Ventura County
Local Coastal Program (LCP)

COASTAL ZONING ORDINANCE APPENDICES

Phase 2C Amendments:
ENVIRONMENTALLY SENSITIVE HABITAT AREAS (ESHA)

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*[**Staff explanation**: This section contains two appendices:*

- ***Appendix E1 – Site-Specific Environmental Assessments for ESHA**. The information in Appendix E1 was developed by County staff to establish a method for identifying ESHA in the coastal zone. It is based on the Coastal Commission's latest guidance for identification of ESHA, including ESHAs in the Santa Monica Mountains. Appendix E1 includes a section titled Coastal Initial Study Assessment Guidelines because an outside reference to the County's ISAGs, like all outside references, is not acceptable in an LCP.*
- ***Appendix E2 – ESHA Mitigation Plans and Legal Instruments**. The information in Appendix E2 is primarily associated with mitigation and permit implementation. It was developed by County staff to clarify the technical requirements for ESHA mitigation. This appendix also contains more detailed information on the legal instruments used within the ESHA regulations, such as the conservation instrument and conservation easement. Also included in Appendix E2 is information on the Coastal Mitigation Lot program.]*

Appendix E1
Site-Specific Environmental Assessments for ESHA

Sec. AE-1.1 Purpose and Content

This section provides the requirements for a site-specific environmental assessment in the Ventura County coastal zone, as required by Sec. 8178-2.3 – Environmental Reviews. Site-specific assessments include a site-specific map of all Environmentally Sensitive Habitat Areas (ESHA), which are used in conjunction with the standards provided by Sec. 8178-2.4 – ESHA and Buffer Zone Determination. A site-specific assessment also includes an analysis of all potentially adverse *direct*, *indirect*, and *cumulative* impacts on ESHA resources. Such assessments are prepared on a case-by-case basis based upon site-specific evidence provided by a biological report called a Coastal Initial Study Biological Assessment (CISBA).

The first section of this appendix contains information on ESHA determinations/mapping, while the second section contains detailed information on the required contents of a CISBA. Information within these two sections is organized as follows:

Sec. AE-1.2 ESHA Determinations

Sec. AE-1.2.1 – Factors Used for ESHA Determinations

This Section provides background information on the three factors used for ESHA determinations. ESHA is defined as "any area in which plant or animal life or their habitats

are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments" (Public Resources Code §30107.5). As such, a determination regarding the classification of a habitat or species as ESHA must include an evaluation of the following three elements:

- The presence of species or habitats that are rare; or
- The presence of species or habitats that are especially valuable; and
- The sensitivity of the species or habitat to human introduced disturbance or degradation.

The first test is to determine the presence of a habitat or species that is rare. The categories listed below represent types of rare habitats and habitats that support rare plant/animal species:

a. *Rare Habitat.* Plant communities ranked G1 or S1 (critically imperiled globally or sub-nationally [state]), G2 or S2 (imperiled), or G3 or S3 (vulnerable to extirpation or extinction) by the California Department of Fish and Wildlife's (CDFW) Natural Diversity Database (CNDDB, Vegetation Classification and Mapping Program, List of California Vegetation Alliances, as amended) and by NatureServe's Natural Heritage Program. Native communities are defined based on the general habitat descriptions in "Preliminary Descriptions of the Terrestrial Natural Communities of California" (Holland 1986) and the more detailed membership rules laid out in "A Manual of California Vegetation", second edition (Sawyer, Keeler-Wolf, Evens, 2009) or the most recent version.

b. *Habitat Areas that Supports Rare/Special-Status Plant and Animal Species.* Native plant and animal species ranked G1 or S1 (critically imperiled globally or sub-nationally [state]), G2 or S2 (imperiled), or G3 or S3 (vulnerable to extirpation or extinction) by the CDFW CNDDB. Species listed as endangered, threatened, or rare under the Federal or State Endangered Species Acts, Candidate Federal or State endangered, threatened, or rare species, California Fully Protected Species, California Species of Special Concern, any species for which there is compelling evidence of rarity and, pursuant to CEQA Guidelines Section 15380(d), all other species tracked by the CNDDB, which are considered to be those species of greatest conservation concern, and plants/animals on the County's Locally Important Species List. Plant species with a California Rare Plant Rank of 1 (plants presumed extinct in California, or rare, threatened, or endangered in California and elsewhere), 2 (plants that are rare, threatened, or endangered in California but more common elsewhere) or 4 (plants of limited distribution in California) are included in this definition, but plant species with a Rank of 3 (plants for which insufficient information is available to determine their status) are not included in this definition (California Native Plant Society (CNPS) "1B", "2A", "2B", and "4" listed plant species). Species tracked by the CNDDB are listed in CDFW's lists of Special Plants and Special Animals.

c. *US Fish and Wildlife Service (USFWS) Critical Habitat with Respective Rare or Special Status Species.* Critical habitat designation alone does not qualify a particular area as ESHA. Evidence from a site-specific biological survey must verify that the critical habitat supports the respective special status species.

The second test is to determine the presence of a species or habitat that is especially valuable because of its special nature or role in an *ecosystem*. Areas may be valuable because of their "special nature", such as being an unusually pristine example of a habitat type, containing an unusual mix of species, supporting species at the edge of their range, or containing species with extreme variation. Habitats or species may also be considered valuable because of their special "role in the *ecosystem*" because they provide habitat for endangered species, protect

water quality, provide essential corridors linking one sensitive habitat to another, or provide critical ecological linkages, such as the provision of pollinators or crucial trophic connections.

The third test is to determine whether the species or *habitat* is easily disturbed or degraded by human activities or *development*. Due to the historic record of adverse impacts to native plants, animals, and natural communities caused by the urbanization of coastal California, the Coastal Commission has concluded that the third test is met for rare or especially valuable species and habitats, which are in danger of direct loss or significant degradation due to human activities and *development*.

Sec. AE-1.2.2 - Additional Factors for ESHA Determinations

Four additional circumstances can affect ESHA determinations:

a. *Existing, Legally Established Development.* Areas occupied by existing, legally established *development* (e.g., structures, roadways, grading, vegetation removal) are not defined as ESHA. Additionally, the minimum required fuel modification areas (pursuant to Ventura County Fire Department requirements) for existing, legally established structures are not defined as ESHA, provided that such areas were authorized through a Coastal Development Permit (i.e., a Planned Development Permit or a Conditional Use Permit).

b. *Unauthorized Development.* When native vegetation or other biological resources are removed, degraded or disturbed in a manner that does not conform with applicable laws, those areas must be evaluated as if the degradation/disturbance had not occurred. If the disturbed area was considered ESHA prior to the unauthorized removal/disturbance, then the area is still considered ESHA. To determine whether *development* was authorized, the applicant shall provide evidence that all existing *development* on a parcel, including grading and vegetation removal, was either:

    1. Authorized through an approved Coastal Development Permit; or
    2. Carried out prior to the effective date of the Coastal Act (January 1, 1977), in conformity with all applicable local laws in effect at the time.

    If the applicant does provide such evidence, then the area of degradation/disturbance is not considered ESHA. Without such evidence, the area is considered unauthorized *development*.

c. *Fire Disturbance in ESHA.* Habitat burned by wildfire that met the definition of ESHA before the fire shall be afforded the protections of ESHA. Fire is a natural and essential part of the life cycle of the plant communities of the Santa Monica Mountains. Also, areas subject to the minimal fuel modification measures that are required in *riparian* or woodland habitats (e.g. ESHA Tree) meet the definition of ESHA (see Sec. 8178-2.6.9.2 (d) – Landscaping in a Fuel Modification Zone).

d. *Natural Disaster.* Habitat removed/degraded by natural disaster (e.g., landslide, flooding, drought, disease, insect infestations) that met the definition of ESHA before the natural disaster shall be afforded the protections of ESHA. (see Sec. 8178-2.4.2 – ESHA Determinations). For all areas cleared of native vegetation that contain ruderal vegetation, or bare ground, historical aerial imagery shall be reviewed to determine whether these areas were degraded by natural disaster. For information on the standards used for ESHA determinations related to a natural disaster, see Sec. 8178-2.4.2 – ESHA Determinations.

Sec. AE-1.2.3 Habitat Categories Classified as ESHA[1]

A comprehensive list of the habitat groups classified as ESHA in the Ventura County coastal zone is located in Sec. 8178-2.3.1 – Definition of ESHA. Detailed information on many of the habitat groups classified as ESHA is provided below:

a. **Coastal Bluff Habitats** – Coastal bluff habitats are found in the northern and southern portion of the County's coastal zone. They are characterized by cliff faces (with at least 10 feet of vertical relief) whose toe is now or was historically (within the last 200 years) subject to marine erosion. The vegetative community (referred to as coastal bluff scrub) includes bush sunflower (*Encelia californica*) and giant coreopsis (*Coreopsis gigantea*) and several succulent species, including localized forms of more widespread species (e.g., prostrate goldenbush, *Isocoma menziesii var. sedoides*), as well as a mixture of coastal cactus scrub types (Shaw's agave (*Agave shawii*), prickly pear (*Opuntia spp.*), *Yucca* and *Dudleya* species).

b. **Coastal Dune Habitats** - Due to historical losses, rarity in southern California, and their sensitivity to disturbance, *dune habitat* meets the definition of ESHA in the coastal zone. Coastal sand dune systems occur in areas with actively shifting sand that is associated with the immediate coastal environment. Moving landward from the shore, dunes become stabilized by vegetation communities characterized by distinct species. In Article 2, a *dune habitat* is defined as follows:

> A fragile habitat that contains accumulations of sand in ridges, hummocks, or mounds, which typically support native and non-native species of vegetation located landward of the sea.

