

SECTION 4.3
BIOLOGICAL RESOURCES

4.3 BIOLOGICAL RESOURCES

4.3.1 Existing Conditions

The project site is surrounded on the north, east, and west by existing industrial, business park, office, and commercial development. The site is bounded on the south by Hollister Avenue, with the Santa Barbara Municipal Airport (SBMA) and Goleta Slough located south of Hollister Avenue. The site is located in an area that was formerly part of the Goleta Slough and is currently just outside the northern boundary of the Goleta Slough. The Goleta Slough is within the jurisdiction of the City of Santa Barbara. Historically, the slough was much larger in size, with considerable acreage lost over time to urban development and agricultural use. There are seven creeks that are tributary to the slough. The slough is listed as an impaired waterbody on the State's Clean Water Act 303(d) List of Water Quality Limited Segments.

Parcel 1, totaling 6.90 acres, is fully developed and includes the existing 106,500 square foot (SF) business park building, paved parking lot, and associated infrastructure. Vegetation consists of ornamental landscaping and the parcel is associated with only common wildlife tolerant of developed, urban conditions. Parcel 2, totaling 3.71 acres, is partially paved, with the undeveloped area characterized primarily by nonnative annual grassland vegetation that is subject to regular mowing. Parcel 2 also includes some of the elements of development associated with the existing business park building, including a portion of the existing paved parking lot, landscaping, and utility infrastructure. Both parcels include nonnative trees along road frontages (Hollister Avenue, La Patera Road, and Robin Hill Road). No sensitive, candidate, rare, endangered, or special status plant or animal species or their critical habitats are known to exist on the project site (City of Goleta 2006a, Figure 4-1).

The project site is nearly level with a slope of 0–2% across the property, with a shallow, previously graded drainage ditch that runs in a northeast to southwest direction across the unpaved western portion of Parcel 2. All runoff leaving the site currently surface flows into three existing storm drain outlets. Two of the outlets are located on the west side of the site and drain to a concrete channel on the west side of Robin Hill Road. A third outlet is located on the south side of the site and flows beneath Hollister Avenue. Surface flows from all three outlets discharge into a channel on the south side of Hollister Avenue, which drains into the Goleta Slough.

4.3.2 Regulatory Framework

Applicable regulations include those related to protection of water quality in the nearby Environmentally Sensitive Habitat Area of the Goleta Slough.

4.3.2.1 Federal

Clean Water Act

The primary goals of the Clean Water Act (CWA) are to restore and maintain the chemical, physical, and biological integrity of the nation's waters and to make all surface waters fishable and swimmable. As such, the CWA forms the basic national framework for the management of water quality and the control of pollution discharges. The CWA provides the legal framework for several water quality regulations, including the National Pollutant Discharge Elimination System (NPDES), effluent limitations, water quality standards, pretreatment standards, anti-degradation

policy, non-point source discharge programs, and wetlands protection. The Environmental Protection Agency (EPA) has delegated the responsibility for administration of portions of the CWA to state and regional agencies. Therefore, the primary regulations resulting from the CWA are discussed below.

Federal Anti-Degradation Policy

The federal Anti-Degradation Policy requires states to develop statewide anti-degradation policies and identify methods for implementing them (Code of Federal Regulations Section 131.12). These water quality policies and implementation methods shall, at a minimum, protect and maintain (1) existing in-stream uses; (2) existing water quality where the quality of waters exceeds levels necessary to support existing beneficial uses, unless the state finds that allowing lower water quality is necessary to accommodate economic and social development in the area; and (3) water quality in waters considered an outstanding national resource. State permitting actions must be consistent with the federal Anti-Degradation Policy.

