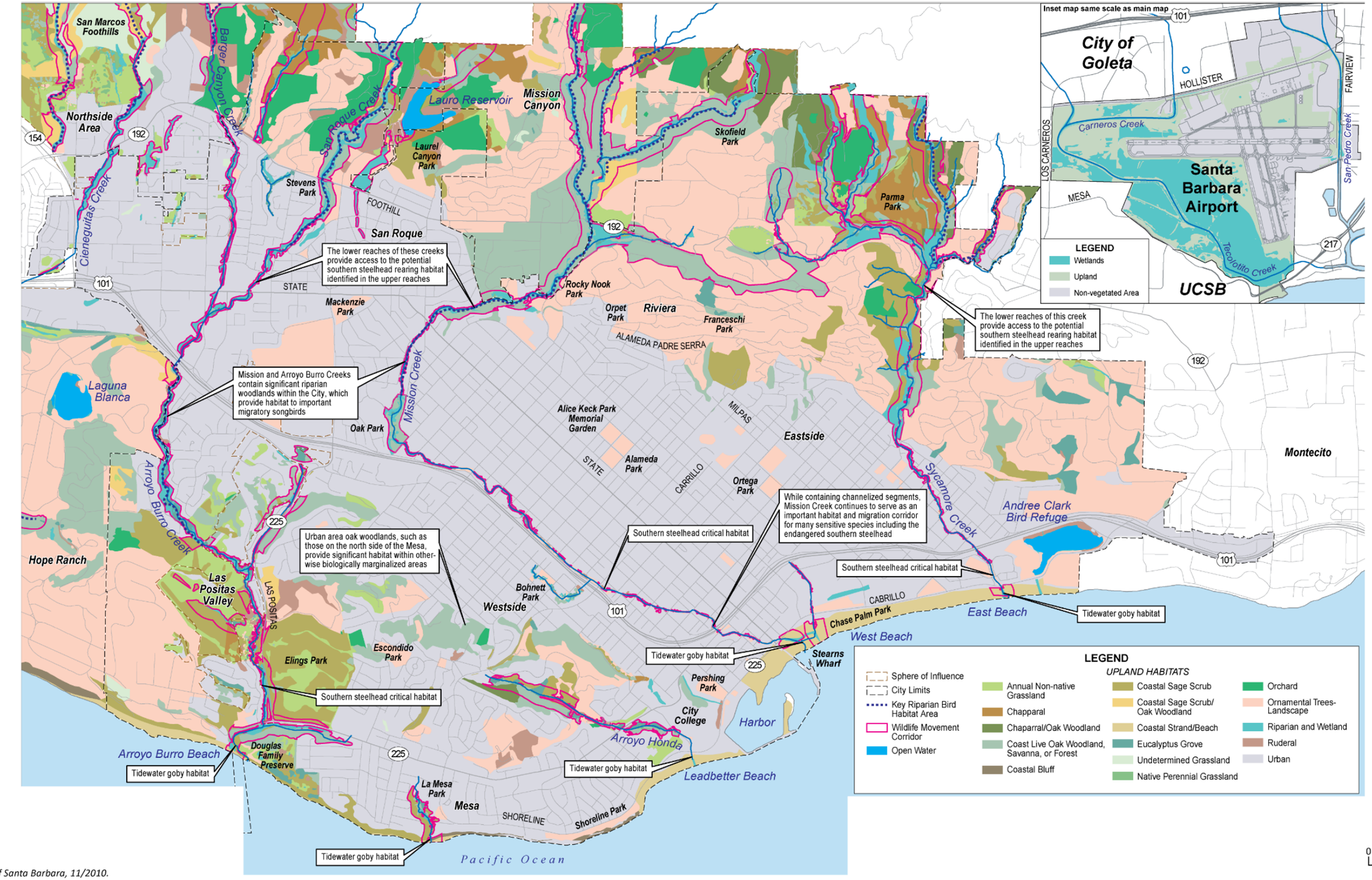
Figure 4.3-1 Habitats within Santa Barbara



Source: Amec & City of Santa Barbara, 11/2010.

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Coastal Sage Scrub

Coastal sage scrub consists of low-growing, drought-deciduous, semi-woody shrubs, limited evergreen species, and annual and perennial grasses. Prominent native coastal sage scrub species in Santa Barbara include coyote brush (*Baccharis pilularis*) and California sagebrush (*Artemisia californica*), with more limited stands of lemonade berry (*Rhus integrifolia*), white sage (*Salvia apiana*), black sage (*S. mellifera*), and purple sage (*S. leucophylla*). Large stands of coastal sage scrub are found on the slopes and ridges of the Las Positas Valley, in Parma Park, and in the lower foothills and Mesa hillsides (Benson 2023).

Chapparal

Chaparral is composed of larger shrub species adapted to summer drought conditions and periodic wildfires. Typical native species in the City include ceanothus (*Ceanothus spp*.), toyon (*Heteromeles arbutifolia*), scrub oak (*Quercus berberidifolia*), and chamise (*Adenostoma fasciculatum*) at higher elevations. Chaparral is found on ridges and slopes in the foothills of the Santa Ynez Mountains near the City's northern boundary.

Coast Live Oak Woodland, Savanna, or Forest

The city's contiguous Coast live oak woodland, savanna, and forest provide shelter, food, and corridors for wildlife to travel and migrate comfortably. Oaks are slow growing trees with limited reproduction and do not recover quickly from removal or disturbance. Oak savanna canopies are open while oak forest canopies are closed. Small groves of oak are present throughout the city, including canyons along the Riviera. Larger oak woodlands are limited to the north side of the Mesa, Douglas Family Preserve, upper Arroyo Burro Creek, Hope Ranch, Mission Canyon, Las Positas Valley, and on north-facing or shaded slopes in the foothills.

Ruderal

Ruderal vegetation, plants associated with areas of human disturbance, are generally present in disturbed fields, such as abandoned cropland, and typically does not include ornamental gardens, grasslands, or eucalyptus groves. Ruderal habitats occur throughout the city in disturbed areas, such as railroad rights-of-way or landslides.

Ornamental Trees

Ornamental trees are found throughout residential areas and provide nesting, roosting, and foraging opportunities for native and migratory birds, as well as foraging and corridor habitat for terrestrial species. These areas can include native oak trees and riparian habitat, but human presence can limit the biological value of ornamental trees.

Invasive Species

Invasive species are non-native plants which can spread rapidly and displace native habitats. Such species include giant reed, Russian thistle, pampas grass, bamboo, nasturtium, periwinkle, poison hemlock, castor bean, ivy, fennel, ice plant, and mustard. Areas in the city subject to a history of disturbance, such as open space areas bordered by urban development, are more likely to have invasive species present.

Creek, Wetland, Coastal and Marine Habitats

Creeks, wetlands, and marine habitats exhibit a prevalence of vegetation adapted for life in saturated soil. These habitats are essential to the survival of many threatened or endangered species and have value to the public for flood retention, storm abatement, aquifer recharge, water quality improvement, passive recreation, and aesthetic qualities. Habitats within the City limits include riparian corridors, wetlands and marshes, the Goleta Slough, and nearshore marine habitat (City of Santa Barbara 2019).

Riparian

Riparian habitat ranges from low-growing herbaceous and scrub areas to major woodlands. Riparian habitat supports native species such as willows (*Salix spp*.), mulefat scrub (*Baccharis salicifolia*), California sycamore (*Platanus racemosa*), cottonwoods (*Populous ssp*.), oaks, alders, bay laurels, lower growing shrubs, and herbs. Riparian woodlands provide shade, habitat, and nesting sites for resident birds, migratory birds, such as the Southwestern willow flycatcher, a State and Federal listed endangered species, and other wildlife such as amphibians such as the Federally threatened California red-legged frog. Riparian habitats occur along major and minor drainages, and mature riparian woodland extends from the foothills through the urban areas. Examples include Mission Creek, Sycamore Creek, and Arroyo Burro Creek which are designated critical habitat for steelhead – southern California distinct population segment. In addition, critical habitat for the tidewater goby exists at the mouth of the Arroyo Burro and Mission Creeks. Mature oak and sycamores exist at these creeks in the urban area of the city, transitioning to willow woodland or scrub near the coast. These larger creeks serve as wildlife corridors which link urban areas and open spaces (City of Santa Barbara 2019; USFWS 2023).

