Attachment 7
Resource Overlay Maps

FOOTHILL /TRABUCO SPECIFIC PLAN AREA
WILDLIFE CORRIDORS

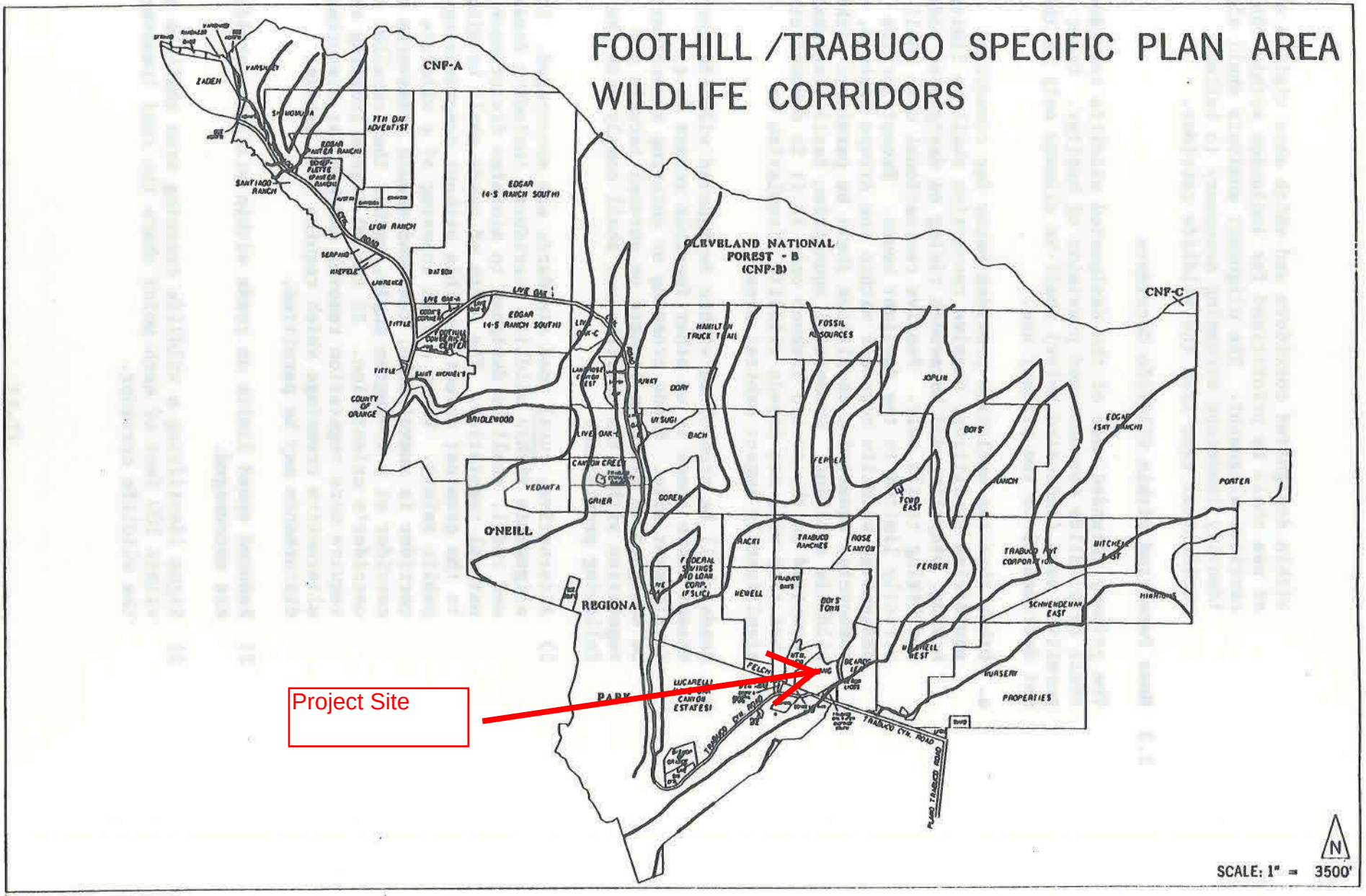


EXHIBIT II-3

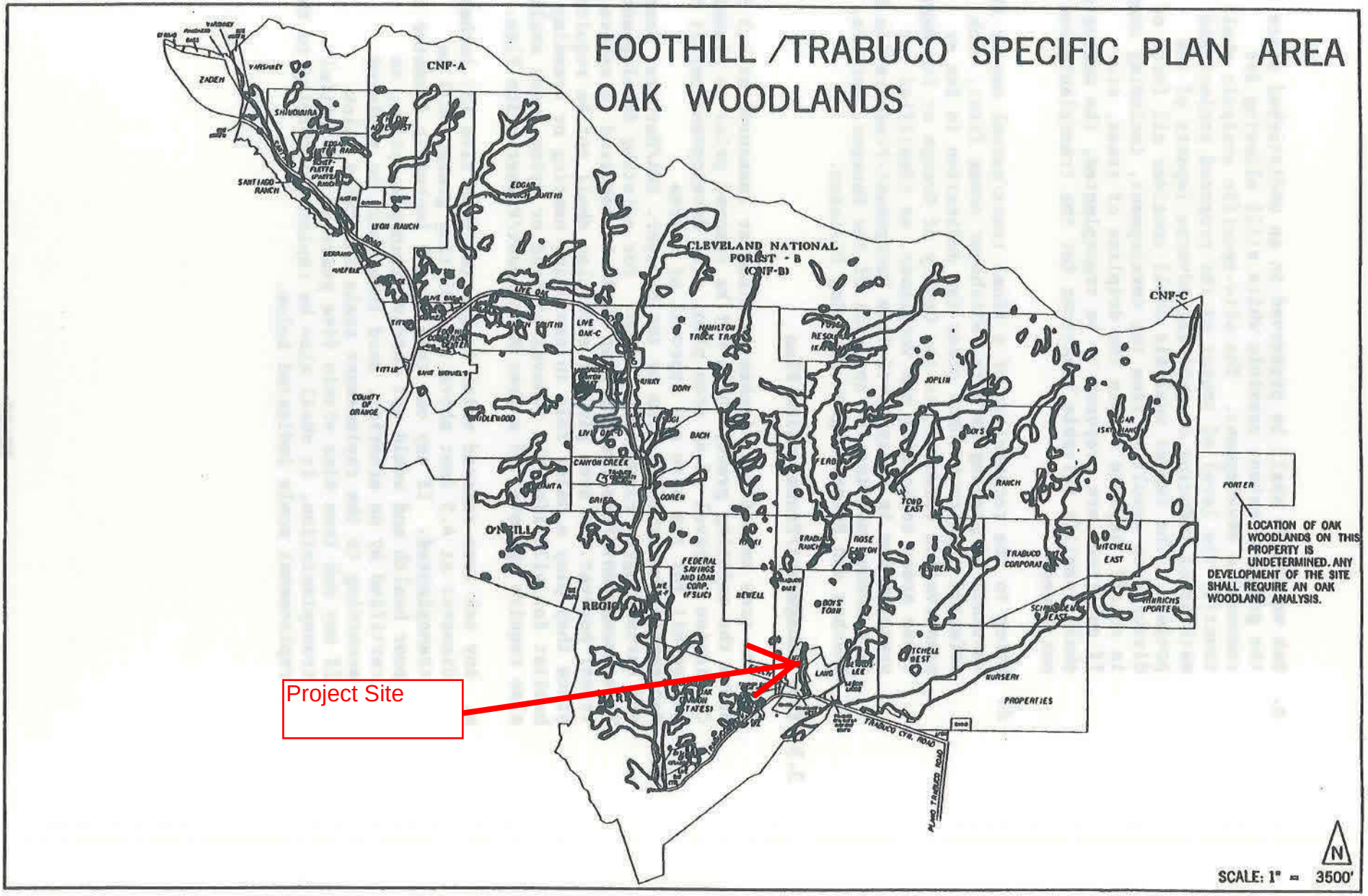

FOOTHILL /TRABUCO SPECIFIC PLAN AREA
OAK WOODLANDS
CNP-A
CLEVELAND NATIONAL FOREST - B (CNP-B)
CNP-C
Project Site
LOCATION OF OAK WOODLANDS ON THIS PROPERTY IS UNDETERMINED. ANY DEVELOPMENT OF THE SITE SHALL REQUIRE AN OAK WOODLAND ANALYSIS.
SCALE: 1" = 3500'
N

EXHIBIT II-4

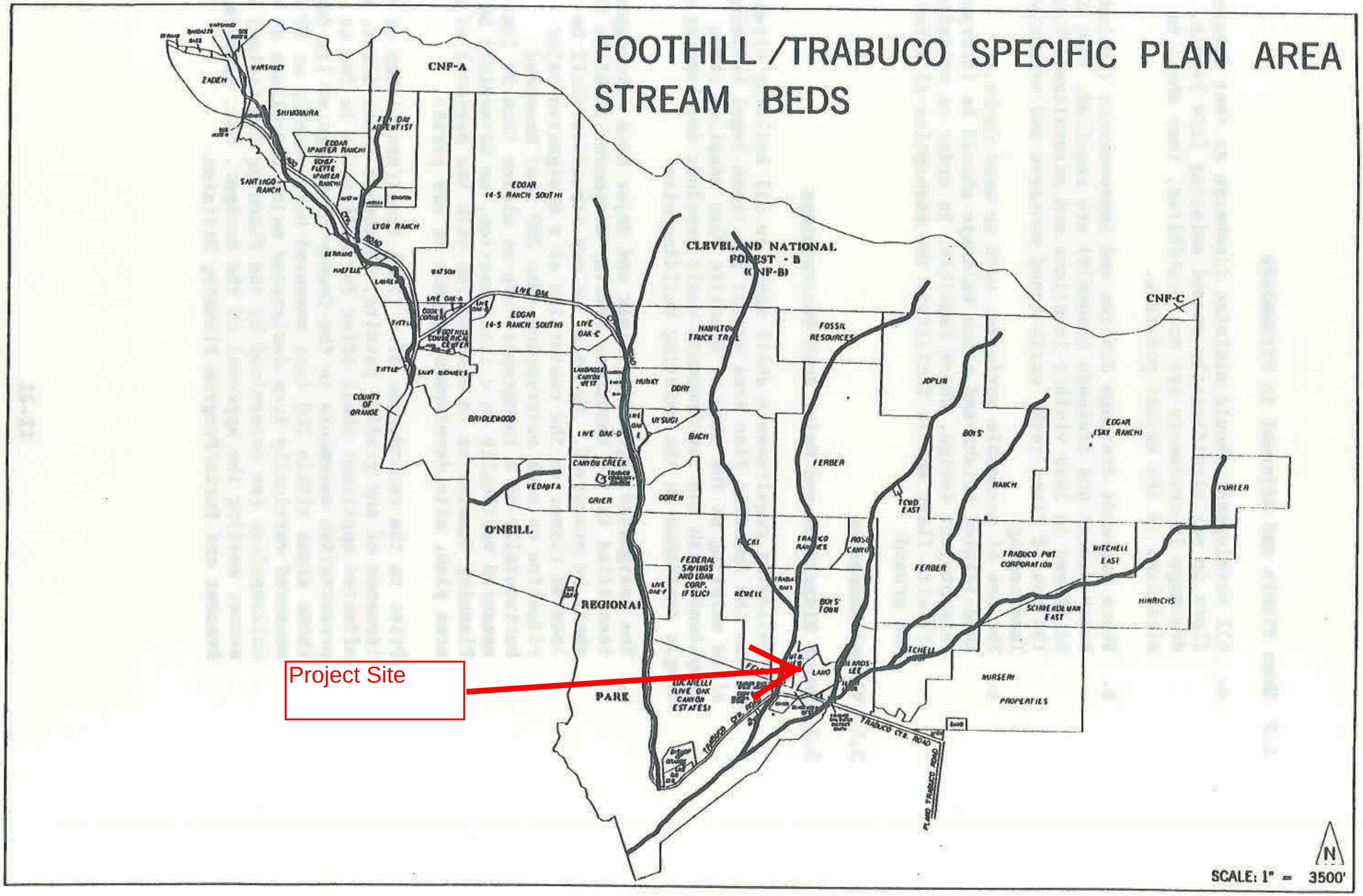

FOOTHILL /TRABUCO SPECIFIC PLAN AREA
STREAM BEDS
CNF-A
CLEVELAND NATIONAL FOREST - B (CNF-B)
CNF-C
ZADEH
SHIMOMURA
SANTIAGO RANCH
LYON RANCH
EDGAR (4-S RANCH SOUTH)
LIVE OAK
FOOTHILL COMMERCIAL CENTER
COUNTY OF ORANGE
BRIDLEWOOD
HAMILTON TRUCK TRAIL
FOSSIL RESOURCES
JOPLIN
EDGAR (SAT RANCH)
BOYS' RANCH
FERBER
PORTER
CANYON CREEK
VEDANTA
GRIER
DOREN
O'NEILL
REGIONAL
PARK
FEDERAL SAVINGS AND LOAN CORP. (FSLIC)
NEWELL
BOYS' TOWN
TRABUCO PIT CORPORATION
MITCHELL EAST
HINRICHS
SCHNEIDERMAN EAST
NURSERY PROPERTIES
LUCARELLI (LIVE OAK CANYON ESTATES)
TRABUCO CYN. ROAD
PLANO TRABUCO ROAD
Project Site
N
SCALE: 1" = 3500'

EXHIBIT II-5

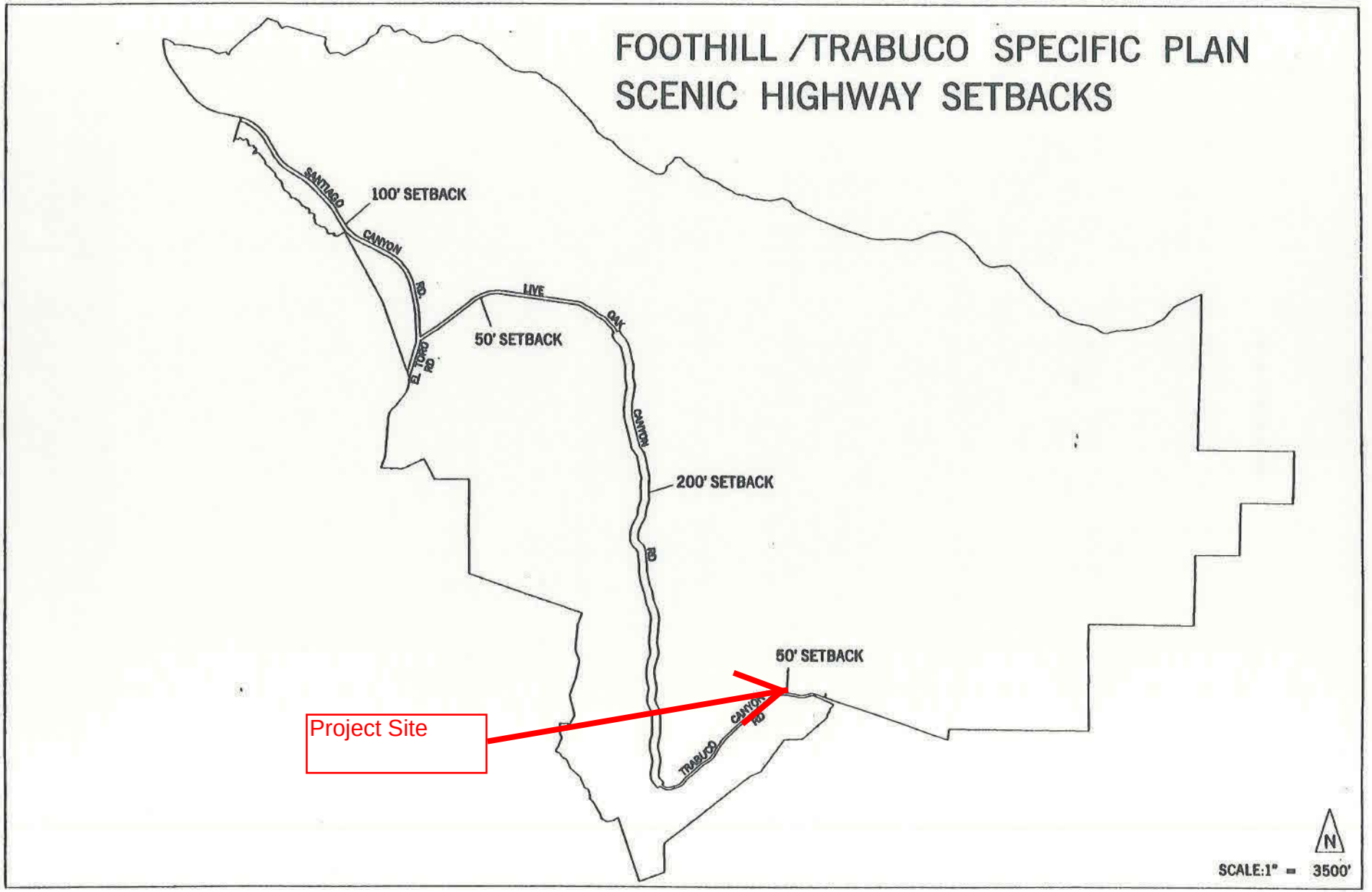
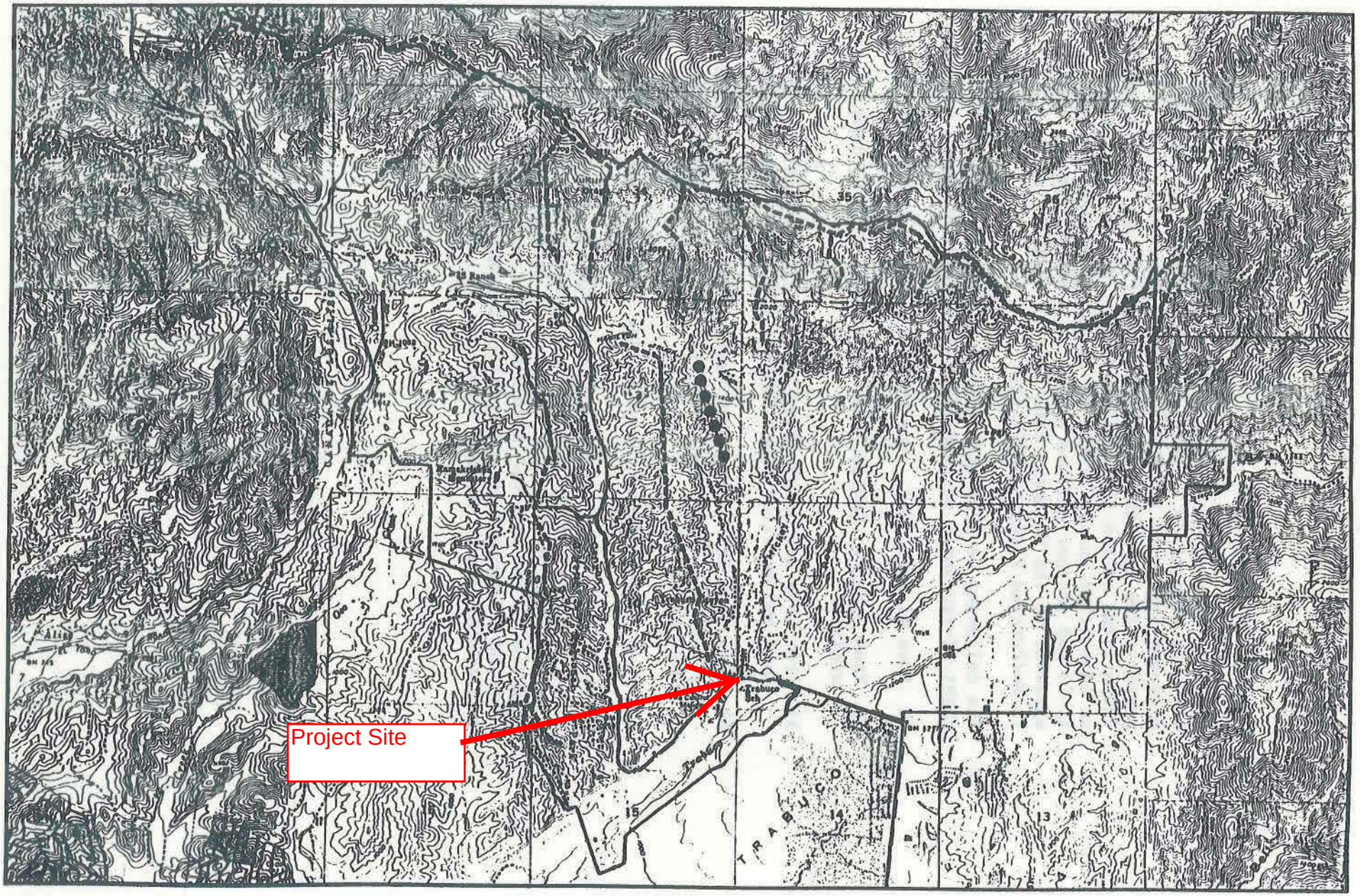

FOOTHILL /TRABUCO SPECIFIC PLAN
SCENIC HIGHWAY SETBACKS
SANTIAGO CANYON RD.
100' SETBACK
LIVE OAK CANYON RD.
50' SETBACK
EL TORO RD.
200' SETBACK
50' SETBACK
TRABUCO CANYON RD.
Project Site
N
SCALE:1" = 3500'

EXHIBIT II-7



MAJOR RIDGELINES AND MAJOR ROCK OUTCROPPINGS

MAJOR RIDGELINE ---------

MAJOR ROCK OUTCROPPING ●●●●●●

ED ALMANZA & associates

EXHIBIT II-9

Attachment 8
FTSP Consistency Checklist

FOOTHILL/TRABUCO SPECIFIC PLAN PROJECT CONSISTENCY CHECKLIST

Introduction

The Foothill/Trabuco Specific Plan Project Consistency Checklist has been developed to assist applicants, EMA staff, interested parties and the Planning Commission in determining whether a project proposal is consistent with the Specific Plan. The Checklist includes only the key Regulations and Guidelines from the Specific Plan; however, all projects shall be required to be found consistent with all of the applicable Regulations and Guidelines included in the Specific Plan. (Refer to the individual Specific Plan Components (Chapter II), the Land Use District Regulations (Chapter III) and the Development and Design Guidelines Chapter IV) for a complete listing.)