4.3.2.2 State

Porter-Cologne Water Quality Control Act (California Water Code)

The State of California is authorized to administer federal law or state-enacted laws regulating water pollution within the state. The Porter-Cologne Water Quality Control Act (Porter-Cologne Act) was enacted in 1969 by the State of California. This act includes provisions to address requirements of the CWA. These provisions include NPDES permitting, dredge and fill programs, and civil and administrative penalties. Regulations promulgated as a result of the Porter-Cologne Act are codified in Sections 13000–14958 of the California Water Code. The Porter-Cologne Act is broad in scope and addresses issues relating to the conservation, control, and utilization of the water resources of the state. Additionally, the Porter-Cologne Act states that the quality of all the waters of the state (including groundwater and surface water) shall be protected for the use and enjoyment of the people of the state.

The State Water Resources Control Board (SWRCB) and its nine Regional Water Quality Control Boards (RWQCBs) are agencies within the umbrella structure of the California Environmental Protection Agency (CalEPA). The SWRCB has the principal responsibility for the development and implementation of California water quality policy and must develop programmatic water quality control procedures to be followed by the RWQCBs. The Central Coast Regional Water Quality Control Board (CCRWQCB) is the region that oversees water quality permitting in the city of Goleta. The CCRWQCB adopted a Revised Water Quality Control Plan (Basin Plan) on September 8, 1994. The Basin Plan designates beneficial uses and establishes water quality objectives for groundwater and surface water within the Central Coast Region. It has been amended, but not updated since 1994.

Section 13050 of the California Water Code defines what is considered pollution, contamination, or nuisance. Briefly defined, pollution means an alteration of water quality such that it unreasonably affects the beneficial uses of water (which may be for drinking, agricultural supply, or industrial uses). Contamination means an impairment of water quality to the degree that it creates a hazard to the public health. Nuisance is defined as anything that is injurious to health, is offensive to the senses, or is an obstruction to property use, and which affects a considerable number of people.

Discharge Permits

The SWRCB has issued a statewide NPDES General Permit for stormwater discharges associated with construction activities (known as the Construction General Permit [SWRCB Order No. 99-08-DWQ]). Any project that disturbs an area more than 1 acre requires a Notice of Intent (NOI) to discharge under the Construction General Permit. The Construction General Permit includes measures to eliminate or reduce pollutant discharges through implementation of a Stormwater Pollution Prevention Plan (SWPPP), which describes the implementation and maintenance of best management practices (BMPs) to reduce or eliminate pollutants in stormwater discharges and authorized nonstormwater discharges from a site during construction. The Construction General Permit contains receiving water limitations that require stormwater discharges to not cause or contribute to a violation of any applicable water quality standard. The permit also requires implementation of programs for visual inspections and sampling for specified constituents (e.g., nonvisible pollutants). Any construction activities at the project site would be covered under the Construction General Permit.

The CCRWQCB issues combined NPDES Permits under the CWA and California Water Code to all point source dischargers of waste to surface waters. To ensure protection of water quality, NPDES Permits may contain effluent limitations for pollutants of concern, pollutant monitoring frequencies, reporting requirements, schedules of compliance (when necessary), mandates for operating conditions, BMPs, and administrative requirements. NPDES Permits apply to publicly owned treatment works (POTWs) discharges, industrial wastewater discharges, and municipal, industrial, and construction site stormwater discharges.

State Anti-Degradation Policy

The SWRCB adopted Resolution No. 68-16, Statement of Policy with Respect to Maintaining High Quality Waters in California (more commonly referred to as the state Anti-Degradation Policy), which restricts the degradation of surface waters of the state and protects bodies of water where the existing water quality is higher than necessary for the protection of present and anticipated designated beneficial uses. This state policy is generally consistent with the subsequently adopted federal Anti-Degradation Policy, discussed above. State policy differs from federal policy in that it applies to: 1) all waters, including surface waters and groundwater; 2) water quality lowerings since 1968; 3) all uses, both existing and potential uses, instream and offstream; and only high quality (i.e. Tier 2) waters. The state policy is implemented by the CCRWQCB.