The foredune habitat that is closest to the sea, is most exposed to onshore winds and salt spray and is typically characterized by species such as beach bur (*Ambrosia chamissonis*), beach saltbush (*Atriplex leucophylla*), sand verbena (*Abronia umbellate*), red sand-verbena (*Abronia maritima*), beach morning glory (*Calystegia soldanella*), beach evening-primrose (*Camissoniopsis cheiranthifolia*, as *Camissonia cheiranthifolia*), and salt grass (*Distichlis spicata*) with few other species. Interdune and back dune (dune scrub) vegetation communities are characterized by species such as California croton (*Croton californicus*), California mock heather (*Ericameria ericoides*), Menzies' goldenbush (*Isocoma menziesii*), dune bush lupine (*Lupinus chamissonis*), and silver dune lupine (*Lupinus chamissonis*), etc. Non-natives plants brought to stabilize dunes and change dune formation patterns include European beach grass (*Ammophila arenaria*), and iceplant (*Carpobrotus* spp).

c. **Coastal Sage Scrub and Chaparral (Santa Monica Mountains).** In 2003, the California Coastal Commission found that "large contiguous areas of relatively pristine native habitat in the Santa Monica Mountains meet the definition of ESHA under the Coastal Act"[2]. The result of the Commission's action is that most areas that contain *coastal sage scrub* (CSS) and *chaparral* are now classified as ESHA within the Santa Monica Mountains. This habitat is described as follows:

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[1] A comprehensive list of the habitat groups classified as ESHA in the Ventura County coastal zone is located in Sec. 8178-2.3.1 – Definition of ESHA. Also, Sec. 8178-2.7- Definitions provides additional information on specific coastal habitats.

[2] See memorandum to Ventura Staff from John Dixon, 2003 (California Coastal Commission): Designation of ESHA in the Santa Monica Mountains. March 25, 2003.

Coastal Sage Scrub / Chaparral - Coastal sage scrub is characterized primarily by aromatic drought-deciduous shrubs such as California sagebrush, California buckwheat, California sunflower, laurel sumac, and black and purple sage and provides important habitat for wildlife. This community has been substantially reduced from its historical extent due to development, with approximately 15% remaining in California. *Chaparral* is dominated by deep-rooted evergreen shrubs such as chamise, redshank, manzanita, and ceanothus. While still relatively common, *chaparral* habitats serve a wide variety of essential *ecosystem* roles in the Santa Monica Mountains.

Within Ventura County's portion of the Santa Monica Mountains, *coastal sage scrub* or *chaparral* is defined as ESHA if the habitat meets the following criteria:

1. The plant community within the polygon is an alliance (as defined in the Manual of California Vegetation) in which the dominant, co-dominant, or characteristic plants are native *chaparral* or *coastal sage scrub* species;

2. The plant community within the polygon is connected to other natural plant communities such that wildlife can move from the plant community within the polygon to other plant communities nearby for foraging, breeding, migration, or dispersal of offspring. Alternately, the plant community polygon is itself a large contiguous area such that wildlife can move within the plant community for foraging, breeding, migration, or dispersal of offspring; and

3. The plant community within the polygon performs one or more of the *ecological functions* that sustain the Santa Monica Mountains *ecosystem*. Below is a list of general *ecological functions*, each followed by a series of questions intended to assist when assessing whether the plant community performs one (or more) of the following four functions:

    i. The plant community provides a buffer for riparian, *wetland,* or other *wet environment* habitats; or

    Questions: Does the vegetation provide habitat necessary to species that require both aquatic/riparian/alluvial habitat and upland habitat during their life cycles? Does the vegetation reduce erosion/sedimentation into riparian or wetland habitat thereby protecting the water quality of coastal streams? Does the vegetation filter stormwater runoff before it enters riparian or wetland habitat? Does the vegetation provide cover for wildlife foraging within or moving along a riparian corridor or wetland? Does the vegetation provide a buffer from exotic weed invasion or other disturbances into a wet environment?

    ii. The plant community provides foraging, denning/nesting, or moving/migrating habitat for native wildlife; or

    Questions: Does the vegetation provide habitat for at least one life stage of native species that require several habitat types during the course of their life histories? Are there signs of foraging, reproducing or moving/migrating native wildlife? Does the vegetation provide a seasonal or year-round food source for native wildlife? Does the vegetation occur on an ecotone? Ecotones are important to many native wildlife species. For example, mule deer may graze in grasslands near chaparral where they can quickly take cover.

iii. The plant community provides habitat and linkages for pollinators[3]; or

Questions: Does the vegetation have any pollinator species present including bees, butterflies, birds, or bats, or other pollinating species? Does the vegetation provide probable nesting, foraging, egg-laying, pupation, over-wintering, or other significant habitat for pollinator species? Does the vegetation provide a linkage through which pollinator species may move between habitats?

iv. The plant community provides habitat and conditions for abiotic and/or biotic seed dispersal of native plant species, supporting a self-sustaining community capable of natural regeneration.

Questions: Is there evidence of animal species that are seed-dispersal vectors for native plant species? Are natural patterns of wind movement maintained for wind-dispersed native plants (i.e., is the vegetation free from built barriers to wind)? Are natural patterns of water flow maintained for water-dispersed native plants?

d. **Habitat Connectivity Corridors**. A habitat connectivity corridor is an area of contiguous natural habitats of sufficient width to facilitate the movement, migration, foraging, breeding, and dispersal of multiple animal or plant species between two or more *core habitat* areas. For additional details, see Sec. 8178-2.7.5.1, which includes a definition of regional and local habitat connectivity corridors. Habitat connectivity corridors facilitate important ecological functions such as seed and wildlife dispersal or pollination. Riparian habitats, *streams*, canyons, and *ridgelines* vegetated with native species function as habitat connectivity corridors. These are measured from the edge of a stream bank or edge of riparian/ *alluvial scrub* vegetation community, whichever is greater. When the *stream* bank or vegetation is lacking, the corridor is measured from the centerline of the *stream*.

Ridgelines serving as *habitat connectivity corridors* shall be contained within the protected corridor, and the boundary of such corridors shall be measured from the highest point of the *ridgeline*. Although the boundary of such *habitat connectivity corridors* will typically be centered along the *ridgeline*, the physical/biological characteristics and functions of the corridor (e.g., slope, vegetation, observed movements) shall be used to identify the corridor boundary.

e. **Native Grassland**. Due to historical losses, current rarity in southern California, and their sensitivity to disturbance, native grassland habitat meets the definition of ESHA in the coastal zone. Native grassland habitat consists of perennial native needlegrasses: purple needlegrass, (*Nassella pulchra*), foothills needlegrass, (*Nassella lepida*) and nodding needlegrass (*Nassella cernua*). Mixed with these native needlegrasses are many associated native forb species (e.g., golden-stars *Bloomeria crocea*) as well as non-native annual species that are characteristic of California annual grassland. Native perennial grasslands are now exceedingly rare; in California, native grasslands once covered nearly 20 percent of the land area, but today are reduced to less than 0.1 percent. Native grassland habitat ESHA determinations are made on a case by case basis as they must take into consideration a number of factors - including patch size, number of patches/level

[3] Ecological functions (iii) and (iv) come from the following reference: Brigham, C. 2007. Managing rare plants at the wildland urban interface: An example from the Santa Monica Mountains and the Simi Hills. In *Flora and ecology of the Santa Monica Mountains: Proceedings of the 32nd annual Southern California Botanists symposium,* ed. D.A. Knapp, 1-17. Southern California Botanists Special Publication No. 4, Fullerton, CA.

of fragmentation, connectivity of patches, connectivity to other ESHA, and the nature of adjacent habitat (level of disturbance, ESHA classification). Areas supporting 10 percent or more native grassland species cover (including both grasses and forbs) are typically defined as native grassland by the CNDDB, but areas with a lower percentage of native cover may be also considered native grasslands based on assessment of the above factors.

f. **Oak and Native Woodland Habitats**. Due to historical losses, current rarity in southern California, and their sensitivity to disturbance, oak or native woodland habitats in the coastal zone meet the definition of ESHA. Coast live oak woodland occurs mostly on north slopes, shaded ravines and canyon bottoms. Besides the coast live oak, this plant community includes hollyleaf cherry, California bay laurel, coffeeberry, and poison oak. Valley oaks are endemic to California and reach their southernmost extent in the Santa Monica Mountains. Valley oaks were once widely distributed throughout California's perennial grasslands in central and coastal valleys. California black walnut and other native tree (e.g., California bay laurel, sycamore, alder) woodlands contribute to high biodiversity. While these woodland habitats are most often components of *riparian* habitats, they also occur in mesic conditions found in pockets, canyons, and west, north-west, and/or north-east facing slopes.

g. **Rock Outcrop Habitats.** Rock outcrops support a distinctive and unique flora including lichens, spikemoss (*Selaginella* sp.), and liverworts, and are frequently associated with rare annuals. In addition to the general characteristic of slow development, these areas often support rare or regionally-restricted plant taxa found in few parts of the Coastal Zone, including Santa Susana tarplant (*Deinandra minthornii*), several species/ subspecies of liveforever (*Dudleya* spp.), Wright's buckwheat (*Eriogonum wrightii var. membranaceum*), silverleaf trefoil (*Lotus argophyllus*) and others. In many ways, rock outcrops serve as refugia for various sensitive and localized native plants, including two onions (*Allium peninsulare, A. haematochiton*) and Plummer's mariposa lily (*Calochortus plummerae*). By extrapolation, numerous native invertebrates and vertebrates likely depend on these habitats for shelter and foraging, though this community has not been extensively studied . Outcrops are found on the County's north coast and in the Santa Monica Mountains. Outcrops in the County are derived from volcanic origins or from sedimentary/sandstone origins.

h. **Wet Environments** – A *wet environment* is associated with the presence of water, either perennially, intermittently, or ephemerally. Wet environments include *wetlands, rivers*, lakes, *streams, estuaries, lagoons*, seeps, springs, and the vegetative communities associated with these physical settings. *Wet environments* do not include beaches that abut the sea, except where the beach includes an estuary, lagoon or wetland.

   1. **Estuaries and Coastal Lagoons.** An estuary is is a partially enclosed brackish water body fed by one or more rivers or streams with an open connection to the sea. A coastal lagoon is a shallow water body that is separated from the ocean by a berm or barrier but may be seasonally connected to the ocean. Estuaries and lagoons are transitional *ecosystems* between marine and terrestrial environments. In general, these ecosystems are characterized by plant communities dominated by salt tolerant plants (e.g., pickleweed, cordgrass). The plant communities associated with these transitional environments are described as "estuarine system" by Cowardin et al. (1979).

   2. **Wetlands.** A wetland is defined as land where the water table is at, near, or above the land surface long enough to promote the formation of hydric soils or to support the growth of hydrophytes. Some types of wetlands lack vegetation, and the soil is

poorly developed or absent as a result of frequent and drastic fluctuations of surface water levels, wave action, water flow, turbidity or high concentrations of salts or other substances in the substrate. Such wetlands can be recognized by the presence of surface water or saturated substrate at some time during each year and their location within, or adjacent to, vegetated wetlands or deep-water habitats. (14 CCR Section 13577). This definition requires evidence of a single parameter to establish *wetland* conditions. Also, see Sec. AE-1.4.4 (3) for additional information on *wetland* delineation.