The language in the Regulations/Guidelines indicates whether they are mandatory Regulations or non-mandatory Guidelines. "Shall" indicates a mandatory Regulation to which there are no exceptions, while "should" indicates a non-mandatory Guideline. Individual development proposals are not required to be consistent with each and every Guideline. The Planning Commission may approve deviations from the Guidelines; however, the Commission must find that the project is in overall compliance with the Guidelines and consistent with the Goals and Objectives of the Specific Plan.

Implementation

Prior to Planning Commission consideration of any Area Plan, Site Development Permit, Use Permit and/or concurrently processed subdivision map, EMA staff shall complete a Specific Plan Project Consistency Checklist for the project and shall make a determination regarding the project's consistency with the Specific Plan. Additional explanation/discussion of the project's consistency with each Regulation and Guideline shall be attached to the Checklist, as necessary. The Planning Commission shall review the completed Checklist in conjunction with consideration of any discretionary approval and shall utilize the Checklist as the basis for making the necessary findings that the project is in overall compliance with the Specific Plan and consistent with the Goals and Objectives of the Specific Plan.

MBM:mbm
1072608151145

PROJECT: PA20-0141 Trabuco Creek Equestrian

FOOTHILL/TRABUCO SPECIFIC PLAN CONSISTENCY CHECKLIST

REGULATION/GUIDELINE	CONSISTENT? YES	NO	N/A
I. Completeness of Application			
The applicant has submitted all of the necessary information, studies, reports and analyses required by the Specific Plan Regulations and the application has been deemed complete.	X		
II. Environmental Documentation			
A. Initial Study IS _____ has been completed for the project proposal and _____ has been prepared to address the potential environmental impacts of the project.			
B. Initial Study IS _____ has been completed for the project proposal and it has been determined that EIR 531, prepared for the Specific Plan, adequately addresses the potential environmental impacts of the project proposal.			
III. District Regulations/Site Development Standards			
The project proposal is consistent with the following site development standards and regulations of the applicable Land Use District.	X		
A. The project proposal is a permitted use within the District.	X		
B. The project proposal meets the minimum building site area requirement for the District.	X		
C. The project proposal is consistent with the Land Use Plan and the maximum density cap for the site.	X		
D. The project proposal is consistent with the District building height restrictions.	X		
IV. Grading			
A. All residential projects within the Arroyo Trabuco Residential District, the Trabuco Canyon Residential District and the Upper Aliso Residential District shall comply with the following provisions:			

FOOTHILL/TRABUCO SPECIFIC PLAN CONSISTENCY CHECKLIST

REGULATION/GUIDELINE	CONSISTENT? YES	NO	N/A
1. Grading shall be limited to an average of 3,000 cubic yards of grading per dwelling unit permitted by the development cap on the property (either cut or fill, whichever is greater), excluding grading required for access roads or driveways serving two or more parcels and any remedial grading required, as certified by a geologist. For development of a single building site prior to adoption of the Specific Plan, grading shall be limited to 3,000 cubic yards of cut or fill on the individual lot (not an average) with the same exclusion provided above. For development of a single building site existing prior to the adoption of the Specific Plan, grading shall be limited to 3,000 cubic yards of cut or fill on the individual lot (not an average) with the same exclusions provided above.	X		
2. If a property owner develops fewer dwelling units than permitted by the development cap, the grading allocation for the un-built dwelling units may be applied to those that are built. However, in no case shall the number of cubic yards of grading for the project exceed an average of 9,000 cubic yards per building site. Where this provision is utilized, a resource or scenic preservation easement (or other restriction) shall be required over the remainder of the property to preclude development of the un-built units.			X
3. Except for grading required for roads and driveways providing access to two or more dwelling units, in no case shall the height of cut or fill slopes exceed ten (10) vertical feet.			X
4. Except for grading required for roads and driveways providing access to two or more dwelling units, in no case shall the difference between the existing and proposed contour elevations exceed ten (10) vertical feet.			X
5. For private roads and driveways providing access to two or more dwelling units, in no case shall the height of cut or fill slopes exceed thirty (30) vertical feet.			X
6. Except where geological hazards exist that are best mitigated by more conventional grading methods, utilizing linear slopes to best complement required stabilization devices, and where contour grading would result in more significant impacts to natural resources than would conventional grading methods, contour grading techniques shall be used to provide varying slope percentages and slope directions in three-dimensional, undulating patterns, similar to the natural terrain. The following concepts shall be utilized:			X
a) Hard edges left by cut and fill operations shall be given a rounded appearance which closely resembles the natural contours. Rounding of cut or fill edges shall extend a minimum of two feet on either side of any daylight line or hinge point located at the top of a manufactured slope or natural slope.			X

FOOTHILL/TRABUCO SPECIFIC PLAN CONSISTENCY CHECKLIST

REGULATION/GUIDELINE	CONSISTENT? YES	NO	N/A
b) The angle of any graded slope shall be gradually adjusted to the angle of the natural terrain.	X		
7. Where Alternative Grading Standards are proposed, the Planning Commission shall be required to make the following findings:			
a) The Alternative Grading Standards shall result in seventy (70) percent or more of the site being preserved in natural, undisturbed open space. No grading, structures (including stables and corrals), walls (except river rock walls not to exceed 3 feet), fences (except open fencing) or commercial agricultural activities shall be permitted in the natural open space area. Fuel modification shall be permitted within said open space areas if required by the Fire Chief in conjunction with an approved Fuel Modification Plan; however, the development should be designed so that fuel modification impacts to the open space areas are minimized. The Alternative Grading Standards shall not result in an average of more than 9,000 cubic yards of grading (cut or fill, whichever is greater) per building site, excluding grading required for access roads and driveways serving two or more building sites and any remedial grading required, as certified by a geologist.			X
b) The height of cut or fill (manufactured) slopes shall not exceed thirty (30) vertical feet, except for roads or driveways providing access to five or more dwelling units.			X
8. For projects located within the Upper Aliso Residential District, alternatives to Site Development Standards relating to building site area and grading apply based on a determination of greater overall protection of environmental resources as provided in section III 8.8 n.			X
B. Each individual project proposal within the Upper Aliso Residential and Trabuco Canyon Residential Districts (excluding building sites of one (1) acre or less which were existing at the time of Specific Plan adoption) shall preserve a minimum of sixty-six (66) percent of the site in permanent, natural open space which shall be offered for dedication in fee or within preservation easements to the County of Orange or its designee in a manner meeting the approval of the Manager, EMA/Harbors, Beaches and Parks/Program Planning Division. No grading, structures (including stables and corrals), walls (except river rock walls not to exceed three feet), fences (except open fencing) or commercial agricultural activities shall be permitted in the natural open space area, except as provided by applicable District regulations. Fuel modification shall be permitted within said open space areas if required by the Fire Chief in conjunction with an approved Fuel Modification Plan; however, the development should be designed so that fuel modification impacts to the open space areas are minimized.	X		

FOOTHILL/TRABUCO SPECIFIC PLAN CONSISTENCY CHECKLIST

REGULATION/GUIDELINE	CONSISTENT? YES	NO	N/A
V. Resources Overlay Component			
A. Wildlife Corridors			
1. No development proposal subject to the required site-specific wildlife corridor analysis shall be approved until it has been determined by the Planning Commission that the wildlife corridor analysis meets the requirements of the Resources Overlay Component, that the development complies with the corridor protection policies (identified below), and the Planning Commission has approved the final corridor alignments.	X		
2. Delineation/Adjustment of Wildlife Corridor Boundaries			
a. Parcels containing wildlife corridors as designated in the Resources Overlay Component, or any portion thereof, and parcels within 150 feet of any corridor shall be required to prepare a site-specific wildlife corridor analysis. Detailed mapping is intended to provide final designated alignments for the corridors. The intent of the analysis shall not be to locate the corridor where it is most feasible to accommodate adjacent development. Detailed mapping shall be limited to defining the designated 1:500-scale alignment at a scale of at least 1:100 (1:40 scale within the area of disturbance) for incorporation into EMA's Intergraph Mapping System and not realignment or deletion of the designated corridor swath. The analysis shall be prepared by a qualified wildlife biologist.			X
b. Mapping shall identify a minimum corridor width at all locations of 400 feet measured perpendicular to the corridor's boundary, except for the corridor parallel and adjacent to Live Oak Canyon Road where the minimum width shall be 100 feet.			X
c. The explicit intent of the detailed, site-specific corridor alignment analysis shall be to optimize conditions for wildlife use and movement. Factors to be considered in this determination shall include the types of habitat within and at both ends of the corridor. The 1:100 scale mapping (1:40 scale within the area of disturbance) shall attempt to include a variety of the habitat types representative of the area, and to provide habitat for the species that occupy connecting habitat areas. Established large mammal trails within designated corridors which show visible signs of use shall be prioritized for inclusion within the final corridor alignment. The alignment analysis shall also identify landscape screening necessary to buffer residential uses from the wildlife corridor.			X

FOOTHILL/TRABUCO SPECIFIC PLAN CONSISTENCY CHECKLIST

REGULATION/GUIDELINE	CONSISTENT? YES	NO	N/A
d. Prior to the recordation of any final tract/parcel map or the issuance of any grading permits, whichever comes first, the final established wildlife corridor areas shall be offered for dedication in fee or within preservation easements to the County of Orange or its designee in a manner meeting the approval of the Manager, Harbors, Beaches and Parks/Program Planning Division.			X
3. Uses Permitted within Wildlife Corridors			
The primary intended uses of the designated wildlife corridors shall be wildlife movement and provision of habitat. Other permitted uses (indicated below) shall be allowed only if they are not detrimental to the primary use.			X
a. Other than the exclusion provided below for commercial equestrian facilities, passive recreation shall be limited to hiking, bicycling and horseback riding on designated riding and hiking trails only. Passive recreational uses shall be strictly limited to the daylight hours. Except for the designated wildlife corridor within the Arroyo Trabuco, no commercial equestrian facilities shall be permitted within any wildlife corridor. Commercial equestrian facilities shall be permitted in the Arroyo Trabuco only if it is demonstrated that they will not impede wildlife circulation or significantly impact habitat areas.			X
b. Roads shall be prohibited within designated wildlife corridors except where there is no other feasible access to a development site. Roads crossing or entering a corridor shall be designed to minimize impacts on natural terrain and vegetation within the corridor and shall comply with the following provisions:			X
1) Alternative, rural road standards are encouraged. Road alignments within wildlife corridors, including dimensions and radii, shall be designed to minimize disturbance to natural vegetation. The width of the roads shall be minimized to the greatest extent feasible without compromising public safety. Where a road crossing of a wildlife corridor is unavoidable, the road should transverse the corridor at a 90-degree angle, rather than parallel to the corridor's orientation. If the 90-degree crossing would require more vegetation removal and habitat disturbance, alternative crossings which require less habitat disturbance may be permitted.			X
2) Reduced speed limits on roads within wildlife corridors are encouraged.			X
3) Signs identifying a wildlife crossing area shall be posted within 100 feet of each point where the road transverses the wildlife corridor.			X

FOOTHILL/TRABUCO SPECIFIC PLAN CONSISTENCY CHECKLIST

REGULATION/GUIDELINE	CONSISTENT? YES	NO	N/A
4) Roads within wildlife corridors shall be limited to local collector roads providing access to local residents and shall be designed to discourage or preclude through traffic. Controlled access from arterials, e.g. a gated entry, is preferred.			X
5) Where a road crosses a streambed within a designated wildlife corridor, a low-water bridge crossing should be provided rather than a culvert, where possible, to minimize grading impacts associated with culvert crossings.			X
c. Where a recreational trail enters or crosses a designated wildlife corridor, the trail shall be located based upon the recommendations of a site specific corridor analysis by a wildlife biologist. In cases where a trail enters a corridor where a road is also existing or proposed, the trail shall be sited immediately adjacent and parallel to the road in order to minimize habitat disturbance. Where a road is not existing or proposed within the corridor, it is preferable to locate the trail outside of the wildlife corridor.			X
d. When a road or underground utility or pipeline is required to transverse or encroach upon a designated wildlife corridor, its alignment shall incorporate, to the maximum extent feasible, the recommendations of a wildlife biologist based on site visit(s) and assessment of impacts of the proposed alignment.			X
4. Uses Adjacent to Wildlife Corridors			
a. Development shall maintain a minimum 50-foot setback of all structures and barrier fencing from all corridors. Uses within the setback zone shall be limited to low-intensity, residential-related activities such as recreation and private open space.			X
b. If determined necessary by a biologist as part of the corridor analysis, development shall provide planting of a minimum 25-foot buffer zone, within the required 50-foot setback, of native shrubs and trees. In areas where sufficient buffering already exists, landscape screening may not be necessary. Planting shall be informal and shall emphasize native trees and shrubs that provide maximum screening. Landscaping within the buffer zone shall be maintained by the homeowner or by a homeowners' association.			X
c. Exterior lighting shall be prohibited within the 50-foot setback zone. Lighting for outdoor nighttime activities such as playing fields or tennis courts shall be prohibited. Light sources shall be directed away from wildlife corridors. Lighting may be permitted on roads that transverse corridors where necessary for public safety reasons.			X

FOOTHILL/TRABUCO SPECIFIC PLAN CONSISTENCY CHECKLIST

REGULATION/GUIDELINE	CONSISTENT? YES	NO	N/A
d. Fencing within the 50-foot setback zone shall be limited to open fencing (i.e., split rail fencing) which does not exceed 40 inches in height, measured from the finished grade, in order to allow for the mobility of animals.	X		
B. Oak Woodlands			
1. Delineation/Adjustment of Oak Woodlands Boundaries			
a. Parcels containing oak woodlands as identified in the Resources Overlay Component and parcels located within 100 feet of any identified oak woodland shall be required to submit a site-specific oak woodlands analysis, prepared by a qualified biologist/arborist, to determine the precise boundary of the oak woodlands. The analysis shall provide precise mapping of all oak woodlands at a minimum scale of 1:100 (1:40 scale within the area of disturbance) for inclusion in EMA's Intergraph Mapping System. Oak woodlands shall be preserved in an undisturbed state to the greatest extent possible while still allowing for reasonable development. The site-specific analysis shall identify the level of impact of the proposed project and methods of reducing or avoiding adverse impacts of the project. The impacts analysis shall consider all forms of disturbance resulting from the development, including changes in runoff, impacts within the dripline of trees, etc. If oak trees are proposed to be transplanted, the analysis shall identify suitable locations for the transplantation of oak trees.			X
b. Prior to the recordation of a final tract/parcel map or the issuance of grading permits, whichever comes first, each affected applicant shall offer for dedication in fee or preservation easements to the County of Orange of its designee those areas containing oak woodlands, as identified for preservation in an approved Tree Management/Preservation Plan, in a manner meeting the approval of the Manager, Harbors, Beaches and Parks, Program Planning Division.			X
2. Tree Management/Preservation Plan			
a. Any oak tree exceeding five inches in diameter (measured at 4.5 feet above the existing grade) shall not be removed prior to Planning Commission approval of an area plan, site development permit or use permit for the subject site and approval of a Tree Management/Preservation Plan by the Manager, EMA/Harbors, Beaches and Parks/Program Planning Division. For existing development, a Tree Management/Preservation plan shall be required to remove any tress; however, an area plan or site plan shall not be required. Since they provide a major role in providing nesting or breeding habitat, removal of dead or dying oak trees shall also require approval of a Tree Management/Preservation Plan.			X

FOOTHILL/TRABUCO SPECIFIC PLAN CONSISTENCY CHECKLIST

REGULATION/GUIDELINE	CONSISTENT? YES	NO	N/A
b. Any oak trees removed which is greater than five (5) inches in diameter at 4.5 feet above the existing grade shall be transplanted. If any oak tree over five inches in diameter is either in poor health or would not survive transplantation, as certified by an arborist, said tree shall be replaced either according to the Tree Replacement Scale in the Resources Overlay Component or as provided in an approved Tree Management and Preservation Plan designed to provide more extensive and effective mitigation. If any oak trees die within five years of the initial transplantation, they shall be replaced according to Tree Replacement Scale or as provided in an approved Tree Management and Preservation Plan designed to provide more extensive and effective mitigation.	X		
c. The Tree Management/Preservation Plan shall identify those trees exceeding five (5) inches in diameter which are proposed for removal and the location of replacement trees.	X		
d. In the event that all transplanted or replacement trees cannot be feasibly located on the property, an off-cite mitigation program may be permitted; however, all replacement and transplanted trees shall be located within the Specific Plan Area.	X		
e. The Tree Management/Preservation Plan shall be signed and certified by a biologist or arborist. All transplanting of trees shall be performed by an experienced nursery, landscape contractor or arborist who shall care for the trees for a minimum period of six months.	X		
3. Uses Within and Adjacent to Oak Woodlands			
a. During all grading and construction operations, all oak trees on the site, located adjacent to the approved limits of grading and identified in an approved Tree Management/Preservation Plan as trees to be preserved, shall be adequately fenced and protected from encroachment by grading and construction equipment. Grading, placement of fill and storage of building materials and heavy equipment shall be prohibited within the dripline of any tree designated for preservation as part of an approved Tree Management/Preservation Plan.			X
b. Retaining walls shall be used to protect the existing grades within the driplines of oaks from surrounding cut and fill. However, these shall not alter the drainage from around trees.			X
c. No types of surface, whether pervious or impervious, shall be placed within a six-foot radius of oak tree trunks. Where surfacing cannot be avoided, alternative types of paving should be utilized, such as gravel or porous brick and sand joints.			X

FOOTHILL/TRABUCO SPECIFIC PLAN CONSISTENCY CHECKLIST

REGULATION/GUIDELINE	CONSISTENT? YES	NO	N/A
d. Oak trees shall not be subjected to increased runoff from irrigation systems, impermeable surfaces, storm drain discharge, etc.	X		
e. Natural drainage courses and natural grades in proximity to and providing seasonal irrigation to oak trees shall not be altered.	X		
f. In proximity to oak trees, only one trench should be dug to accommodate all utility lines. Where necessary, the impacted trees should be carefully pruned by an arborist in proportion to the total amount of root zone lost.	X		
C. Streambeds			
1. Delineation of Streambed Boundaries			
a. Applicants for development proposals on parcels containing streambeds as designated on EMA's Intergraph Base Map at 1:500 scale and parcels within 100 feet of any designated streambed shall be required to prepare a site-specific streambed analysis prepared by an hydrologist to determine the precise boundary of the streambed at a minimum scale of 1:100 (1:40 scale within the area of disturbance) for incorporation into EMA's Intergraph Mapping System.			X
b. Applicants of said projects shall be required to submit detailed, site-specific analyses to identify the direction and flow of natural runoff from the site, or immediately adjacent to the site. The detailed, site-specific analysis shall address the need for mitigation measures such as check dams, drop structures, rip-rap, energy dissipation structures and flow stabilizing devices below drainage discharge flows to keep velocities close to pre-development levels. The primary objective of including streambeds within the Resources Overlay Component shall be to minimize the need for man-made structures which would alter the natural condition of any designated streambeds, either on-site or downstream.			X
2. Uses Within and Adjacent to Streambeds			
a. All development should minimize discharge so that future storm flows do not significantly exceed existing flow levels. While drainage improvements are not prohibited, they shall be minimized to the extent possible.			X

FOOTHILL/TRABUCO SPECIFIC PLAN CONSISTENCY CHECKLIST

REGULATION/GUIDELINE	CONSISTENT? YES	NO	N/A
b. Where man-made drainage devices and improvements (including bench drains and drainage channels) are required, they shall be placed in less visible locations and naturalized through the use of river rock, earth-toned concrete and extensive landscaping.			X
c. The use of permeable surfaces, such as wood decks, sand-jointed bricks and stone walkways should be incorporated into project design, where feasible, in order to minimize off-site flows and to facilitate the absorption of water into the ground.			X
D. Visual Resources			
1. Major Ridgelines and Major Rock Outcroppings			X
The following requirements shall apply to all building sites within the Specific Plan Area except for those legal building sites existing at the time of Specific Plan Adoption where compliance with the requirements would preclude development of a single residence on the existing building site.			
a. The designated Major Ridgelines and Rock Outcroppings identified in the Resources Overlay Component shall be preserved: No point on any structure shall be located closer to the centerline of a designated major ridgeline than 200 feet measured horizontally on a topographic map or closer than 50 feet measured vertically on a cross section, as determined by the Planning Commission in conjunction with the approval of an area plan, site development permit or use permit. Said areas within 200 feet measured horizontally or 50 feet measured vertically shall be offered for dedication in fee or preservation easements to the County of Orange or its designee prior to the recordation of a final tract/parcel map or the issuance of grading permits, whichever comes first, in a manner meeting the approval of the Manager, EMA, Harbors, Beaches and Parks/Program Planning Division.			X
b. Applicants for development projects on sites located adjacent to the scenic roadway corridors identified in the Resources Overlay Component shall offer the required scenic setback areas for dedication in fee or preservation easements to the County of Orange or its designee prior to the recordation of a final tract/parcel map or the issuance of grading permits, whichever comes first, in a manner meeting the approval of the Manager, EMA, Harbors, Beaches and Parks/Program Planning Division.			X

