Screening Form

Low-Effect Incidental Take Permit Determination and

National Environmental Policy Act (NEPA)

Environmental Action Statement

I. HCP Information

A. HCP Name: Habitat Conservation Plan for 2650 East Clark Avenue

B. Affected Species: Santa Barbara County distinct population segment of the California tiger salamander (*Ambystoma californiense*)

C. HCP Size (in stream miles and/or acres): 11.88 acres

D. Brief Project Description (including minimization and mitigation plans):

The 2650 East Clark Avenue Habitat Conservation Plan (HCP) is a 20-year plan in northern Santa Barbara County. The lands covered in this HCP comprises an approximately 11.88 acre parcel located at 2650 East Clark Ave east of the Community of Orcutt within unincorporated Santa Barbara County, California.

The proposed action/project includes the incremental development of APN 129-151-046 (total area to be disturbed is up to approximately 11.88 acres). The exact usage of the site is unknown at this time. However, anticipated development on the parcel would consist of allowed or permitted land uses as well as associated infrastructure indicated by the parcel's zoning designation (AG-II-40) pursuant to the Santa Barbara County Code – Chapter 35 - County Land Use & Development Code. For the sake of the analysis, we assumed that all 11.88 acres would be impacted by ground disturbing activities.

The development related impacts proposed in the HCP include:

<u>Temporary Impacts</u>

- Equipment access and staging, and materials storage
- Trenching and backfilling for pipelines and other underground utilities

<u>Permanent Impacts</u>

- Vegetation clearing, plowing, and site preparation type activities (e.g., grading and earth moving)
- Installation/construction of foundations for new structures and other hardscape features including, but not limited to driveways, parking, walls, fence posts, etc.
- Installation of landscaping
- Mining, and active agricultural activities
- Installation of new above ground facilities such as water wells, and above ground energy facilities

Long-term Related Activities

- Operation and maintenance of structures and facilities
- Operation and maintenance of agricultural fields and infrastructure
- Mowing and vegetation management
- Vehicular traffic
- Increased human, domesticated animal, and/or livestock activity

Based upon the USFWS map of CTS range and breeding ponds, the site is located within the potential range of CTS in Santa Barbara County; however, no CTS occurrences have been documented on the proposed project site. The project site is not located within federally designated Critical Habitat for the CTS. Three (3) CTS occurrences documented by the CNDDB have been recorded within 3.1 miles (relevant to CTS per the site assessment protocol of the parcel. The parcel is located within the dispersal range of the species (1.3 miles) from a potential CTS breeding pond (SISQ-10). Considering the parcel does not contain aquatic habitat, is largely undeveloped and is located within the dispersal range of the species from potential breeding pools and other aquatic habitat, the CTS could utilize the parcel as dispersal habitat.

The goals following goals and objectives developed for the HCP are based upon the species' biology, threats to the species, the potential effects of the Covered Activities, and the scope of the HCP.

Goal 1: Avoid and minimize take, in the form of injury or mortality, of California tiger salamander

Objective 1.1: Develop avoidance and minimization measures to maintain take at or below the anticipated number of animals subject to incidental take (up to 5 individuals)

Goal 2: Mitigate for impacts to achieve no net loss of California tiger salamander upland habitat.

Objective 2.1: Determine mitigation for habitat impacts based on the reproductive value of the area impacted.

Corresponding to Goal 1 and Objective 1.1, the following measures have been developed to aid in avoidance and minimization of take of CTS that could utilize the project site as upland dispersal or refuge.

1. The disturbance area associated with each work activity will be minimized to the extent practicable.
2. Initial ground disturbing activities shall be conducted during dry weather conditions to minimize the potential for encountering CTS.
3. Initial ground disturbance should occur during the dry season (April through October) when CTS are less likely to be mobile. Should work be delayed and work is required in the wet season, work will not begin until one-half hour after sunrise and will end one-half hour before sunset.
4. Initial ground disturbance shall be postponed if chance of rain is greater than 70% based

on the NOAA National Weather Service forecast or within 48 hours following a rain event greater than 0.1 inch. If work must occur during these conditions, a USFWS-approved biologist shall conduct a clearance sweep of work areas prior to the start of work.