Wetland exceptions: A wetland created by the presence of (and associated with) agricultural ponds and reservoirs, where the pond/reservoir was constructed by a farmer/rancher for agricultural purposes, is not defined as wetland unless there is evidence (e.g., aerial photographs, historical survey) showing that the wetland habitat pre-dated the existence of the pond or reservoir. Also, areas with drained hydric soils that are no longer capable of supporting hydrophytes are not considered wetlands.

3. **Lake.** A lake is an area of variable size filled with water, localized in a basin, that is surrounded by land. McGrath Lake near the Santa Clara River is the only existing natural lake in the coastal zone of Ventura County.

4. **River.** A natural stream of water of considerable volume, larger than a creek or stream. The Santa Clara and Ventura watercourses are classified as rivers.

5. **Streams.** A topographic feature that periodically (*intermittent* or *ephemeral*) or continuously (*perennial*) conveys water through a bed or channel. This term also applies to watercourses having a surface or subsurface flow that support or have supported riparian or alluvial vegetation. Streams are also referred to as a "creek". See Sec. AE-1.4.4 (4) for additional information on stream delineation.

6. **Seeps or Springs.** Seeps and springs are small, discrete communities with their own associated flora and fauna, including numerous specialized ferns, wildflowers, invertebrates, and amphibians (especially salamanders). Their component species differ according to the surrounding plant communities. For example, seeps in shady oak woodlands will support different species than seeps in arid *chaparral*. While some of these habitats could be maintained or augmented by anthropogenic water sources, in general these habitats are treated as fully natural features. Seeps and springs are identified during the site-specific mapping process, as the certified ESHA maps rarely capture them due to their small scale (microscale). See Sec. AE-1.4.4 (3) for additional information on seep or spring delineation.

7. **Vernal Pools.** A vernal pool is a habitat typically inundated by shallow water during the wet season, and dry during the warm season. Vernal pools are most common on coastal terraces where there is a seasonally perched water table or impenetrable clay or hardpan soil. They hold water long enough to allow some purely aquatic organisms to grow and reproduce, but not long enough to permit the development of a typical wetland ecosystem. Many vernal pool species are found only in vernal pools. All species that occur in vernal pools must be able to tolerate a wide range of conditions and grow and reproduce in a short time frame. Vernal pool species include but are not limited to blue-eyed grass (*Sisyrinchium bellum*), red maids (*Calandrinia ciliate*), California tiger salamanders, and invertebrates such as fairy shrimp. See Sec. AE-1.4.4 (3) for additional information on vernal pool delineation.

8. **Vegetative Communities for Wet Environments**:

i. Riparian Habitats: *Riparian* habitat is an area adjacent to a natural watercourse, such as perennial or intermittent creeks and streams, a lake or other body of fresh water, where related vegetation and associated animal species live or are located. Due to historical losses, current rarity in southern California, and their extreme sensitivity to disturbance, any *riparian* habitat in the coastal zone meets the definition of ESHA. In the Ventura County coastal zone, *riparian* habitat includes all vegetation (canopy and understory species) associated with a creek or stream or other waterbody including, but not limited to, sycamore, coast live oak, black walnut, white alder, Fremont cottonwood, black cottonwood, mulefat, arroyo willow, red willow, blackberry, mugwort, and Mexican elderberry. Where *chaparral* and/or *coastal sage scrub* occur within or adjacent to creeks or streams and function as *riparian* habitat, these areas are considered to be *riparian* habitat or *alluvial scrub* (see below).

ii. Alluvial Scrub: Certain floodplain systems in southern California sustain a unique scrub vegetation due to a lack of perennial water. *Alluvial scrub* occurs on drainages and outwash fans along the coastal side of major mountains of southern California. It is typically found on coarse-grained riverwash soils near flood channels in areas that are frequently inundated, and on deeper and finer textured Soboba soils at higher elevations on floodplain terraces (Smith 1980; Hanes et. al. 1989). Soils supporting *alluvial scrub* drain rapidly, have slow runoff, and contain low amounts of organic matter. These drainages typically do not support extensive hydrophytic (i.e., *wetland*) vegetation because of the scarcity of surface water for much of the year. This vegetation type is adapted to severe floods and erosion, nutrient-poor substrates, and the presence of subsurface moisture. *Alluvial scrub* is made up predominantly of drought-deciduous soft-leaved shrubs, but with significant cover of larger perennial species typically found in *chaparral* (Kirkpatrick and Hutchinson 1977). This vegetation type is distinctive because of the co-occurrence of evergreen shrubs, drought-deciduous shrubs, *riparian* species, and upland annual species in close proximity to one another (Hanes et al. 1989). A*lluvial scrub* also shares many of the same species with *coastal sage scrub* and *chaparral* habitats because of the *ephemeral* hydrology associated with these systems. The only dominant species that has a strong fidelity to *alluvial scrub* is scalebroom (*Lepidospartum squamatum*) (Smith 1980).

Sec. AE-1.3 Coastal Initial Study Biological Assessment

Sec. AE-1.3.1 General Requirements

This section contains a detailed description for the required contents and procedures for a site-specific environmental assessment in the coastal zone, called a Coastal Initial Study Biological Assessment (CISBA). For information on when a CISBA is required, see Sec. A.4.1-Applicability. The CISBA must be completed by a *qualified biologist*. As required by Sec. 8178-2.3(a), the CISBA shall include a site-specific ESHA map and an analysis of all potentially adverse *direct*, *indirect*, and *cumulative impacts* on ESHA resources. When preparing the site-specific ESHA map, the biologist shall utilize the ESHA identification requirements in Sec. 8178-2.4 – ESHA and Buffer Zone Determination and Delineation, as well as the more detailed ESHA identification requirements in Appendix E1, Sec. AE-1.2 – ESHA Determinations. Utilizing the best available science, the *qualified biologist* shall provide substantial evidence that supports ESHA determinations and the mapped location and extent of ESHA. Finally, the

CISBA shall include information that provides a factual basis for the least damaging alternative analysis (See Sec. 8178-2.3(b) – Least Damaging Alternatives Analysis), which is required for all projects that will potentially result in adverse impacts to ESHA or *buffer zone*.

a. **Required CISBA Components**. The CISBA report shall include all the components listed below. Also see Sec. AE-1.3.2 below for detailed information on these CISBA components:

- Report Summary
- Introduction (*)
- Existing Physical and Biological Conditions (*)
- Permit History
- Unpermitted Impacts
- List of Potential ESHA and Species (*)
- Field Surveys/Maps (*)
- Site-Specific ESHA/Buffer Zone Map (*)
- ESHA Impact Analysis
- ESHA Mitigation Summary.

CISBA components that will be used during the preparation of the "least damaging alternatives analysis" are indicated with an (*). See Sec. 8178-2.3(b) for more information on the "least damaging alternatives analysis". Also, see AE-1.3.2(g)(2) below for information on field survey and mapping requirements for the "least damaging alternatives analysis".

b. **Geographic Extent of CISBA**. The geographic area covered by a CISBA shall be adequate to conduct the site-specific environmental assessment; determine all potentially adverse *direct*, *indirect* and *cumulative* impacts to ESHA resources; and confirm that the proposed project represents the least damaging alternative. The geographic scope varies for different components of the CISBA. For example, the permit history, record of unpermitted impacts, and list of potential ESHA and species shall be provided for the entire legal lot. Also, the geographic extent of a cumulative impact analysis extends beyond the geographic boundary of the project site. However, the geographic extent of field surveys/maps will depend on the size of the *development envelope* and the type/location of the biological resource. For more detailed information on the required geographic extent of field surveys and maps, see Sec. AE-1.3.2(g)(2) – Geographic Extent of Field Surveys/Maps.

*[**Staff explanation**: This section provides a summary of the geographic extent of the CISBA, which varies for different sections of the document. More detailed information on this subject is provided in Sec. AE-1.3.2.]*

Sec. AE-1.3.2 Required Content of CISBA Components:

a. **Report Summary.** This section will be written as an "executive summary" of the CISBA and will include a condensed synopsis of the findings of the report. The length of the report summary depends directly on the nature and complexity of the biological resources within the survey area, the potential impacts of the proposed project, the measures that will be implemented to avoid and minimize those impacts, and how unavoidable adverse impacts will be mitigated pursuant to Sec. 8178-2.10- Compensatory Mitigation for ESHA.

b. **Introduction.** The introduction shall describe the proposed project and provide information on existing uses and *development* on the subject property. Information on regional and local site conditions also shall be provided using historical/current aerial

photographs and/or maps as well as photographic documentation. The format of the report is as follows:

1. *Project Site Information*: Address; Assessor Parcel Number (APN); land use regulations (General Plan designation, Area Plan designation, Zoning classification); and size of the project site.
2. *Contact Information*. Names, phone numbers and addresses of the property owner, applicant, and project consultants.
3. *Report Preparation Details*. The dates, names, and qualifications of the persons preparing the report.
4. *Statements*. Provide a statement specifying the accuracy of the report. If applicable, provide a statement that defines areas where the County should alter the official ESHA map during an LCP amendment process.
5. *Project Summary*: A description of the proposed project, identification of the type of permit requested, list of any previous permits issued for the property (see Permit History). The description of the project shall contain a description of the approximate size and purpose of all proposed *development*. Include details such as disturbance area (i.e., the total area of the proposed *development envelope*, as well as subsets for size of *building site* and size of *fuel modification zone*), grading volumes and areas, stormwater best management practices (BMPs), parking and staging areas, roads (and associated fire hazard brush clearance areas), fire department turnarounds, utility infrastructure (water wells, pipelines, and septic fields and setbacks), agricultural areas and cultivation species (includes garden areas), confined animal facilities, fences, and outdoor lighting (when applicable). See Sec. AE-1.3.11 for related map/data requirements. Provide a general timeline of construction and maintenance tasks, including heavy equipment needed for each task.

c. **Existing Physical and Biological Conditions**: A CISBA shall include necessary information regarding the local and regional context of the proposed project, including the following:

1. *Regional Context*: Description and map(s) (see Sec. AE-1.3.11) of regional features showing the project location, including watershed boundaries, existing adjacent land uses and *development*, *habitat connectivity* within and outside of the project site, existing and proposed *development* within the project site and within 500 feet of the proposed *development envelope*, and proximity to public lands, *wetlands*, *wet environments*, and roads.