FOOTHILL/TRABUCO SPECIFIC PLAN CONSISTENCY CHECKLIST

REGULATION/GUIDELINE	CONSISTENT? YES	NO	N/A
2. Scenic Roadway Corridors			
a. Applicants for development projects which are visible from any road designated as a scenic corridor in the Resources Overlay Component shall be required to submit a detailed viewshed analysis of the proposed development for consideration by the Planning Commission in conjunction with any area plan, site development permit or use permit.	X		
b. No structure should encroach upon the skyline as viewed from the scenic corridors.	X		
c. Landscape screening shall be provided to obscure any grading scars that are visible from the designated scenic corridors.	X		
VI. Landscaping and Fuel Modification			
A. Prior to the approval of any area plan, tentative subdivision map, site development permit or use permit, the applicant shall prepare a Preliminary Landscaping Plan for approval of the Manager, Subdivision Division in consultation with the Manager, EMA/Harbors, Beaches and Parks/Program Planning Division. A licensed landscape architect shall certify in writing that the plan is consistent with the Landscaping Regulations and the Development and Design Guidelines of the Specific Plan. Prior to the issuance of any grading permits, a Precise Landscaping Plan shall be approved by the Manager, Subdivision Division, in consultation with the Manager, EMA/Harbors, Beaches and Parks/Program Planning Division. Prior to the issuance of certificates of use and occupancy, the applicant shall install said landscaping and irrigation systems and shall have a licensed landscape architect certify that it was installed in accordance with the approved Precise Plan and shall furnish said certification to the Manager, EMA/Building Inspection Division.	X		
B. Any tree exceeding five inches in diameter (measured at 4.5 feet above the existing grade) shall not be removed prior to Planning Commission approval of an area plan, site development permit or use permit and the approval of a Tree Management/Preservation Plan by the Manager, EMA/Harbors, Beaches and Parks, Program Planning Division. Said plan shall be incorporated as a component of the required Landscaping/Fuel Modification Plan. Since they play a major role in providing nesting or breeding habitat, the removal of dead or dying trees shall require approval of a Tree Management/Preservation Plan by the Manager, EMA/Harbors, Beaches and Parks/Program Planning Division. Said plan shall be signed and certified by a biologist or arborist. The plan shall identify the location, size and species of all trees proposed to be removed which have a trunk diameter of five inches or greater at 4.5 feet above the existing grade and the proposed location for transplanted or replacement trees.	X		

FOOTHILL/TRABUCO SPECIFIC PLAN CONSISTENCY CHECKLIST

REGULATION/GUIDELINE	CONSISTENT? YES	NO	N/A
C. Any oak trees exceeding five inches in diameter at 4.5 feet above the existing grade removed in accordance with an approved Tree Management/Preservation Plan shall be transplanted. If any oak tree over five inches in diameter is either in poor health or would not survive transplantation, as certified by an arborist, said tree shall be replaced either with minimum 15-gallon trees according to the Tree Replacement Scale included in the Landscaping Regulations or as provided in an approved Tree Management and Preservation Plan designed to provide more extensive and effective mitigation.	X		
D. Any sycamore tree exceeding thirty-five inches in diameter shall be preserved, transplanted or replaced by an identical species of equal or greater size. Sycamore trees less than thirty-five inches in diameter shall be replaced according to the Tree Replacement Scale in the Landscaping Regulations.	X		
E. In the event that all replacement trees will not fit on a property, an off-site mitigation program may be permitted; however, all replacement trees shall be located within the Specific Plan Area.	X		
F. Any species of tree, other than oaks or sycamores, shall be transplanted or replaced with minimum fifteen gallon trees at minimum ratio of 1:1.		X	
G. All transplanting of trees shall be performed by an experienced nursery, landscape contractor or arborist who shall care for the tree for a minimum period of six months. If any transplanted tree dies within five years of the date of transplantation, it shall be replaced according to the replacement scale for the trees removed.	X		
H. Grading, placement of fill, storage of building materials and heavy equipment, structural development and hardscape (e.g., roads, sidewalks, patio slabs and pool decks), shall be prohibited within the dripline (outer edge of branches) of any oak or sycamore tree. Where these activities cannot be avoided, all trees with impacted driplines shall be retained in their current location, but replacement trees shall be provided according to the Tree Replacement Scale in the Landscaping Regulations.	X		
I. During all construction and grading operations, all oak and sycamore trees on the site located adjacent to the approved limits of grading identified in the Tree Management/Preservation Plan as trees to be preserved shall be adequately fenced and protected from encroachment by grading and construction equipment. In the event that any oak or sycamore trees are inadvertently or intentionally injured or removed, they shall be replaced in accordance with the Tree Replacement Scale in the Landscaping Regulations.	X		
J. Graded slopes shall be re-vegetated with native, fire-resistant vegetation prior to the issuance of certificates of use an occupancy or within six months of the termination of grading operations, whichever occurs first.	X		

FOOTHILL/TRABUCO SPECIFIC PLAN CONSISTENCY CHECKLIST

REGULATION/GUIDELINE	CONSISTENT? YES	NO	N/A
K. Landscape screening shall be provided to obscure grading scars from the view of any public road.	X		
L. All projects located in a wildland fire hazard, as identified by the Fire Chief, shall be required to prepare Fuel Modification Plans. Said plans shall be incorporated as a component of the required Landscaping Plan.	X		
M. Prior to the approval of any area plan or the issuance of any grading permits or building permits, whichever occurs first, the applicant shall prepare a Preliminary Fuel Modification/Landscaping Plan for approval first by the Fire Chief and then by Manager, Subdivision Division in consultation with the Manager, EMA/Harbors, Beaches and Parks, Program Planning Division. The Manager, Harbors, Beaches and Parks, Program Planning Division shall determine whether the Fuel Modification/Landscaping Plan is consistent with any Resource Management Plan and/or Tree Management Preservation Plan addressing the subject property. The Preliminary Landscaping/Fuel Modification Plan shall be incorporated into an area plan if one is required for the subject project. The plan shall show the special treatment to achieve an acceptable level of risk in regard to the exposures of structures to flammable vegetation and shall address the method of removal and installation (mechanical or hand labor), and provisions for its continuous maintenance.	X		
N. Prior to the approval of any site development permit or the issuance of any building permits, whichever occurs first, the applicant shall prepare a Precise Fuel Modification/Landscaping Plan for approval first by the Fire Chief and then by the Manager, Subdivision Division in consultation with the Manager EMA/Harbors, Beaches and Parks/Program Planning Division. The Manager, Harbors, Beaches and Parks, Program Planning Division shall determine whether the Fuel Modification/Landscaping Plan is consistent with any Resource Management Plan and/or Tree Management Preservation Plan address the subject property. The precise plan shall include all preliminary plan information, as well as a plant list, an irrigation plan and a precise definition of fuel modification zone boundaries.	X		
O. Installation of the approved Precise Fuel Modification/Landscaping Plan shall commence prior to the issuance of any building permits for new habitable structures, under the supervision of the Fire Chief, and shall be completed prior to the issuance of applicable use and occupancy permits. After final inspection and approval, fuel modification/landscaping shall be regularly maintained in accordance with the approved plan.	X		
P. The project proposal is consistent with the remaining Fuel Modification Regulations (Section III.E) and, if applicable, the Landscaping and Fuel Modification Guidelines (Section IV.F).	X		

FOOTHILL/TRABUCO SPECIFIC PLAN CONSISTENCY CHECKLIST

REGULATION/GUIDELINE	CONSISTENT? YES	NO	N/A
VII. Animal Regulation			
The project proposal is consistent with the Animal Regulations (Section III.F).	X		
VIII. Circulation Component/Phasing Component			
The project proposal is consistent with the Circulation Component and will not generate traffic beyond the levels assumed in the Traffic Analysis included in the EIR 531. The project will be phased in a manner which is consistent with the Phasing Component.	X		
IX. Recreation Component			
The project proposal is consistent with the Recreation Component, and the applicant shall offer to dedicate and improve the Master Plan Riding and Hiking Trails, Master Plan Bikeways, Local Riding and Hiking Trails and Local Parks affecting the property, as required by the Recreation Plan.	X		
X. Public Facilities Component			
The project proposal is consistent with the Public Facilities Component, and there are either: 1) adequate public facilities existing to serve the proposed level of development; or 2) the project will be phased to ensure that necessary infrastructure improvements are implemented commensurate with development.	X		
XI. Development and Design Guidelines			
A. The project is consistent with the Grading, Drainage and Site Planning Guidelines (Section IV.C).	X		
B. The project proposal is consistent with the Streetscape Guidelines (Section IV.D).	X		
C. The project proposal is consistent with the Architectural Guidelines (Section IV.E).	X		
XII. CONSISTENCY DETERMINATION:			
On the basis of this evaluation, I find that the following consistency determination applies:			
A. The project proposal is consistent with all of the Specific Plan Regulations and Guidelines.			
B. The project proposal is inconsistent with the Specific Plan Regulations and is, therefore, inconsistent with the Specific Plan.			

FOOTHILL/TRABUCO SPECIFIC PLAN CONSISTENCY CHECKLIST

REGULATION/GUIDELINE	CONSISTENT? YES	NO	N/A
C. The project proposal is consistent with all of the Specific Plan Regulations, but inconsistent with some of the Specific Plan Guidelines. Although the project is inconsistent with one or more of the Guidelines, the project proposal is in overall compliance with the Specific Plan Guidelines and consistent with the overall Goals and Objectives of the Specific Plan.	X		
D. The project proposal is consistent with the Specific Plan Regulations, but inconsistent with several of the Specific Plan Guidelines. Due to the number of individual Guidelines with which the project is inconsistent and the degree of the inconsistency, the project cannot be found in overall compliance with the Specific Plan Guidelines or consistent with the Goals and Objectives of the Specific Plan.			

By: KCanning Date: 11/18/2020

Title: Contract Planner Division: Planning

Attachment 9
FTSP Animal Regulations

F. Animal Regulations

1.0 Purpose and intent.

The keeping of horses and other animals is an important aspect of the unique rural character of the Foothill/Trabuco area. The purpose of these regulations is to establish standards for the keeping of horses to ensure clean and sanitary conditions, and the health, safety and welfare of residents of the community and animals. (Informational note: The types, number and manner in which pets and animals are to be kept is further regulated by the Health, Sanitation and Animal Code by the Director of the County Health Care Agency.)

2.0 Commercial or Homeowners' association equestrian stable standards.

Commercial equestrian stables or stables owned and operated by a homeowners' association (HOA) may be established in any land use district in which they are permitted (see Land Use District Regulations, Section III.D) subject to the approval of a use permit by the Planning Commission. All commercial and HOA equestrian stables shall comply with the following standards.

a. Distance to nearest residence. No commercial equestrian stable or stable owned and operated by a HOA shall be located closer than three-hundred (300) feet from the nearest residence, except that of the property owner, or as otherwise approved by the Planning Commission in conjunction with a use permit.

b. Minimum building site area. Two (2) acres.

c. Density. The maximum density shall be ten (10) horses per acre.

d. Riding arena/exercise rings.

1) For commercial stables with fifteen (15) or more horses, a minimum of five-thousand (5,000) square feet of riding arena or exercise ring shall be provided per fifteen (15) horses.

2) For facilities with over one-hundred (100) horses, the square feet of riding ring required above shall be cumulatively provided within more than one separate riding arena or exercise ring.

3) No dimension of any riding arena or exercise ring shall be less than thirty (30) feet.

4) Stall/corral design. Stalls/corrals designed for one horse shall comply with the following requirements. Stalls/corrals designed for more than one horse shall

provide the minimum stall/corral area and corral covering or enclosure per horse, as indicated below.

a) Stall/corral area. One hundred forty-four (144) square feet minimum per horse, with no dimension less than ten (10) feet.

b) Stall/corral covering or enclosed shelter area. Ninety-six (96) square feet minimum per horse, with no dimension less than eight (8) feet.

c) Watering systems. Each stall/corral shall have a separate, automatic watering device.

6) Wash racks. For facilities with fifteen (15) or more horses, one wash rack per thirty (30) horses or fraction thereof shall be provided subject to the following requirements:

a) Individual wash racks shall be a minimum of six (6) feet by eight (8) feet.

b) Each wash rack shall include a water source with a back siphon device.

c) Each wash rack shall include a floor drain connected to a sewer facility or septic tank.

d) Each wash rack shall include a concrete slab floor.

7) Insect and rodent control.

a) Automatic, non-leak valves shall be provided for all troughs, bowls, cups and other watering devices.

b) Grading in stalls/corrals shall be properly integrated into a master drainage plan to prevent ponding of water and unnecessary runoff. Stall/corral coverings or roofs on enclosed shelters shall be sloped away from the center of the stall/corral, or rain gutters shall be installed.

c) All dry grains shall be stored in rodent-proof containers.

d) Hay shall be covered and stored on a raised platform that maintains a minimum six (6) inch clearance above the surrounding area.

e) Manure shall be removed daily from stables, corrals, exercise pens and workout areas.

f) Manure shall be stored in fly-tight covered containers.

g) In no case shall manure be permitted to remain in any container for a period exceeding seven (7) days.

h) Fly insecticides and baits or automatic fly sprays with chemicals approved for humans, horses and other animals shall be used as necessary. Directions on the product container shall be followed carefully.

8) Miscellaneous operating requirements.

a) A program of continuous dust control of the entire premises shall be maintained.

b) The entire site shall be fenced in such a manner as to confine horses within the site per the fencing provisions of the Resources Overlay Component (Section II.C). Commercial equestrian facilities shall not be permitted within any wildlife corridor other than the wildlife corridor in the Arroyo Trabuco. Within the Arroyo Trabuco, commercial equestrian facilities shall be permitted only where they would interfere with the functioning of the wildlife corridor.

c) For sites containing twenty (20) or more horses, all runoff from areas containing stalls/corrals shall be directed to a sewer facility or otherwise treated so that runoff from the site does not deteriorate water quality in nearby streams or other water bodies.

9) Application submittal requirements. All use permit applications for commercial or HOA owned and operated equestrian stable facilities shall include the information generally required for use permit applications (see Section III.G.2), as well as the following:

a) The location with full dimensions provided of all stalls/corrals, riding arenas/exercise rings, stall covers and enclosures, wash racks, and tack/storage facilities.

b) A master drainage plan for the site, including all stalls and corrals.

c) A management plan for manure disposal.

d) A management plan for dust control. The method for water sprinkling of arenas and exercise areas or other dust control provisions shall be indicated.

3.0 Residential standards for the keeping of horses.

The non-commerical keeping of horses for the recreational enjoyment of persons residing on the same building site is encouraged in any residential land use district subject to the regulations below. Horses which were legally located on building sites and structures housing horses built with valid building permits issued prior to the effective date of the Specific Plan may remain where located and shall be considered as legal, conforming uses.

a. Except for legal building sites less than 20,000 square feet which were existing prior to the effective date of the Specific Plan, horses shall be permitted on lots of 20,000 square feet or greater only. The legal keeping of horses on building sites existing prior to the effective date of the Specific Plan shall be considered legal, conforming uses and shall not be subject to this minimum lot size requirement for the keeping of horses.

b. Except for horses legally located on building sites existing prior to the effective date of the Specific Plan, the cumulative total number of horses permitted on both existing and future building sites shall be limited to the maximum number indicated below unless otherwise approved by the Planning Commission in conjunction with a site development permit. Offspring shall be exempt until such time as they are weaned.

Square Footage of Building Site	Maximum Number Permitted
less than 20,000 square feet	3
20,000 to 29,999 square feet	4
30,000 to 39,999 square feet	5
40,000 to 49,999 square feet	6
50,000 to 59,999 square feet	7
60,000 to 69,999 square feet	8
70,000 to 79,999 square feet	9
80,000 to 2 acres	10
2 acres and above	15

c. For purposes of these regulations, the breeding of horses shall not be considered a commercial use.

d. Setbacks from residences.

1) For legal building sites of less than 20,000 square feet existing prior to the effective date of this Specific Plan, no horse shall be stabled or corralled in any manner within twenty (20) feet of any structure used for human habitation other than that of the property owner.

2) For existing building sites of 20,000 square feet or greater, or any building site created subsequent to the effective date of the Specific Plan, no horse shall be kept, stabled, tethered, corralled or confined in any manner within one-hundred (100) feet of any structure used for human habitation other than that of the property owner, or within fifty (50) feet of any property line.

e. All animals (other than horses on established riding and hiking trails) shall be confined or otherwise controlled by the owner, in accordance with the provisions of the Resources Overlay Component (Section II.C), to prevent them from intruding into natural open space areas where they may disrupt or threaten wildlife.

f. Stall/corral design. Stalls/corrals designed for one horse shall comply with the following requirements. Stalls/corrals designed for more than one horse shall provide the minimum stall/corral area and corral covering or enclosure per horse as indicated below. Provisions 1 through 4, below, shall apply only to the establishment of new equestrian facilities and not to equestrian facilities existing prior to the effective date of the Specific Plan.

1) Stall/corral area. One hundred forty-four (144) square feet minimum per horse, with no dimension less than ten (10) feet.

2) Stall/corral covering or enclosed shelter area. Ninety-six (96) square feet minimum per horse, with no dimension less than eight (8) feet.

3) Watering systems. Each stall/corral shall have a separate, automatic watering device. Automatic, non-leak valves shall be provided for all troughs, bowls, cups and other watering devices.

4) Grading in stalls/corrals shall be properly integrated into a master drainage plan to prevent ponding of water and unnecessary runoff. Stall/corral coverings or roofs on enclosed shelters shall be sloped away from the center of the stall/corral, or rain gutters shall be installed.

5) Insect and rodent control.

a) All dry grains shall be stored in rodent-proof containers.

b) Hay shall be covered and stored on a raised platform that maintains a minimum six (6) inch clearance above the surrounding area.

c) Manure shall be removed daily from stables, corrals, exercise pens and workout areas.

d) Manure shall be stored in fly-tight covered containers.

e) In no case shall manure be permitted to remain in any container for a period exceeding seven (7) days.

f) Fly insecticides and baits or automatic fly sprays with chemicals approved for humans, horses and other animals shall be used as necessary. Directions on the product container shall be followed carefully.

g. Miscellaneous operating requirements.

1) A program of continuous dust control of the entire premises shall be maintained.

2) Except when being ridden on established riding and hiking trails, horses shall be confined within the site, per the fencing requirements of the Resources Overlay Component (Section II.C).

h. Application submittal requirements. All site development permit applications where horses will be kept shall include the information generally required for site development permit applications (see Section III.G.2), as well as the following:

1) The location with full dimensions provided of all stalls/corrals and stall/covers and enclosures.

2) A management plan for manure disposal.

3) A master drainage plan for the site.

4) A management plan for dust control. The method for water sprinkling of arenas and exercise areas or other dust control provisions shall be indicated on the site development permit.

Attachment 10
Biologist's Report

TECHNICAL MEMORANDUM

GLENN LUKOS ASSOCIATES
Regulatory Services

PROJECT NUMBER: 14180001EQUE

TO: Kevin Canning, County of Orange

FROM: Tony Bomkamp

DATE: March 2, 2021

SUBJECT: Pepper Tree Removal for PA20-0141 Trabuco Creek Equestrian Center

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The Trabuco Creek Equestrian Center is proposing to remove approximately 300 non-native invasive Peruvian pepper trees during grading for expansion of the onsite equestrian facilities. The Peruvian pepper (*Schinus mole*) is of Mediterranean origin and is not native to southern California and is considered an invasive species by the California Invasive Plant Council (CalIPC).[1] The CalIPC website states the following regarding this species:

> *Schinus mole* (Peruvian peppertree) is an aromatic, evergreen shrub or tree (family Anacardiaceae) found in central and southern California. Along with Brazilian peppertree (S. terebinthifolius), **Peruvian peppertree has escaped cultivation to become invasive** [Emphasis added]

Because of the non-native, invasive status of this tree, removal of them from the Trabuco Creek Equestrian Center site provides a potential biological benefit as this tree can escape into natural habitats and proliferate.

It is my understanding that the applicant intends to plant and undetermined number of native coast live oaks (*Quercus agrifolia*), within the equestrian center using 15-gallon container stock. Planting of native coast live oaks would have biological value and combined with the removal of the non-native peppers would be consistent with the goals of the Foothill/Trabuco Specific Plan (FTSP) focused on preservation of native habitats and the biological integrity of the specific plan area. In summary, the removal of the peppers and addition of native coast live oaks is a biological benefit that I would highly recommend.

[1] https://www.cal-ipc.org/plants/profile/schinus-molle-profile/

BIOLOGICAL TECHNICAL REPORT

FOR

TRABUCO CANYON EQUESTRIAN CENTER
LOCATED IN UNINCORPORATED TRABUCO CANYON, ORANGE COUNTY, CALIFORNIA

Prepared For:

Carlos Garcia
37171 Mountain View Road
Trabuco Canyon, California 92679
Phone: (949) 463-5925

Prepared By:

Glenn Lukos Associates, Inc.
1940 E. Deere Avenue, Suite 250
Santa Ana, California 92702
Phone: (949) 340-7333
Report Preparer: Tony Bomkamp

COUNTY OF ORANGE APPLICATION PA20-0141

September 2020

INFORMATION SUMMARY

A. Report Date: September 3, 2020

B. Report Title: Biological Technical Report for Trabuco Canyon Equestrian Center

C. Project Location: Unincorporated Trabuco Canyon, Orange County, California 92679. Latitude 33.660689°, longitude -117.587297° [center reading].

D. Owner/Applicant:
Carlos Garcia
37171 Mountain View Road
Trabuco Canyon, California 92679
Phone: (949) 463-5925
Email: trabucocreekequestrian@gmail.com

E. Principal Investigator:
Glenn Lukos Associates, Inc.
1940 E. Deere Avenue, Suite 250
Santa Ana, California 92705
Report Preparer: Tony Bomkamp
Phone: (949) 340-7333
Email:tbomkamp@wetlandpermitting.com

F. Report Summary: This report describes the current biological conditions for the Trabuco Canyon Equestrian Project site and evaluates potential impacts to biological resources occurring as a result of the Project. The Project site does not occur within any Habitat Conservation Plan.

Glenn Lukos Associates, Inc. (GLA) conducted general and site-specific biological surveys. Fieldwork conducted for the Project site included a jurisdictional evaluation, a general biological survey, habitat assessments for special-status species, and vegetation/land use mapping.

The proposed Project would result in impacts to upland habitat and to special-status southern California black walnut. However, impacts to these resources occurring as a result of the proposed Project would be minor and would be less than significant under CEQA.