4.3.2.3 Local

County of Santa Barbara

Project Clean Water (PCW) is the County of Santa Barbara's stormwater quality program initiated in 1998 to improve water quality in local creeks and the ocean by implementing many of the aspects of NPDES BMPs. This program also includes watershed planning and restoration as well as pilot treatment control BMPs and monitoring. PCW is managed and staffed by the Santa Barbara County Water Agency (Public Works Department) and the Environmental Health Services Division (EHS) of the Public Health Department.

Goleta Slough Ecosystem Management Plan (GSEMP)

The project is located outside of, but in close proximity to, the northern boundary of the Goleta Slough Ecosystem Management Plan (GSEMP) area. Figure 4.3-1 shows the Goleta Slough Ecosystem boundaries. The GSEMP includes policies and actions, which address coordination with other agencies on nearby developments. The GSEMP actions focus on ensuring that new development projects avoid direct and indirect impacts to the Goleta Slough ecosystem.

City of Santa Barbara Airport and Goleta Slough Coastal Plan

These plans focus on the approximately 800 acres of airport property located south of Hollister Avenue in the Coastal Zone. Policies are included that support the protection and restoration of wetlands and other sensitive habitats and require management and restoration of the slough in coordination with safe airport operations. The Coastal Plan also supports limited public use of the slough for research, education, and/or public service as long as it is consistent with safe airport operations.

City of Goleta Storm Water Management Plan

Planning, implementation, and enforcement related to stormwater management during construction and post-construction activities on proposed and active development sites are governed by the City of Goleta Storm Water Management Plan (City of Goleta 2010). The Goleta SWMP was created pursuant to SWRCB General Permit No. CAS000004 for NPDES Phase II.

The SWMP outlines the means by which the City will (1) protect the health of the recreational public and the environment; (2) meet CWA mandates through compliance with Phase II NPDES Permit requirements and applicable regulations; and (3) foster increased public involvement and awareness. Water quality monitoring has been conducted to define pollutants in many watersheds resulting in identification of bacteria, nutrients, pesticides, sediment, and heavy metals as pollutants of concern in certain drainages. Storm drains may empty into drainages having already passed through natural open space, residential, agricultural, commercial, and industrial land uses.

The purpose of the SWMP is to implement and enforce a program designed to reduce the discharge of pollutants to the maximum extent practicable (MEP) to protect water quality. According to the General Permit, the MEP standard is an ever-evolving, flexible, and advancing concept, which considers technical and economic feasibility. Since knowledge about controlling urban runoff continues to evolve, so does the mitigation, which constitutes MEP. Reducing the discharge of stormwater pollutants to the MEP in order to protect beneficial uses requires review and improvement, which includes seeking new opportunities. To do this, the City must conduct and document an evaluation an assessment of each relevant element of its program and revise, as necessary, activities, control measures, BMPs, and measurable goals to meet the MEP.

City of Goleta General Plan/Coastal Land Use Plan (GP/CLUP)

The General Plan/Coastal Land Use Plan (GP/CLUP) contains policies in the Conservation Element regarding protection of water quality, including Policy CE 2, Protection of Creeks and Riparian Areas; Policy CE 3, Protection of Wetlands; and Policy CE 10, Watershed Management and Water Quality.

4.3.3 Project Impacts and Mitigation

4.3.3.1 Thresholds of Significance

Based on both the City's Initial Study Checklist (CEQA Appendix G; Environmental Checklist Form) and the City's *Environmental Thresholds and Guidelines Manual* (Thresholds Manual), a significant impact on biological resources could occur, if the project would:

- a. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service.
- b. 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 Game or U.S. Fish and Wildlife Service.
- c. Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means.
- d. 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.
- e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.
- f. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.
- g. Conflict with adopted environmental plans and goals of the community where it is located.
- h. Substantially affect a rare or endangered species of animal, plant, or the habitat of the species.
- i. Interfere substantially with the movement of any resident or migratory fish or wildlife species.
- j. Substantially diminish habitat for fish, wildlife, or plants.