   For proposed land divisions only, all lot sizes (or parcel sizes if the legal lot status is unknown) shall be identified within a quarter-mile radius from the edge of the subject lot. To determine whether a proposed *land division* meets the rural land division criteria of Section 30250 of the Coastal Act, also provide a calculation of the median size of the existing lots within the quarter-mile radius.

2. *Physical Characteristics*: A description and maps (see Sec. AE-1.3.11) of the physical characteristics of the project site (i.e., the legal lot) that includes:
   - Site Elevation
   - Topography, slope orientation, rock outcroppings, riprap, caves, or cliff faces
   - Soil types

- Watershed Name
- Microclimate (e.g., wind conditions, sun exposure).

3. *Biological Conditions:* Provide a site description and maps (see Sec. A.4.3.9) of the overall habitat quality (the current capacity of ESHA serving its natural *function* within the *ecosystem*), invasive species, disturbance, proximity to wildlife/habitat corridors, ESHA location, and the connectivity to surrounding offsite habitat/ESHA. This description will result from the *qualified biologist's* visual and auditory search for plants and animal species including birds and mammals or their signs, as well as a search of leaf litter and under rocks for amphibians or reptiles.

d. **Permit History.** Provide a list and summary of all permits, including permit numbers, for previously authorized *development* on the project site. Include documentation for any clearance or alteration of vegetation within the subject property as well as a written summary, maps, and a tabular/quantitative summary of ESHA habitat removed, degraded or altered through permitted *development*. The tabular information shall identify the habitat type/category, acres impacted, and year of impact. Also provide documentation that shows whether compensatory mitigation was provided for the impacted area.

e. **Unpermitted Impacts.** Provide a list and summary of all unpermitted removal/degradation of vegetation on the project site. Include a tabular/quantitative summary of ESHA habitat removed, degraded or altered through unpermitted *development*. The tabular information shall identify the habitat type/category, acres impacted, and year of impact. To determine the extent and type of ESHA present before the unpermitted impacts to ESHA, the applicant shall provide historic aerial images (January 1, 1977 to current), database searches, the results of site-specific surveys on and adjacent to the subject parcel, and other available evidence.

Planning Division Staff: For areas cleared without a valid permit, including paved and unpaved access roads, Planning Division staff shall conduct an historical analysis of the project site to determine all ESHA categories impacted by development (see Sec. AE-1.2.2(a)).

f. **List of Potential ESHA and Species.** Before conducting the field survey(s) (see subsection (g) below), a list of the ESHA and special status habitats and species that could occur on the project site shall be prepared. Provide a brief summary of the potential ESHA and special status habitats/species on the project site and include a comprehensive list as an appendix to the CISBA (see Sec. 8178-2.3.1 for a comprehensive list of ESHA). The table shall contain recommended survey date(s) for each potential, special-status species on the project site (see subsection (g) below for CISBA Survey Timing). Existing, mapped biological information shall be supplemented with evidence from other published studies that include the following sources:

1. CDFW RareFind, California Natural Diversity Database (CNDDB), Natural Communities List;
2. National Wetland Inventory Database (NWI) and National Hydrographic Dataset;
3. Watershed Protection District Data;
4. California Fire Plan, the Fire and Resource Assessment Program (FRAP) Fire Perimeter Data;
5. Regional and Local Wildlife/Habitat Connectivity Corridors;

6. Vegetation Classification of the Santa Monica Mountains National Recreation Area and Environs (See Sec. 8178-2.2.1 (m) for list of habitat and sensitive species categories);
7. USGS GAP Analysis Program (GAP) GIS Datasets;
8. USFWS Critical Habitat, Environmental Conservation Online System (ECOS);
9. Audubon Important Bird Areas;
10. Ventura County Locally Important Species List;
11. California Native Plant Society Rare Plant Data;
12. Xerces Society and Audubon Red Lists; and
13. Site-Specific Environmental Assessments (CISBA) for abutting or adjacent properties.

g. **Field Surveys and Maps**: This section identifies the information required for field surveys and related maps within the CISBA. It includes information on the geographic extent of field surveys, the timing of field surveys, and survey/mapping requirements for specific types of wildlife/habitats.

1. **Field Survey Results**. The qualified biologist carrying out the field survey(s) shall identify, characterize, and delineate all ESHA that may be found in the site area based on the list of potential species (e.g., rare plants, bat, insects, and birds). All field surveys shall be conducted in accordance with the requirements of this section, and field survey results shall include the following information:

   - A table that contains the recommended detection dates to conduct the species/habitat survey(s), the survey date and time (start/end), acreage surveyed, name of County -approved biologist and qualifications to conduct the species survey;
   - A map depicting the area surveyed and survey route;
   - A discussion of all field methods employed, including the methods for formal protocol surveys, and survey protocols for *special-status species* or sensitive plant communities. Constraints on the accuracy of the report (e.g., wrong season, time-of-day) should be explicitly discussed;
   - A table of all species observed (or evidence that indicates their recent presence) within the survey area or in areas directly or indirectly affected by the project. Highlight *special status species* or sensitive plant communities within a separate table, and title it "Special Status Species Table". A copy of the CNDDB California Native Species Field Survey Form and/or a California Natural Community Field Survey Form that was sent to CDFW shall also be included in the report.
   - ESHA delineation/mapping products associated with field surveys, which shall be used to prepare the Site-Specific ESHA Map (see subsection (h) below).

2. **Geographic Extent of Field Surveys/Maps**. All field surveys/maps shall be conducted within a minimum, 500-foot perimeter zone that extends from the edge

of the proposed *development envelope*[4]. Additional information, and exceptions to the 500-foot standards, are provided as follows:

i. *Additional Surveys/Maps for Least Damaging Alternative Analysis*: General mapping of plant communities shall be conducted for all portions of the subject lot that lie outside the required 500-foot perimeter zone. Such mapping shall be conducted using available GIS vegetation maps, aerial photographs, and other available information. If At the request of the Planning Staff Biologist, the *qualified biologist* preparing the CISBA shall conduct a field visit to ground-truth mapped vegetation data.

ii. *Survey Data for Off-Site Locations*: When a portion of the 500-foot perimeter zone lies outside the project site, a field survey of that area is not required if the land is privately-owned or is publicly-owned but not accessible to the public. For such areas, an assessment and map of biological conditions shall be conducted based on a visual survey with binoculars and a review of aerial photographs, biological assessments prepared for permits processed on abutting/adjacent properties, and habitat/wildlife information available from federal/state/local *natural resource agencies*[5]; and

iii. *Minor Projects:* The geographic extent of field surveys/maps may be reduced to a 100-foot perimeter zone around the edge of the *development envelope* for minor *development* projects (e.g., a fence or small accessory structure) if the project includes no grading and no vegetation clearance (including fuel modification) that exceeds ¼ acre.

*[**Staff explanation**: This section clarifies the required geographic extent of field surveys and related survey maps. These regulations are intended to minimize applicant costs while requiring the data necessary to identify adverse impacts on ESHA and to also identify a least damaging alternative. The 500-foot perimeter zone is based on existing County requirements for wetlands and wet environments, and that distance also represents the required buffer zone for shore bird colonies, raptor nests, and other species. For minor projects, a smaller, 100-foot perimeter would be allowed. The 100-foot perimeter is based on the standard buffer zone for ESHA because such development would not impact a wet environment. It should be noted that the standard, 500-foot perimeter zone for field surveys includes about 15 acres of land.]*

3. **Field Survey Timing.** At least one field survey shall be conducted for the CISBA. Although field surveys are typically conducted in the spring, the number/timing of field surveys is dependent upon the variety of potential *special status species* that may be found on the site, and more than one field survey is often required due to different blooming periods, migration arrival times, and breeding seasons. The number/timing of field surveys shall be based on the research conducted for potential species (see subsection (f) above), although additional surveys may be required based on observations made by the biologist during a site visit. Surveys shall not be conducted during periods of excessive cold, heat, wind, rain, or other

[4] See definition for *development envelope* in Article 2. It includes on-site and off-site *development*.

[5] Examples of such resources include the National Park Service vegetation maps, Ventura County and other GIS data available for soils and slopes, wildlife tracking GIS data, *monarch butterfly overwintering sites*, and California Natural Diversity Database.

inclement weather that individually or collectively reduces the likelihood of wildlife detection.

To avoid project delays, consultation with the Planning Staff Biologist is recommended, as the County may determine that one or more additional surveys are required based on a site visit and/or the following criteria:

i. The likelihood that the detection window for special status plant/bryophyte communities, such as rare native annuals, is limited to a particular time of year or only during a year following normal/high winter rainfall. CDFW's most recent protocol(s) for surveying for rare plants, (Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities) shall be followed when conducting surveys for special status plant/bryophyte communities. If special status plants are discovered, they shall be avoided.

ii. To detect rare invertebrate species (e.g., monarch butterfly or Crotch bumblebee), surveys shall be conducted during the flowering period of flowers on which the invertebrates depend or when microsite characteristics (e.g., shelter from prevailing wind, temperature, nectar, water) may support habitat use during the overwintering season;

iii. Presence of year-round water (i.e., surface water in the dry season (late summer/fall)) capable of providing habitat for sensitive amphibians and reptiles (e.g., coast range newt, California red-legged frog, or southwestern pond turtle);

iv. Arrival of special-status nesting birds that would be possible to detect only during spring/early summer (e.g., yellow warbler, summer tanager, yellow-breasted chat, or Least-Bell's vireo);

v. Survey timing for sites containing appropriate habitat for roosts used by special-status bats (e.g., Western Mastiff Bat, Mexican Long Tongue Bat, or Pallid Bat); and

vi. Survey timing for sites containing appropriate habitat for foraging wintering raptors (e.g., northern harrier, golden eagle, or peregrine falcon).