G. Individuals Conducting Fieldwork: Jeff Ahrens and Tony Bomkamp

H. Prepared in Support of County of Orange Application PA20-0141

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TABLES

EXHIBITS

APPENDICES

1.0 INTRODUCTION

1.1 Background and Scope of Work

This document provides the results of general and focused biological surveys for the Trabuco Canyon Equestrian Center Project (Equestrian Center) located in unincorporated Trabuco Canyon, Orange County, California on a "Property" covering approximately 13.36-acres. The Equestrian Center will cover the southern 4.7-acre portion of the Property. This report also considers potential impacts from fuel modification that extends beyond the 4.7-acre area such as with fuel modification, 7.37 acres of the site are subject to potential impacts. This report identifies and evaluates impacts to biological resources associated with the proposed Equestrian Center in the context of the California Environmental Quality Act (CEQA), and State and Federal regulations such as the Endangered Species Act (ESA), Clean Water Act (CWA), and the California Fish and Game Code.

The scope of this report includes a discussion of existing conditions for the approximately 13.36-acre Property, all methods employed regarding the general biological surveys and focused biological surveys, the documentation of botanical and wildlife resources identified (including special-status species), and an analysis of impacts to biological resources. Methods of the study include a review of relevant literature, field surveys, and a Geographical Information System (GIS)-based analysis of vegetation communities. As appropriate, this report is consistent with accepted scientific and technical standards and survey guideline requirements issued by the U.S. Fish and Wildlife Service (USFWS), the California Department of Fish and Wildlife (CDFW), the California Native Plant Society (CNPS), and other applicable agencies/organizations.

The field study focused on a number of primary objectives that would comply with CEQA requirements, including (1) general reconnaissance survey and vegetation mapping; (2) general biological surveys; (3) habitat assessments for special-status plant species; (4) habitat assessments for special-status wildlife species; (5) assessment for the presence of wildlife migration and colonial nursery sites; and (6) assessments for areas subject to the jurisdiction of the U.S. Army Corps of Engineers (Corps) jurisdiction pursuant to Section 404 of the CWA, State Water Quality Control Board pursuant to Section 401 of the CWA, and CDFW jurisdiction pursuant to Division 2, Chapter 6, Section 1600–1616 of the California Fish and Game Code. Observations of all plant and wildlife species were recorded during the biological studies and are included as Appendix A: Floral Compendium and Appendix B: Faunal Compendium.

1.2 Project Location

The Property comprises approximately 13.36 acres in unincorporated Trabuco Canyon, California [Exhibit 1 – Regional Map] and is located within Section 11 of Township 6 South, Range 7 West, of the U.S. Geological Survey (USGS) 7.5" quadrangle map Santiago Peak (dated 1954 and photorevised in 1988) [Exhibit 2 – Vicinity Map]. The Property is generally bounded by residential development to the northwest, Mountain View Road to the northeast, Rose Canyon Road to the southeast, and Trabuco Canyon Road to the southwest. The Equestrian Center is located on the southern portion of the Property covering 4.7 acres.

1.3 Project Description

The Equestrian Center project proposes to construct an equestrian center consisting of multiple facilities for stables, an exercise arena, ring, trails, driveway, and utilities to serve the development. The existing residence is to remain.

2.0 METHODOLOGY

In order to adequately identify biological resources in accordance with the requirements of CEQA, Glenn Lukos Associates (GLA) assembled biological data consisting of the following main components:

- Performance of a jurisdictional waters and wetland evaluation;
- Performance of vegetation mapping for the Project site;
- Performance of habitat assessments, and site-specific biological surveys, to evaluate the presence/absence of special-status species in accordance with the requirements of CEQA.

The focus of the biological surveys was determined through initial site reconnaissance, a review of the CNDDB [CDFW 2020], CNPS 8th edition online inventory (CNPS 2020), Natural Resource Conservation Service soil data (NRCS 2020), other pertinent literature, and knowledge of the region. Site-specific general surveys within the Project site were conducted on foot in the proposed development areas as well as areas to be avoided for each target plant or animal species identified below. Table 2-1 provides a summary list of survey dates, survey types, and personnel.

Table 2-1. Summary of Biological Surveys for the Project Site

Survey Type	Survey Dates	Biologist(s)
Federal and State Jurisdictional Waters Evaluation	9/30/19	TB
Habitat Assessment for Special-Status Species	9/30/19	JA
General Biological Surveys	9/30/19, 01/10/20	JA

JA = Jeff Ahrens, TB = Tony Bomkamp

Individual plants and wildlife species were evaluated in this report based on their "special-status." For this report, plants were considered "special-status" based on one or more of the following criteria:

- Listing through the Federal and/or State Endangered Species Act (ESA); and/or
- CNPS Rare Plant Inventory Rank 1A, 1B, 2A, 2B, 3, or 4).

Wildlife species were considered "special-status" based on one or more of the following criteria:

- Listing through the Federal and/or State ESA; and

- Designation by the State as a Species of Special Concern (SSC) or California Fully Protected (CFP) species.

Vegetation communities and habitats were considered "special-status" based on one or more of the following criteria:

- Global (G) and/or State (S) ranking of category 3 or less based on CDFW (see Section 3.2.2 below for further explanation); and
- Riparian/wetland habitat.

2.1 Botanical Resources

A site-specific survey program was designed to accurately document the botanical resources within the Project site, and consisted of five components: (1) a literature search; (2) preparation of a list of target special-status plant species and sensitive vegetation communities that could occur within the Project site; (3) general field reconnaissance survey(s); (4) vegetation mapping according to Holland; and (5) habitat assessments and focused surveys for special-status plants.

2.1.1 Literature Search

Prior to conducting fieldwork, pertinent literature on the flora of the region was examined. A thorough archival review was conducted using available literature and other historical records. These resources included the following:

- California Native Plant Society, Rare Plant Program. Inventory of Rare and Endangered Plants of California (online edition, v8-03 0.39) (CNPS 2020); and

- CNDDB for the USGS 7.5' quadrangle(s): Santiago Peak and surrounding quadrangles (CDFW 2020).

2.1.2 Vegetation Mapping

Vegetation alliances within the Property were mapped according to the membership rules set forth in the Manual of California Vegetation, Second Edition[1] when possible. Areas of coast live oak woodland were also mapped in accordance with the Foothill Trabuco Specific Plan requirements.[2] However, much of vegetation and land-cover types on the Property do not meet the membership rules for native or non-native vegetation. Thus, the vegetation mapping reflects the site conditions. Vegetation cover and other land cover types were mapped in the field directly onto a 100-scale (1"=100') aerial photograph. A vegetation map is included as Exhibit 5 and representative site photographs are included as Exhibit 6.

[1] Sawyer, J.O., T. Keeler-Wolf and Julie Evens. 2008. A Manual of California Vegetation, Second Edition. California Native Plant Society.

[2] County of Orange Environmental Management Agency. December 1991. *Foothill/Trabuco Specific Plan.* See Section 3.0 for oak woodland mapping requirements.

2.1.3 Special-Status Plant Species and Habitats Evaluated for the Project Site

A literature search was conducted to obtain a list of special-status plants with the potential to occur within the Property. The CNDDB and the CNPS online inventory were initially consulted to determine well-known occurrences of plants and habitats of special concern in the region.

Based on this information, vegetation profiles and a list of target sensitive plant species and habitats that could occur within the Project site were developed and incorporated into a mapping and survey program to achieve the following goals: (1) characterize the vegetation associations and land use; (2) prepare a detailed floristic compendium; (3) identify the potential for any special-status plants that may occur within the Project site; and (4) prepare a map showing the distribution of any sensitive botanical resources associated with the Project site, if applicable.

2.1.4 Botanical Surveys

GLA biologists Jeff Ahrens and Tony Bomkamp visited the site on September 30, 2019 and Jeff Ahrens visited the Property on January 10, 2020 to conduct general plant surveys. Surveys were conducted in accordance with accepted botanical survey guidelines (CDFG 2009, CNPS 2001, USFWS 2000). As applicable, survey(s) were conducted at appropriate times based on precipitation and flowering periods. An aerial photograph, a soil map, and/or a topographic map were used to determine the community types and other physical features that may support sensitive and uncommon taxa or communities within the Property. Survey(s) were conducted by following meandering transects within target areas of suitable habitat. All plant species encountered during the field survey(s) were identified and recorded following the above-referenced guidelines adopted by CNPS (2010) and CDFW by Nelson (1984). A complete list of the plant species observed is provided in Appendix A. Scientific nomenclature and common names used in this report follow Baldwin et al (2012), and Munz (1974).

2.2 Wildlife Resources

Wildlife species were evaluated and detected during the field survey(s) by sight, call, tracks, and scat. Site reconnaissance was conducted in such a manner as to allow inspection of the entire Project site by direct observation, including the use of binoculars. Observations of physical evidence and direct sightings of wildlife were recorded in field notes during the visit(s). A complete list of wildlife species observed within the Project site is provided in Appendix B. Scientific nomenclature and common names for vertebrate species referred to in this report follow the Complete List of Amphibian, Reptile, Bird, and Mammal Species in California (CDFG 2008), Standard Common and Scientific Names for North American Amphibians, Turtles, Reptiles, and Crocodilians 6th Edition, Collins and Taggert (2009) for amphibians and reptiles, and the American Ornithologists' Union Checklist 7th Edition (2009) for birds. The methodology (including any applicable survey protocols) utilized to conduct general survey(s), habitat assessment(s), and/or focused surveys for special-status animals are included below.

2.2.1 General Surveys

Birds

During general biological and reconnaissance surveys within the Property, birds were identified incidentally within each habitat type. Birds were detected by both direct observation and by vocalizations and were recorded in field notes.

Mammals

During general biological and reconnaissance surveys within the Property, mammals were identified incidentally within each habitat type. Mammals were detected both by direct observations and by the presence of diagnostic sign (i.e. tracks, burrows, scat, etc.).

Reptiles and Amphibians

During general biological and reconnaissance surveys within the Property, reptiles and amphibians were identified incidentally during surveys within each habitat type. Habitats were examined for diagnostic reptile sign, which include shed skins, scat, tracks, snake prints, and lizard tail drag marks. All reptiles and amphibian species observed, as well as diagnostic sign, were recorded in field notes.

2.2.2 Special-Status Animal Species Evaluated for the Project Site

A literature search was conducted to obtain a list of special-status wildlife species with the potential to occur within the Property. Species were evaluated based on two factors: 1) species identified by the CNDDB as occurring (either currently or historically) on or in the vicinity of the Project site, and (2) any other special-status animals that are known to occur within the vicinity of the Project site, or for which potentially suitable habitat occurs on the Property.

2.2.3 Habitat Assessment for Special-Status Animal Species

The Property is located within USFWS-designated critical habitat for arroyo toad (*Bufo californicus*) and coastal California gnatcatcher (*Polioptila californica californica*, CAGN) [Exhibit 4 – Critical Habitat Map]. GLA biologist Jeff Ahrens conducted habitat assessments for special-status animal species including arroyo toad and coastal California gnatcatcher on September 30, 2019. An aerial photograph, soil map, and/or topographic map were used to determine the community types and other physical features that may support special-status and uncommon taxa within the Property.

2.3 Jurisdictional Waters

A desktop preview of the Property as well as past historic aerial photography, was performed prior to the site visit. On September 30, 2019, GLA performed a site visit to evaluate the site for the presence of potential jurisdictional waters and wetlands regulated under the Corps pursuant to Section 404 of the CWA, the CDFW pursuant to Section 1602 of the Fish and Game Code,

and the Regional Board pursuant to Section 401 of the CWA or Section 13260 of the CWC [the Porter-Cologne Water Quality Control Act].

3.0 REGULATORY SETTING

The proposed Equestrian Center project is subject to state and federal laws and regulations associated with a number of regulatory programs. These programs often overlap and were developed to protect natural resources, including: state- and federally-listed plants and animals; aquatic resources including rivers and creeks, ephemeral streambeds, wetlands, and areas of riparian habitat; special-status species which are not listed as threatened or endangered by the state or federal governments; and special-status vegetation communities.

3.1 Endangered Species Acts

3.1.1 California Endangered Species Act

California's Endangered Species Act (CESA) defines an endangered species as "a native species or subspecies of a bird, mammal, fish, amphibian, reptile, or plant which is in serious danger of becoming extinct throughout all, or a significant portion, of its range due to one or more causes, including loss of habitat, change in habitat, overexploitation, predation, competition, or disease." The State defines a threatened species as "a native species or subspecies of a bird, mammal, fish, amphibian, reptile, or plant that, although not presently threatened with extinction, is likely to become an endangered species in the foreseeable future in the absence of the special protection and management efforts required by this chapter. Any animal determined by the commission as rare on or before January 1, 1985 is a threatened species." Candidate species are defined as "a native species or subspecies of a bird, mammal, fish, amphibian, reptile, or plant that the commission has formally noticed as being under review by the department for addition to either the list of endangered species or the list of threatened species, or a species for which the commission has published a notice of proposed regulation to add the species to either list." Candidate species may be afforded temporary protection as though they were already listed as threatened or endangered at the discretion of the Fish and Game Commission. Unlike the Federal Endangered Species Act (FESA), CESA does not list invertebrate species.

Article 3, Sections 2080 through 2085, of the CESA addresses the taking of threatened, endangered, or candidate species by stating "No person shall import into this state, export out of this state, or take, possess, purchase, or sell within this state, any species, or any part or product thereof, that the commission determines to be an endangered species or a threatened species, or attempt any of those acts, except as otherwise provided." Under the CESA, "take" is defined as "hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill." Exceptions authorized by the state to allow "take" require permits or memoranda of understanding and can be authorized for endangered species, threatened species, or candidate species for scientific, educational, or management purposes and for take incidental to otherwise lawful activities. Sections 1901 and 1913 of the California Fish and Game Code provide that notification is required prior to disturbance.

3.1.2 Federal Endangered Species Act

The FESA of 1973 defines an endangered species as "any species that is in danger of extinction throughout all or a significant portion of its range." A threatened species is defined as "any species that is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range." Under provisions of Section 9(a)(1)(B) of the FESA it is unlawful to "take" any listed species. "Take" is defined in Section 3(18) of FESA: "...harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct." Further, the USFWS, through regulation, has interpreted the terms "harm" and "harass" to include certain types of habitat modification that result in injury to, or death of species as forms of "take." These interpretations, however, are generally considered and applied on a case-by-case basis and often vary from species to species. In a case where a property owner seeks permission from a Federal agency for an action that could affect a federally listed plant and animal species, the property owner and agency are required to consult with USFWS. Section 9(a)(2)(b) of the FESA addresses the protections afforded to listed plants.

3.1.3 State and Federal Take Authorizations

Federal or state authorizations of impacts to or incidental take of a listed species by a private individual or other private entity would be granted in one of the following ways:

- Section 7 of the FESA stipulates that any federal action that may affect a species listed as threatened or endangered requires a formal consultation with USFWS to ensure that the action is not likely to jeopardize the continued existence of the listed species or result in destruction or adverse modification of designated critical habitat. 16 U.S.C. 1536(a)(2).
- In 1982, the FESA was amended to give private landowners the ability to develop Habitat Conservation Plans (HCP) pursuant to Section 10(a) of the FESA. Upon development of an HCP, the USFWS can issue incidental take permits for listed species where the HCP specifies at minimum, the following: (1) the level of impact that will result from the taking, (2) steps that will minimize and mitigate the impacts, (3) funding necessary to implement the plan, (4) alternative actions to the taking considered by the applicant and the reasons why such alternatives were not chosen, and (5) such other measures that the Secretary of the Interior may require as being necessary or appropriate for the plan.
- Sections 2090-2097 of the CESA require that the state lead agency consult with CDFW on projects with potential impacts on state-listed species. These provisions also require CDFW to coordinate consultations with USFWS for actions involving federally listed as well as state-listed species. In certain circumstances, Section 2080.1 of the California Fish and Game Code allows CDFW to adopt the federal incidental take statement or the 10(a) permit as its own based on its findings that the federal permit adequately protects the species under state law.

3.2 California Environmental Quality Act

3.2.1 CEQA Guidelines Section 15380

CEQA requires evaluation of a project's impacts on biological resources and provides guidelines and thresholds for use by lead agencies for evaluating the significance of proposed impacts. Sections 5.1.1 and 5.2.2 below set forth these thresholds and guidelines. Furthermore, pursuant to the CEQA Guidelines Section 15380, CEQA provides protection for non-listed species that could potentially meet the criteria for state listing. For plants, CDFW recognizes that plants on Lists 1A, 1B, or 2 of the CNPS *Inventory of Rare and Endangered Plants in California* may meet the criteria for listing and should be considered under CEQA. CDFW also recommends protection of plants, which are regionally important, such as locally rare species, disjunct populations of more common plants, or plants CNPS Ranked 3 or 4.

3.2.2 Special-Status Plants, Wildlife and Vegetation Communities Evaluated Under CEQA

Federally Designated Special-Status Species

Within recent years, the USFWS instituted changes in the listing status of candidate species. Former C1 (candidate) species are now referred to simply as candidate species and represent the only candidates for listing. Former C2 species (for which the USFWS had insufficient evidence to warrant listing) and C3 species (either extinct, no longer a valid taxon or more abundant than was formerly believed) are no longer considered as candidate species. Therefore, these species are no longer maintained in list form by the USFWS, nor are they formally protected. This term is employed in this document, but carries no official protections. All references to federally protected species in this report (whether listed, proposed for listing, or candidate) include the most current published status or candidate category to which each species has been assigned by USFWS.

For this report the following acronyms are used for federal special-status species:

- FE Federally listed as Endangered
- FT Federally listed as Threatened
- FPE Federally proposed for listing as Endangered
- FPT Federally proposed for listing as Threatened
- FC Federal Candidate Species (former C1 species)

State-Designated Special-Status Species

Some mammals and birds are protected by the State as Fully Protected (SFP) Mammals or Fully Protected Birds, as described in the California Fish and Game Code, Sections 4700 and 3511, respectively. California SSC are designated as vulnerable to extinction due to declining population levels, limited ranges, and/or continuing threats. This list is primarily a working document for the CDFW's CNDDB project. Informally listed taxa are not protected, but warrant

consideration in the preparation of biotic assessments. For some species, the CNDDB is only concerned with specific portions of the life history, such as roosts, rookeries, or nest sites.

For this report the following acronyms are used for State special-status species:

- SE State-listed as Endangered
- ST State-listed as Threatened
- SR State-listed as Rare
- SCE State Candidate for listing as Endangered
- SCT State Candidate for listing as Threatened
- SFP State Fully Protected
- SP State Protected
- SSC State Species of Special Concern

California Native Plant Society

The CNPS is a private plant conservation organization dedicated to the monitoring and protection of sensitive species in California. The CNPS's Eighth Edition of the *California Native Plant Society's Inventory of Rare and Endangered Plants of California* separates plants of interest into five ranks. CNPS has compiled an inventory comprised of the information focusing on geographic distribution and qualitative characterization of Rare, Threatened, or Endangered vascular plant species of California. The list serves as the candidate list for listing as threatened and endangered by CDFW. CNPS has developed five categories of rarity that are summarized in Table 3-1.

Table 3-1. CNPS Ranks 1, 2, 3, & 4, and Threat Code Extensions

CNPS Rank	Comments
Rank 1A – Plants Presumed Extirpated in California and Either Rare or Extinct Elsewhere	Thought to be extinct in California based on a lack of observation or detection for many years.
Rank 1B – Plants Rare, Threatened, or Endangered in California and Elsewhere	Species, which are generally rare throughout their range that are also judged to be vulnerable to other threats such as declining habitat.
Rank 2A – Plants presumed Extirpated in California, But Common Elsewhere	Species that are presumed extinct in California but more common outside of California
Rank 2B – Plants Rare, Threatened or Endangered in California, But More Common Elsewhere	Species that are rare in California but more common outside of California
Rank 3 – Plants About Which More Information Is Needed (A Review List)	Species that are thought to be rare or in decline but CNPS lacks the information needed to assign to the appropriate list. In most instances, the extent of surveys for these species is not sufficient to allow CNPS to accurately assess whether these species should be assigned to a specific rank. In addition, many of the Rank 3 species have associated taxonomic problems such that the validity of their current taxonomy is unclear.

CNPS Rank	Comments
Rank 4 – Plants of Limited Distribution (A Watch List)	Species that are currently thought to be limited in distribution or range whose vulnerability or susceptibility to threat is currently low. In some cases, as noted above for Rank 3 species, CNPS lacks survey data to accurately determine status in California. Many species have been placed on Rank 4 in previous editions of the "Inventory" and have been removed as survey data has indicated that the species are more common than previously thought. CNPS recommends that species currently included on this list should be monitored to ensure that future substantial declines are minimized.
Extension	**Comments**
.1 – Seriously endangered in California	Species with over 80% of occurrences threatened and/or have a high degree and immediacy of threat.
.2 – Fairly endangered in California	Species with 20-80% of occurrences threatened.
.3 – Not very endangered in California	Species with <20% of occurrences threatened or with no current threats known.

3.3 Jurisdictional Waters

3.3.1 Army Corps of Engineers

On June 22, 2020, the *Navigable Waters Protection Rule* (NWPR) became effective and superseded the previous definition of waters of the United States in all states except for Colorado. The U.S. District Court for the Northern District of California denied a motion on June 19, 2020 for preliminary injunction. District courts will hear the merits of the challenges over the next few months; however, at the time of the writing of this report, the definition of waters of the United States are as follows:

(a) *Jurisdictional waters.* For purposes of the Clean Water Act, 33 U.S.C. 1251 *et seq.* and its implementing regulations, subject to the exclusions in paragraph (b) of this section, the term ''waters of the United States'' means:

> *(1) The territorial seas, and waters which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including waters which are subject to the ebb and flow of the tide;*
> *(2) Tributaries;*
> *(3) Lakes and ponds, and impoundments of jurisdictional waters; and*
> *(4) Adjacent wetlands.*
> *(b) Non-jurisdictional waters. The following are not ''waters of the United States'':*
> *(1) Waters or water features that are*
> *not identified in paragraph (a)(1), (2),*
> *(3), or (4) of this section;*
> *(2) Groundwater, including groundwater drained through subsurface drainage systems;*
> *(3) Ephemeral features, including ephemeral streams, swales, gullies, rills,*
> *and pools;*
> *(4) Diffuse stormwater run-off and directional sheet flow over upland;*

(5) Ditches that are not waters identified in paragraph (a)(1) or (2) of this section, and those portions of ditches constructed in waters identified in paragraph (a)(4) of this section that do not satisfy the conditions of paragraph (c)(1) of this section;
(6) Prior converted cropland;
(7) Artificially irrigated areas, including fields flooded for agricultural production, that would revert to upland should application of irrigation water to that area cease;
(8) Artificial lakes and ponds, including water storage reservoirs and farm, irrigation, stock watering, and log cleaning ponds, constructed or excavated in upland or in non-jurisdictional waters, so long as those artificial lakes and ponds are not impoundments of jurisdictional waters that meet the conditions of paragraph (c)(6) of this section;
(9) Water-filled depressions constructed or excavated in upland or in non-jurisdictional waters incidental to mining or construction activity, and pits excavated in upland or in non-jurisdictional waters for the purpose of obtaining fill, sand, or gravel;
(10) Stormwater control features constructed or excavated in upland or in non-jurisdictional waters to convey, treat, infiltrate, or store stormwater runoff;
(11) Groundwater recharge, water reuse, and wastewater recycling structures, including detention, retention, and infiltration basins and ponds, constructed or excavated in upland or in non-jurisdictional waters; and
(12) Waste treatment systems.