Items a–f are from the Initial Study Checklist, and Items g–j are from the Thresholds Manual.

4.3.3.2 Project Impacts

Impact BIO-1. Plant/Animal Species and/or Natural Communities¹

According to the Goleta GP/CLUP Conservation Element, including Figure 4-1, there are no sensitive biological resources on site that would be subject to protective policies. The project site does not contain sensitive, candidate, rare, endangered, or special status plant or animal species or their critical habitats. In addition, no sensitive, candidate, rare, endangered, or special status animal species are known to otherwise inhabit, breed, or roost on the project site. Further, no changes have been identified to the biological setting on site based on staff's on-going site visits to the property over the last several years. Vegetation on site continues to consist of ornamental landscaping in the developed areas of the site and other nonnative plant

¹ See Section 4.3.3.1, Thresholds a, b, h, and j.

species in the undeveloped areas, neither of which support important habitat. Therefore, the project would not result in significant impacts to onsite biological resources or to sensitive plant or animal species or habitats which are otherwise associated with the project site.

Impact BIO-2. Wildlife Movement/Migration²

The project site does not serve as an important wildlife corridor nor is it associated with an important stop-over location for migratory birds. The majority of the site is covered with structural development and pavement, with the remainder composed of nonnative ornamental landscaping and nonnative weedy species. Given the site's existing development—urban, in-fill location, surrounded by a major road and existing industrial, office, and commercial development,—the project would not have a significant effect on the movement of native resident or migratory fish or wildlife species with established native resident or migratory wildlife corridors, nor would project implementation impede or significantly impact the use of native wildlife nursery sites.

Impact BIO-3. Wetlands³

Project Site

The site itself does not contain wetlands, stream channels, or other surface water bodies. Project development would not involve vegetation clearing or other alterations to stream channels, nor dredging, filling, or similar direct disturbance to waters of the United States. Therefore, impacts related to such activities on the project site are considered less than significant.

Goleta Slough

Project stormwater runoff would be conveyed under Hollister Avenue and would enter the existing drainage swale running along the south side of Hollister Avenue before emptying into the Goleta Slough.

Although the project site is not located within the boundaries of the GSEMP and its related subareas, the GSEMP includes policies and actions that address coordination with other agencies on nearby developments. The GSEMP actions focus on ensuring that new development projects avoid direct and indirect impacts to the Goleta Slough ecosystem, such as impacts to slough bird populations from increased nonnative (domestic) carnivores, expansion of invasive plant species in the slough, and increased erosion/sedimentation from grading and construction activities.

Similarly, while the project is outside the boundaries of the City of Santa Barbara's Airport and Goleta Slough Coastal Plan, the associated policies serve to protect the biological functions of the slough, including but not limited to minimizing sedimentation and pollutants from non-point sources, which are conveyed to the Goleta Slough in stormwater runoff.

Because the project is not a residential development, it is not associated with an increase in domestic pets that could impact native bird populations in the slough. Therefore, impacts from increased pets on bird populations would be less than significant.

² See Section 4.1.3.1, Thresholds d and i.

³ See Section 4.3.3.1, Thresholds c, e, f, and g.

Review of the preliminary landscape plan indicates that the project plantings do not include highly invasive species which would adversely impact the Goleta Slough. However, the final landscape plan must still be reviewed by the City's Design Review Board. If changes are incorporated into the final landscape plan that include the addition of invasive plant species, this could result in the transfer of invasive plant species (e.g., from seeds) to the Goleta Slough from site runoff. This is considered a potentially significant impact.