Wetlands

Wetlands and marshes include freshwater and saltwater habitats, streamside wetlands, ponds, lagoons, and estuaries. Freshwater wetlands are limited to vernal and perennial depressions, at springs, and along the margins of slow-moving streams such as the lower Arroyo Burro Creek. Brackish marshes are found at coastal estuaries or lagoons such as the mouth of Mission Creek, Arroyo Burro Creek, Sycamore Creek, the Andrée Clark Bird Refuge, and Goleta Slough. The Andrée Clark Bird Refuge is located in the southeastern portion of Santa Barbara between United States Route 101 (U.S. 101) and Cabrillo Boulevard. The Andrée Clark Bird Refuge supports as many as 192 bird species including migratory waterfowl and wading birds. The Goleta Slough is located within and surrounding the Santa Barbara Municipal Airport. The Goleta Slough supports approximately 430 acres of saltwater, brackish, and freshwater marsh habitats. The Goleta Slough is a large area in the city with tidal-influenced creeks and saltwater or brackish marshes. The Goleta Slough, the Arroyo Burro Estuary, Andree Clark Bird Refuge, Lower Mission Creek, and Lower Sycamore Creek are all tidal influenced creeks, wetlands, or estuaries with brackish water supporting rare, declining and migratory wildlife. Wetlands and marshes are used by wildlife species such as waterfowl, amphibians, reptiles, and foraging and nesting birds. In addition, estuaries within the city can be found at the mouths of Arroyo Burro Creek, Mission Creek, and Sycamore Creek. The Arroyo Burro Estuary contains tidewater goby habitat. In addition, tidewater gobies have been encountered in lower Mission Creek, Sycamore Creek, and the Andree Clark Bird Refuge (City of Santa Barbara Parks and Recreation 2023; Benson 2023).

Nearshore Marine

Nearshore marine habitats of the city's coast include sand flats, rocky reefs, and kelp forests. Nearshore marine habitats are dominated by smaller marine species, although large mammals such as the California sea lion, stellar sea lion, Pacific common dolphin, and grey whale are not uncommon. Nearshore marine habitat from Hope Ranch to Leadbetter Beach is primarily rocky reef which supports smaller fish and invertebrates such as the spiny lobster. Tidepool habitat between Leadbetter Point and Arroyo Burro Beach supports invertebrates such as anemones, mollusks, and crustaceans. Kelp forests provide habitat, forage, and nursery grounds for species such as white seabass, kelp bass, perch and rockfish species. Nearshore marine areas also support foraging by seabirds and shorebirds such as the brown pelican, sandpipers, and gulls (City of Santa Barbara 2019; Ferguson 2023).

Coastal Bluff Habitat

Coastal bluff habitat supports annual and perennial shrubs and is typically a mix of coastal bluff scrub and ruderal species. Coastal bluff scrub vegetation exists in Hope Ranch and portions of the Mesa; however, past and ongoing disturbances have created many bluffs dominated by non-native ice plant, pampas grass, and mustard (City of Santa Barbara 2019).

Coastal Strand and Beach

Coastal strand and beach habitats are found on sandy soil on the shoreline, and are impacted by recreational use, maintenance activities, bike paths, parking lots, dredging activities, and the Santa Barbara Harbor. Consequently, non-native species were dominant in this area including the invasive hottentot fig ice plant (*Carpobrotus edulis*); approximately two miles of the City Waterfront from Leadbetter Point to the Cabrillo Bathhouse were restored in 2023 with native dune habitat. Ephemeral low-tide beaches below coastal bluffs do not support coastal strand vegetation; however, these beaches provide access to the rocky intertidal zones that support invertebrate communities, kelp beds, and reefs. Coastal strand vegetation and beach wrack, including kelp and seaweed, provides habitat for sand-dwelling invertebrates and foraging habitat for shorebirds, including the western snowy plover (City of Santa Barbara 2019).

Special Status Habitats

Special status habitats support high wildlife density or diversity and/or are in substantial decline. Within the city, these include coastal and inland riparian and wetland habitats. Riparian and wetland habitats are important as they serve as highly productive habitats for fish and wildlife, provide water storage, flood control, nutrient cycling, water quality protection, and recreational and economic benefits throughout the state. Due to a steep decline in the extent and quality of riparian and wetland habitats, the California Coastal Act, the City's Environmental Resources Element, and the City's Local Coastal Program (LCP) identify riparian and wetland habitats as sensitive. The City's creeks and associated riparian and estuarine habitats in the Coastal Zone are considered Environmentally Sensitive Habitat Areas (ESHA) which could support special status species. These include the Arroyo Burro Creek, Arroyo Honda Creek, Mesa Creek, Goleta Slough, Lighthouse Creek, Mission Creek, Laguna Creek, and Sycamore Creek, all of the creek mouth estuaries/coastal lagoons, and other minor tributaries (City of Santa Barbara 2019).

Special Status Species

For the purpose of this analysis, special status species are those plants and wildlife listed, proposed for listing, or candidates for listing as threatened or endangered by the USFWS and National Marine Fisheries Service (NMFS) under the federal Endangered Species Act (ESA); those listed or proposed for listing as threatened or endangered by the CDFW under the California Endangered Species Act; wildlife designated as "Species of Special Concern," "Fully Protected," or "Watch List" by the CDFW; and plants listed as rare by the CDFW under the Native Plant Protection Act. Those plants ranked as California Rare Plant Rank (CRPR) 1 or 2 are typically regarded as rare, threatened, or endangered under CEQA by lead agencies and were considered as such in this EIR. The CRPR utilizes the following code definitions:

- **List 1A** = Plants presumed extinct in California
- **List 1B.1** = Rare or endangered in California and elsewhere; seriously endangered in California (over 80 percent of occurrences are threatened or have a high degree and immediacy of threat)
- **List 1B.2** = Rare or endangered in California and elsewhere; fairly endangered in California (20 to 80 percent of occurrences are threatened)
- **List 1B.3** = Rare or endangered in California and elsewhere but not very endangered in California (less than 20 percent of occurrences threatened or no current threats known)
- **List 2** = Rare, threatened or endangered in California, but more common elsewhere

CRPR 3 species are "review list," and CRPR 4 species are considered "watch list" species. CRPR 3 and 4 species do not typically warrant analysis under CEQA except where they are part of a unique community, from the type locality, or designated as rare or significant by local governments, or where cumulative impacts could result in population–level effects. Within the city, there are approximately 27 plant species and 35 wildlife species tracked and mapped by the CNDDB (CDFW 2022). Of these, 14 plant species and 28 wildlife species meet at least one of the criteria for special-status species, described above. These include the federally endangered and State-threatened Gambel's water cress (*Lonicera subspicata var. subspicata*), the federally threatened western snowy plover (*Charadrius nivosus nivosus*), the federally endangered tidewater goby (*Eucyclogobius newberryi*), the listed species of special concern western pond turtle (*Emys marmorata*), and the federally endangered and State candidate endangered steelhead -southern California DPS (*Oncorhynchus mykiss irideus pop. 10*). Other special status species include the southwestern pond turtle (*Actinemys pallida*) (Appendix C; Benson 2023).

Wildlife Movement Areas

Habitats for wildlife nesting, foraging, congregation, and movement by special status species in the city are important wildlife areas. These include migration corridors (Arroyo Burro, Mission, Cieneguitas, San Roque, Arroyo Honda, Laguna, Lighthouse, and Sycamore Creeks), and habitat for monarch butterflies, potential southern steelhead rearing, tidewater gobies, and birds (City of Santa Barbara 2019).