3.3.2 Regional Water Quality Control Board

The State Water Resource Control Board and each of its nine Regional Boards regulate the discharge of waste (dredged or fill material) into waters of the United States[3] and waters of the State. Waters of the United States are defined above and waters of the state are defined as "any surface water or groundwater, including saline waters, within the boundaries of the state" (California Water Code 13050[e]).

Section 401 of the CWA requires certification for any federal permit or license authorizing impacts to waters of the U.S. (i.e., waters that are within federal jurisdiction), such as Section 404 of the CWA and Section 10 of the Safe Rivers and Harbors Act, to ensure that the impacts do not violate state water quality standards. When a project could impact waters outside of federal jurisdiction, the Regional Board has the authority under the Porter-Cologne Water Quality Control Act to issue Waste Discharge Requirements (WDRs) to ensure that impacts do not violate state water quality standards. Clean Water Act Section 401 Water Quality Certifications, WDRs, and waivers of WDRs are also referred to as orders or permits.

[3] Therefore, wetlands that meet the current definition, or any historic definition, of waters of the U.S. are waters of the state. In 2000, the State Water Resources Control Board determined that all waters of the U.S. are also waters of the state by regulation, prior to any regulatory or judicial limitations on the federal definition of waters of the U.S. (California Code or Regulations title 23, section 3831(w)). This regulation has remained in effect despite subsequent changes to the federal definition. Therefore, waters of the state includes features that have been determined by the U.S. Environmental Protection Agency (U.S. EPA) or the U.S. Army Corps of Engineers (Corps) to be "waters of the U.S." in an approved jurisdictional determination; "waters of the U.S." identified in an aquatic resource report verified by the Corps upon which a permitting decision was based; and features that are consistent with any current or historic final judicial interpretation of "waters of the U.S." or any current or historic federal regulation defining "waters of the U.S." under the federal Clean Water Act.

State Wetland Definition

The Water Boards define an area as wetland[4] as follows: *An area is wetland if, under normal circumstances, (1) the area has continuous or recurrent saturation of the upper substrate caused by groundwater, or shallow surface water, or both; (2) the duration of such saturation is sufficient to cause anaerobic conditions in the upper substrate; and (3) the area's vegetation is dominated by hydrophytes or the area lacks vegetation.*

The following wetlands are waters of the state:

1. *Natural wetlands;*
2. *Wetlands created by modification of a surface water of the state;*[5] *and*
3. *Artificial wetlands*[6] *that meet any of the following criteria:*

    a. Approved by an agency as compensatory mitigation for impacts to other waters of the state, except where the approving agency explicitly identifies the mitigation as being of limited duration;
    b. Specifically identified in a water quality control plan as a wetland or other water of the state;
    c. Resulted from historic human activity, is not subject to ongoing operation and maintenance, and has become a relatively permanent part of the natural landscape; or
    d. Greater than or equal to one acre in size, unless the artificial wetland was constructed, and is currently used and maintained, primarily for one or more of the following purposes (i.e., the following artificial wetlands are not waters of the state unless they also satisfy the criteria set forth in 2, 3a, or 3b):

        i. Industrial or municipal wastewater treatment or disposal,
        ii. Settling of sediment,
        iii. Detention, retention, infiltration, or treatment of stormwater runoff and other pollutants or runoff subject to regulation under a municipal, construction, or industrial stormwater permitting program,
        iv. Treatment of surface waters,
        v. Agricultural crop irrigation or stock watering,
        vi. Fire suppression,
        vii. Industrial processing or cooling,
        viii. Active surface mining – even if the site is managed for interim wetlands functions and values,

[4] State Water Resources Control Board. 2019. State Wetland Definition and Procedures for Discharges of Dredged or Fill Material to Waters of the State. [For Inclusion in the Water Quality Control Plans for Inland Surface Waters and Enclosed Bays and Estuaries and Ocean Waters of California].
[5] "Created by modification of a surface water of the state" means that the wetland that is being evaluated was created by modifying an area that was a surface water of the state at the time of such modification. It does not include a wetland that is created in a location where a water of the state had existed historically, but had already been completely eliminated at some time prior to the creation of the wetland. The wetland being evaluated does not become a water of the state due solely to a diversion of water from a different water of the state.
[6] Artificial wetlands are wetlands that result from human activity.

ix. Log storage,
x. Treatment, storage, or distribution of recycled water, or
xi. Maximizing groundwater recharge (this does not include wetlands that have incidental groundwater recharge benefits); or
xii. Fields flooded for rice growing.[7]

All artificial wetlands that are less than an acre in size and do not satisfy the criteria set forth in 2, 3.a, 3.b, or 3.c are not waters of the state. If an aquatic feature meets the wetland definition, the burden is on the applicant to demonstrate that the wetland is not a water of the state.

3.3.3 California Department of Fish and Wildlife

Pursuant to Division 2, Chapter 6, Sections 1600-1603 of the California Fish and Game Code, the CDFW regulates all diversions, obstructions, or changes to the natural flow or bed, channel, or bank of any river, stream, or lake, which supports fish or wildlife.

CDFW defines a stream (including creeks and rivers) as "a body of water that flows at least periodically or intermittently through a bed or channel having banks and supports fish or other aquatic life. This includes watercourses having surface or subsurface flow that supports or has supported riparian vegetation." CDFW's definition of "lake" includes "natural lakes or man-made reservoirs." CDFW also defines a stream as “a body of water that flows, or has flowed, over a given course during the historic hydrologic regime, and where the width of its course can reasonably be identified by physical or biological indicators.”

It is important to note that the Fish and Game Code defines fish and wildlife to include: all wild animals, birds, plants, fish, amphibians, invertebrates, reptiles, and related ecological communities including the habitat upon which they depend for continued viability (FGC Division 5, Chapter 1, section 45 and Division 2, Chapter 1 section 711.2(a) respectively). Furthermore, Division 2, Chapter 5, Article 6, Section 1600 et seq. of the California Fish and Game Code does not limit jurisdiction to areas defined by specific flow events, seasonal changes in water flow, or presence/absence of vegetation types or communities.

4.0 RESULTS

This section provides the results of general biological surveys, vegetation mapping, habitat assessments and focused surveys for special-status plants and animals, and a jurisdictional determination for Waters of the United States (including wetlands) subject to the jurisdiction of

[7] Fields used for the cultivation of rice (including wild rice) that have not been abandoned due to five consecutive years of non-use for the cultivation of rice (including wild rice) that are determined to be a water of the state in accordance with these Procedures shall not have beneficial use designations applied to them through the Water Quality Control Plan for the Sacramento and San Joaquin River Basins, except as otherwise required by federal law for fields that are considered to be waters of the United States. Further, agricultural inputs legally applied to fields used for the cultivation of rice (including wild rice) shall not constitute a discharge of waste to a water of the state. Agricultural inputs that migrate to a surface water or groundwater may be considered a discharge of waste and are subject to waste discharge requirements or waivers of such requirements pursuant to the Water Board’s authority to issue or waive waste discharge requirements or take other actions as applicable.

the Corps and Regional Board, and streams (including riparian vegetation) and lakes subject to the jurisdiction of CDFW.

4.1 Existing Conditions

The Property consists of a developed and landscaped equestrian property located in the foothills of Trabuco Canyon. The Project site slopes to the south with elevations ranging from approximately 990 to 1,130 feet above mean sea level. No blue-line drainages or other aquatic features occur on Property. The Soil Conservation Service [8] has mapped the following soil types as occurring in association with the Project site: Calleguas clay loam, 50 to 75 percent slopes, eroded; Capistrano sandy loam, 9 to 15 percent slopes; Cienaba, Riverwash, and Soboba cobbly loamy sand, 0 to 15 percent slopes.

4.2 Vegetation Mapping

The Property supports the following vegetation/land use types: developed, disturbed/ruderal, ornamental, Peruvian pepper grove, coast live oak woodland, and coastal sage scrub. Table 4-1 provides a summary of the vegetation/land use types and their corresponding acreage. Descriptions of each vegetation type follow the table. A Vegetation/Land Use Map is attached as Exhibit 5. Photographs depicting the Property are shown in Exhibit 6.

Table 4-1. Summary of Vegetation/Land Use Types for the Project Site

VEGETATION/LAND USE TYPE	PROJECT SITE (acres)
Developed	2.93
Disturbed/Ruderal	0.94
Ornamental	1.39
Peruvian Pepper Grove	6.15
Coast Live Oak Woodland	0.90
Coastal Sage Scrub	1.05
Total	**13.36**

4.2.1 Developed

The Property contains approximately 2.93 acres of developed lands consisting of existing equestrian-related development including vehicular access roads, paved walkways, horse stables, a single-family residence, and similar features. Developed areas occur throughout the Property [Exhibit 6, Photograph 1].

4.2.2 Disturbed/Ruderal

The Property contains approximately 0.94 acre of disturbed/ruderal areas consisting of patchily distributed ruderal species including black mustard (*Brassica nigra*), red stemmed filaree (*Erodium cicutarium*), telegraph weed (*Heterotheca grandiflora*), and non-native grasses.

[8] SCS is now known as the National Resource Conservation Service or NRCS.

Disturbed/ruderal areas occur in the west-central portion of the Property in association with existing equestrian areas [Exhibit 6, Photograph 2].

4.2.3 Ornamental

The Property contains approximately 1.39 acres of ornamental vegetation consisting of predominantly exotic tree species including: Chinese elm (*Ulmus parviflora*), eucalyptus (*Eucalyptus* sp.), Mexican fan palm (*Washingtonia robusta*), and pine (*Pinus* sp.). Other species occur occasionally throughout these areas, including American century plant (*Agave americana*), acacia (*Acacia* sp.), avocado (*Persea americana*), citrus (*Citrus* sp.), coast live oak (*Quercus agrifolia*), and Peruvian pepper (*Schinus molle*) [Exhibit 6, Photograph 3].

4.2.4 Peruvian Pepper Grove

The Property contains approximately 6.15 acres of Peruvian pepper grove which occur primarily in the southern portion of the property. These areas consist of monotypic rows of planted Peruvian pepper tree with a disturbed understory of dwarf nettle (*Urtica urens*) and non-native grasses. Other species occur occasionally along the margins of these areas, including citrus, coast live oak, pine, and a single southern California black walnut (*Juglans californica*) [Exhibit 6, Photograph 4].

4.2.5 Coast Live Oak Woodland

The Property contains approximately 0.90 acre of coast live oak woodland, which occurs primarily in the northern and eastern portions of the property. These areas are vegetated predominantly with coast live oak and occasional shrubs including California sagebrush (*Artemisia californica*), lemonadeberry (*Rhus integrifolia*), and toyon (*Heteromeles arbutifolia*). Other notable species include coast prickly pear (*Opuntia littoralis*) and black mustard [Exhibit 6, Photograph 5].

4.2.6 Coastal Sage Scrub

The Property contains approximately 1.05 acres of coastal sage scrub which occurs on slopes in the northwestern and northeastern portions of the property. Coastal sage scrub in the northwest is comprised predominantly of California sagebrush and California buckwheat (*Eriogonum fasciculatum*) with some rocky unvegetated areas. Other notable species include black mustard, coast prickly pear, coyote brush (*Baccharis pilularis*), laurel sumac (*Malosma laurina*), lemonade berry, oleander (*Nerium oleander*), and toyon. Coastal sage scrub in the northeast consists predominantly of patchily occurring laurel sumac and toyon [Exhibit 6, Photograph 6].

4.3 Special-Status Vegetation Communities

The CNDDB identifies the following thirteen special-status vegetation communities for the Santiago Peak and surrounding quadrangle maps: California walnut woodland, canyon live oak ravine forest, Riversidian alluvial fan sage scrub, southern California arroyo chub/Santa Ana sucker stream, southern coast live oak riparian forest, southern cottonwood willow riparian

forest, southern interior cypress forest, southern mixed riparian forest, southern riparian forest, southern riparian scrub, southern sycamore alder riparian woodland, southern willow scrub, and valley needlegrass grassland. The Property does not contain any special-status vegetation types as identified by the CNDDB; however, the Property contains 0.90 acre of coast live oak woodland as described above, which is designated as having special-status.

4.4 Special-Status Plants

A single special-status southern California black walnut (*Juglans californica*) individual was detected at the Property. No additional special-status plant species were detected. Table 4-2 provides a list of special-status plants evaluated for the Property through general biological surveys and habitat assessments. Species were evaluated based on the following factors: 1) species identified by the CNDDB and CNPS as occurring (either currently or historically) on or in the vicinity of the Property, and 2) any other special-status plants that are known to occur within the vicinity of the Property, or for which potentially suitable habitat occurs within the site.

Table 4-2. Special-Status Plants Evaluated for the Project Site

Species Name	Status	Habitat Requirements	Occurrence
Allen's pentachaeta *Pentachaeta aurea* ssp. *allenii*	Federal: None State: None CNPS: Rank 1B.1	Openings in coastal sage scrub, and valley and foothill grasslands.	Not expected to occur on site due to a lack of suitable habitat.
Big-leaved crownbeard *Verbesina dissita*	Federal: FT State: ST CNPS: Rank 1B.1	Southern maritime chaparral, coastal sage scrub.	Not expected to occur on site due to a lack of suitable habitat.
Braunton's milk-vetch *Astragalus brauntonii*	Federal: FE State: None CNPS: Rank 1B.1	Closed-cone coniferous forest, chaparral, coastal sage scrub, valley and foothill grassland. Usually carbonate soils. Recent burn or disturbed areas.	Does not occur on site due to a lack of suitable habitat.
Brewer's calandrinia *Calandrinia breweri*	Federal: None State: None CNPS: Rank 4.2	Sandy or loamy soils in disturbed sites and burns. Chaparral, coastal scrub.	Not expected to occur on site due to a lack of suitable habitat.
California beardtongue *Penstemon californicus*	Federal: None State: None CNPS: Rank 1B.2	Sandy soils in chaparral, lower montane coniferous forest, and pinyon and juniper woodland.	Does not occur on site due to a lack of suitable habitat.
California satintail *Imperata brevifolia*	Federal: None State: None CNPS: Rank 2B.1	Mesic soils in chaparral, coastal scrub, Mojavean desert scrub, meadows and seeps (often alkali), and riparian scrub.	Does not occur on site due to a lack of suitable habitat.
California screw moss *Tortula californica*	Federal: None State: None CNPS: Rank 1B.2	Sandy soil in chenopod scrub, and valley and foothill grassland.	Does not occur on site due to a lack of suitable habitat.
California mariposa lily *Calochortus catalinae*	Federal: None State: None CNPS: Rank 4.2	Chaparral, cismontane woodland, coastal scrub, valley and foothill grassland.	Does not occur on site due to a lack of suitable habitat.

Species Name	Status	Habitat Requirements	Occurrence
Chaparral nolina *Nolina cismontana*	Federal: None State: None CNPS: Rank 1B.2	Chaparral, coastal sage scrub. Occurring on sandstone or gabbro substrates.	Does not occur on site due to a lack of suitable habitat.
Chaparral ragwort *Senecio aphanactis*	Federal: None State: None CNPS: Rank 2B.2	Chaparral, cismontane woodland, coastal scrub. Sometimes associated with alkaline soils.	Does not occur on site due to a lack of suitable habitat.
Chaparral rein orchid *Piperia cooperi*	Federal: None State: None CNPS: Rank 4.2	Chaparral, cismontane woodland, valley and foothill grassland.	Does not occur on site due to a lack of suitable habitat.
Chaparral sand-verbena *Abronia villosa* var. *aurita*	Federal: None State: None CNPS: Rank 1B.1	Sandy soils in chaparral, coastal sage scrub.	Does not occur on site due to a lack of suitable habitat.
Cleveland's bush monkeyflower *Diplacus (Mimulus) clevelandii*	Federal: None State: None CNPS: Rank 4.2	Gabbroic soils, often in disturbed areas, openings, rocky. Chaparral, cismontane woodland, lower montane coniferous forest.	Does not occur on site due to a lack of suitable habitat.
Cliff malacothrix *Malacothrix saxatilis* var. *saxatilis*	Federal: None State: None CNPS: Rank 4.2	Coastal bluff scrub, coastal scrub.	Does not occur on site due to a lack of suitable habitat.
Cliff spurge *Euphorbia misera*	Federal: None State: None CNPS: Rank 2B.2	Coastal bluff scrub and coastal sage scrub. Occurring on rocky soils.	Does not occur on site due to a lack of suitable habitat.
Coulter's matilija poppy *Romneya coulteri*	Federal: None State: None CNPS: Rank 4.2	Often in burns in chaparral and coastal scrub.	Not expected to occur on site due to a lack of suitable habitat.
Coulter's saltbush *Atriplex coulteri*	Federal: None State: None CNPS: Rank 1B.2	Coastal bluff scrub, coastal dunes, coastal sage scrub, valley and foothill grassland. Occurring on alkaline or clay soils.	Not expected to occur on site due to a lack of suitable habitat.
Engelmann oak *Quercus engelmannii*	Federal: None State: None CNPS: Rank 4.2	Chaparral, cismontane woodland, riparian woodland, valley and foothill grassland.	Does not occur on site. This highly detectable species was not observed during general surveys.
Felt-leaved monardella *Monardella hypoleuca* ssp. *lanata*	Federal: None State: None CNPS: Rank 1B.2	Chaparral and cismontane woodland	Does not occur on site due to a lack of suitable habitat.
Fish's milkwort *Polygala cornuta* var. *fishiae*	Federal: None State: None CNPS: Rank 4.3	Chaparral, cismontane woodland, riparian woodland.	Does not occur on site due to a lack of suitable habitat.
Graceful tarplant *Holocarpha virgata* ssp. *elongata*	Federal: None State: None CNPS: Rank 4.2	Chaparral, cismontane woodland, coastal scrub, valley and foothill grassland.	Does not occur on site. This highly detectable species was not observed during general surveys.

Species Name	Status	Habitat Requirements	Occurrence
Hall's monardella *Monardella macrantha* ssp. *hallii*	Federal: None State: None CNPS: Rank 1B.3	Occurs on dry slopes and ridges within openings in broadleaved upland forest, chaparral, lower montane coniferous forest, cismontane woodland, and valley and foothill grassland.	Does not occur on site due to a lack of suitable habitat.
Heart-leaved pitcher sage *Lepechinia cardiophylla*	Federal: None State: None CNPS: Rank 1B.2	Closed-cone coniferous forest, chaparral, and cismontane woodland.	Does not occur on site due to a lack of suitable habitat.
Intermediate mariposa-lily *Calochortus weedii* var. *intermedius*	Federal: None State: None CNPS: Rank 1B.2	Rocky soils in chaparral, coastal sage scrub, valley and foothill grassland.	Not expected to occur on site due to a lack of suitable habitat.
Intermediate monardella *Monardella hypoleuca ssp.intermedia*	Federal: None State: None CNPS: Rank 1B.3	Usually in the understory of chaparral, cismontane woodland, and lower montane coniferous forest (sometimes)	Does not occur on site due to a lack of suitable habitat.
La Purisima viguiera *Viguiera purisimae*	Federal: None State: None CNPS: Rank 2B.3	Coastal bluff scrub and chaparral.	Does not occur on site due to a lack of suitable habitat.
Laguna Beach dudleya *Dudleya stolonifera*	Federal: FT State: ST CNPS: Rank 1B.1	Chaparral, cismontane woodland, coastal sage scrub, valley and foothill grassland. Occurring on rocky soils.	Does not occur on site due to a lack of suitable habitat.
Lemon lily *Lilium parryi*	Federal: None State: None CNPS: Rank 1B.2	Mesic soils in lower montane coniferous forest, meadows and seeps, riparian forest, and upper montane coniferous forest.	Does not occur on site due to a lack of suitable habitat.
Lewis' evening-primrose *Camissoniopsis lewisii*	Federal: None State: None CNPS: Rank 3	Sandy or clay soils in coastal bluff scrub, cismontane woodland, coastal dunes, coastal scrub, and valley and foothill grassland.	Not expected to occur on site due to a lack of suitable habitat.
Long-spined spineflower *Chorizanthe polygonoides* var. *longispina*	Federal: None State: None CNPS: Rank 1B.2	Clay soils in chaparral, coastal sage scrub, meadows and seeps, and valley and foothill grasslands	Not expected to occur on site due to a lack of suitable habitat.
Malibu baccharis *Baccharis malibuensis*	Federal: None State: None CNPS: Rank 1B.1	Chaparral, cismontane woodland, coastal sage scrub.	Does not occur on site due to a lack of suitable habitat.
Many-stemmed dudleya *Dudleya multicaulis*	Federal: None State: None CNPS: Rank 1B.2	Chaparral, coastal sage scrub, valley and foothill grassland. Often occurring in clay soils.	Not expected to occur on site due to a lack of suitable habitat.
Mesa horkelia *Horkelia cuneata* var. *puberula*	Federal: None State: None CNPS: Rank 1B.1	Sandy or gravelly soils in chaparral (maritime), cismontane woodland, and coastal scrub.	Does not occur on site due to a lack of suitable habitat.
Mud nama *Nama stenocarpum*	Federal: None State: None CNPS: Rank 2B.2	Marshes and swamps	Does not occur on site due to a lack of suitable habitat.