5. All work shall occur during daylight hours.
6. The work area shall remain clean. All food-related trash items shall be enclosed in sealed containers and removed from the site regularly.
7. All vehicles/equipment should be in good working condition and free of leaks. All leaks should be contained and cleaned up immediately to reduce the potential of soil/vegetation contamination.
8. All vehicle maintenance/fueling/staging shall occur not less than 100 feet from any riparian habitat or water body. Suitable containment procedures shall be implemented to prevent spills. A minimum of one spill kit shall be available at each work location near riparian habitats or water bodies.
9. Open trenches and excavations shall be covered or have adequate means of escape (earthen ramps not more than 2:1 slope, wooden boards, etc.).
10. All trenches, pipes, culverts or similar structures shall be inspected for animals prior to burying, capping, moving, or filling.
11. Pre-construction Survey: As a condition of ITP issuance, the applicant, will retain USFWS-approved biologist(s) (i.e., persons in possession of valid recovery permits for and/or persons with demonstrated experience with CTS) to conduct surveys prior to the initiation of construction or, if phased, prior to the initiation of each phase as a measure to minimize take of the CTS. The objective of pre-construction surveys is to locate as many CTS and other native species as possible and move them out of harm's way. These surveys will be conducted within two weeks prior to the start of construction, and upon approval of the Translocation Plan described below, and will include full coverage visual surveys of the project site as well as burrow scoping and excavation within work areas. The USFWS-approved biologist(s) will be allowed sufficient time to gently hand-excavate burrows and relocate CTS to a USFWS-approved relocation site. Any soil that is excavated shall be looked through as it is removed to ensure no CTS are in the removed soil. To ensure that diseases are not conveyed between work sites by the USFWS-approved biologist(s), the fieldwork code of practice developed by the *Declining Amphibian Populations Task Force* should be followed at all times. The results of the pre-construction surveys shall be presented as part of HCP reporting requirements.
12. Capture and Moving of Individuals: Translocations will be conducted by a USFWS-approved biologist with appropriate necessary permits. The USFWS-approved biologist will work with the Service to determine the methods of translocation of CTS that may be necessary during project implementation and will propose appropriate relocation site(s) for CTS, if found. All live CTS of any life stage found during the pre-construction surveys (and/or construction monitoring) shall be captured and moved out of harm's to a USFWS-approved offsite location by a USFWS-approved biologist. Captured CTS will immediately be placed in containers with moist soil and plant material from the capture location (if any), and released in designated release areas no more than three (3) hours after capture.
13. Worker Environmental Awareness Program: A USFWS-approved biologist knowledgeable about CTS as well as their ecological requirements shall conduct worker

environmental awareness program (WEAP) training(s) for all personnel who will work onsite during construction. The WEAP training(s) is (are) intended to inform construction crews, field supervisors, equipment operators, and others working onsite about the status and presence of the species, grading and construction activity restrictions, and the avoidance and minimization measures specified in the HCP.

14. Construction Monitoring: A USFWS-approved biological monitor shall be present during the installation of construction fencing, initial vegetation clearing and grubbing, and earthwork in the form of initial grading and excavation. Any live CTS found during these monitoring events will be captured and relocated to the approved relocation site(s) by an authorized biological monitor. This monitor shall have the authority to order any reasonable measure necessary to avoid the take of CTS and to immediately stop any work or activity that is not in compliance with the conditions set forth in the ITP. The USFWS Ventura Field Office shall be notified of any "stop work" order and the order shall remain in effect until the issue has been resolved. To construction work will be initiated until the biological monitor determines that the work area is clear of CTS.