4. **Surveys for Special Status Species.** Additional surveys shall be conducted to determine the presence of any *special status species* with the potential to occur on the site as follows:

i. For certain *special status species that potentially occur on site*, state or Federal *agency* protocol surveys are required for the species (consult California Department of Fish and Wildlife (CDFW), U.S. Fish and Wildlife Service (USFWS), National Marine Fisheries Service (NMFS), etc.).

ii. Where trees suitable for nesting or roosting or significant foraging habitat are present, the biologist should search for evidence of sensitive bird species and raptor use. If there is independent evidence of significant sensitive bird species or raptor use on or near the property, formal protocol survey(s) shall be conducted.

iii. A daytime bat assessment that identifies the presence of on-site sensitive bat species roosts shall be required when the distribution and range of a sensitive bat species coincides with the site location and the site contains

suitable habitat to support such species (e.g., water sources, trees with cavities, shedding bark, rock faces with cracks). If the daytime assessment identifies on-site bat roosts for sensitive bat species, bat surveys are required during bat activity periods.

iv. Surveys to identify overwintering roosts for monarch butterflies shall be required when the site contains suitable habitat to support such species (e.g., shelter from storms/prevailing winds, nearby water, fall/winter nectar source). Monarch butterfly habitat includes the clustered trees that monarchs use as roosts as well as surrounding trees/shelter that influence the microclimate of the grove. If an initial assessment identifies potential monarch overwintering habitat within 1000 feet of the proposed *development*, then two surveys shall be conducted to account for seasonal or annual differences in environmental conditions at the microsite level (e.g., wind, temperature, humidity). Conduct the first survey during the first half of the overwintering season (e.g., November), and conduct the second survey during the second half of the season (e.g., January)

5. **Survey/Mapping of Plant Communities**. Plant communities shall be identified and mapped using a GPS for all the habitat/plant community types. A description depicting the major plant communities onsite shall include the following:

   - An alliance-level vegetation map based on the State Vegetation Classification maintained by the Vegetation Classification and Mapping Program of CDFW, described in the Manual of California Vegetation by Sawyer et al. 2009 or subsequent editions. Vegetation should be mapped to the association level when rare associations could be present;
   - A table of all plant alliances present onsite and their acreages;
   - Map highlighting the location of invasive species on the site as defined by the California Invasive Plant Council; and
   - The ecological context of the plant community in terms of relative size, diversity, structure, overall condition (i.e., disturbed, burned, or intact), and quality. This should include an analysis of the frequency of wildfires affecting the proposed *development* site, the length of time since the last burn, and the impact of fire on the natural habitat on site.

6. **Survey/Mapping of Protected Trees.** An inventory and health assessment shall be prepared for all *protected trees*, including those classified as ESHA (see requirements in Sec. 8178-7.8).

7. **Survey/Delineation of Wet Environments**. All *wet environments* shall be mapped, along with mapped information for topography, soils, and vegetation between the proposed *development* and the *wet environment*. If the *wet environment* is partially/fully located off-site and will not be directly impacted by the project, mapping of the *wet environment* may occur using aerial imagery at the 1":200' or larger scale. Initial identification of a *wet environment* can occur using the National Hydrography Dataset (NHD) from USGS. However, the NHD may not accurately reflect the total extent of ephemeral or intermittent streams, as it does not include stream segments less than one mile in length, combines intermittent and ephemeral streams, and is based on 1:100,000 scale topographic maps. The NHD dataset should be supplemented with the most recent guidance

provided by the California Rapid Assessment (CRAM) Field Books to delineate the feature. The delineation survey report shall include (at a minimum):

- A map at a scale of 1":200' or larger with polygons delineating all *wet environments*, polygons delineating all areas of vegetation with a preponderance of *wetland* indicator species, and the location of sampling points; and
- A description of the surface indicators used for delineating the *wetland* polygons. Paired sample points will be placed inside and outside of vegetation polygons and *wetland* polygons identified by the consultant doing the delineation.

Potential *wetland* areas shall be identified through a *wetland* delineation that is prepared in conformance with the 1987 Army Corps of Engineers Wetland Delineation Manual and the 2008 Arid West Supplement. U.S. *wetland* delineations must be conducted per the definitions of wetland boundaries contained in Section 13577(b) of Title 14 of the California Code of Regulations. The delineation maps shall be prepared using the standards for *wet environments* listed above. Also, when delineating vernal pools, seeps, springs, estuaries, and lagoons, use the same guidance documents as those cited for *wetland* delineations, supplemented (when necessary) with the most recent guidance provided by the California Rapid Assessment (CRAM) Field Books.

h. **Site-Specific ESHA/Buffer Zone Map**. A site-specific map of all ESHA and *buffer zones* shall be provided. The map shall be based on field survey results (see subsection (g) above) and LCP standards for site-specific maps (see Sec. 8178-2.3(a)(2) and Sec. 8178-2.4 – ESHA and Buffer Zone Determination and Delineation). If applicable, also provide a written justification, based on substantial evidence, to support the following ESHA determinations made when preparing the site-specific map:

1. Extent of ESHA based on the evaluation of unpermitted impacts (see subsection (e) above);
2. Revisions to the mapped extent of ESHA on an adopted ESHA map in the Coastal Area Plan; and
3. Revisions to the mapped extent of ESHA due to natural disaster, when determined pursuant to Sec. 8178-2.4.2 – ESHA Determinations.

The Planning Staff Biologist will conduct a site visit to confirm the conclusions of the proposed classification or reclassification of ESHA within the site-specific ESHA map.

i. **ESHA Impact Analysis**. The CISBA shall contain a discussion and analysis of all unavoidable *direct*, *indirect*, and *cumulative* adverse impacts to ESHA resources that would result from the implementation of the proposed project. *Direct* and *indirect* adverse impacts shall be identified based on substantial evidence provided by the site-specific field surveys and maps prepared for the CISBA. The following information shall be provided to identify and quantify adverse impacts to ESHA:

1. Provide a table summarizing potential environmental impacts (*direct*, *indirect*, and temporary) associated with project construction.
2. Provide a map and table of ESHA acreage proposed to be removed, degraded, or altered. The table shall include the ESHA category and specify whether the area is

ESHA or ESHA *buffer zone* (see Sec. 8178-2.4.3 – ESHA Buffer Zone Delineations). Also, specify whether the impacted acreage is part of the proposed *development* or was previously impacted through the unpermitted removal/degradation of ESHA or *buffer zones*.

3. Provide an analysis of the native *biodiversity* in the study area and quantify the degradation or loss (historic and current) of the ESHA in the area. If applicable, the summary of the ESHA degradation shall contain recommendations for the successful *restoration* of degraded ESHA on the project site.
4. For each species listed in the Special Status Species Table, discuss and analyze the potential adverse impacts to any observed *special status species* due to the proposed *development*. For potential *special status species* listed in the table that were not observed, discuss the ability of such species to utilize the site in its current condition and the ability of such species to utilize the site if ESHA is restored on-site after *development*.
5. Provide a map and a detailed description and analysis of potential impacts to ESHA outside the *development envelope* due to project-related factors such as stormwater runoff, noise, lighting, animal keeping, or *buffer zone* encroachment.
6. Evaluate all *cumulative impacts* from existing, recently approved, and reasonably foreseeable future projects that may directly or indirectly impact the ESHA species previously evaluated for project-level impacts.
7. Identify local or regional *habitat connectivity corridors* (see Sec. 81782.7.6 – Habitat Connectivity Corridors), and evaluate movement barriers or constrained areas (*chokepoints, stepping stones*) for species identified in the field survey (see Sec. AE-1.4.3.6(d) - Habitat Connectivity Corridor). Provide maps and an analysis of the project site's location in relation to local or regional *habitat connectivity corridors* and the potential of the project site to contribute *habitat-value* to local or regional *habitat connectivity corridors*.
8. Proposals to alter a *wetland* or *wet environment* (e.g., channelization, diversion, diking) shall include an analysis of potential impacts on the depletion of groundwater, wildlife migration, downstream erosion and sedimentation, sand supplies to beaches, as well as the identification of risks and procedures to prevent the spread of aquatic invasive species and contaminants (e.g., USFWS Hazard Analysis and Critical Control Point Planning).
9. If Oak Woodland/Savannah and Native Tree Woodland is present, provide an analysis of project alternatives that would avoid removal or encroachment (see Sec. 8178-2.7.4.1 – Oak Woodlands/Savannah and Native Tree Woodlands).
10. Provide information on the proposed project design features and other measures required to minimize or avoid impacts to ESHA. This information shall include a description of construction methods and timing required to avoid adverse impacts. Also, if confined animal keeping facilities are proposed within a *fuel modification overlap zone*, then these measures shall address manure management, BMPs/site design for runoff, livestock security from predators (if applicable), minimizing wildlife attractants, poison use, lighting, etc.

j. **ESHA Mitigation Summary.** Include a summary discussion of the steps that will be taken to avoid and minimize adverse impacts to ESHA (all potential *direct*, *indirect* and *cumulative* impacts to ESHA are considered significant and cumulatively considerable).

Also, present a preliminary plan to mitigate unavoidable impacts, in accordance with the compensatory mitigation requirements in Sec. 8178-2.10, including but not limited to the following information:

1. Provide a quantitative summary of the number of acres for each impacted habitat type that will be required to adequately compensate for ESHA loss or degradation;
2. Describe the proposed approach to compensatory mitigation, including the type of mitigation (e.g., *preservation*, *restoration*) and the proposed use of on-site and off-site compensatory mitigation; and
3. If off-site mitigation is proposed, include preliminary information on available off-site mitigation lots, including one primary and one contingency mitigation site that meet the criteria set forth in the LCP (see Sec. 8178-2.10).

Also, provide a summary of the required project design features and other measures (see subsection 10 above) that shall be incorporated into the project design or conditions of approval for the project to minimize or avoid impacts to ESHA.

AE-1.3.1 Summary of CISBA Maps and Data

Digital GIS file formats and printed maps to scale must be provided with all CISBAs and shall include, but not be limited to, the following:

a. All habitats/ESHA boundaries, along with any appropriate metadata (e.g., address, APN, Permittee's name, purpose of files; GIS data- map projection, date data collected, map processing steps, etc.). ESHA data shall be provided in accordance with the County's metadata standards, and shall be digitized using a GPS for uploading to a GIS system.

b. Documentation from the Ventura County Fire Department confirming the required size of the fuel modification zone associated with the proposed project site, as well as the recommended size of fuel modification zones for alternate sites identified in the least damaging alternatives analysis.

c. If the on-site vegetation map does not conform to the County's digital certified GIS ESHA map (greater than a five percent plus-or-minus margin of error), additional data shall be required within the CISBA to provide substantial evidence for any proposed ESHA map changes. The Planning Staff Biologist may recommend an adjustment to the ESHA map after a site visit and the evaluation of the following documentation:

   - Photos with GPS location, date, time, and directional bearing of the area contested;
   - A draft modified map that shows the location(s) of the increase or decrease in the respective habitat category(s); and
   - An estimate of the difference in area (increases or decreases) measured in square feet (or acres), based on the spatial data.