The development of Parcel 2 would cover much of the project site with impervious surfaces. Runoff from large parking areas is often contaminated with a mix of petroleum products and other pollutants resulting from vehicular use. In addition, tail-water from landscape irrigation is often contaminated with fertilizers, pesticides, fungicides, and herbicides resulting from improper application methods and/or over-application. All such contaminants pose potentially significant adverse effects on surface water quality and wetlands, including the Goleta Slough. (Also refer to Section 4.8, "Hydrology and Water Quality," with regard to drainage and water quality impacts to the Goleta Slough).

The project design incorporates the use of vegetated bioswales and a vegetated detention basin to pre-treat surface flows from parking areas as well as to reduce peak stormwater flows. These drainage features are central to addressing potential point source pollution runoff from increased impervious surfaces. The drainage design also incorporates mechanical filters to minimize pollutants in runoff exiting the site. However, additional BMPs prescribed in the City's Storm-water Management Program Ordinance and impending permit application under the NPDES for minimizing contaminant levels in stormwater runoff would need to be properly incorporated into the final project plans in order to avoid potential impacts to the Goleta Slough. Depending on the details of the final grading and drainage plan (including erosion control component), the project could result in significant impacts to the Goleta Slough ecosystem from increased sedimentation and degraded water quality from site runoff. Implementation of mitigation measures MM HYD-2a through MM HYD-2d would require the applicant obtain proof of exemption or proof of a National Pollutant Discharge Elimination System Permit from the California Regional Water Quality Control Board; prepare a Storm Water Pollution Prevention Plan covering all phases of grading/construction operations; and prepare a final drainage/stormwater quality protection plan consistent with the City's Storm Water Management Plan.

Construction activities, such as washing of concrete trucks, stucco equipment, and painting equipment, can result in the introduction of significant levels of pollutants into neighboring surface water bodies, a potentially significant impact to water quality in the Goleta Slough.

Therefore, short-term and long-term biological impacts to the Goleta Slough, associated with site stormwater conveyance to the slough and potentially degraded water quality, are considered potentially significant.

4.3.4 Cumulative Impacts

Projects that result in potentially significant project-specific biological impacts are generally considered to also make a potentially significant contribution to corresponding cumulative biological impacts. The project would result in potentially significant short-term and long-term impacts to the Goleta Slough from expansion of nonnative invasive plant species from project landscaping, increased sedimentation from site grading activities, and degraded water quality from runoff of fertilizers and biocides used to maintain project landscaping, pollutants in runoff from the parking lot areas (e.g., oil, grease), and runoff associated with construction activities

(e.g., washing of construction equipment and vehicles). As such, without mitigation the project would result in a potentially significant contribution to water quality degradation and the resulting effects on wetlands associated with the Goleta Slough.

4.3.5 Mitigation Measures

Implement MM HYD-2a through HYD-2d.

MM BIO-3a. Ensure Invasive Species Are Not Included in Landscape Plan

The permittee will ensure that invasive species are not included in the project landscape plan and are not planted on the project site. The Final Landscape Plan submitted to City Planning and DRB for review and approval will include a note prohibiting planting of invasive species on site.