Species Name	Status	Habitat Requirements	Occurrence
Munz's onion *Allium munzii*	Federal: FE State: ST CNPS: Rank 1B.1	Clay soils in chaparral, coastal sage scrub, and valley and foothill grasslands	Does not occur on site due to a lack of suitable habitat.
Narrow-petaled rein orchid *Piperia leptopetala*	Federal: None State: None CNPS: Rank 4.3	Cismontane woodland, lower montane coniferous forest, upper montane coniferous forest.	Does not occur on site due to a lack of suitable habitat.
Nuttall's scrub oak *Quercus dumosa*	Federal: None State: None CNPS: Rank 1B.1	Closed-cone coniferous forest, chaparral, and coastal sage scrub. Occurring on sandy, clay loam soils.	Does not occur on site due to a lack of suitable habitat.
Ocellated humboldt lily *Lilium humboldtii* ssp. *ocellatum*	Federal: None State: None CNPS: Rank 4.2	Chaparral, cismontane woodland, coastal sage scrub, lower montane coniferous forest, riparian woodland. Occurring in openings.	Does not occur on site due to a lack of suitable habitat.
Orcutt's brodiaea *Brodiaea orcuttii*	Federal: None State: None CNPS: Rank 1B.1	Mesic, clay soils (sometimes serpentinite) in chaparral, meadows and seeps, valley and foothill grassland, vernal pools, closed-cone coniferous forest, cismontane woodland.	Does not occur on site due to a lack of suitable habitat.
Orcutt's pincushion *Chaenactis glabriuscula* var. *orcuttiana*	Federal: None State: None CNPS: Rank 1B.1	Coastal bluff scrub (sandy soils) and coastal dunes.	Does not occur on site due to a lack of suitable habitat.
Palmer's grapplinghook *Harpagonella palmeri*	Federal: None State: None CNPS: Rank 4.2	Chaparral, coastal sage scrub, valley and foothill grassland. Occurring in clay soils.	Not expected to occur on site due to a lack of suitable habitat.
Palomar monkeyflower *Erythranthe (Mimulus) diffusa*	Federal: None State: None CNPS: Rank 4.3	Sandy or gravelly soils in chaparral, lower montane coniferous forest.	Does not occur on site due to a lack of suitable habitat.
Paniculate tarplant *Deinandra paniculata*	Federal: None State: None CNPS: Rank 4.2	Usually in vernally mesic, sometimes sandy soils in coastal scrub, valley and foothill grassland, and vernal pools.	Does not occur on site due to a lack of suitable habitat.
Parry's spineflower *Chorizanthe parryi* var. *parryi*	Federal: None State: None CNPS: Rank 1B.1	Sandy or rocky soils in open habitats of chaparral and coastal sage scrub.	Not expected to occur on site due to a lack of suitable habitat.
Parry's tetracoccus *Tetracoccus dioicus*	Federal: None State: None CNPS: Rank 1B.2	Chaparral and coastal sage scrub.	Does not occur on site due to a lack of suitable habitat.
Payson's jewelflower *Caulanthus simulans*	Federal: None State: None CNPS: Rank 4.2	Sandy or granitic soils in chaparral and coastal scrub.	Not expected to occur on site due to a lack of suitable habitat.
Peninsular spineflower *Chorizanthe leptotheca*	Federal: None State: None CNPS: Rank 4.2	Alluvial fan, granitic. Chaparral, coastal scrub, lower montane coniferous forest.	Does not occur on site due to a lack of suitable habitat.

Species Name	Status	Habitat Requirements	Occurrence
Plummer's mariposa lily *Calochortus plummerae*	Federal: None State: None CNPS: Rank 4.2	Granitic, rock soils within chaparral, cismontane woodland, coastal sage scrub, lower montane coniferous forest, valley and foothill grassland.	Does not occur on site due to a lack of suitable habitat.
Rainbow manzanita *Arctostaphylos rainbowensis*	Federal: None State: None CNPS: Rank 1B.1	Chaparral	Does not occur on site due to a lack of suitable habitat.
Robinson's pepper grass *Lepidium virginicum* var. *robinsonii*	Federal: None State: None CNPS: Rank 4.3	Chaparral, coastal sage scrub	Not expected to occur on site due to a lack of suitable habitat.
Salt Spring checkerbloom *Sidalcea neomexicana*	Federal: None State: None CNPS: Rank 2B.2	Mesic, alkaline soils in chaparral, coastal sage scrub, lower montane coniferous forest, Mojavean desert scrub, and playas.	Does not occur on site due to a lack of suitable habitat.
San Bernardino aster *Symphyotrichum defoliatum*	Federal: None State: None CNPS: Rank 1B.2	Cismontane woodland, coastal scrub, lower montane coniferous forest, meadows and seeps, marshes and swamps, valley and foothill grassland (vernally mesic).	Does not occur on site due to a lack of suitable habitat.
San Diego ambrosia *Ambrosia pumila*	Federal: FE State: None CNPS: Rank 1B.1	Chaparral, coastal sage scrub, valley and foothill grassland, vernal pools. Often in disturbed habitats.	Does not occur on sit due to a lack of suitable habitat.
San Fernando Valley spineflower *Chorizanthe parryi* var. *fernandina*	Federal: FC State: SE CNPS: Rank 1B.1	Coastal sage scrub, occurring on sandy soils.	Does not occur on site due to a lack of suitable habitat.
San Miguel savory *Clinopodium chandleri*	Federal: None State: None CNPS: Rank 1B.2	Rocky, gabbroic, or metavolcanic soils in chaparral, cismontane woodland, coastal sage scrub, riparian woodland, valley and foothill grassland.	Does not occur on site due to a lack of suitable habitat.
Santa Ana River woolly star *Eriastrum densifolium* ssp. *sanctorum*	Federal: FE State: SE CNPS: Rank 1B.1	Alluvial fan sage scrub, chaparral. Occurring on sandy or rocky soils.	Does not occur on site due to a lack of suitable habitat.
Santa Monica dudleya *Dudleya cymosa* ssp. *ovatifolia*	Federal: FT State: None CNPS: Rank 1B.1	Chaparral, coastal sage scrub. Occurring on volcanic soils.	Does not occur on site due to a lack of suitable habitat.
Santa Rosa Basalt brodiaea *Brodiaea santarosae*	Federal: None State: None CNPS: Rank 1B.2	Basaltic soils in valley and foothill grassland.	Does not occur on site due to a lack of suitable habitat.
Santiago Peak phacelia *Phacelia keckii*	Federal: None State: None CNPS: Rank 1B.3	Closed-cone coniferous forest, chaparral	Does not occur on site due to a lack of suitable habitat.
Slender-horned spineflower *Dodecahema leptoceras*	Federal: FE State: SE CNPS: Rank 1B.1	Sandy soils in alluvial scrub, chaparral, cismontane woodland.	Does not occur on site due to a lack of suitable habitat.

Species Name	Status	Habitat Requirements	Occurrence
Small-flowered microseris *Microseris douglasii* ssp. *platycarpha*	Federal: None State: None CNPS: Rank 4.2	Cismontane woodland, coastal sage scrub, valley and foothill grassland, vernal pools. Occurring on clay soils.	Does not occur on site due to a lack of suitable habitat.
Small-flowered morning-glory *Convolvulus simulans*	Federal: None State: None CNPS: Rank 4.2	Chaparral (openings), coastal sage scrub, valley and foothill grassland. Occurring on clay soils and serpentinite seeps.	Does not occur on site due to a lack of suitable habitat.
Smooth tarplant *Centromadia pungens* ssp. *laevis*	Federal: None State: None CNPS: Rank 1B.1	Alkaline soils in chenopod scrub, meadows and seeps, playas, riparian woodland, valley and foothill grasslands, disturbed habitats.	Does not occur on site. This highly detectable species was not observed during general surveys.
South coast branching phacelia *Phacelia ramosissima* var. *austrolitoralis*	Federal: None State: None CNPS: Rank 3.2	Sandy, sometimes rocky soils in chaparral, coastal dunes, coastal scrub, and marshes and swamps (coastal salt)	Does not occur on site due to a lack of suitable habitat.
Southern California black walnut *Juglans californica*	Federal: None State: None CNPS: Rank 4.2	Chaparral, cismontane woodland, coastal sage scrub, alluvial surfaces.	Confirmed present on the Project site. See below for additional information.
Southern mountains skullcap *Scutellaria bolanderi* ssp. *austromontana*	Federal: None State: None CNPS: Rank 1B.2	Mesic soils in chaparral, cismontane woodland, lower montane coniferous forest.	Does not occur on site due to a lack of suitable habitat.
Southern tarplant *Centromadia parryi* ssp. *australis*	Federal: None State: None CNPS: Rank 1B.1	Disturbed habitats, margins of marshes and swamps, vernally mesic valley and foothill grassland, vernal pools.	Does not occur on site. This highly detectable species was not observed during general surveys.
Sticky dudleya *Dudleya viscida*	Federal: None State: None CNPS: Rank 1B.2	Coastal bluff scrub, chaparral, coastal sage scrub. Occurring on rocky soils.	Does not occur on site due to a lack of suitable habitat.
Summer holly *Comarostaphylis diversifolia* ssp. *diversifolia*	Federal: None State: None CNPS: Rank 1B.2	Chaparral.	Does not occur on site due to a lack of suitable habitat.
Tecate cypress *Hesperocyparis forbesii*	Federal: None State: None CNPS: Rank 1B.1	Closed-cone coniferous forest, chaparral.	Does not occur on site due to a lack of suitable habitat.
Thread-leaved brodiaea *Brodiaea filifolia*	Federal: FT State: SE CNPS: Rank 1B.1	Clay soils in chaparral (openings), cismontane woodland, coastal sage scrub, playas, valley and foothill grassland, vernal pools.	Not expected to occur on site due to a lack of suitable habitat.
Vernal barley *Hordeum intercedens*	Federal: None State: None CNPS: Rank 3.2	Coastal dunes, coastal sage scrub, valley and foothill grassland (saline flats and depressions), vernal pools.	Does not occur on site due to a lack of suitable habitat.

Species Name	Status	Habitat Requirements	Occurrence
Western dichondra *Dichondra occidentalis*	Federal: None State: None CNPS: Rank 4.2	Chaparral, cismontane woodland, coastal scrub, valley and foothill grassland.	Not expected to occur on site due to a lack of suitable habitat.
Western spleenwort *Asplenium vespertinum*	Federal: None State: None CNPS: Rank 4.2	Rocky soils in chaparral, cismontane woodland, and coastal scrub.	Does not occur on site due to a lack of suitable habitat.
White rabbit-tobacco *Pseudognaphalium leucocephalum*	Federal: None State: None CNPS: Rank 2B.2	Sandy or gravelly soils in chaparral, cismontane woodland, coastal scrub, and riparian woodland.	Not expected to occur on site due to a lack of suitable habitat.
White-bracted spineflower *Chorizanthe xanti* var. *leucotheca*	Federal: None State: None CNPS: Rank 1B.2	Sandy or gravelly soils in Mojavean desert scrub and pinyon and juniper woodland.	Does not occur on site due to a lack of suitable habitat.
Woolly chaparral-pea *Pickeringia montana var tomentosa*	Federal: None State: None CNPS: Rank 4.3	Gabbroic, granitic, and clay soils in chaparral.	Does not occur on site due to a lack of suitable habitat.

STATUS

Federal
FE – Federally Endangered
FT – Federally Threatened
FC – Federal Candidate

State
SE – State Endangered
ST – State Threatened

CNPS
Rank 1A – Plants presumed extirpated in California and either rare or extinct elsewhere.
Rank 1B – Plants rare, threatened, or endangered in California and elsewhere.
Rank 2A – Plants presumed extirpated in California, but common elsewhere.
Rank 2B – Plants rare, threatened, or endangered in California, but more common elsewhere.
Rank 3 – Plants about which more information is needed (a review list).
Rank 4 – Plants of limited distribution (a watch list).

Threat Code extension
.1 – Seriously endangered in California (over 80% occurrences threatened)
.2 – Fairly endangered in California (20-80% occurrences threatened)
.3 – Not very endangered in California (<20% of occurrences threatened or no current threats known)

OCCURRENCE

- Does not occur – The site does not contain habitat for the species and/or the site does not occur within the geographic range of the species.
- Confirmed absent – The site contains suitable habitat for the species, but the species has been confirmed absent through focused surveys.
- Not expected to occur – The species is not expected to occur onsite due to low habitat quality, however absence cannot be ruled out.
- Potential to occur – The species has a potential to occur based on suitable habitat, however its presence/absence has not been confirmed.
- Confirmed present – The species was detected onsite incidentally or through focused surveys

4.4.1 Special-Status Plants Detected at the Project Site

A single special-status southern California black walnut individual (CNPS 4.2) was observed in the southern portion of the Property adjacent to Trabuco Canyon Road. No other southern California black walnut individuals were detected in association with the Project site. Refer to Section 5 below for a discussion of potential impacts to southern California black walnut occurring as a result of the proposed Project. No other special-status plant species were observed in association with the Project site.

4.5 Special-Status Animals

No special-status animals were detected at the Property and none are expected to occur. Table 4-3 provides a list of special-status animals evaluated for the Project site through general biological surveys, habitat assessments, and focused surveys. Species were evaluated based on the following factors, including: 1) species identified by the CNDDB as occurring (either currently or historically) on or in the vicinity of the Project site, and 2) any other special-status animals that are known to occur within the vicinity of the Project site, for which potentially suitable habitat occurs on the site.

Table 4-3. Special-Status Animals Evaluated for the Project Site

Species Name	Status	Habitat Requirements	Occurrence
Invertebrates			
Crotch bumble bee *Bombus crotchii*	Federal: None State: CE (candidate endangered)	Relatively warm and dry sites, including the inner Coast Range of California and margins of the Mojave Desert.	Not expected to occur on site due to a lack of suitable habitat.
Riverside fairy shrimp *Streptocephalus woottoni*	Federal: FE State: None	Restricted to deep seasonal vernal pools, vernal pool-like ephemeral ponds, and stock ponds.	Does not occur on site due to a lack of suitable habitat.
San Diego fairy shrimp *Branchinecta sandiegonensis*	Federal: FE State: None	Seasonal vernal pools	Does not occur on site due to a lack of suitable habitat.
Fish			
Arroyo chub *Gila orcutti*	Federal: None State: SSC	Slow-moving or backwater sections of warm to cool streams with substrates of sand or mud.	Does not occur on site due to a lack of suitable habitat.
Santa Ana speckled dace *Rhinichthys osculus* ssp. *3*	Federal: None State: SSC	Occurs in the headwaters of the Santa Ana and San Gabriel Rivers. May be extirpated from the Los Angeles River system. Requires permanent flowing streams with summer water temperatures of 17-20 C. Usually inhabits shallow cobble and gravel riffles.	Does not occur on site due to a lack of suitable habitat.
Santa Ana sucker *Catostomus santaanae*	Federal: FT State: None	Small, shallow streams, less than 7 meters in width, with currents ranging from swift in the canyons to sluggish in the bottom lands.	Does not occur on site due to a lack of suitable habitat.

Species Name	Status	Habitat Requirements	Occurrence
		Preferred substrates are generally coarse and consist of gravel, rubble, and boulders with growths of filamentous algae, but occasionally they are found on sand/mud substrates.	
Southern steelhead - southern California DPS *Oncorhynchus mykiss irideus*	Federal: FE State: None	Clear, swift moving streams with gravel for spawning. Federal listing refers to populations from Santa Maria river south to southern extent of range (San Mateo Creek in San Diego county.)	Does not occur on site due to a lack of suitable habitat.
Tidewater goby *Eucyclogobius newberryi*	Federal: FE State: SSC	Occurs in shallow lagoons and lower stream reaches along the California coast from Agua Hedionda Lagoon, San Diego Co. to the mouth of the Smith River.	Does not occur on site due to a lack of suitable habitat.
Amphibians			
Arroyo toad *Anaxyrus californicus*	Federal: FE State: SSC	Breed, forage, and/or aestivate in aquatic habitats, riparian, coastal sage scrub, oak, and chaparral habitats. Breeding pools must be open and shallow with minimal current, and with a sand or pea gravel substrate overlain with sand or flocculent silt. Adjacent banks with sandy or gravely terraces and very little herbaceous cover for adult and juvenile foraging areas, within a moderate riparian canopy of cottonwood, willow, or oak.	Does not occur on site due to a lack of suitable habitat.
Coast Range newt *Taricha torosa*	Federal: None State: SSC	Found in wet forests, oak forests, chaparral, and rolling grasslands. In southern California, drier chaparral, oak woodland, and grasslands are used.	Does not occur on site due to a lack of suitable habitat.
Western spadefoot *Spea hammondii*	Federal: None State: SSC	Seasonal pools in coastal sage scrub, chaparral, and grassland habitats.	Does not occur on site due to a lack of suitable habitat.
Reptiles			
California glossy snake *Arizona elegans occidentalis*	Federal: None State: SSC	Inhabits arid scrub, rocky washes, grasslands, chaparral.	Not expected to occur on site due to a lack of suitable habitat.
Coast horned lizard *Phrynosoma blainvillii*	Federal: None State: SSC	Occurs in a variety of vegetation types including coastal sage scrub, chaparral, annual grassland, oak woodland, and riparian woodlands.	Not expected to occur on site due to a lack of suitable habitat.
Coast patch-nosed snake *Salvadora hexalepis virgultea*	Federal: None State: SSC	Occurs in coastal chaparral, desert scrub, washes, sandy flats, and rocky areas.	Does not occur on site due to a lack of suitable habitat.

Species Name	Status	Habitat Requirements	Occurrence
Coastal whiptail *Aspidoscelis tigris stejnegeri (multiscutatus)*	Federal: None State: SSC	Open, often rocky areas with little vegetation, or sunny microhabitats within shrub or grassland associations.	Not expected to occur on site due to a lack of suitable habitat.
Red-diamond rattlesnake *Crotalus ruber*	Federal: None State: SSC	Habitats with heavy brush and rock outcrops, including coastal sage scrub and chaparral.	Not expected to occur on site due to a lack of suitable habitat.
Southern California legless lizard *Anniella stebbinsi*	Federal: None State: SSC	Broadleaved upland forest, chaparral, coastal dunes, coastal scrub; found in a broader range of habitats that any of the other species in the genus. Often locally abundant, specimens are found in coastal sand dunes and a variety of interior habitats, including sandy washes and alluvial fans	Not expected to occur on site due to a lack of suitable habitat.
Two-striped garter snake *Thamnophis hammondii*	Federal: None State: SSC	Aquatic snake typically associated with wetland habitats such as streams, creeks, and pools.	Does not occur on site due to a lack of suitable habitat.
Western pond turtle *Emys marmorata*	Federal: None State: SSC	Slow-moving permanent or intermittent streams, small ponds and lakes, reservoirs, abandoned gravel pits, permanent and ephemeral shallow wetlands, stock ponds, and treatment lagoons. Abundant basking sites and cover necessary, including logs, rocks, submerged vegetation, and undercut banks.	Does not occur on site due to a lack of suitable habitat.
Birds			
Bald eagle (nesting & wintering) *Haliaeetus leucocephalus*	Federal: BGEPA State: SE, FP	Primarily in or near seacoasts, rivers, swamps, and large lakes. Perching sites consist of large trees or snags with heavy limbs or broken tops.	Does not occur on site due to a lack of suitable habitat.
Burrowing owl (burrow sites & some wintering sites) *Athene cunicularia*	Federal: None State: SSC	Shortgrass prairies, grasslands, lowland scrub, agricultural lands (particularly rangelands), coastal dunes, desert floors, and some artificial, open areas as a year-long resident. Occupies abandoned ground squirrel burrows as well as artificial structures such as culverts and underpasses.	Does not occur on site due to a lack of suitable habitat.
Coastal cactus wren (San Diego & Orange County only) *Campylorhynchus brunneicapillus sandiegensis*	Federal: None State: SSC	Occurs almost exclusively in cactus (cholla and prickly pear) dominated coastal sage scrub.	Not expected to occur on site due to a lack of suitable habitat.
Coastal California gnatcatcher *Polioptila*	Federal: FT State: SSC	Low elevation coastal sage scrub and coastal bluff scrub.	Not expected to occur on site due to a lack of suitable habitat.

Species Name	Status	Habitat Requirements	Occurrence
californica californica			
Golden eagle (nesting & wintering) *Aquila chrysaetos*	Federal: BGEPA State: FP	In southern California, occupies grasslands, brushlands, deserts, oak savannas, open coniferous forests, and montane valleys. Nests on rock outcrops and ledges.	Does not occur on site due to a lack of suitable habitat.
Grasshopper sparrow (nesting) *Ammodramus savannarum*	Federal: None State: SSC	Open grassland and prairies with patches of bare ground.	Does not occur on site due to a lack of suitable habitat.
Least Bell's vireo (nesting) *Vireo bellii pusillus*	Federal: FE State: SE	Dense riparian habitats with a stratified canopy, including southern willow scrub, mule fat scrub, and riparian forest.	Does not occur on site due to a lack of suitable habitat.
Long-eared owl (nesting) *Asio otus*	Federal: None State: SSC	Riparian habitats are required by the long-eared owl, but it also uses live-oak thickets and other dense stands of trees.	Does not occur on site due to a lack of suitable habitat.
Northern harrier (nesting) *Circus cyaneus*	Federal: None State: SSC	A variety of habitats, including open wetlands, grasslands, wet pasture, old fields, dry uplands, and croplands.	Not expected to occur on site due to a lack of suitable habitat.
Southwestern willow flycatcher (nesting) *Empidonax traillii extimus*	Federal: FE State: SE	Riparian woodlands along streams and rivers with mature dense thickets of trees and shrubs.	Does not occur on site due to a lack of suitable habitat.
Tricolored blackbird (nesting colony) *Agelaius tricolor*	Federal: None State: SCE, SSC	Breeding colonies require nearby water, a suitable nesting substrate, and open-range foraging habitat of natural grassland, woodland, or agricultural cropland.	Does not occur on site due to a lack of suitable habitat.
Western snowy plover (nesting) *Charadrius alexandrinus nivosus*	Federal: FT State: SSC	Sandy or gravelly beaches along the coast, estuarine salt ponds, alkali lakes, and at the Salton Sea.	Does not occur on site due to a lack of suitable habitat.
White-tailed kite (nesting) *Elanus leucurus*	Federal: None State: FP	Low elevation open grasslands, savannah-like habitats, agricultural areas, wetlands, and oak woodlands. Dense canopies used for nesting and cover.	Not expected to occur on site due to a lack of suitable habitat.
Yellow rail *Coturnicops noveboracensis*	Federal: None State: SSC	Shallow marshes, and wet meadows; in winter, drier freshwater and brackish marshes, as well as dense, deep grass, and rice fields.	Does not occur on site due to a lack of suitable habitat.
Yellow warbler (nesting) *Setophaga petechia*	Federal: None State: SSC	Breed in lowland and foothill riparian woodlands dominated by cottonwoods, alders, or willows and other small trees and shrubs typical of low, open-canopy riparian woodland. During migration, forages in woodland, forest, and shrub habitats.	Does not occur on site due to a lack of suitable habitat.