   The Planning Division is responsible for maintaining all recommendations on ESHA map adjustments within the County's database. Such recommendations will be compiled within the County's database and maintained by the Planning Staff Biologist. However, official changes to the ESHA map will only occur through an LCP amendment process.

d. Maps and spatial data presented in the Project Description, Site History, Permit History (if applicable), Review of Existing Data, Field Survey, Major Plant Communities Summary, Delineation of Wet Environments, Protected Trees, Special Status Species Table, Dispersal Corridors, Impact Assessment, and Mitigation Sections (above).

e. *Project Summary Map*: Map that shows the approximate size and purpose of all proposed components of the *development*. Include details such as parking and staging areas, fire hazard brush clearance areas, roads, fire department turnarounds, utility infrastructure (water wells, pipelines, and septic fields and setbacks), agricultural and cultivation areas, confined animal facilities, fences, and outdoor lighting (when applicable). Also, include the following:

- Location of ESHA, ESHA *buffer zones*, existing/proposed slope, and other pertinent environmental features; and
- Maps of the proposed stormwater management plans for the *development*, with consideration of impacts to drainage alterations.

f. *Geographic Context Map*: Map of regional features showing project location, including watershed boundaries, existing land use (including nearby public lands), existing streams and drainages, and existing/proposed roads. The context map should depict habitat connectivity within and outside the project site.

g. *Biological Context*: Provide a map that includes the location of all ESHA within the development envelope and within 500 feet of the edge of the development envelope. Maps must include the location of observed special status species detected with field surveys, as well as special status species that occurred within 10-miles of the project site (see Sec. A.4.3.5 - List of Potential ESHA and Species).

h. *Map of Plant Communities* - The qualified biologist/botanist shall map using a GPS all the habitat/plant community types present on the property and generally indicate the location of the plant communities on adjacent properties. See Section AE-1.4.4(a)(1) for detailed information on map requirements for plant communities, including the following: (1) an alliance-level vegetation map; and (2) a map of invasive species;

i. *Maps and Photographs*: All maps shall depict all proposed disturbance within context of subsections (a-c); historic and current aerial photographs and maps that provide both a regional context and local detail of the project should be provided along with color photographic documentation of the existing condition of the proposed development site and other noteworthy features.

j. *Adverse Impacts to ESHA*: The following information shall be provided to identify and quantify all adverse impacts to ESHA:

1. Provide a map of ESHA acreage proposed to be removed or altered, categorized by ESHA type (see Sec. 8178-2.3.1 – Definition of ESHA), including impacts to ESHA resulting from encroachment into the *buffer zone* (see Sec. 8178-2.5 – ESHA Buffer Zones);
2. If applicable, provide photos or GIS files to support the classification or reclassification of the ESHA; and
3. Maps of proposed protected mitigation area locations (both on- and/or off-site) relative to proposed development (see (g) and (h) above).

APPENDIX E2
ESHA Mitigation Plans and Legal Instruments for Conservation

Appendix E2 contains the following sections:

AE-2.1 – ESHA Mitigation Plan Requirements
AE-2.2 – Legal Instruments for Conservation
AE-2.3 – Economically Viable Use Determination
AE-2.4 – Coastal Mitigation Lots

Sec. AE-2.1 ESHA Mitigation Plan Requirements

Prior to the implementation of *discretionary development* for which compensatory mitigation is required, the Permittee must submit, and obtain County approval of, an ESHA Mitigation Plan. As shown in the table below, all ESHA Mitigation Plans include a Habitat Mitigation Plan. Other required documentation depends on the mitigation approach taken by the applicant (e.g., *restoration, establishment, preservation*). Information on the required content of a Habitat Mitigation Plan, Habitat Restoration Plan, Habitat Maintenance and Monitoring Plan, and Habitat Preservation Plan are provided in this section.

Type of Compensatory Mitigation:	Habitat Mitigation Plan	Habitat *Restoration* Plan	Habitat Maintenance and Monitoring Plan	Habitat Management Plan
Preservation	Required			Required (2)
Restoration	Required	Required (1)	Required (1)	
Establishment	Required	Required (1)	Required (1)	
Enhancement	Required	Required (1)	Required (1)	

(1) Required if permittee is implementing the mitigation through a third-party provider. Not required if the permittee is purchasing mitigation credits from a County-approved mitigation bank or a *conservation organization* that owns and manages the property.

(2) Required for off-site preservation and when establishing a *coastal mitigation lot*. Not required if permittee is purchasing credits from an available in-lieu fee program.

AE-2.1.1 Habitat Mitigation Plan

A Habitat Mitigation Plan (see Sec. 8178-2.10.9) shall include the following components:

a. **Executive Summary**. Summary of the proposed approach to ESHA mitigation, including the following information:

   1. A table and associated description of all on-site or off-site ESHA or ESHA *buffer zones* that will be impacted and require compensatory mitigation (see Sec. 8178-2.10); and

   2. Description of compensatory mitigation sites, including the location and rationale for site selection. Summarize evidence that shows the mitigation site meets the standards of the LCP (see subsection (b) below);

3. If the permittee is purchasing mitigation credits from a County-approved *mitigation bank*, mitigation site owned/managed by a *conservation organization*, a *coastal mitigation lot*, or in-lieu fee program (if available), then include a summary of the credits or payments and a short explanation of how the required fee or credit provides adequate compensation for impacts to ESHA or ESHA *buffer zones*. (See Sec. 8178-2.10.8 for additional information on mitigation options.)

4. Identify the type of *conservation instrument* that will be used to permanently protect the compensatory mitigation site (see Sec. 8178-2.10.1(c)).

b. **Identification of Mitigation Sites.** A description of proposed, on- or off-site mitigation sites, and an explanation as to how the site(s) meet the standards in Sec. 8178-2.10.4 – Location of Compensatory Mitigation Sites. The description shall include a summary of the baseline conditions of the mitigation site(s) (see below) and all substantial evidence that shows the mitigation site provides ESHA of equal or greater function as the ESHA(s) impacted by the project (see Sec. 8178-2.10.1(c) – General Requirements). Include a map showing the locations of the impact and mitigation site(s), and indicate the distance between the mitigation site(s) and the impact site on the map. Also, include a table that depicts the characteristics of the mitigation site(s) that are relevant to the type of resource proposed as compensation (e.g., sub-watershed, biogeographic region, etc.). Baseline information of existing conditions shall include:

1. Description of the biological resources on the mitigation site. This requirement shall be met by attaching the Site-Specific ESHA Map to the Habitat Mitigation Plan. The Site-Specific ESHA Map was prepared for the project's environmental assessment, pursuant to Sec. 8178-8178-2.3(a), and it shall meet the mapping standards in Appendix E1, Sec. AE-1.3.2(h) – Site-Specific ESHA/Buffer Zone Map.

2. Description of the historical and existing conditions on the proposed mitigation site and area immediately adjacent to site (hydrology, vegetation, soils, surrounding landscape setting and land uses, and ecosystem functions);

3. If wetland *establishment* or *restoration* is proposed for compensatory mitigation, then include a description of the proposed hydroperiod for the site and the site design requirements necessary to ensure there is sufficient water to support the proposed mitigation project; and

4. A description of any physical, chemical, and/or biological degradation occurring within the proposed mitigation site. If the mitigation site will be used for ESHA *preservation*, then identify signs of trespassing, encroachment, dumping, or other concerns that should be addressed in the Habitat Preservation Plan for the mitigation site.

c. **Project Goals and Objectives:**

1. **Goals**. Describe the purpose and goals of the mitigation project. If the proposed mitigation includes ESHA restoration, establishment, or enhancement, then the goal statement(s) shall address the improvement of specific physical, chemical, and/or biological functions at the mitigation site. If the proposed mitigation includes ESHA preservation, then the goal statement(s) shall address the long-term conservation of ESHA in relation to the needs of the watershed, biogeographic region, or other regional conservation needs.

2. **Objectives.** Identify specific and quantitative objectives that will implement the purpose and goals of the mitigation project. Provide a description of the ESHA type(s) and amount(s) that will be provided by the mitigation and how the mitigation method (i.e., *restoration, establishment, enhancement,* and/or *preservation*) will achieve the mitigation project goals. Long term management goals for preservation properties *should* be related to the condition of biological communities, water quality, etc. and the long-term management or maintenance of ESHA.

d. **Performance Criteria**. Define clear and measurable performance standards for each objective to evaluate the success of the compensatory mitigation. For ESHA *restoration* or *establishment* projects, performance standards shall represent measurable changes in the ESHA function of the mitigation site. Measurable changes shall be based on the difference between the baseline condition and end-of-project condition, or they can be based on the difference between the condition of a reference site and the baseline condition of the mitigation site. ESHA function can be measured in percent absolute cover of bare ground, percent relative cover by non-natives, plant species richness, and other selected factors. For ESHA *preservation* projects, performance standards should include the management and maintenance activities (e.g., invasive species removal, fencing for trespass, etc.) needed to meet the defined project goals and objectives.

e. **Contingency Plan.** Adaptive management measures shall be identified, in advance, to address unforeseen changes in site conditions or other components of the mitigation project. Such measures will also allow corrective actions to be taken when performance criteria are not met during the mitigation monitoring period. Adaptive management measures can include additional site protection, replacement or supplemental plantings, and irrigation system adjustments. Adequate flexibility *should* be provided within the contingency plan to allow corrective measures to be used to address conditions that were not anticipated or addressed within the Habitat Mitigation Plan.

Sec. AE-2.1.2 Habitat Restoration Plan

A Habitat Restoration Plan (see Sec. 8178-2.10.9) is required when compensatory mitigation includes ESHA *restoration, enhancement,* or *establishment*. A Habitat Restoration Plan shall include the following components:

a. **Project Coordinator.** A project coordinator shall be identified and function as the main point of contact on the project. The project coordinator must be a qualified biologist with regional experience in habitat *restoration, establishment,* or *enhancement* experience (as applicable) and an understanding of the scientific and technical issues involved in the project.

b. **Landscape Construction and Maintenance Services.** A qualified landscaping company, public agency, or non-profit organization shall be identified that can grow container plants from propagules collected from within the watershed of the mitigation site. The chosen entity shall have demonstrated experience with the successful installation and maintenance of native plants and irrigation.

c. **Project Schedule.** This schedule shall include a list of tasks needed to complete the habitat *restoration, enhancement,* or *establishment* project, including the approximate date each task will be accomplished. The project schedule shall also include interim

milestones that can be used to determine the success of the project and whether an extended project schedule is required.

d. **Plant Palette.** The following information regarding plant palette shall be included:

1. Plant Palette. The plant palette shall consist of locally-indigenous plant species as recommended by a *qualified biologist*. Non-native and non-native *invasive plant species* are prohibited, and plants shall be propagated as follows:

   i. Native plants shall be propagated from local seeds and cuttings or transplanted from salvage plants; and

   ii. If death of original plantings or the required percent vegetation coverage cannot be achieved with propagated plants, native plants may be purchased as container stock from a professional native plant nursery (see subsection (b) above).