Migration Corridors

Migration corridors, such as riparian corridors, function as movement corridors to allow wildlife to move between larger habitat areas. These areas provide nearly continuous pathways of native and natural vegetation used by wildlife species to move through the area, mostly in a north-south direction, often between open foothill lands and larger urban open spaces. Migration corridors

allow greater access to food sources, and allow wildlife to safely migrate, ensuring genetic diversity and the health of ecosystems. As urban development continues, these corridors are crucial for maintaining biodiversity and preventing habitat fragmentation. These corridors can be bordered on either side by urban land uses, and within the City limits, these corridors often include barriers to movement such as disturbed urban areas, large roads, and bridges. Creeks and riparian zones are the primary migratory corridors in the city, providing habitat for southern steelhead, tidewater gobies, and mammal and bird species. Upland migration corridors are also present in the city, including contiguous stretches of native vegetation, oak woodland, eucalyptus groves, and coastal sage scrub.

Monarch Butterfly Habitat

Monarch butterflies migrate to the Santa Barbara County coastline each year and aggregate in groves of trees near the coast. Monarch butterflies remain in these trees during the winter season. Monarch butterfly aggregation sites, including fall and winter roost sites, are defined as ESHAs. While the city's coastal zone does not contain highly active aggregation sites, potential monarch butterfly habitat exists at the Douglas Family Preserve, La Mesa Park, and on the Arroyo Honda Preserve between Shoreline Drive and Cliff Drive (City of Santa Barbara 2019).

Southern Steelhead Rearing Habitat

Mission Creek, Arroyo Burro Creek, and Sycamore Creek support aquatic habitat which is important for southern steelhead trout rearing. Southern steelhead migrate up the creeks in winter to spawn, leaving behind fish which live in the creeks for one or more years before migrating to the ocean. Permanent pools are critical to steelhead survival, particularly during the summer and fall dry seasons. Mission Creek, Arroyo Burro Creek, and Sycamore Creek are all federally designated critical habitat deemed essential for the recovery and continued existence of southern steelhead (City of Santa Barbara 2010; Federal Register 2005).

Tidewater Goby Critical Habitat

The tidewater goby resides year-round in Mission Creek, Arroyo Burro Creek, Sycamore Creek, Laguna Creek, and the Andrée Clark Bird Refuge. Their populations vary greatly between years, depending on the suitability of habitat at the mouths of these creeks. The USFWS has designed the estuaries at Arroyo Burro Creek, Mission Creek, and Laguna Creek as critical habitat for the tidewater goby (City of Santa Barbara 2010; City of Santa Barbara 2019).

Bird Habitat

Positioned along the Pacific Flyway migration route, numerous land and sea birds migrate through this portion of western North America each spring and fall. Bird species are supported by Santa Barbara's oak woodland habitats and creek and riparian woodlands, particularly during spring and fall migrations where migrant species can find food, water, and shelter as they travel north or south. In the winter, creekside vegetation attracts wintering species which can find food in non-native blooming species along creeks, such as eucalyptus, bottlebrush, and Cape honeysuckle. In the spring and summer, a variety of nesting birds utilize the riparian corridors, such as warblers, vireos, wrens, flycatchers, and sparrows. In the fall, the lagoons at the mouths of the Arroyo Burro Creek, Mission Creek, Sycamore Creek, Laguna Creek, and the Andrée Clark Bird Refuge, are important habitats for waterfowl, wading birds and shorebirds. The upper reaches of Arroyo Burro Creek, Mission Creek, Sycamore Creek, and the Goleta Slough all provide excellent habitat for bird species. During the

winter months, Lighthouse Creek and Arroyo Honda attract a wide complement of wintering birds. The proximity of these creeks to the ocean lures migratory birds, some of which stay through the winter (City of Santa Barbara 2019).

Western Snowy Plover Critical Habitat

The western snowy plover is a federally threatened and State species of special concern (CDFW 2022). The Pacific coast population of the western snowy plover breeds on the coast from southern Washington to southern Baja California, Mexico. Western snowy plovers may remain at breeding sites or move north or south to other sites along the Pacific coast. USFWS has designated West Beach and East Beach as critical habitat for overwintering western snowy plovers (City of Santa Barbara 2019).

4.3.2 Regulatory Setting

a. Federal Regulations

Endangered Species Act

The federal ESA, enacted in 1973, establishes protections for fish, wildlife, and plants that are listed as threatened or endangered, as well as provides for interagency cooperation to list species as endangered, implement plans for species recovery, and remove species from listing. Under the ESA, authorization is required to "take" a listed species. Take is defined under Section 3 of the ESA as "to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct." Under federal regulation (50 Code of Federal Regulations [CFR] Sections 17.3, 222.102), "harm" is further defined to include habitat modification or degradation where it would be expected to result in death or injury to listed wildlife by significantly impairing essential behavioral patterns, including breeding, feeding, or sheltering. Critical habitat is a specific geographic area(s) that is essential for the conservation of a threatened or endangered species and that may require special management and protection. Critical habitat may include an area that is not currently occupied by the species but that will be needed for its recovery. Section 7 of the federal ESA outlines procedures for federal interagency cooperation to conserve federally listed species and designated critical habitat.

Section 7(a)(2) of the ESA and its implementing regulations require federal agencies to consult with USFWS or NMFS to ensure that they are not undertaking, funding, permitting, or authorizing actions likely to jeopardize the continued existence of listed species, or result in the destruction or adverse modification of critical habitat. For projects where federal action is not involved and take of a listed species may occur, the project proponent may seek to obtain an incidental take permit under Section 10(a) of the ESA. Section 10(a) allows USFWS to permit the incidental take of listed species if such take is accompanied by a Habitat Conservation Plan (HCP) that includes components to minimize and mitigate impacts associated with the take.

The USFWS and NMFS share responsibility and regulatory authority for implementing the ESA (7 United States Code [USC] Section 136, 16 USC Section 1531 et seq.).

Migratory Bird Treaty Act and Bald and Golden Eagle Protection Act

The Migratory Bird Treaty Act (MBTA) authorizes the Secretary of the Interior to regulate the taking of migratory birds. The act provides that it is unlawful, except as permitted by regulations, "to pursue, hunt, take, capture, kill, attempt to take, capture, or kill, possess, […] any migratory bird, or

any part, nest, or egg of any such bird" (16 USC Section 703(a)). The Bald and Golden Eagle Protection Act is the primary law protecting eagles, including individuals and their nests and eggs. The USFWS implements the MBTA (16 USC Section 703-711) and the Bald and Golden Eagle Protection Act (16 USC Section 668). Under the Bald and Golden Eagle Protection Act's Eagle Permit Rule (50 CFR 22.26), USFWS may issue permits to authorize limited, non-purposeful take of bald eagles and golden eagles.

Magnuson-Stevens Fishery Conservation and Management Act

The Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) regulates marine fisheries in U.S. federal waters. The Magnuson-Stevens Act was first passed in 1976 and was revised in 1996 and 2007. The purpose of the Magnuson-Stevens Act is to provide long-term biological and economic sustainability of U.S. marine fisheries.

The NMFS has regulatory authority for implementing the Magnuson-Stevens Act. The NMFS requires regional fishery management councils to develop Fisheries Management Plans (FMPs) specific to their regions, fisheries and fish stocks. For waters off the U.S. West Coast, the Pacific Fishery Management Council has developed four FMPs, which are implemented through fisheries regulations for coastal pelagic species, groundfish species, highly migratory species and salmon species. These FMPs also identify Essential Fish Habitat, which is broadly defined as those waters and substrate necessary to fish for spawning, breeding, feeding or growth to maturity.

Rivers and Harbors Act, Section 10

Section 10 of the Rivers and Harbors Act of 1899 requires authorization from the Secretary of the Army, acting through the U. S. Army Corps of Engineers (USACE), for the construction of any structure in or over any navigable water of the United States. Regulated activities include dredging or disposal of dredged materials, excavation, filling, re-channelization and construction of any structure or any other modification of a navigable water of the United States.