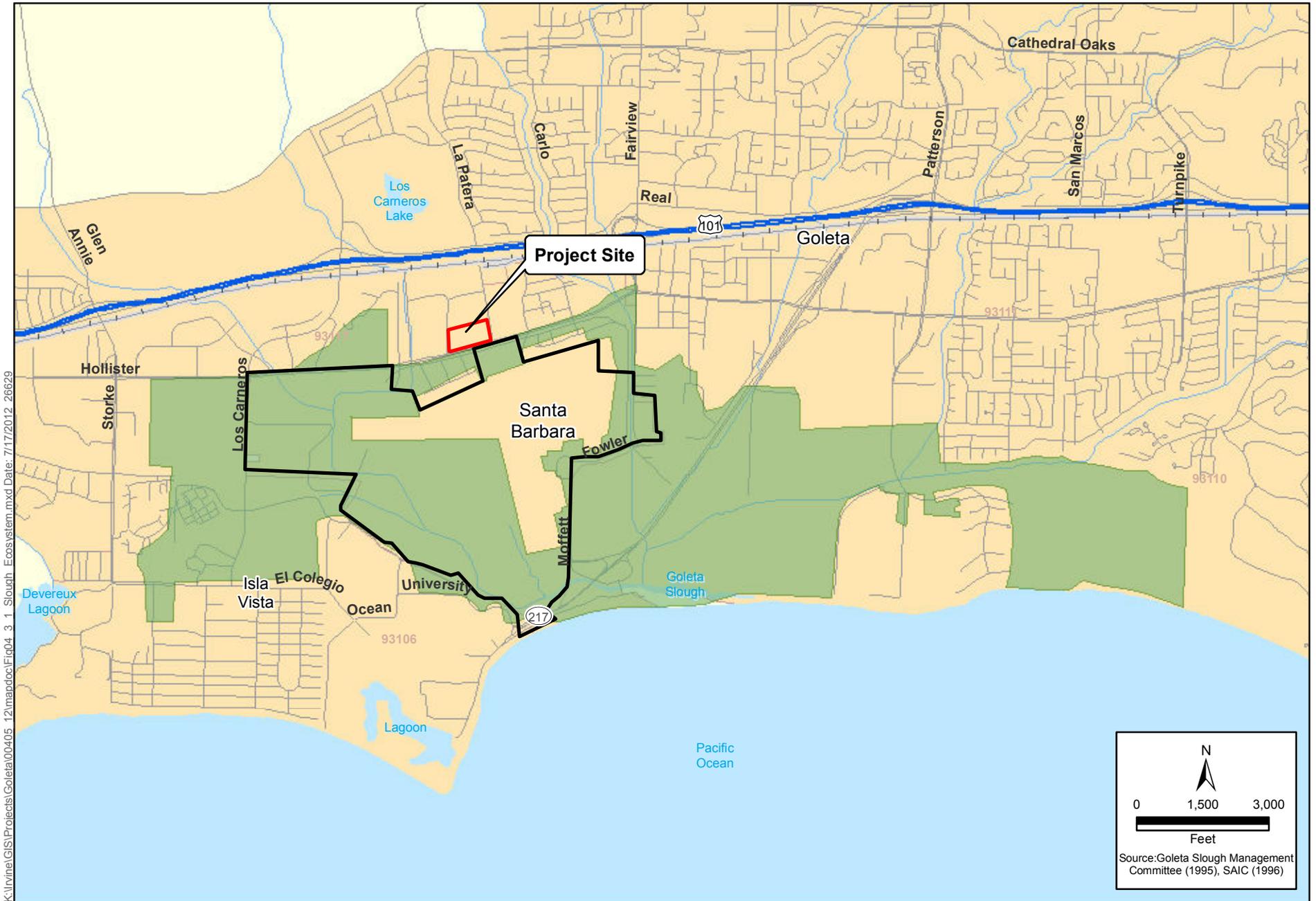
Plan Requirements and Timing: Permittee will submit final landscape plan consistent with this condition to Planning and the Design Review Board for review and approval prior to issuance of the land use permit.

Monitoring: City staff will ensure inclusion of a note regarding no invasive plants on the landscape plan. The Design Review Board will review the landscape plan to ensure no inclusion of native plants on the landscape plan plant palette. Compliance with approved final landscape plan will be field checked for compliance prior to final inspection.

4.3.6 Residual Impacts

With implementation of these mitigation measures, residual project specific and cumulative impacts on biological resources are considered less than significant.

Also refer to Section 4.8, "Hydrology and Water Quality," of this EIR.



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Legend

- ▭ Project Site
- ▭ Goleta Slough Ecosystem Management Plan Area (Approximate)
- Aviation Plan Boundary

**Figure 4.3-1
Goleta Slough Ecosystem Boundaries
City of Goleta Marriott EIR**