2. The acreage and content of the plant palette shall be consistent with the compensatory mitigation requirements established by the LCP (see Sec. 8178-2.10).

e. **Temporary Irrigation System.** A temporary irrigation system that provides time released applications of water shall be installed at the designated *restoration/establishment/enhancement* site(s):

1. The irrigation system shall be installed above-ground, and the temporary irrigation equipment shall be decommissioned and removed at the end of the monitoring period;

2. All onsite irrigation shall be delivered by drip or micro-spray systems that provide 100 percent coverage of the revegetation areas; and

3. Supplemental watering shall be terminated once plants are established and meet the performance criteria identified in the Habitat Maintenance and Monitoring Plan.

f. **Soils.** The following reports and actions shall be required to achieve optimum growth and ensure soil is in its native alkalinity:

1. A soils report, prepared by a certified *soil scientist*[6] with experience in soils engineering, shall be provided that indicates the existing nutrient status and pH of the soil at the *mitigation* site, and the plan shall indicate whether such soils will support the proposed plant palette; and

2. Whenever feasible, topsoil within the footprint of proposed *development* shall be removed, stockpiled for future use, and spread as the final surface layer of soil for any on-site *restoration/establishment* areas.

g. **Weed Eradication Plan.** Provide a plan, methodology and schedule for the eradication of invasive, non-native plants within and adjacent to the *restoration/enhancement/establishment* site.

h. **Fencing Plan.** To prevent trespassing into a designated mitigation site(s), a temporary fencing plan shall be identified and implemented for the duration of the

[6] The American Society of Agronomy (ASA) certifies Soil Scientists as agronomists and crop advisors. The Soil Science Society of America (SSSA) certifies Soil Scientists and soil classifiers.

monitoring period. All temporary fencing shall be removed at the end of the *restoration* project. See CZO Sec. 8178-2.6.14 for fencing standards.

i. **Drainage/Erosion Control.** Where needed, drainage and erosion control measures, such as sandbags, fiber rolls, silt fencing, and/or erosion control matting shall be installed (see CZO Sec. 8178-2.6.7 – ESHA Grading Standards).

Sec. AE-2.1.3 Habitat Maintenance and Monitoring Plan

A Habitat Maintenance and Monitoring Plan (see Sec. 8178-2.10.9) is required to help ensure the success of the compensatory mitigation (i.e., habitat *restoration, enhancement or establishment)*. It identifies the actions necessary to meet the performance standards and monitoring requirements associated with the habitat *restoration, enhancement,* or *establishment* once all project components are installed or constructed. The following components and standards (when applicable) shall be met during the maintenance and monitoring period associated with ESHA Preservation or Restoration Plan components:

a. **Duration.** The minimum duration of a Habitat Maintenance and Monitoring Plan shall be five (5) years, but a longer duration period may be required for specific habitats (e.g., oak woodland), during drought periods, or due to biological constraints of the applicable ESHA *ecosystems*. All replacement plantings or enhancements must be capable of surviving without nurturing, protection, or supplemental care at the end of the duration period. If the vegetation cannot be sustained without such inputs, then the maintenance and monitoring period shall be extended beyond the set period until such time as the performance criteria established by the Habitat Mitigation Plan are fulfilled. If, at the end of a ten-year period, the performance criteria are not met, then an alternative ESHA *preservation, establishment, restoration* or *enhancement* plan shall be prepared and implemented to satisfy the compensatory mitigation requirements for the project.

b. **Maintenance.** The maintenance period shall begin immediately after the installation of the biological components, and it shall continue throughout the established duration period of the Habitat Maintenance and Monitoring Plan. Maintenance activities shall be conducted under the direction of a *qualified biological consultant* throughout the duration of the Habitat Maintenance and Monitoring Plan.

c. **Monitoring.** The monitoring plan shall be used to identify potential problems early and determine appropriate remedial actions. The frequency and duration of monitoring and reporting shall be identified in the Habitat Maintenance and monitoring Plan and shall be adequate to measure specific performance standards and to meet the stated project goals and objectives. The monitoring plan shall include the following:

1. A Monitoring Report shall be prepared by a *qualified biological consultant* and shall, at a minimum, include the following:

    i. Documentation of the number of species established;

    ii. Documentation of the sampling design and analysis used to assess performance standards (e.g. quadrants, transects, etc. for sampling; type of statistics used for the assessment);

    iii. Documentation of species survival percentage and sizes of species;

    iv. Detailed description of the project construction activities performed during the previous year and all restoration and mitigation efforts performed;

v. Color photo documentation of the pre- and current status of the mitigation site conditions;

vi. Discussion of monitoring activities and exotic plant control efforts;

vii. An assessment as to whether all native species are being protected and nurtured and whether interim performance criteria were met; and

viii. Recommendations from a *qualified biologist* or *restoration* specialist that include, but are not limited to, any mid-course corrections and adaptive management actions taken to ensure ongoing progress toward meeting interim and final performance criteria and supplemental required actions, such as the application of soil amendments or other treatments.

All Monitoring Reports shall be submitted to the Planning Division for review and approval during the duration period for the Habitat Maintenance and Monitoring Plan (including extensions). If the Monitoring Report does not include the required contents (see above), then a replacement report will be required.

2. Monitoring shall be performed by a *qualified biological consultant* and shall include, but not be limited to, the following inspections:

i. During any grading and construction required for the habitat restoration, establishment or enhancement actions, the mitigation site shall be inspected to confirm that ESHA project construction standards are being implemented in accordance with the Habitat Restoration Plan and, if necessary, to require immediate corrective action if the established standards are not being implemented;

ii. Site inspections shall be conducted to verify that all plantings and infrastructure were installed in accordance with the approved Habitat Restoration Plan. Also, prior to issuing a Certificate of Occupancy, Planning Division staff shall conduct a site inspection(s) to verify compliance with the approved Habitat Restoration Plan; and

iii. County inspections may also occur on an as-needed basis to evaluate compliance with the performance criteria in the approved Habitat Mitigation Plan or the Habitat Restoration Plan.

*[**Staff Explanation**: Detailed requirements for the Maintenance and Monitoring Plan are provided within the LCP in order to clarify such requirements for project applicants, consultants, and Planning Division staff. The broad purpose of these plans is to ensure that mitigation measures take place as required, and that corrective actions occur, when needed, to ensure the successful completion of a compensatory mitigation plan.]*

AE-2.1.4 Habitat Management Plan

A *Habitat Management Plan* (see Sec. 8178-2.10.9) is required for all off-site mitigation lots used for ESHA *preservation*[7], including *coastal mitigation lots* established pursuant to Sec. 8178-2.10.8(c). The *Habitat Management Plan* shall include the following components:

[7] All ESHA preservation will be located on an off-site mitigation lot, as on-site preservation cannot be used as compensatory mitigation in the coastal zone.

a. *Site Information*: (1) A legal description of the lot (i.e., metes and bounds) and the area used for compensatory mitigation (if different from the legal lot description); (2) an exhibit with a site plan that includes an accurately scaled easement area graphically depicted on the plan, the Assessor Parcel Number(s) (APNs), street address, and name/address of owners; (3) title report (4) written summary of current site conditions; and (5) additional information requested by the Planning Division.

b. *Site Preservation Documentation*: Documented proof that the property is protected in perpetuity (i.e., a copy of the recorded *conservation easement* or official documentation for other types of *conservation instruments* allowed pursuant to Sec. 8178-2.10.1(c). If a *conservation easement* is used to protect the property, then allowable uses shall be limited to those specified by Sec. AE-2.2 below). Documented proof shall be provided prior to recordation of a Final Map for a proposed *land division* or, for other types of permits, prior to issuance of a Zoning Clearance for any structures approved by the permit. A copy of the legal paperwork protecting the site in perpetuity shall be provided as an attachment to the Habitat Preservation Plan.

c. *Management Summary*: The timing, location, and implementation methods for all management operations/practices needed within the *conservation easement* area. Also, any adaptive management actions identified in the contingency section of the ESHA Mitigation Plan (see Sec. AE-2.1.1(e)). The complexity of the management operations/practices for preserved properties will depend on the abundance and arrangement of biological components, site location, etc.

d. *Cost Estimates and Funding*: Information on the stewardship fund or endowment that will be used to manage the property. This information shall, at a minimum, include cost estimates for the long-term maintenance and management of the resources and the fiscal arrangements that will be made for the stewardship fund.

*[**Staff Explanation.** This provision identifies the requirements for permanently protected open space lands. Although land is protected from future development, surrounding land uses, invasive species, and other factors may cause changes to acquired properties, and land management is therefore necessary to sustain particular habitats or manage specific species.]*

AE-2.2 – Legal Instruments for Conservation

The information in this Section shall be used in conjunction with the definitions in Article 2 and the regulatory requirements in Sec. 8178-2.6.3(d) – On-Site Development Restrictions and Sec. 8178-2.10.1(c) – Legal Instruments (for compensatory mitigation). The referenced regulations require the following:

- A *conservation easement* be used to conserve areas providing compensatory mitigation and/or to establish a Coastal Mitigation Lot (see Sec. AE-2.4 below). Lots containing off-site mitigation areas providing compensatory mitigation also may be encumbered by a deed restriction and subsequently conveyed to a County-approved *natural resource agency* or *conservation organization* for ownership, or off-site mitigation lots may be established as a Coastal Mitigation Lot (see Sec. AE-2.4 below).
- A *conservation instrument* will be used to conserve all on-site ESHA, *buffer zones*, and slopes over 30 percent located outside of the *development envelope* that are not used as compensatory mitigation.