Clean Water Act

Under Section 404 of the Clean Water Act, the USACE, with U.S. Environmental Protection Agency (EPA) oversight, has authority to regulate activities that result in discharge of dredged or fill material into wetlands or other "waters of the United States." Perennial and intermittent creeks are considered waters of the United States if they are hydrologically connected to other jurisdictional waters. In achieving the goals of the Clean Water Act, the USACE seeks to avoid adverse impacts and offset unavoidable adverse impacts on existing aquatic resources. Any discharge of dredged or fill material into jurisdictional wetlands or other jurisdictional "waters of the United States" would require a Section 404 permit from the USACE prior to the start of work. Typically, when a project involves impacts to waters of the United States, the goal of no net loss of wetlands is met by compensatory mitigation; in general, the type and location options for compensatory mitigation should comply with the hierarchy established by the USACE/EPA 2008 Mitigation Rule (in descending order): (1) mitigation banks; (2) in-lieu fee programs; and (3) permittee-responsible compensatory mitigation. Also, in accordance with Section 401 of the Clean Water Act, applicants for a Section 404 permit must obtain water quality certification from the State Water Resources Control Board (SWRCB) or appropriate Regional Water Quality Control Board (RWQCB).

b. State Regulations

California Endangered Species Act

The California Endangered Species Act (Fish and Game Code Section 2050 et seq.) prohibits take of State-listed threatened and endangered species without a CDFW incidental take permit. Take under the California Endangered Species Act is restricted to direct harm of a listed species and does not prohibit indirect harm by way of habitat modification.

Protection of fully protected species is described in California Fish and Game Code Sections 3511, 4700, 5050 and 5515. These statutes prohibit take or possession of fully protected species. Incidental take of fully protected species may be authorized under an approved Natural Communities Conservation Plan.

Natural Community Conservation Planning Act

The Natural Communities Conservation Planning Act was established by the California Legislature, is directed by the CDFW, and is implemented by the State, as well as public and private partnerships as a means to protect habitat in California. The Natural Communities Conservation Planning Act takes a regional approach to preserving habitat. A Natural Communities Conservation Plan identifies and provides for the regional protection of plants, wildlife and their habitats, while allowing compatible and appropriate economic activity. Once a Natural Communities Conservation Plan has been approved, CDFW may provide take authorization for all covered species, including fully protected species, as described in Section 2835 of the California Fish and Game Code.

Native Plant Protection Act

The CDFW has authority to administer the Native Plant Protection Act (NPPA) (California Fish and Game Code Section 1900 et seq.). The NPPA requires the CDFW to establish criteria for determining if a species, subspecies, or variety of native plant is endangered or rare. Under Section 1913(c) of the NPPA, the owner of land where a rare or endangered native plant is growing is required to notify the CDFW at least 10 days in advance of changing the land use to allow for salvage of the plant(s).

California Fish and Game Code Sections 3503, 3503.5 and 3511

California Fish and Game Code Sections 3503, 3503.5 and 3511 describe unlawful take, possession, or destruction of birds, nests and eggs. Fully protected birds (California Fish and Game Code Section 3511) may not be taken or possessed except under specific permit. Section 3503.5 protects all birds-of-prey and their eggs and nests against take, possession, or destruction of nests or eggs.

Section 1600 et seq. of the California Fish and Game Code

Section 1600 et seq. of the California Fish and Game Code prohibits, without prior notification to CDFW, the substantial diversion or obstruction of the natural flow of, or substantial change or use any material from the bed, channel, or bank of, any river, stream, or lake, or deposit or dispose of debris, waste, or other material containing crumbled, flaked, or ground pavement where it may pass into any river, stream, or lake. For these activities to occur, the CDFW must receive written notification regarding the activity in the manner prescribed by the CDFW and may require a lake or streambed alteration agreement. Lakes, ponds, perennial and intermittent streams and associated riparian vegetation, when present, are subject to this regulation.

Porter-Cologne Water Quality Control Act

Pursuant to Section 401 of the Clean Water Act, projects that apply for a USACE permit for discharge of dredge or fill material must also obtain water quality certification under Section 401 from the RWQCB. Additionally, the SWRCB and each of nine local RWQCBs have jurisdiction over "waters of the State" pursuant to the Porter-Cologne Water Quality Control Act, which are defined as any surface water or groundwater, including saline waters, within the boundaries of the State. The SWRCB has issued general Waste Discharge Requirements (WDRs) regarding discharges to "isolated" waters of the State (Water Quality Order No. 2004-0004-DWQ, Statewide General Waste Discharge Requirements for Dredged or Fill Discharges to Waters Deemed by the U.S. Army Corps of Engineers to be Outside of Federal Jurisdiction). The local RWQCB implements this general order for isolated waters not subject to federal jurisdiction.

The Clean Water Act and associated federal regulations (Title 40 of the CFR 123.25(a)(9), 122.26(a), 122.26(b)(14)(x) and 122.26(b)(15)) require nearly all construction site operators engaged in clearing, grading, and excavating activities that disturb one acre or more, including smaller sites in a larger common plan of development or sale, to obtain coverage under a National Pollutant Discharge Elimination System (NPDES) permit for their stormwater discharges, and develop a Storm Water Pollution Prevention Plan (SWPPP). The NPDES Program is a federal program which has been delegated to the State of California for implementation through the SWRCB and RWQCBs.

California Coastal Act

The California Coastal Act (Coastal Act) outlines standards for development within the coastal zone and includes specific policies (Division 20 of the Public Resources Code) that address issues such as terrestrial and marine habitat protection, commercial fisheries, and water quality. The coastal zone encompasses 1.5 million acres of land and stretches from three miles at sea to an inland boundary that varies from several blocks in urban areas to as much as five miles in less developed areas. Areas of Santa Barbara are located within the coastal zone. The coastal zone extends into federal waters under the federal Coastal Zone Management Act.

Chapter 3 of the Coastal Act contains the standards used by the California Coastal Commission in the review of coastal development permits and local coastal plans. The seven articles within Chapter 3 govern all development along the coast, and mandate protection of public access, recreational opportunities, and marine and land resources. Chapter 3, Article 4 addresses protection of the marine environment including water quality issues, wetlands protections, and coastal armoring. Chapter 3, Article 5 includes protections for environmentally sensitive habitat.

c. Local Regulations

City of Santa Barbara General Plan

The Environmental Resources Element of the City's General Plan, which incorporates the 1979 Conservation Element, contains goals policies, and implementation measures aimed toward protecting biological resources within Santa Barbara (City of Santa Barbara 2011).

Goal

- ***Sustainable Resource Use*.** Protect and use natural resources wisely to sustain their quantity and quality, minimize hazards to people and property, and meet present and future service, health and environmental needs.

Policies

- **ER 11: Native and Other Trees and Landscaping.** Protect and maintain native and other urban trees, and landscaped spaces, and promote the use of native Mediterranean drought-tolerant species in landscaping to save energy and water, incorporate habitat, and provide shade.
- **ER 12: Wildlife, Coastal and Native Plant Habitat Protection and Enhancement.** Protect, maintain, and to the extent reasonably possible, expand the City's remaining diverse native plant and wildlife habitats, including ocean, wetland, coastal, creek, foothill, and urban-adapted habitats.
- **ER 13: Trail Management.** Existing and future trails along creeks or in other natural settings shall be managed for both passive recreational use and as native species habitat and corridors.
- **ER 14: Integrated Pest Management Program.** To the extent allowable under state health and safety laws, establish ordinance provisions to apply integrated pest management requirements to development permits.
- **Conservation Element Policy 11.0:** Where Biological Resources policies conflict, the policy most protective of the natural environment shall prevail.