Corresponding to Goal 2 and Objective 2.1, in order to determine the amount of mitigation needed, the value of the impacted habitat was calculated using the methodology outlined in Searcy and Shaffer (2008), incorporating the amount of CTS aquatic breeding habit and upland habitat covering the site to be impacted. A mitigation ratio of 1:1 (reproductive value lost: reproductive value conserved) was then applied for impacts to CTS and its habitats. The method described in Searcy and Shaffer (2008) attaches a value to habitat that scales with the reproductive value of the individuals estimated to be occupying an area. According to Searcy and Shaffer (2008) the reproductive value of a site is a function of:

- Distance from each known or potential breeding pond within dispersal distance of the site, and
- Land-use in the surrounding areas.

For this HCP, the USFWS conducted a model run (utilizing Searcy and Shaffer [2008]). In order to determine the number of reproductive value units lost through implementation of a covered activity, the model was run to calculate the number of reproductive value units that would be lost. The Project would consequently result in a loss of a reproductive value of up to 227.6 as calculated in accordance with Searcy and Shaffer (2008) and therefore, compensatory mitigation is based on the loss of this reproductive value for the CTS.

To compensate for the loss of a reproductive value of up to 227.6, the applicant is making a payment to the CTS Mitigation and Conservation Account (mitigation account) prior to commencing any ground-disturbing activities or any other activity that could result in take of the CTS. The USFWS created a California tiger salamander Mitigation and Conservation Account intended to collect mitigation fees for impacts to the California tiger salamander that occur in the East and West Santa Maria metapopulation areas. While there are six metapopulations of the Santa Barbara County distinct population segment of the California tiger salamander, the East and West Santa Maria metapopulation areas are under the greatest threat from land conversion and habitat loss. In order to avoid precluding recovery in these metapopulation areas, mitigation for impacts in West Santa Maria and East Santa Maria should occur within these metapopulations areas. Therefore, the mitigation account pertains only to mitigation fees

resulting from impacts occurring in the East and West Santa Maria Metapopulation areas and will be used for mitigation within these metapopulations. With the current prices of property, single applicants are unable to purchase land as mitigation for their projects. Therefore, a mitigation account is necessary to compile funds from multiple projects to be able to acquire conservation easements for the California tiger salamander in the Santa Maria metapopulation areas.

The mitigation account is held, managed, and administered by the National Fish and Wildlife Foundation (Foundation) through a Memorandum of Agreement between the USFWS and the Foundation, effective November 29, 2017. The types of activities the mitigation account funds will be used include, but are not necessarily limited to: parcel acquisition; habitat restoration and enhancement; and long-term protection of habitat, including establishment of conservation easements and long-term management and monitoring. These activities will occur specifically within the East and West Santa Maria metapopulation areas as depicted in the *California Tiger Salamander Final Recovery Plan* (USFWS, 2016). Conservation easements and associated parcels established from the use of mitigation account funds will be managed in perpetuity by the Santa Barbara Land Trust or other entity approved by the USFWS. Use of the funds deposited for impacts from the Project will be utilized for the aforementioned activities collectively with funds deposited to offset impacts from other projects occurring within the East and West Santa Maria metapopulation areas. Implementation of habitat purchases and associated value for CTS in the region may be delayed based on the accrual of sufficient funds in the account and the availability of suitable habitat for purchase. Funds deposited for impacts from the Project will also be utilized within five years of receiving those funds.

A mitigation payment of up to $12,077 was determined to meet the requirement of compensation for unavoidable impacts to CTS under section 10(a)(1)(B) of the ESA by utilizing a pre-determined formula that includes consideration of a number of factors, including but not limited to the calculated reduction of reproductive credits, the average price of agricultural lands within the metapopulation range, management costs, and endowment requirements. The mitigation payment will be made into the aforementioned CTS Mitigation and Conservation Account.