AE-2.2.1–Conservation Easements and Deed Restrictions

a. **Conservation Easements -** The *conservation easement*, which shall be subject to County Planning Division review and approval prior to recordation, shall include a formal legal

description of the entire lot, and a metes-and-bounds legal description and graphic depiction, prepared by a licensed surveyor, of the open space *conservation easement* area. The lot shall be free of prior liens, including tax liens, and encumbrances that could interfere with the instrument's purpose of conserving the subject habitat in perpetuity. The *conservation easement* shall state that no *development* shall occur within the open space *conservation easement* area except as otherwise set forth in the project's applicable coastal development permit condition(s), consistent with the allowable uses identified in Section AE-2.2.1 below. The permittee shall provide the County Planning Division with a copy of the *conservation easement* as recorded with the Ventura County Recorder. The permittee shall also provide the County Planning Division with documentation establishing that the County-approved *natural resource agency* or *conservation organization*, or County agency, has formally accepted the *conservation easement*. The permittee shall also provide the County Planning Division with a preliminary title report issued by a licensed title insurance company establishing that the *conservation easement* appears on the property's title.

b. **Deed Restriction and Property Conveyance In Lieu Of *Conservation Easement***. The permittee shall record an open space deed restriction, which shall be subject to County review and approval prior to recordation, encumbering the required open space conservation area, and thereafter convey the lot in fee title to the County-approved entity accepting ownership of the property subject to the deed restriction. The deed restriction shall state that no *development* shall occur within the open space area except as otherwise set forth in the project's applicable coastal development permit condition(s), consistent with the allowable uses identified in Section AE-2.2.1 below. The permittee shall provide the County Planning Division with a copy of the deed restriction as recorded with the Ventura County Recorder. The permittee shall thereafter provide the County Planning Division with documentation establishing that fee title to the open space conservation site(s) has been successfully conveyed to a County-approved *natural resource agency*, *conservation organization*, or County agency approved by the County, and that the document effectuating the conveyance was recorded with the Ventura County Recorder. The permittee shall also provide the County Planning Division with a preliminary title report issued by a licensed title insurance company establishing that the open space deed restriction and subsequent ownership transfer appear on the property's title.

c. **Allowable Uses: Conservation Easements and Deed Restrictions**
When a *conservation easement* or deed restriction is used to conserve areas as compensatory mitigation, the *conservation easement* or deed restriction shall include terms and conditions such that the instrument meets the definitions in Article 2 and the requirements for compensatory mitigation in Sec. 8178-2.10.1(a) – Legal Instruments. New uses and *development* in the conservation area shall only be allowed pursuant to a valid coastal development permit and shall be limited to the following:

   a. Planting of native vegetation, and other habitat *restoration* and *maintenance* activities or *development* (e.g., wildlife permeable fencing, signs), if allowed pursuant to a County-approved ESHA Mitigation Plan (Sec. 8178-2.10.9);

   b. Construction and maintenance of public hiking trails;

   c. Construction and maintenance of roads, trails, and utilities consistent with existing easements; and

   d. Fuel modification required by the Ventura County Fire Department undertaken in accordance with a fuel modification plan approved by the County pursuant to a coastal development permit.

The *conservation easement* or deed restriction shall include a prohibition of other uses and *development* within the conservation area.

AE-2.2.2 – Conservation Instruments

a. General Requirements - When a deed restriction and/or permit condition is used as a *conservation instrument* to avoid potential impacts associated with *development*, the deed restriction and/or permit condition shall include terms and conditions such that the instrument meets the definition of a *conservation instrument* in Article 2.

b. Allowable Uses - New *development* in the area subject to the deed restriction/permit condition shall be limited to the following:

    1. Habitat protection and resource conservation;

    2. Passive recreational uses and associated *development*, such as hiking trails if in existence at the time the deed restriction and/or permit condition is recorded; and

    3. Fire safety activities, such as the preparation of fire breaks required by the Ventura County Fire Protection District to protect existing, permitted *development* during a declared fire emergency.

    The deed restriction and/or permit conditions shall include a prohibition on other types of uses and *development* within the protected area.

Sec. AE-2.3 – Economically Viable Use Determination

The application for an economic viability determination shall include the entirety of all parcels that are geographically contiguous and held by the applicant in common ownership at the time of the application. Before any application for a Coastal Development Permit and economic viability determination is accepted for processing, the applicant shall provide the following information, unless the County determines that one or more of the particular categories of information is not relevant to its analysis:

a. The date the applicant purchased or otherwise acquired the property, and from whom;

b. The purchase price paid by the applicant for the property;

c. The fair market value of the property at the time the applicant acquired it, describing the basis upon which the fair market value is derived, including any appraisals done at that time;

d. The general plan, zoning or similar land use designations applicable to the property at the time the applicant acquired it, as well as any changes to these designations that occurred after acquisition;

e. Any development restrictions or other restrictions on use, other than government regulatory restrictions described in subsection (d) above, that applied to the property at the time the applicant acquired it, or which have been imposed after acquisition;

f. Any change in the size of the property since the time the applicant acquired it, including a discussion of the nature of the change, the circumstances and the relevant dates;

g. A discussion of whether the applicant has sold or leased a portion of, or interest in, the property since the time of purchase, indicating the relevant dates, sales prices, rents, and nature of the portion or interests in the property that were sold or leased;

h. Any title reports, litigation guarantees or similar documents in connection with all or a portion of the property of which the applicant is aware;

i. Any offers to buy all or a portion of the property which the applicant solicited or received, including the approximate date of the offer and offered price;

j. The applicant's costs associated with the ownership of the property, annualized for each of the last five calendar years, including property taxes, property assessments, debt service costs (such as mortgage and interest costs), and operation and management costs. If the viability of existing agricultural uses is an issue, the determination of "viability" shall include consideration of the following elements for the five years immediately preceding the date of the filing of the coastal development permit application: (1) an analysis of the gross revenue from the agricultural products grown in the area; and (2) an analysis of the operational expenses associated with the production of the agricultural products grown in the area; and

k. Apart from any rents received from the leasing of all or a portion of the property, any income generated by the use of all or a portion of the property over the last five calendar years. If there is any such income to report, it should be listed on an annualized basis along with a description of the uses that generate or has generated such income; and

l. Any additional information that the County requires to make the determination.

Sec. AE-2.4 – Coastal Mitigation Lots

Sec. AE-2.4.1 - Establishing a Coastal Mitigation Lot

To establish a coastal mitigation lot, the permittee, property owner, or *conservation organization* shall submit a Coastal Mitigation Lot application form to the County that provides the following information or documentation:

a. Proof of ownership of the proposed Coastal Mitigation Lot;

b. Biological Assessment that includes, but is not limited to, the on-site biological resources and acreage of ESHA by habitat type;

c. Habitat Management Plan (see Sec. 8178-2.10.9 and Appendix E1, Sec. AE-2.1.4 – Habitat Management Plan);

d. A Property Analysis Record (PAR) with estimated costs for management of the property in perpetuity and a trust account or non-wasting endowment to fund the estimated costs for property management.

e. A current title report demonstrating that *development* on the property was not previously retired or restricted through a *conservation easement, conservation instrument,* and/or purchase of fee title or *development* rights; and

f. Evidence that future *development* rights on the proposed Coastal Mitigation Lot will be restricted through one or more of the following legal instruments: (1) a recorded *conservation easement*, or (2) a transfer in fee title to a County-approved *conservation organization* or *natural resource agency*[8], coupled with a deed restriction that insures future *development* on the lot(s) is restricted in perpetuity. See Sec. AE-2.2 – Legal Instruments for Conservation for a complete list of requirements associated with the use of these legal instruments.

[8] Any *natural resource agency* or *conservation organization* that accepts the easement to manage the property must either have the history of managing conservation properties or the capacity and administrative structure to implement the ESHA management plan in perpetuity. This requirement does not pertain to local governments that are third party signatories on the easement agreement.

All applications for a Coastal Mitigation Lot shall be reviewed by County Counsel for form and legal sufficiency to ensure the above requirements are met.

Sec. AE-2.4.2 - Coastal Mitigation Lot Administration

a. The project applicant shall be responsible for providing evidence to the County that mitigation credits were purchased from a County-approved *Coastal Mitigation Lot*;

b. Responsibilities and standards for *Coastal Mitigation Lot* applicants/administrators:

   The property owner and/or *conservation easement* holder shall enter into an agreement with the County in which the above party agrees to be responsible for the administration of mitigation credits for the subject *Coastal Mitigation Lot*. The administration of mitigation credits shall be conducted as follows:

   1. Mitigation credits shall only be sold to project applicants with a development permit approved through the Ventura County Planning Division;
   2. The sale of mitigation credits shall specify the type of habitat and the acreage included in the sale;
   3. Acreage can only be sold once as a preservation credit within the Coastal Mitigation Lot Program;
   4. Costs to implement the EHSA management plan for the *Coastal Mitigation Lot* (Sec. AE-2.4.1 (d)) shall be itemized within the sale of the mitigation credit, and such funds shall be held in a separate fund to be transferred to the easement holder; and
   5. The entity responsible for selling *Coastal Mitigation Lot* credits shall be responsible for providing the Planning Department, in writing, an administrative record that includes but is not limited to: the total mitigation credits approved for the *Coastal Mitigation Lot*, total credits sold (dates of sale, acreage, type of habitat, location of area sold in credit, etc.), and available remaining mitigation credits; and

c. Responsibilities of the Ventura County Planning Division:
   The Ventura County Planning Division shall be responsible for establishing administrative procedures and functions for the Coastal Mitigation Lot Program, which shall include the following:

   1. Preparation of application forms for a *Coastal Mitigation Lot*;
   2. Approval procedures/records for such lots;
   3. Record-keeping forms/procedures for use by mitigation credit administrators of an approved Coastal Mitigation Lot ((c) above); and
   4. Summary record of all County-approved *Coastal Mitigation Lots*. The County's administrative records shall be regularly maintained and shall include the following information:
      i. Location, size, and date established for each *Coastal Mitigation Lot*;
      ii. Available mitigation credits (number, type, acreage, location) for all Coastal Mitigation Lots;
      iii. Summary of mitigation credits sold;
      iv. Copies of coastal development permit(s) and all associated documents used to create the *Coastal Mitigation Lot*, including but not limited to

administrative records, biological studies, maps, conservation easement documentation, etc.; and

v. Copies of impacts to ESHA and the mitigation requirements associated with the development permit(s) which utilized credits from the *Coastal Mitigation Lot* and mitigation credit transaction records;

Also, see Coastal Area Plan, ESHA Program 4(c) for additional information on the required administrative functions for the Coastal Mitigation Lot program.