Possible Implementation Actions to be Considered

- **ER 12.4 Native Species Habitat Planning.** Protect and restore habitat areas for native flora and fauna and wildlife corridors within the City, including for chaparral, oak woodland, and riparian areas. In particular, provide land use/design guidelines to:
  a. Require buildings and other elements of the built environment, and landscaping to be designed to enhance the wildlife corridor network as habitat.
  b. Ensure that the City and new development preserve existing trees within identified wildlife corridors, and promote planting new trees, and installing and maintaining appropriate native landscaping in new developments within or adjacent to important upland wildlife corridors and all streams. Ensure that efforts are made to minimize disturbance to understory vegetation, soils, and any aquatic habitats that are present below the trees in order to provide movement of species that utilize the habitat.
  c. Ensure that new development and redevelopment projects will not result in a net reduction or loss in size and value of native riparian habitats.
  d. Increase riparian habitat within the City and / or its sphere of influence by 20 acres or more, and 1 linear mile or more, over the 20-year life of Plan Santa Barbara. Priorities for restoration include perennial reaches of the major streams, reaches of creek on publicly owned land, and degraded areas of the City's three major creeks.

- **ER 12.5 Riparian Woodland Protection.** Site new development outside of riparian woodlands to the extent feasible. Within and adjacent to riparian woodlands:
  a. Avoid removal of mature native trees;
  b. Preserve and protect native tree saplings and understory vegetation;
  c. Provide landscaping within creek setback compatible with the continuation and enhancement of the habitat area, consisting primarily of appropriate native species and excluding use of invasive non-native species
  d. Include conditions of approval for habitat restoration of degraded oak woodlands where such development creates direct or indirect impacts to the affected habitat;

e. Include water quality protection and enhancement measures consistent with the adopted City Storm Water Management Plan.

- **ER 21.1 Creek Setback Standards.** Establish updated creek setback and restoration standards for new development and redevelopment along all creeks, and prepare or update guidelines for restoration, increase of pervious surfaces and appropriate land uses within designated creek side buffers.
  a. Develop setback standards of greater than 25 feet from the top of bank for new structures and hard surfaces adjacent to creeks and wetlands
  b. At a given site, creek buffers should be adequate for protection from flood, erosion, and geologic hazards, and to provide habitat support.
  c. In developing creek setback and restoration standards, consider applicable creek standards in surrounding jurisdictions and the Santa Barbara County Flood Control District general recommendation for new development setbacks of 50 feet from the top of bank of major creeks with natural creek banks, with a reduction up to 25 feet where "hard bank" protection is present.
  d. For new development that is closer than 50 feet to the top of the bank of any major stream, creek bank stabilization shall be provided through planting of native trees and shrubs on creek banks and along the top of banks to minimize erosion and the potential for bank failure.
  e. When the City determines that a structure must be constructed within proposed creek setbacks or where a project would be exposed to unusually high risk of bank erosion or collapse, non-intrusive bank stabilization methods such as bio-engineering techniques (e.g., revegetation, tree revetment, native material revetment, etc.) shall be used where feasible rather than hard bank solutions such as riprap or concrete.

Local Coastal Program

The California Coastal Act requires all local governments located within the Coastal Zone to prepare a Local Coastal Program (LCP). LCPs regulate future development within the Coastal Zone and define where public access and urbanization will occur, where industrial facilities will be placed, and how sensitive species and habitats, open spaces, and recreational areas will be protected. The city is located within a Coastal Zone, and, as such, has an LCP. The City's Coastal Land Use Plan (Coastal LUP) was adopted in 2019.

Chapter 4.1, *Biological Resources*, of the City's 2019 Coastal LUP contains policies designed to protect biological resources within the coastal zone. Specifically, the City's Coastal LUP policies protect ESHAs, wetlands, and creeks; require habitat buffers for new development near ESHAs, wetlands, and creeks; require vegetation management; protect native trees; require avoidance of beach habitat and sensitive species on beaches; establish creek buffers; and requires provisions to minimize impacts to birds (City of Santa Barbara 2019).

City of Santa Barbara Stormwater Management Program

The City's Storm Water Management Program (SWMP) is in place to reduce the discharge of non-point[1] source pollutants into local creeks and the ocean. The SWMP details how the City protects water quality by listing a series of Best Management Practices (BMPs) and measurable goals that the City must meet each year. The City of Santa Barbara has been implementing a SWMP since 2006 in compliance with the State Water Board's Permit. The SWMP includes a BMP Technical Guidance Manual detailing permanent stormwater protection BMPs required for new development and redevelopment projects within Santa Barbara. The goal of both the SWMP and the BMP Technical Guidance Manual is to provide strategies and guidelines for the protection of water quality and reduction of non-point source pollutant discharges within the City. The City is working to meet this goal by preventing and controlling the impacts of development, which increases storm water runoff volume, velocity, and pollution, using a combination of pollutant source control, site design, and post- construction storm water runoff BMPs.

City of Santa Barbara Municipal Code

The City of Santa Barbara Municipal Code Title 14, Title 15, Title 22, Title 28, and Title 30 implement policies intended to minimize adverse impacts to biological resources from new development by regulating placement of materials in watercourses, erosion control, tree removal, vegetation removal, and development siting.

- **Natural Watercourses and Storm Drain Systems.** Municipal Code Section 14.56.040 prohibits the placement of pipes, concrete, and other drainage structures in natural watercourses except for water supply projects, flood control projects, or to maintain or repair a structure that protects existing development. In addition, Section 14.56.040 prohibits the placement of grade or fill material, conduit, pipe, impervious material, or lining in a watercourse except pursuant to a valid grading and/or building permit.
- **Tree Preservation Ordinance.** Municipal Code Chapter 15.24 establishes a permit process and required findings for the removal of a setback tree, parking lot tree, tree on an approved plan, or tree designated as a historic tree. Chapter 15.24 provides specific findings the applicable review board must make prior to the removal of a tree on private property. Municipal Code Chapter 15.20, Tree Planting and Maintenance, provides specific directives a project applicant must follow in order to remove street trees.
- **Erosion and Sediment Control Standards for Construction.** Municipal Code Chapter 22.85 defines erosion and sedimentation controls for standard construction and requires preparation of an Erosion and Sedimentation Control Plan prior to the issuance of building and grading permits.
- **Storm Water Management Ordinance.** Municipal Code Chapter 22.87 defines storm water runoff requirements for new development in the City including implementation of project-specific Best Management Practices (BMPs). These requirements are consistent with the requirements of the City's Storm Water Management Program (SWMP).
- **Development Along Mission Creek.** Municipal Code Section 30.140.050 (Section 28.87.250 Within the coastal zone) applies to all land within the area of the Mission Creek watercourse and all land located within 25 feet of the top bank of Mission Creek. Municipal Code Section 30.140.050 / 28.87.250 requires applicants to demonstrate proposed development within these

[1] Non-point occurs when rainfall flows off land, roads, buildings, and other features of the landscape. The runoff carries pollutants into creeks, drainages, wetlands, and oceans.

areas would not realign stream beds, and requires the Santa Barbara County Flood Control and Water Conservation District and City Parks and Recreation Department, Creeks Division, to review and comment on proposed development in these areas.

- **Vegetation Removal Ordinance.** Municipal Code Section 22.10 regulates the removal of vegetation in the City's Hillside Design District and within Open Space land uses.

City of Santa Barbara Design Guidelines

The City has several design guidelines that address the alteration and removal of mature trees. The City's design guidelines establish a set of goals, values, and qualities by which projects are evaluated in design review. The design guidelines provide detailed direction for specific areas and types of projects.

4.3.3 Impact Analysis

a. Methodology and Significance Thresholds

The assessment of potential impacts to biological resources was informed based on a review of readily available information from the USFWS's NWI, CDFW's CNDDB, the 2011 General Plan Program Environmental Impact Report (Program EIR), and the City's 2019 Coastal Land Use Plan (Coastal LUP). This Program EIR presents a citywide assessment of the potential for implementation of the Housing Plan to result in significant impacts to biological resources. Because the Program EIR is intended to guide actions for many years into the future, this analysis relies on program-level and qualitative evaluation. The Housing Plan would not directly result in the development of any individual project.

City policies in the General Plan, Coastal LUP, Municipal Code, and State and federal regulatory processes are identified in 4.3.2, *Regulatory Setting*, and considered in the impact analysis below. The locations of suitable development sites identified in the 6th Cycle Housing Element are also discussed as part of the impact analysis.