As noted in Section 2, the exact usage of the site is unknown at this time, but would conform to the allowed or permitted land uses indicated by the parcel's zoning designation. Therefore, all or part of the 11.88 acres of the site could be impacted over the permit duration depending on the planned use. The following three mitigation payment scenarios could apply:

Scenario 1: If the entire 11.88-acre site will be impacted, prior to commencing ground-disturbing activity or any other activity that could result in take of the CTS, the applicant will provide the USFWS with a map depicting the proposed impact areas and will provide the full mitigation payment of $12,077.

Scenario 2: If only a portion of the 11.88-acre site will be impacted, prior to commencing ground-disturbing activity or any other activity that could result in take of the CTS, the applicant will provide the USFWS with a map depicting the proposed impact areas and will provide a mitigation payment for the mitigation required which corresponds to the loss of reproductive value for the impacted area and is proportionate to the mitigation payment indicated above

($5,000 endowment flat fee plus approximately $595.70 per acre impacted).

Scenario 3: If impacts will be phased or incremental over the permit duration, prior to the first initial ground disturbance within the covered area, the applicant will provide a one-time payment of the $5,000 endowment flat fee. In addition, prior to commencing ground-disturbing activity or any other activity that could result in take of the CTS; the applicant will provide the USFWS a map depicting the proposed impact area and will provide a mitigation payment for the mitigation required which corresponds to the loss of reproductive value for the impacted area and is proportionate to the mitigation payment indicated above less the endowment flat fee (approximately $595.70 per acre impacted). This process would repeat until the entire 11.88-acre site is impacted or the applicant has confirmed in writing that no additional impacts to CTS habitat will occur for the remainder of the permit duration.

The monitoring measures that will be implemented to ensure compliance and/or determine if the biological goals and objectives are being met include those previously presented under Avoidance, Minimization, and Mitigation Measures. Furthermore, documentation of compliance with the terms and conditions of the HCP will be provided in annual and final reports as described below under Reporting.

II. Does the HCP fit the following Department of Interior and Fish and Wildlife Service categorical-exclusion criteria?

A. Are the effects of the HCP minor or negligible on federally listed, proposed, or candidate species and their habitats covered under the HCP?

Yes, the effects of the HCP are minor on the federally listed CTS and its habitat. The area proposed for development only contains 11.88 acres of low quality upland habitat for the CTS; no breeding habitat would be impacted as a result of the proposed development. Furthermore, the applicant will be implementing measures to avoid take of individual CTS and propose mitigation that would fund mitigation to support and help achieve recovery of the species.

B. Are the effects of the HCP minor or negligible on all other components of the human environment, including environmental values and environmental resources (e.g. air quality, geology and soils, water quality and quantity, socio-economic, cultural resources, recreation, visual resources, environmental justice, etc.), after implementation of the minimization and mitigation measures

Yes, the effects on the HCP are minor and negligible on all other components of the human environment, including environmental values and environmental resources. The project would have negligible effects to air quality, geology and soils, water quality and quantity, socio-economic, cultural resources, recreation, visual resources, environmental justice, etc.

C. Would the incremental impacts of this HCP, considered together with the impacts of other past, present, and reasonably foreseeable future actions (regardless of what agency or person undertakes such other actions) *not* result, over time, in a cumulative effects to the human environment (the natural and physical environment) which would be

considered significant?

Yes, the incremental impacts of this HCP, considered together with the impacts of other past, present, and reasonably foreseeable future actions (regardless of what agency or person undertakes such other actions) would not result, over time, in a cumulative effects to the human environment which would be considered significant. Any present and future projects that may occur in the vicinity of the permit area must include, when appropriate, minimization measures and mitigation that will minimize and avoid effects to environmental resources and listed species.

III. Do any of the exceptions to categorical exclusions (extraordinary circumstances) listed in 43 CFR 46.215 apply to this HCP?

Would implementation of the HCP:

A. Have significant impacts on public health or safety?

No, the project would have no implications on the health and/or safety of the public.