Species Name	Status	Habitat Requirements	Occurrence
Yellow-breasted chat (nesting) *Icteria virens*	Federal: None State: SSC	Dense, relatively wide riparian woodlands and thickets of willows, vine tangles, and dense brush with well-developed understories.	Does not occur on site due to a lack of suitable habitat.
Mammals			
American badger *Taxidea taxus*	Federal: None State: SSC	Most abundant in drier open stages of most scrub, forest, and herbaceous habitats, with friable soils.	Does not occur on site due to a lack of suitable habitat.
Northwestern San Diego pocket mouse *Chaetodipus fallax fallax*	Federal: None State: SSC	Coastal sage scrub, sage scrub/grassland ecotones, and chaparral.	Does not occur on site due to a lack of suitable habitat.
Pallid bat *Antrozous pallidus*	Federal: None State: SSC	Deserts, grasslands, shrublands, woodlands, and forests. Most common in open, dry habitats with rocky areas for roosting.	Does not occur on site due to a lack of suitable habitat.
Pocketed free-tailed bat *Nyctinomops femorosaccus*	Federal: None State: SSC	Rocky areas with high cliffs in pine-juniper woodlands, desert scrub, palm oasis, desert wash, and desert riparian.	Does not occur on site due to a lack of suitable habitat.
San Diego black-tailed jackrabbit *Lepus californicus bennettii*	Federal: None State: SSC	Occupies a variety of habitats, but is most common among shortgrass habitats. Also occurs in sage scrub, but needs open habitats.	Not expected to occur on site due to a lack of suitable habitat.
San Diego desert woodrat *Neotoma lepida intermedia*	Federal: None State: SSC	Occurs in a variety of shrub and desert habitats, primarily associated with rock outcrops, boulders, cacti, or areas of dense undergrowth.	Does not occur on site due to a lack of suitable habitat.
Southern grasshopper mouse *Onychomys torridus ramona*	Federal: None State: SSC	Desert areas, especially scrub habitats with friable soils for digging. Prefers low to moderate shrub cover.	Does not occur on site due to a lack of suitable habitat.
Stephens' kangaroo rat *Dipodomys stephensi*	Federal: FE State: ST	Open grasslands or sparse shrublands with less than 50% vegetation cover during the summer.	Does not occur on site due to a lack of suitable habitat.
Western mastiff bat *Eumops perotis californicus*	Federal: None State: SSC	Occurs in many open, semi-arid to arid habitats, including conifer and deciduous woodlands, coastal scrub, grasslands, and chaparral. Roosts in crevices in cliff faces, high buildings, trees, and tunnels.	Not expected to occur on site due to a lack of suitable habitat.
Western red bat *Lasiurus blossevillii*	Federal: None State: SSC	Prefers riparian areas dominated by walnuts, oaks, willows, cottonwoods, and sycamores where they roost in broad-leafed trees.	Not expected to occur on site due to a lack of suitable habitat.
Western yellow bat *Lasiurus xanthinus*	Federal: None State: SSC	Found in valley foothill riparian, desert riparian, desert wash, and palm oasis habitats. Roosts in trees, particularly palms. Forages over water and among trees.	Does not occur on site due to a lack of suitable habitat.

STATUS

Federal	**State**
BGEPA – Bald and Golden Eagle Protection Act	CFP – California Fully-Protected Species
FE – Federally Endangered	SCE – State Candidate Endangered
FT – Federally Threatened	SE – State Endangered
	SSC – Species of Special Concern
	ST – State Threatened

OCCURRENCE

- Does not occur – The site does not contain habitat for the species and/or the site does not occur within the geographic range of the species.
- Confirmed absent – The site contains suitable habitat for the species, but the species has been confirmed absent through focused surveys.
- Not expected to occur – The species is not expected to occur onsite due to low habitat quality, however absence cannot be ruled out.
- Potential to occur – The species has a potential to occur based on suitable habitat, however its presence/absence has not been confirmed.
- Confirmed present – The species was detected onsite incidentally or through focused surveys.

4.5.4 Raptor Use

The Property provides suitable foraging and breeding habitat for a number of raptor species, including special-status raptors.

Southern California holds a diversity of birds of prey (raptors), and many of these species are in decline. For most of the declining species, foraging requirements include extensive open, undisturbed, or lightly disturbed areas, especially grasslands. This type of habitat has declined severely in the region, affecting many species, but especially raptors. A few species, such as red-tailed hawk (*Buteo jamaicensis*) and American kestrel (*Falco sparverius*), are somewhat adaptable to low-level human disturbance and can be readily observed adjacent to neighborhoods and other types of development. These species still require appropriate foraging habitat and low levels of disturbance in vicinity of nesting sites.

No hawks and/or falcons were detected at the Property over the course of the field studies. However, several species have potential to occur on site including Cooper's hawk (*Accipiter cooperii*) and red-tailed hawk. Great horned owl (*Bubo virginianus*) and barn owl (*Tyto alba*) may also be present. The ferruginous hawk migrates through the region in spring/fall and may over winter in the area. The Property contains potential nesting habitat for raptors due to the presence of mature trees and shrubs. However, this habitat is relatively low quality due to the developed nature of the Property, its proximity to residential development, and active equestrian use. The Property is expected to provide foraging habitat for all of these species in the form of insects, spiders, lizards, snakes, small mammals, and other birds.

4.6 Nesting Birds

The Property contains trees, shrubs, and ground cover that provide suitable habitat for nesting native birds. Mortality of native birds (including eggs) is prohibited under the California Fish and Game Code.[9]

Birds anticipated to nest on the Property would be those that are common to disturbed areas and include species such as house finch (*Haemorhous mexicanus*) and mourning dove (*Zenaida macroura*).

4.7 Wildlife Linkages/ Corridors and Nursery Sites

Habitat linkages are areas which provide a communication between two or more other habitat areas which are often larger or superior in quality to the linkage. Such linkage sites can be quite small or constricted, but may can be vital to the long-term health of connected habitats. Linkage values are often addressed in terms of "gene flow" between populations, with movement taking potentially many generations.

Corridors are similar to linkages but provide specific opportunities for individual animals to disperse or migrate between areas, generally extensive but otherwise partially or wholly separated regions. Adequate cover and tolerably low levels of disturbance are common requirements for corridors. Habitat in corridors may be quite different than that in the connected areas, but if used by the wildlife species of interest, the corridor will still function as desired.

Wildlife nurseries are sites where wildlife concentrate for hatching and/or raising young, such as rookeries, spawning areas, and bat colonies. Nurseries can be important to both special-status species as well as commonly occurring species.

4.8 Critical Habitat

The Property occurs within USFWS-designated critical habitat for arroyo toad and coastal California gnatcatcher. Arroyo toad does not occur on the Property due to a lack of suitable habitat, as the Property does not contain any aquatic features and does not exhibit suitable soils for aestivating arroyo toads. Coastal California gnatcatcher is not expected to occur on the Project site due to a lack of suitable habitat. While a small amount of coastal sage scrub occurs in northwestern and northeastern portions of the Project site, respectively, these areas are of relatively low quality due to the developed nature of the Project site and recurring disturbance due to active equestrian uses.

4.9 Jurisdictional Waters

No aquatic features, including streams, wetlands, seasonal ponds or other jurisdictional features occur on the Property.

[9] Sections 3505, 3503.5, and 3800 of the California Department of Fish and Game Code prohibit the take, possession, or destruction of birds, their nests or eggs.

5.0 IMPACT ANALYSIS

The following discussion examines the potential impacts to plant and wildlife resources that would occur as a result of the proposed project. Impacts (or effects) can occur in two forms, direct and indirect. Direct impacts are considered to be those that involve the loss, modification or disturbance of plant communities, which in turn, directly affect the flora and fauna of those habitats. Direct impacts also include the destruction of individual plants or animals, which may also directly affect regional population numbers of a species or result in the physical isolation of populations thereby reducing genetic diversity and population stability.

Indirect impacts pertain to those impacts that result in a change to the physical environment, but which is not immediately related to a project. Indirect (or secondary) impacts are those that are reasonably foreseeable and caused by a project but occur at a different time or place. Indirect impacts can occur at the urban/wildland interface of projects, to biological resources located downstream from projects, and other offsite areas where the effects of the project may be experienced by plants and wildlife. Examples of indirect impacts include the effects of increases in ambient levels of noise or light; predation by domestic pets; competition with exotic plants and animals; introduction of toxics, including pesticides; and other human disturbances such as hiking, off-road vehicle use, unauthorized dumping, etc. Indirect impacts are often attributed to the subsequent day-to-day activities associated with project build-out, such as increased noise, the use of artificial light sources, and invasive ornamental plantings that may encroach into native areas. Indirect effects may be both short-term and long-term in their duration. These impacts are commonly referred to as "edge effects" and may result in a slow replacement of native plants by non-native invasive species, as well as changes in the behavioral patterns of wildlife and reduced wildlife diversity and abundance in habitats adjacent to project sites.

Cumulative impacts refer to two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts. A cumulative impact can occur from multiple individual effects from the same project, or from several projects. The cumulative impact from several projects is the change in the environment resulting from the incremental impact of the project when added to other closely related past, present, and reasonably foreseeable probable future projects. Cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time.

5.1 California Environmental Quality Act (CEQA)

5.1.1 Thresholds of Significance

Environmental impacts to biological resources are assessed using impact significance threshold criteria, which reflect the policy statement contained in CEQA, Section 21001(c) of the California Public Resources Code. Accordingly, the State Legislature has established it to be the policy of the State of California:

> *"Prevent the elimination of fish or wildlife species due to man's activities, ensure that fish and wildlife populations do not drop below self-perpetuating levels, and*

preserve for future generations representations of all plant and animal communities..."

Determining whether a project may have a significant effect, or impact, plays a critical role in the CEQA process. According to CEQA, Section 15064.7 (Thresholds of Significance), each public agency is encouraged to develop and adopt (by ordinance, resolution, rule, or regulation) thresholds of significance that the agency uses in the determination of the significance of environmental effects. A threshold of significance is an identifiable quantitative, qualitative or performance level of a particular environmental effect, non-compliance with which means the effect will normally be determined to be significant by the agency and compliance with which means the effect normally will be determined to be less than significant. In the development of thresholds of significance for impacts to biological resources CEQA provides guidance primarily in Section 15065, Mandatory Findings of Significance, and the CEQA Guidelines, Appendix G, Environmental Checklist Form. Section 15065(a) states that a project may have a significant effect where:

"The project has the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or wildlife community, reduce the number or restrict the range of an endangered, rare, or threatened species, ..."

Therefore, for the purpose of this analysis, impacts to biological resources are considered potentially significant (before considering offsetting mitigation measures) if one or more of the following criteria discussed below would result from implementation of the proposed project.

5.1.2 Criteria for Determining Significance Pursuant to CEQA

Appendix G of the 2018 State CEQA guidelines indicate that a project may be deemed to have a significant effect on the environment if the project is likely to:

a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service.

b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service.

c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means.

d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.

e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.

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

The Equestrian Center project is situated in the southern portion of the Property and will cover 4.70 acres with the major vegetation alliance eliminated by the project is the Peruvian pepper orchard. No native vegetation alliances will be impacted by the project as set forth in the analysis of impacts below. In addition to potential impacts to 4.70 acres associated with the project, fuel modification will impact additional areas such that the project footprint totals 7.37 acres when fuel modification is included in the impact analysis.

5.2 Special-Status Species

Appendix G(a) of the CEQA guidelines asks if a project is likely to "have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service."

5.2.1 Special-Status Plants

The proposed Project will impact one special-status southern California black walnut. However, impacts to this species occurring as a result of the proposed Project would be less than significant under CEQA. The Project site is largely developed and highly disturbed due to active equestrian uses, and only a single southern California black walnut individual adjacent to Trabuco Canyon Road will be impacted by the proposed Project. Therefore, given the low sensitivity of this species (CNPS 4.2) and California Rarity Ranking of S4, the proposed Project will not have a substantial adverse effect on the survivorship of southern California black walnut. Additionally, while southern California black walnut is classified as a rare plant by CNPS, it is not a federally- or State-listed species.

5.2.2 Special-Status Animals

The proposed Project will not impact special-status animals. As noted, the Property is located within areas of designated Critical Habitat for the arroyo toad and coastal California gnatcatcher. The southern portion of the Property that will be impacted by the project does not contain any "Physical or Biological Features", which is a term that has replaced Primary Constituent Elements" in the definition of critical habitat for either species. Both terms refer to the physical and biological features of designated or proposed critical habitat essential to the conservation of the species, including, but not limited to: (1) space for individual and population growth, and for

normal behavior; (2) food, water, air, light, minerals, or other nutritional or physiological requirements; (3) cover or shelter; (4) sites for breeding, reproduction, rearing of offspring, germination, or seed dispersal; (5) habitats that are protected from disturbance or are representative of the historic geographic and ecological distributions of a species.[10]

Before addressing potential impacts to Critical Habitat for the arroyo toad and coastal California gnatcatcher it is important to note that Critical Habitat does not apply to private landowners in the absence of federalization of the project (*e.g.*, the need for permits from the federal government such as Section 404 Permits). Since the project does not require any federal approvals, there are no requirements to consult with or obtain authorizations from the USFWS. However, for purposes of completeness, the potential effects on Critical Habitat are addressed below.

According to the 2007 Final Rule, PCEs [now replaced by PBFs; however, "PCE" is retained in the quoted excerpt] for CAGN include:

> *(1) Dynamic and successional sage scrub habitats: Venturan coastal sage scrub, Diegan coastal sage scrub, Riversidean sage scrub, maritime succulent scrub, Riversidean alluvial fan scrub, southern coastal bluff scrub, and coastal sage-chaparral scrub in Ventura, Los Angeles, Orange, Riverside, San Bernardino, and San Diego Counties that provide space for individual and population growth, normal behavior, breeding, reproduction, nesting, dispersal and foraging; and*
>
> *(2) Non-sage scrub habitats such as chaparral, grassland, riparian areas, in proximity to sage scrub habitats as described for PCE 1 above that provide space for dispersal, foraging, and nesting.*

Areas meeting the definition of CAGN PCE1 have been limited within the Property due to historic disturbance from long-term equestrian and residential uses and do not occur within the proposed Equestrian Center project area.

The coastal sage scrub habitats (PBF 1) within the Study Area are limited to scattered patches as depicted on Exhibit 6 which shows area of coastal sage scrub at the northern site boundary, well removed from the project site. Thus, there would be no impacts to area designated as Critical Habitat that contain potential PBFs.

According to the Final Rule for arroyo toad critical habitat designation, the PBFs of critical habitat for the arroyo toad include

> *...rivers or streams with a hydrologic regime that supplies sufficient flowing water of suitable quality and sufficient quantity and at the appropriate times to provide space, food, and cover needed to sustain eggs, tadpoles, metamorphosing juveniles, and adult breeding toads; low-gradient stream segments (typically less than 4 percent) with sandy or fine gravel substrates which support the formation of shallow pools and sparsely vegetated sand and gravel bars for breeding and*

[10] https://www.fws.gov/midwest/endangered/section7/s7process/s7glossary.html

rearing of tadpoles and juveniles; a natural flooding regime or one sufficiently corresponding to a natural regime that will periodically scour riparian vegetation, rework stream channels and terraces, and redistribute sands and sediments, such that adequate numbers and sizes of breeding pools and sufficient terrace habitats with appropriate vegetation are maintained; upland habitats (particularly alluvial streamside terraces and adjacent valley bottomlands that include areas of loose soil and dependable subsurface moisture where toads can burrow underground and avoid desiccation) of sufficient width and quality to provide foraging and living areas for subadult and adult arroyo toads; few or no nonnative species that prey upon or compete with arroyo toads, or degrade their habitat; stream channels and upland habitats where manmade barriers do not completely or substantially impede migration to overwintering sites, dispersal between populations, or recolonization of areas that contain suitable habitat; and habitats with limited human-related disturbance.

As already stated, the project site does not contain any streams or other aquatic resources and does not contain any areas with the PBFs for the arroyo toad and there would be no potential impacts to arroyo toad nor would the project result in adverse modifications to Critical Habitat for this species. The project would not result in adverse modification to Critical Habitat for the coastal California gnatcatcher or the arroyo toad.

5.3 Sensitive Vegetation Communities

Appendix G(a) of the CEQA guidelines asks if a project is likely to "have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service."

The proposed Project would impact 7.37 acres of land through grading or fuel modification activities. All proposed impacts will be permanent; no temporary impacts are proposed. None of the vegetation communities/land use types to be impacted by the Project are considered as sensitive communities; additionally, the Project as proposed will avoid all areas of coastal sage scrub totaling 1.05 acres. Therefore, there will be no impact to sensitive vegetation communities as a result of the proposed Project. Table 5-1 below provides a summary of impacts to vegetation/land use types. As noted below, any coast live oaks within the fuel modification zones or other areas within the project footprint will be avoided.

Table 5-1. Summary of Vegetation/Land Use Impacts

Vegetation/Land Use Type	Total
Disturbed/Ruderal	0.38
Developed	1.31
Ornamental	0.09
Peruvian Pepper Grove	5.46
Coast Live Oak Woodland	0.13*
Total	**7.37**

* Oak trees that fall within fuel modification zones or other areas within the project footprint will be fully avoided.

5.4 Wetlands

Appendix G(c) of the State CEQA guidelines asks if a project is likely to "have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means."

The Property does not contain any state or federally protected wetlands.

5.5 Wildlife Movement and Native Wildlife Nursery Sites

Appendix G(d) of the State CEQA guidelines asks if a project is likely to "interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors or impede the use of native wildlife nursery sites."

The Property lacks migratory wildlife corridors and/or wildlife nursery sites. The proposed Equestrian Center project would not interfere with or impact (1) the movement of native resident or migratory fish or wildlife species, (2) established native resident or migratory wildlife corridors, or (3) the use of native wildlife nursery sites. There would be no significant impacts to wildlife movement occurring as a result of the proposed Equestrian Center project.

The proposed Equestrian Center project has the potential to impact active bird nests if vegetation is removed during the nesting season (February 1 to August 31). Impacts to nesting birds are prohibited by the California Fish and Game Code. Although impacts to native birds are prohibited by the California Fish and Game Code, impacts to native birds by the proposed Project would not be a significant impact under CEQA. The native birds with potential to nest on the Project site would be those that are extremely common to the region and highly adapted to human landscapes (e.g., house finch, mourning dove, etc.). The number of individuals potentially affected by the Project would not significantly affect regional, let alone local populations of such species. A measure is identified in Section 6.0 of this report to avoid impacts to nesting birds.

5.6 Local Policies or Ordinances

Appendix G(e) of the State CEQA guidelines asks if a project is likely to "conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance." The Equestrian Center project will not conflict with any local policies or ordinances protecting biological resources. Specifically, as noted above, any coast live oaks within the fuel modification zones or other areas within the project footprint will be avoided. A project design feature is included below to ensure avoidance of oak trees on the site.

5.7 Habitat Conservation Plans

Appendix G(f) of the State CEQA guidelines asks if a project is likely to "conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or

other approved local, regional, or state habitat conservation plan." The Project site does not occur within any habitat conservation plan or other similar plan. Therefore, the proposed Equestrian Center project will not conflict with any habitat conservation plan or other similar plan.

5.8 Jurisdictional Waters

No potentially jurisdictional features such as streams, lakes, or other aquatic features occur in association with the Property. Therefore, no impacts to jurisdictional features will occur as a result of the proposed Equestrian Center project.

5.9 Indirect Impacts to Biological Resources

In the context of biological resources, indirect effects are those effects associated with developing areas adjacent to adjacent native open space. Potential indirect effects associated with development include water quality impacts associated with drainage into adjacent open space/downstream aquatic resources; lighting effects; noise effects; invasive plant species from landscaping; and effects from human access into adjacent open space, such as recreational activities (including off-road vehicles and hiking), pets, dumping, etc. Temporary, indirect effects may also occur as a result of construction-related activities.

The Project has the potential for both temporary and permanent indirect effects. Section 6.0 of this report identifies measures to reduce indirect effects to below a level of significance.

6.0 MITIGATION/AVOIDANCE MEASURES AND PROJECT DESIGN FEATURES

The following discussion provides project-specific mitigation/avoidance measures for actual or potential impacts to special-status resources.

6.1 Nesting Birds

The Project site contains vegetation with the potential to support native nesting birds. As discussed above, the California Fish and Game Code prohibits mortality of native birds, including eggs. The following measure is recommended to avoid mortality to nesting birds. Potential impacts to native birds was not considered a biologically significant impact under CEQA, however, to comply with state law, the following is recommended:

- As feasible, vegetation clearing should be conducted outside of the nesting season, which is generally identified as February 1 through September 15. If avoidance of the nesting season is not feasible, then a qualified biologist shall conduct a nesting bird survey within three days prior to any disturbance of the site, including disking, demolition activities, and grading. If active nests are identified, the biologist shall establish suitable buffers around the nests, and the buffer areas shall be avoided until the nests are no longer occupied and the juvenile birds can survive independently from the nests.