The City's environmental checklist and Appendix G of the CEQA Guidelines state a project may have a significant adverse impact if it would:

1. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S Fish and Wildlife Service.
2. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service.
3. Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means.
4. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.
5. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.

6. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.

b. Project Impacts and Mitigation Measures

Threshold 1:	Would the project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?

Impact BIO-1 THE HOUSING PLAN WOULD ACCOMMODATE NEW RESIDENTIAL AND MIXED-USE DEVELOPMENT THAT MAY HAVE AN ADVERSE EFFECT ON HABITATS USED BY SPECIAL-STATUS SPECIES. IMPACTS TO CANDIDATE, SENSITIVE, AND SPECIAL STATUS SPECIES WOULD BE LESS THAN SIGNIFICANT WITH MITIGATION.

As discussed in Section 4.3.1, *Environmental Environmental* Setting, approximately 14 special-status plant species and 28 special-status animal species have potential to occur in or around the city (Appendix C). Potentially significant effects on candidate, sensitive, or special-status species would occur if temporary disturbance during construction or permanent new residential development forecasted in accordance with the Housing Plan would result in incremental direct loss of habitat, fragmentation of larger open areas and wildlife corridors, or disturbance of special-status wildlife or vegetation species.

The Housing Plan would prioritize residential uses within areas of the city which are generally already developed, previously disturbed, and surrounded by existing development, and therefore do not provide substantial contiguous habitat. As a result, residential and mixed-use development facilitated by the Housing Plan within urbanized areas such as the downtown, would generally avoid direct impacts to special-status species and their habitats.

Nonetheless, designated critical habitat for special-status species including the tidewater goby and steelhead exists within creek corridors, such as Arroyo Burro and Sycamore Creeks, that transverse the city. Residential development facilitated by the Housing Plan may occur on parcels adjacent to creeks and has the potential to impact habitat used by special-status species. Impacts to these habitats could indirectly result in a substantial adverse effect on candidate, sensitive, or special-status species which utilize these habitats such as California red-legged frog.

Citywide policies that address critical habitat include the City's General Plan Environmental Resources Element. For example, Possible Implementation Actions to be Considered ER12.5 and ER21.1, encourage new development to avoid riparian woodlands, and suggests the City develop and enforce creek setbacks.

In the Coastal Zone of Santa Barbara, projects requiring a coastal development permit would be subject to the policies within the Coastal LUP, including policies requiring the protection of ESHA. This includes the establishment of creek and sensitive habitat setbacks within the Coastal Zone. However, not all residential development would be subject to a coastal development permit process. Therefore, the potential remains for residential and mixed-use development to be developed in a manner which could degrade habitat and indirectly result in a substantial adverse effect on candidate, sensitive, or special-status species which utilize creek and riparian habitats. In the absence of enforceable regulatory requirements to minimize substantial adverse effects to riparian and creek habitat, indirect impacts to candidate, sensitive, and special-status species that utilize riparian and creek habitat would be potentially significant.

Nesting birds and raptors present in Santa Barbara could be impacted by residential development. Nesting birds and raptors, such as white-tailed kite and least Bell's vireo, have the potential to nest on buildings, in shrubs and trees, in rocky outcrops, and on bare ground throughout the city. Vegetation, including street trees, in the city can provide refuge cover from predators, perching sites, and favorable nesting habitat. Development forecasted in accordance with the Housing Plan could potentially result in impacts to nesting birds due to construction activities and the potential removal of trees.

The 2019 Coastal LUP Policy 4.1-36 specifies measures to avoid or minimize disturbance to nesting birds. However, outside of the Coastal Zone, the City does not contain local regulations to specifically address nesting birds. Residential development forecasted must comply with the requirements of the MBTA and Sections 3503, 3503.5, and 3513 of the California Fish and Game Code which include obtaining prior authorization by the USFWS before the take of a protected migratory bird species occurs, subject to USFWS requirements, and prohibiting the take, possession, or destruction of nests or eggs. Therefore, it is possible development facilitated by the project could result in disturbance to nesting birds or raptors and potentially violate the MBTA and/or Sections 3503, 3503.5, and/or 3513 of the California Fish and Game Code. Impacts to nesting birds would be potentially significant.

Citywide, many parcels containing habitat that support special status species could be developed under the Housing Plan. Existing policies, such as oak woodland protection policies within the Environmental Resources Element, and ESHA policies in the Coastal LUP, serve to minimize impacts to special status species in some cases. For discretionary projects, development would be screened for potential impacts to biological resources during application review in compliance with the California Environmental Quality Act. These policies would minimize impacts to the maximum extent feasible; however, impacts would continue to be potentially significant.

Mitigation Measures

BIO-1 Creek Protections Requirements

- The City Creeks Division and Community Development Department shall develop creek protections through amendments to the City's Municipal Code with requirements applicable to new development and substantial redevelopment occurring in proximity to City creeks consistent with State laws.
- New development and substantial redevelopment in areas adjacent to creeks shall be sited and designed to prevent impacts that would significantly degrade creeks and adjacent habitat.

BIO-2 Riparian Vegetation Protection

- The City shall develop regulatory guidelines for riparian vegetation protection and amend the City' Municipal Code with requirements applicable to new development and/or redevelopment within and adjacent to riparian habitat. The regulatory guidelines will be included in adopted Master Environmental Assessment (MEA) Guidelines for Biological Resources and may also be implemented by appropriate Municipal Code amendments. The regulatory guidelines will at a minimum:
  - Avoid the removal of mature native trees when feasible, or require alternative or compensatory mitigation when avoidance is not feasible;
  - Preserve and protect native tree saplings and understory vegetation;

- Provide landscaping compatible with the continuation and enhancement of riparian habitat, consisting of appropriate native species; and
- Include conditions of approval for habitat restoration of degraded riparian habitat and oak woodland where development and/or redevelopment creates direct or indirect impacts to the affected habitat.

BIO-3 Pre-Construction Bird Surveys, Avoidance, and Notification

- The City shall develop regulatory guidelines for nesting birds and amend the City's Municipal Code to implement measures to avoid and minimize impacts to nesting birds. The regulatory guidelines will be included in adopted Master Environmental Assessment (MEA) Guidelines for Biological Resources and may also be implemented by appropriate Municipal Code amendments. The regulatory guidelines will at a minimum:
  - Avoid construction activities that could impact nesting birds during the nesting bird season (generally February 1 – September 15);
  - If avoidance is not feasible, require pre-construction nesting bird surveys and if necessary, monitoring by a qualified biologist;
  - Establish procedures to protect active nests or avoid impacts if encountered; and
  - Identify nesting bird protections on project plans.

Significance After Mitigation

Mitigation Measures BIO-1 and BIO-2 would reduce impacts to candidate, sensitive, and special status species in creeks and riparian habitat to a less than significant level by requiring the establishment and enforcement of creek protections and measures to protect riparian vegetation. Mitigation Measure BIO-3 would reduce impacts to nesting birds and raptors to a less than significant level by implementing standard procedures to protect nesting birds in compliance with the MBTA and Sections 3503, 3503.5, and/or 3513 of the California Fish and Game Code.

Threshold 2:	Would the project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?

Impact BIO-2 THE HOUSING PLAN COULD HAVE A SUBSTANTIAL ADVERSE EFFECT ON RIPARIAN HABITAT, CREEKS, AND SENSITIVE NATURAL COMMUNITIES. IMPACTS TO RIPARIAN HABITAT AND SENSITIVE NATURAL COMMUNITIES WOULD BE LESS THAN SIGNIFICANT WITH MITIGATION.

Potentially significant effects on riparian or other sensitive natural communities such as oak woodlands would occur if residential development facilitated by the Housing Plan would result in temporary disturbance during construction, permanent loss of habitat, or degradation of habitat, such as impacts to water quality.