B. Have significant impacts on such natural resources and unique geographic characteristics as: historic or cultural resources; park, recreation, or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (Executive Order 11990) or floodplains (Executive Order 11988); national monuments; migratory birds, eagles, or other ecologically significant or critical resources?

No, the project would not have any significant impacts on natural resources and/or unique geographic characteristics such as: historic or cultural resources; park, recreation, or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (Executive Order 11990) or floodplains (Executive Order 11988); national monuments; migratory birds, eagles, or other ecologically significant or critical resources because none occur within the covered lands of the HCP.

C. Have highly controversial environmental effects (defined at 43 CFR 46.30), or involve unresolved conflicts concerning alternative uses of available resources [see NEPA section 102(2)(E)]?

No, the project does not have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources.

D. Have highly uncertain and potentially significant environmental effects, or involve unique or unknown environmental risks?

No, the project does not have highly uncertain and potentially significant environmental effects, or involve unique or unknown environmental risks.

E. Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects?

No, the project does not establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.

F. Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects?

No, the project does not have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects because the proposed project does not have direct relationship to any other actions.

G. Have significant impacts on properties listed, or eligible for listing, on the National Register of Historic Places?

No, the project does not have significant impacts on properties listed, or eligible for listing, on the National Register of Historic Places because none occur within the covered lands of the HCP.

H. Have significant impacts on species listed, or proposed to be listed, on the List of Endangered or Threatened Species, or have significant impacts on designated Critical Habitat for these species?

No, the proposed project would not have significant impacts on species listed, or proposed to be listed, on the List of Endangered or Threatened Species, or have significant impacts on designated Critical Habitat for these species. The effects of the HCP are minor on the federally listed CTS and have no impacts designated critical habitat. The area proposed for development only contains 11.88 acres of low quality upland habitat for the CTS; no breeding habitat would be impacted as a result of the proposed development. Additionally, the area proposed for development is relatively disconnected from the rest of the aquatic and upland habitat available to the species in the metapopulation area. The applicant will be implementing measures to avoid and minimize take of individual CTS as well as proposing adequate mitigation for the unavoidable loss of suitable upland habitat. Overall, this take would be so minor it would result in negligible species effects.

I. Violate a Federal law, or a State, local, or tribal law, or a requirement imposed for the protection of the environment.

No, the project would not violate a Federal law, or a State, local, or tribal law, or a requirement imposed for the protection of the environment.

J. Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).

No, the project would not have a disproportionately high and adverse effect on low income or minority populations.

K. Limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites (Executive Order 13007).

No, the project would not limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites because these sites do not exist on site.

L. Contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species (Federal Noxious Weed Control Act and Executive Order 13112).

No, the project would not contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species.

IV. ENVIRONMENTAL ACTION STATEMENT

Within the spirit and intent of the Council on Environmental Quality's regulations for implementing the National Environmental Policy Act and other statues, orders, and policies that protect fish and wildlife resources, I have established the following administrative record.

Based on the information and analysis above, I determine that the proposed Incidental Take Permit for the 2650 East Clark Avenue HCP qualifies for a categorical exclusion, as defined in 40 CFR 1508.4 and in the U.S. Fish and Wildlife Service *Habitat Conservation Planning Handbook.* Furthermore, no extraordinary circumstances identified in 43 CFR 46.215 exist for the 2650 East Clark Avenue HCP. Therefore, the Service's permit action for 2650 East Clark Avenue HCP is categorically excluded from further NEPA review and documentation, as provided by 40 CFR 1507.3; 43 CFR 46.205; 43 CFR 46.215; 516 DM 3; 516 DM 8.5; and 550 FW 3.3C. A more extensive NEPA process is unwarranted, and no further NEPA documentation will be made.

Other supporting documents: Habitat Conservation Plan for 2650 East Clark Avenue

Signature Approval:

_____ _____

Stephen Henry Date
Field Supervisor
Ventura Fish and Wildlife Office