Citywide, many parcels containing riparian habitat, creeks, or other sensitive natural communities such as oak woodlands could be developed under the Housing Plan. Existing policies, such as oak woodland protection policies within the Environmental Resources Element, and ESHA policies in the Coastal LUP, serve to minimize impacts to sensitive natural communities in some cases. For discretionary projects, development would be screened for potential impacts to biological resources during application review in compliance with the California Environmental Quality Act. These

policies would minimize impacts to the maximum extent feasible. If project-specific impacts are significant, project-specific mitigation measures would be required. However, ministerial actions facilitated by Housing Plan programs, such as accessory dwelling units (ADUs), may result in disturbance and permanent loss of sensitive natural habitat communities.

In the coastal zone, policies specifically aimed at protecting sensitive habitats are included in the Coastal LUP. However, in the absence of citywide requirements codified in the City's Municipal Code to provide a setback from creeks and riparian areas and protection for oak woodland, residential development could result in habitat degradation which would not be addressed by existing regulations. Therefore, impacts to these habitats would be potentially significant.

Mitigation Measures

In addition to implementation of Mitigation Measures BIO-1 and BIO-2, the following oak woodlands protection mitigation is required:

BIO-4 Oak Woodland Protection

- The City shall develop regulatory guidelines for oak woodland protection and amend the City's Municipal Code with requirements applicable to new development and/or redevelopment sited within and adjacent to oak woodland habitat. The regulatory guidelines will be included in adopted Master Environmental Assessment (MEA) Guidelines for Biological Resources and may also be implemented by appropriate Municipal Code amendments. The ordinance will at a minimum:
  - Avoid the removal of mature native trees when feasible, or require alternative or compensatory mitigation when avoidance is not feasible;
  - Preserve and protect native tree saplings and understory vegetation;
  - Provide landscaping compatible with the continuation and enhancement of oak woodland, consisting of appropriate native species; and
  - Include standard conditions of approval for habitat restoration of degraded oak woodland where development and/or redevelopment creates direct or indirect impacts to the affected habitat.

Significance After Mitigation

Mitigation Measures BIO-1, BIO-2, and BIO-4 would reduce impacts to riparian habitat and oak woodlands to a less than significant level by requiring the development and enforcement of creek setbacks/buffers and measures to protect riparian vegetation, and implementing measures to protect oak woodlands.

Threshold 3:	Would the project have a substantial adverse effect on state or federally protected wetlands (including but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

Impact BIO-3 IMPLEMENTATION OF THE HOUSING PLAN WOULD HAVE A POTENTIALLY SUBSTANTIAL ADVERSE EFFECT ON WETLANDS. COMPLIANCE WITH FEDERAL, STATE, AND CITY REGULATIONS WOULD MINIMIZE THE DIRECT REMOVAL, FILLING, AND HYDROLOGICAL INTERRUPTION OF WETLANDS. IMPACTS TO STATE OR FEDERALLY PROTECTED WETLANDS WOULD BE LESS THAN SIGNIFICANT WITH MITIGATION.

According to the USFWS NWI and as described in the *Creek, Wetland, Coastal and Marine Habitats* discussion in 4.3.1, *Environmental* Setting, wetlands in the city include the freshwater, brackish water, and saltwater habitats provided by the Andrée Clark Bird Refuge and Goleta Slough; estuarine habitat along the coastline including at the mouths of Arroyo Burro, Mission, Laguna, and Sycamore Creeks; and scattered lakes, freshwater ponds, freshwater forested/shrub wetlands, and rivers (USFWS 2022). In addition, wetland habitat is present along perennial waterways within the city.

Development forecasted under the Housing Plan may occur near creeks and wetlands and has the potential to degrade creek and wetland habitat through onsite and offsite impacts such as erosion, vegetation removal, and poor stormwater management. Adherence to federal, state, and local policies and regulations help to minimize impacts. For example, a project that would encroach on the jurisdictional wetlands of State and federal agencies, including the United States Army Corps of Engineers, California Department of Fish and Wildlife, California Coastal Commission, and Regional Water Quality Control Board, would be required to adhere to the respective agencies' permitting requirements. The City would ensure that projects obtain the required jurisdictional permits and enforce conditions. Residential development under the Housing Plan would be required to adhere to the City's Storm Water Management Program (SWMP) and would minimize water quality impacts which could otherwise indirectly adversely affect wetlands and aquatic habitats.

Within the Coastal Zone, residential development would also be subject to policies within the Coastal LUP that minimize impacts to wetlands. For example, a development project located in the Coastal Zone must be designed to minimize disturbance of wetlands via habitat avoidance buffers or, where unavoidable, developers are required to fulfil habitat creation and/or restoration requirements at a minimum of a 4:1 ratio.

However, development sited adjacent to creeks within inland areas of the city may continue to result in offsite impacts to wetlands within major creek systems. Therefore, this impact would be potentially significant.

Mitigation Measures

Implement Mitigation Measure BIO-1.

Significance After Mitigation

Mitigation Measure BIO-1 would reduce impacts to wetland habitat to a less than significant level by requiring the establishment and enforcement of citywide creek setbacks/buffers. Creek setbacks/buffers would further ensure federal and state wetlands are protected.

Threshold 4:	Would the project interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

Impact BIO-4 THE HOUSING PLAN WOULD BE CONSISTENT WITH FEDERAL, STATE, AND CITY REGULATIONS DEVELOPED TO MINIMIZE IMPACTS TO SPECIES MOVEMENT, WILDLIFE CORRIDORS, AND NURSERY SITES. IMPACTS TO THE MOVEMENT OF FISH AND WILDLIFE SPECIES WOULD BE LESS THAN SIGNIFICANT WITH MITIGATION.

Migration corridors in the city exist primarily within riparian corridors which provide nearly continuous pathways of native and natural vegetation used by wildlife species to move between open foothill lands and larger urban open spaces. Upland migration corridors such as oak woodland, eucalyptus groves, and coastal sage scrub provide migratory bird habitat in the city. Mission Creek, Sycamore Creek, and Arroyo Burro Creek provide spawning and rearing habitat for southern steelhead, and habitat for tidewater goby. These corridors can be bordered on either side by urban land uses which could act as potential barriers to movement. Potentially significant effects on wildlife movement would occur if temporary disturbance during construction or permanent new residential development facilitated by the Housing Plan results in the fragmentation or degradation of wildlife corridors or nursery sites.

The Housing Plan would generally result in residential development on infill sites generally developed or surrounded by existing development and urban disturbance. Due to the largely urban setting within the city and amount of human activity, the quality and utility of terrestrial wildlife movement corridors is limited. Nonetheless, riparian corridors within urban settings continue to provide habitat and nest sites for a variety of birds, reptiles, amphibians and mammals.

Residential development could occur in proximity to aquatic wildlife corridors such as Arroyo Burro Creek, San Roque Creek, Sycamore Creek, and Mission Creek. Mission Creek currently has development setbacks implemented for flood hazard reduction purposes. Adherence to the Municipal Code would prevent the direct alteration of creek habitat used by southern steelhead or tidewater goby. However, due to a lack of enforceable creek setbacks outside of the Coastal Zone and Mission Creek, it is possible the riparian and creek habitat which serve as a wildlife corridor could be degraded through the improper siting of residential projects in proximity to these corridors. Similarly, the implementation measures designed to preserve upland bird migratory corridors such as oak woodland detailed in the Environmental Resources Element of the General Plan are not applicable to all development in Santa Barbara, and residential development could impair upland bird migratory corridors. As a result, the Housing Plan's impacts on migratory wildlife corridors would be potentially significant.

Mitigation Measures

Implement Mitigation Measures BIO-1, BIO-2, BIO-3, and BIO-4.

Significance After Mitigation

Mitigation Measures BIO-1, BIO-2, BIO-3, and BIO-4 would reduce impacts to creek, riparian, and upland wildlife corridors and migratory species to a less than significant level by requiring the development and enforcement of creek setbacks/buffers, implementation of measures to protect riparian and oak woodland habitat, and the requirement to conduct pre-construction bird surveys.

Threshold 5:	Would the project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

Impact BIO-5 IMPLEMENTATION OF THE HOUSING PLAN COULD RESULT IN THE REMOVAL OF TREES AND VEGETATION. IMPACTS RELATED TO CONFLICTS WITH CITY TREE PRESERVATION ORDINANCE AND OTHER TREE PROTECTION GUIDELINES WOULD BE LESS THAN SIGNIFICANT WITH MITIGATION.

The City of Santa Barbara contains native and non-native trees within its urbanized areas, as well as its surrounding suburban areas, parks, and open space. The City contains a Tree Preservation Ordinance (Municipal Code 15.24), policies within the Environmental Resource Element of the General Plan, and design guidelines that protect mature native and non-native trees. Municipal Code Chapter 15.24, Preservation of Trees, establishes a permit process and required findings for the removal of a setback tree, parking lot tree, tree on an approved plan, or tree designated as a historic tree. Municipal Code Chapter 15.20, Tree Planting and Maintenance, establishes a permit process and required findings for removal of street trees.

Although Municipal Code regulations and design guidelines provide standards and processes for the removal of trees, currently, the City's Municipal Code does not specifically address the removal of native trees on private parcels unless the trees are located within a front setback or are shown on an approved landscape plan. Therefore, residential development, such as ADUs, and other residential development facilitated by the Housing Plan could result in the removal of native or riparian trees or oak woodland and therefore conflict with the City's regulations intended to protect trees. This impact would be potentially significant.

Mitigation Measures

Implement Mitigation Measures BIO-2 and BIO-4.

Significance After Mitigation

Mitigation Measures BIO- 2 and BIO-4 require the enforcement of measures to protect riparian trees and oak woodland. Following implementation of Mitigation Measures BIO-2 and BIO-4, impacts would be less than significant.

Threshold 6:	Would the project conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

Impact BIO-6 DEVELOPMENT FORECASTED IN ACCORDANCE WITH THE HOUSING PLAN WOULD NOT BE LOCATED WITHIN AN AREA DELINEATED ON A HABITAT CONSERVATION PLAN, NATURAL COMMUNITY CONSERVATION PLAN, OR OTHER APPROVED LOCAL, REGIONAL, OR STATE HABITAT CONSERVATION PLAN. NO IMPACT WOULD OCCUR.

The City of Santa Barbara is not located within any approved local, regional, or State Habitat Conservation Plan or Natural Community Conservation Plan (CDFW 2019). Therefore, the Housing Plan would not conflict with any applicable conservation plan.

Mitigation Measures

No mitigation measures are required.

4.3.4 Cumulative Impacts

Regional cumulative impacts consider City-wide impacts together with similar impacts of reasonably anticipated regional projects/programs including the City's Safety and Open Space Element Updates, the City's State Street Master Plan, and the California Department of Transportation's (Caltrans') South Coast Highway 101 High-Occupancy Vehicle Lanes project. Cumulative projects also include planned and pending residential development projects that contribute to the City's RNHA. The general approach to cumulative impact analysis used in this Program EIR is discussed in Section 4, *Environmental Impact Analysis*.

Cumulative development in the city has the potential to result in new structures which may result in adverse effects to special status species. Direct impacts to special status species would be minimized through compliance with the Endangered Species Act which requires authorization for the take of a species in accordance with applicable regulations concerning the protection of such a species. Cumulative impacts would include continued fragmentation and loss of creek and riparian areas which provide habitat for special status species. Although the City's Coastal LUP and General Plan contains measures designed to preserve these habitats, standards for the protection of these habitats have not yet been codified for inland areas. Mission Creek currently has development setbacks; however, the setback is designed solely to reduce flood hazards rather than protect creek and riparian habitat. Cumulative development would be required to adhere to applicable State policies which would reduce potential impacts associated with habitat degradation, such as the NPDES Construction General Permit and the Storm water Management Program. However, cumulative development could still result in the removal of riparian habitat and degradation of creeks. Accordingly, cumulative development sited on parcels adjacent to creek and riparian habitat could result in habitat degradation which could have indirect effects on candidate, sensitive, or special-status species. Therefore, cumulative impacts are potentially significant. Mitigation Measures BIO-1 and BIO-2 would require the City to develop standards for the protection of these creek and riparian habitats and therefore would minimize the potential for development to impact candidate, sensitive, and special status species in creeks and riparian habitat. Therefore, the Housing Plan would not have a cumulatively considerable contribution to impacts to habitat degradation and candidate, sensitive, or special-status species.

Cumulative development could involve the removal of trees or include construction activities which could potentially impact nesting birds. Cumulative development must comply with the requirements of the MBTA and/or Sections 3503, 3503.5 and 3513 of the California Fish and Game Code. However, existing City regulations do not mandate procedures City-wide to ensure compliance with the MBTA or Sections 3503, 3503.5 and 3513 of the California Fish and Game Code. It is possible cumulative development could result in the disturbance of birds or raptors and potentially violate the MBTA and/or Sections 3503, 3503.5 and 3513 of the California Fish and Game Code. Therefore, cumulative impacts are potentially significant. While the Housing Plan has the potential to contribute to cumulative nesting bird impacts, Mitigation Measure BIO-3 would require the City to adopt an ordinance requiring pre-construction bird surveys, avoidance measures, and notification measures, which would protect nesting birds in compliance with the MBTA and Sections 3503, 3503.5, and/or 3513 of the California Fish and Game Code. With implementation of Mitigation Measure BIO-3, the Housing Plan would not have a cumulatively considerable contribution to impacts to nesting birds.

Cumulative development within the city could occur near state or federally protected wetlands. However, regulations within the Municipal Code prohibit the alteration and grading of a natural watercourse. Adherence to these Municipal Code requirements would minimize potential

environmental impacts associated with filling or hydrological interruption of wetlands. Compliance with applicable federal, State, and City regulatory requirements, along with implementation of Mitigation Measure BIO-1, would ensure cumulative development would not have a substantial adverse effect on a state- or federally protected wetlands through direct removal, filling, hydrological interruption, or other means. Therefore, potential cumulative impacts concerning substantial adverse effects on state or federally protected wetlands would be less than significant.

Cumulative development could result in increased development density which may alter wildlife corridors, including through habitat loss or degradation of existing wildlife corridors. Due to a lack of enforceable creek setbacks in inland regions of the city, it is possible that riparian and creek habitat which serves as a wildlife corridor could be degraded by cumulative development in proximity to these corridors. Cumulative development could impair upland bird migratory corridors. Therefore, cumulative impacts are potentially significant. Implementation of Mitigation Measures BIO-1, BIO-2, BIO-3, and BIO-4 would require the establishment and enforcement of citywide creek setbacks, measures to protect riparian and oak woodland habitat, and pre-construction bird surveys. Implementation of these mitigation measures would reduce the potential for the Housing Plan to adversely impact wildlife corridors or migratory wildlife in Santa Barbara. With implementation of these mitigation measures, the Housing Plan would not have a cumulatively considerable contribution to cumulative impacts to wildlife migration.

Cumulative development could result in the removal or alteration of trees within the city. Municipal Code Chapters 15.24 and 15.20 regulate the removal of specific trees on private property and street trees. However, existing ordinances do not regulate the removal of native or riparian trees on private parcels, unless the trees are located within a front setback or are on an approved landscape plan. Cumulative development occurring on private property could result in the removal of native or riparian or oak woodland trees and therefore conflict with the City's regulations and guidelines intended to protect trees. Similarly, residential development could result in the removal of native or riparian trees and vegetation. Therefore, cumulative impacts are potentially significant. However, the Housing Plan would implement Mitigation Measure BIO-2 and BIO-4 which require the enforcement of measures to protect riparian trees and oak woodland. Therefore, the Housing Plan would not have a cumulatively considerable contribution to cumulative impacts related to tree alteration.

The nearest areas to the city within the jurisdiction of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional or State Habitat Conservation Plan are the Kern Water Bank in unincorporated Kern County, approximately 55 miles northeast of the city, and Orange County, located approximately 100 miles southeast of the city (CDFW 2019). Therefore, cumulative projects would not be located in the jurisdiction of these plans and cumulative impacts associated with potential conflicts to the provisions of a Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional or state habitat conservation plan would be less than significant.