In addition to the mitigation measure, the project includes a Project Design Feature to ensure avoidance of all oak trees within the project footprint including fuel modification zones as set forth below.

6.2 Coast Live Oak Woodlands and Trees

As depicted on Exhibit 5, the property includes areas of coast live oak woodland. To ensure protection of areas of coast live oak woodland that lie within the proposed area of disturbance, prior to issuance of a grading permit, the applicant shall prepare a Tree Management/Preservation Plan as set forth in Sections 3.3 and 3.4 of the Foothill/Trabuco Specific Plan to the County of Orange for approval. Preparation of such a plan will ensure that there are no significant impacts to coast live oak woodland or individual coast live oak trees associated with the project.

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9.0 CERTIFICATION

I hereby certify that the statements furnished above and in the attached exhibits present data and information required for this biological evaluation, and that the facts, statements, and information presented are true and correct to the best of my knowledge and belief.

Signed:_____ Date: _____

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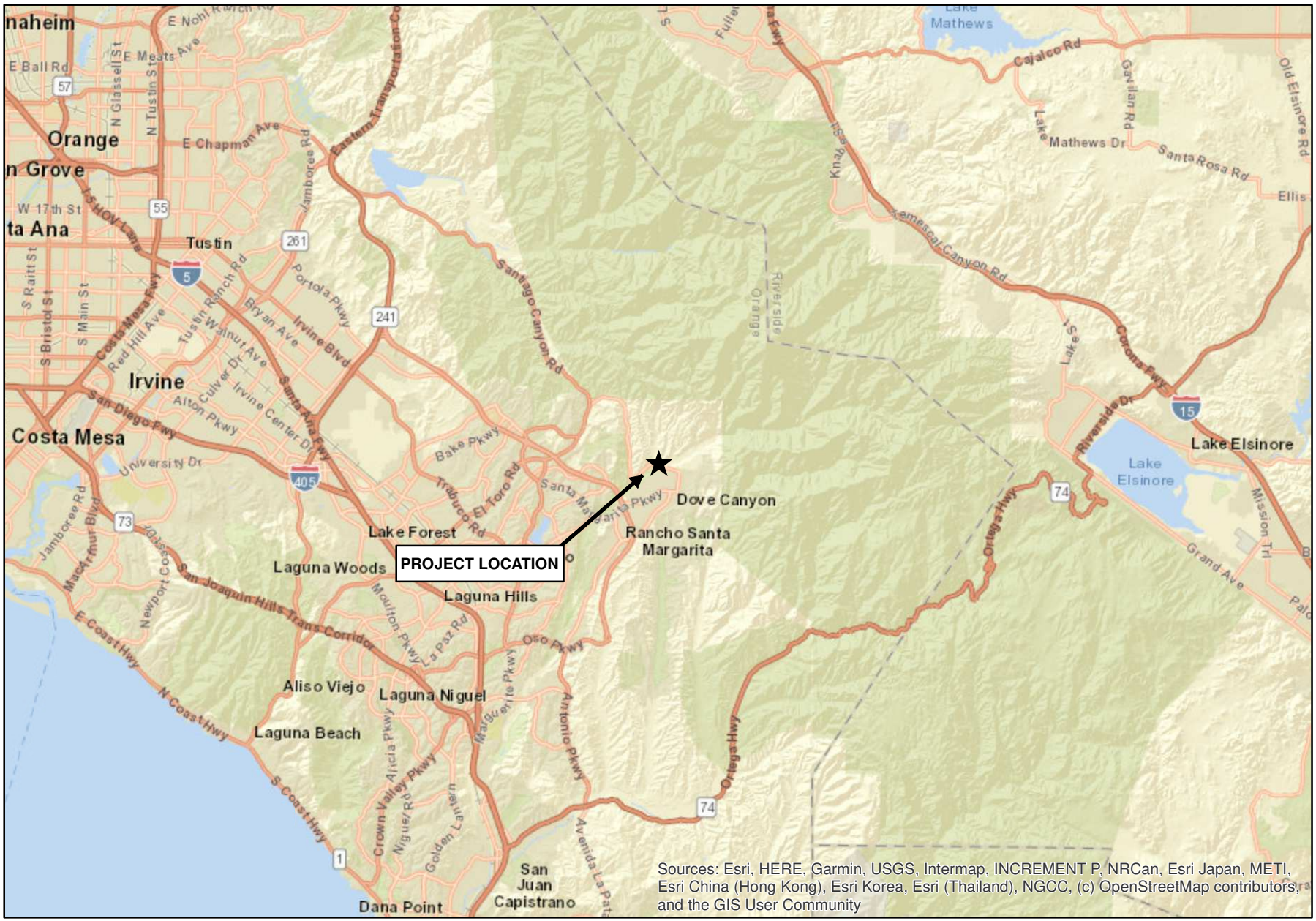


Source: ESRI World Street Map

N

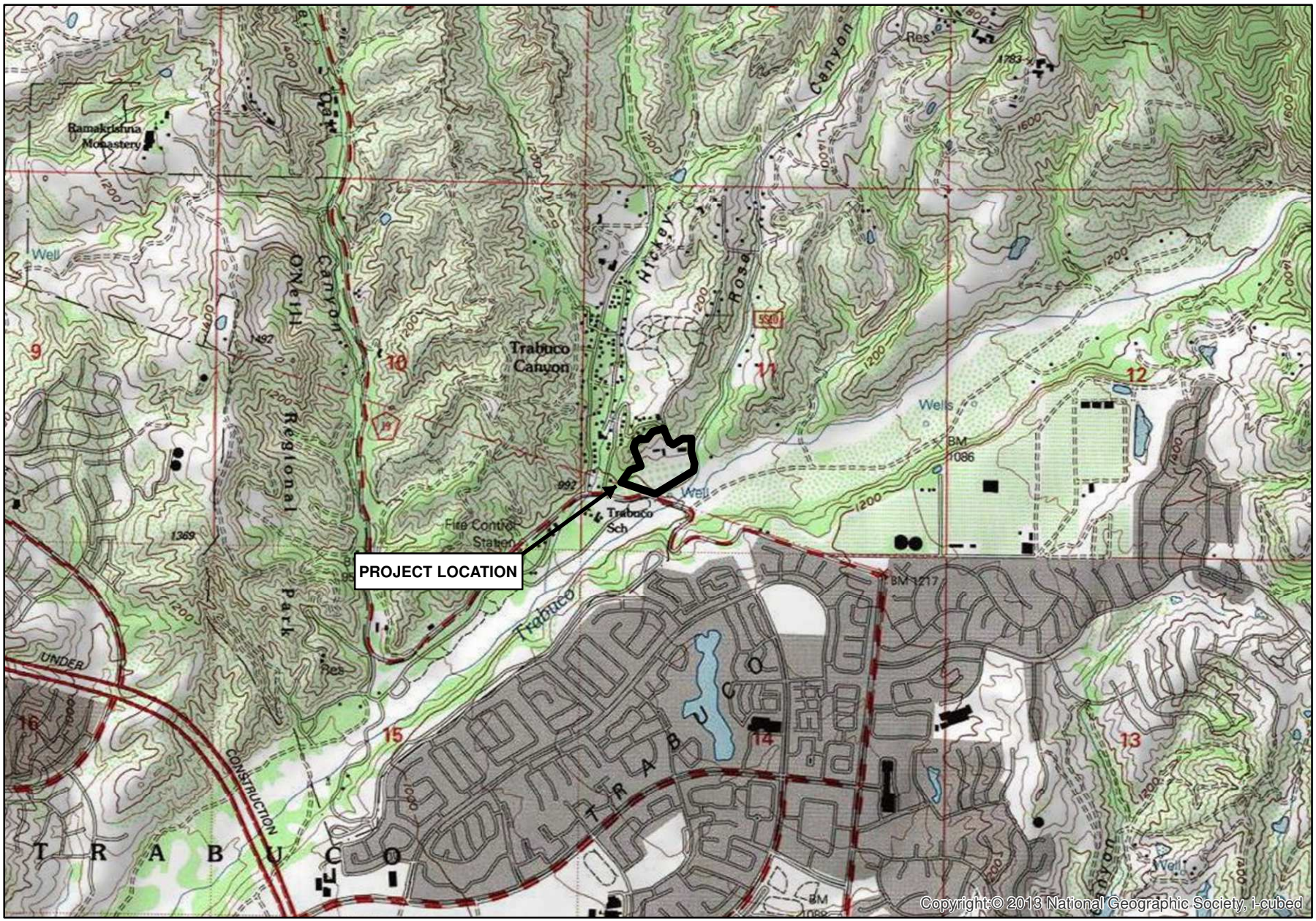
0 2 4 8 Miles

TRABUCO CANYON EQUESTRIAN CENTER

Regional Map

GLENN LUKOS ASSOCIATES

Exhibit 1



Adapted from USGS Santiago Peak, CA quadrangle

N

0 1,000 2,000 4,000 Feet

TRABUCO CANYON EQUESTRIAN CENTER

Vicinity Map

GLENN LUKOS ASSOCIATES

Exhibit 2

Project Boundary

Impact Limits

Fuel Modification Zone

Fuel Modification Zone B

Fuel Modification Zone B*

Fuel Modification Zone C

N

0 50 100 200

Feet

1 inch = 100 feet

Coordinate System: State Plane 6 NAD 83
Projection: Lambert Conformal Conic
Datum: NAD83
Map Prepared by: B. Gale, GLA
Date Prepared: September 9, 2020

TRABUCO CANYON EQUESTRIAN CENTER

Site Plan Map

GLENN LUKOS ASSOCIATES

Exhibit 3

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Project Boundary

Coastal California Gnatcatcher

Arroyo Toad

N

0 50 100 200

Feet

1 inch = 100 feet

Coordinate System: State Plane 6 NAD 83
Projection: Lambert Conformal Conic
Datum: NAD83
Map Prepared by: B. Gale, GLA
Date Prepared: September 10, 2020

TRABUCO CANYON EQUESTRIAN CENTER

Critical Habitat Map

GLENN LUKOS ASSOCIATES

Exhibit 4

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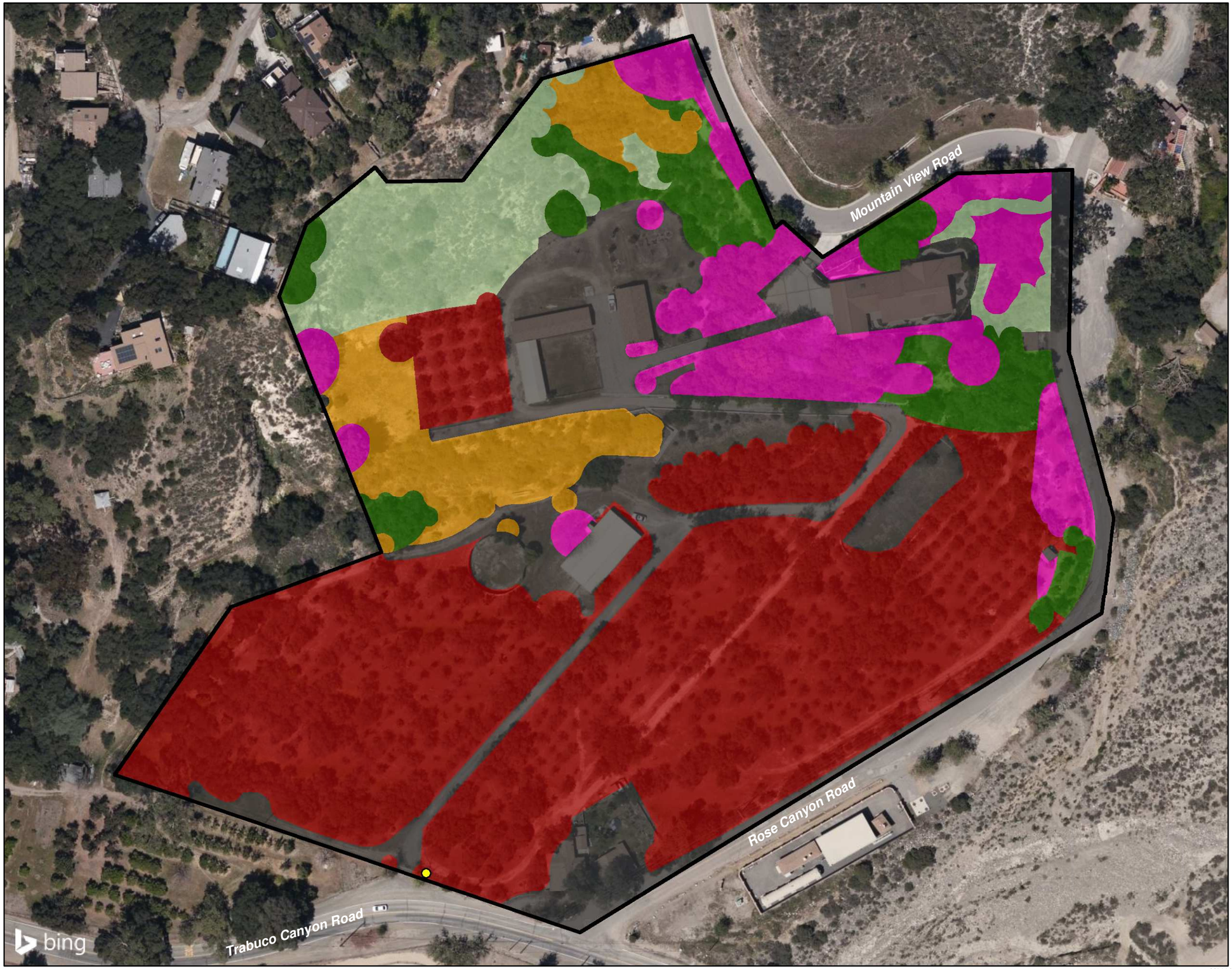

- Project Boundary
- Coast Live Oak Woodland
- Coastal Sage Scrub
- Peruvian Pepper Grove
- Ornamental
- Disturbed/Ruderal
- Developed
- Southern California Black Walnut

N

0 50 100 200

Feet

1 inch = 100 feet

Coordinate System: State Plane 6 NAD 83
Projection: Lambert Conformal Conic
Datum: NAD83
Map Prepared by: B. Gale, GLA
Date Prepared: September 10, 2020

TRABUCO CANYON EQUESTRIAN CENTER

Vegetation/Land Use Map

GLENN LUKOS ASSOCIATES

Exhibit 5

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Photograph 1: View facing approximately west depicting developed conditions and ornamental vegetation typical of the northern portion of the Project site.

Photograph 2: View facing approximately west depicting disturbed/ruderal conditions on site. Peruvian pepper grove is visible in the middleground.

Photograph 3: View from Rose Canyon Road facing approximately southwest depicting ornamental vegetation typical of the Project site.

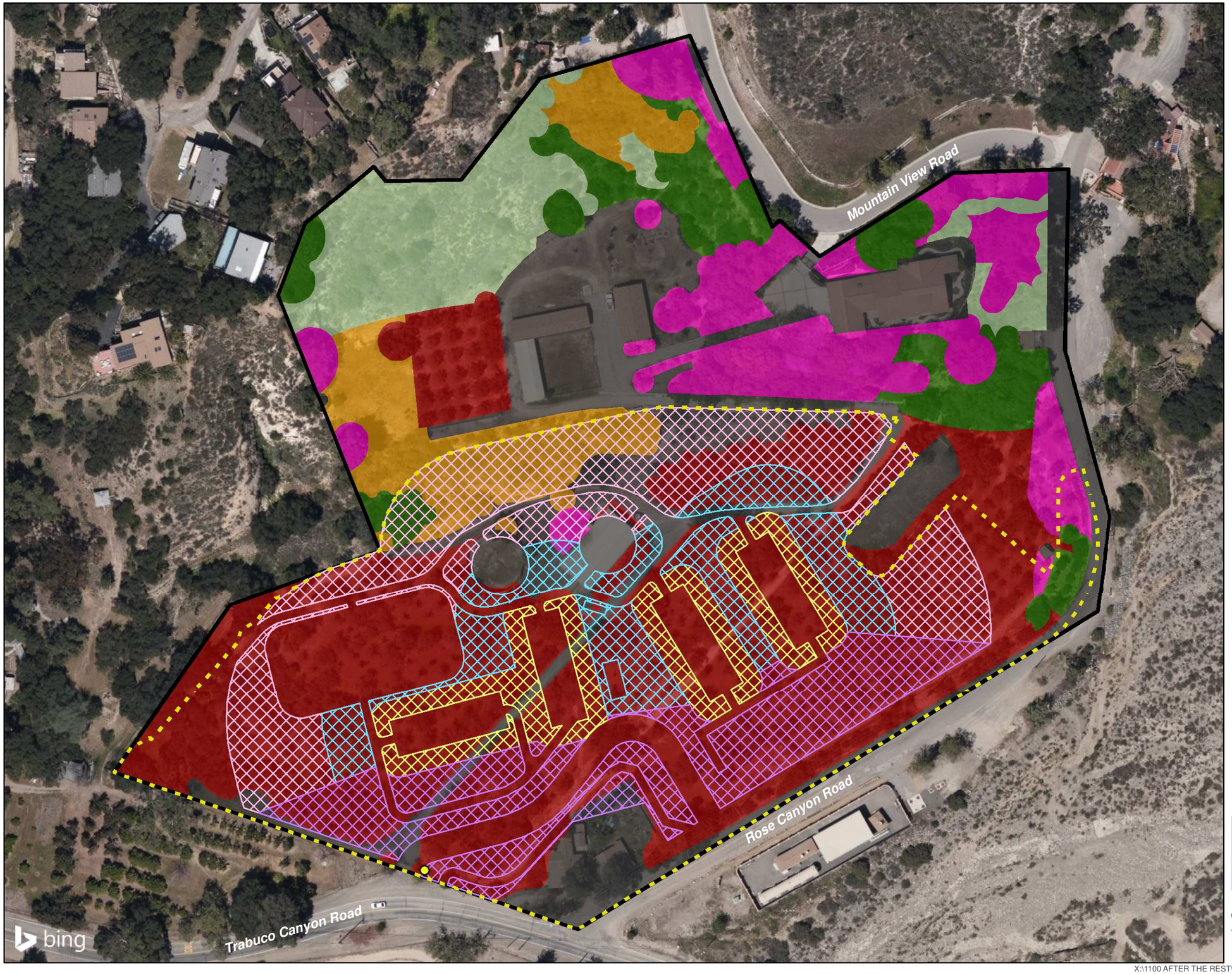
Photograph 4: View facing approximately west depicting Peruvian pepper grove typical of the southern portion of the Project site.

TRABUCO CANYON EQUESTRIAN CENTER
Site Photographs

Photograph 5: View facing approximately northwest depicting coast live oak woodland typical of the Project site.

Photograph 6: View facing approximately north depicting coastal sage scrub typical of the Project site.

TRABUCO CANYON EQUESTRIAN CENTER
Site Photographs



Project Boundary

Impact Limits

Fuel Modification Zone:

A B B* C

Coast Live Oak Woodland

Coastal Sage Scrub

Peruvian Pepper Grove

Ornamental

Disturbed/Ruderal

Developed

Southern California Black Walnut

N

0 50 100 200

Feet

1 inch = 100 feet

Coordinate System: State Plane 6 NAD 83
Projection: Lambert Conformal Conic
Datum: NAD83
Map Prepared by: B. Gale, GLA
Date Prepared: September 9, 2020

TRABUCO CANYON EQUESTRIAN CENTER

Vegetation/Land Use Impact Map

GLENN LUKOS ASSOCIATES

Exhibit 7

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APPENDIX A: FLORAL COMPENDIUM

The floral compendium lists all species identified during floristic level/focused plant surveys conducted for the Project site. Taxonomy typically follows Jepson Flora Project (2019)[1]. An asterisk (*) denotes a non-native species.

EUDICOTS

Anacardiaceae – Sumac Family
Malosma laurina, Laurel Sumac
Rhus integrifolia, Lemonade Berry
***** *Schinus molle*, Peruvian Pepper Tree

Apocynaceae – Dogbane Family
* *Nerium oleander*, Oleander

Arecaceae – Palm Family
* *Washingtonia robusta*, Mexican Fan Palm

Asparagaceae – Asparagus Family
***** *Agave americana*, American Century Plant

Asteraceae – Sunflower Family
Artemisia californica, California Sagebrush
Baccharis pilularis, Coyote Brush
Heterotheca grandiflora, Telegraph Weed

Azioaceae – Stone Plant Family
* *Carpobrotus edulis*, Iceplant

Brassicaceae – Mustard Family
* *Brassica nigra*, Black Mustard
* *Hirschfeldia incana*, Summer Mustard

Cactaceae – Cactus Family
Opuntia littoralis, Coast Prickly Pear

Fabaceae – Pea Family
* *Acacia* sp., Acacia
Acmispon glaber, Deerweed

Fagaceae – Oak Family
Quercus agrifolia, Coast Live Oak

[1] Jepson Flora Project (B. D. Baldwin, D. J. Keil, S. Markos, B. D. Mishler, R. Patterson, T. J. Rosatti, and D. H. Wilken, eds.) [JFP]. 2019. *Jepson Flora Project*. http://ucjeps.berkeley.edu/eflora/.

Gernaniaceae – Geranium Family
* *Erodium cicutarium*, Red Stemmed Filaree

Juglandaceae – Walnut Family
Juglans californica, Southern California Black Walnut

Lamiaceae – Mint Family
* *Marrubium vulgare*, White Horehound

Lauraceae – Laurel Family
* *Persea americana*, Avocado

Myrtaceae -Myrtle Family
Eucalyptus sp., Eucalyptus

Pinaceae – Pine Family
* *Pinus* sp., Pine

Polygonaceae – Buckwheat Family
Eriogonum fasciculatum, California Buckwheat

Rosaceae – Rose Family
Heteromeles arbutifolia, Toyon

Rutaceae – Citrus Family
* *Rucateae* sp., Citrus

Ulmaceae – Elm Family
* *Ulmus parvifloria*, Chinese Elm

Urticaceae – Nettle Family
***** *Urtica urens*, Dwarf Nettle

Zygophyllaceae – Caltrop Family
* *Tribulus terrestris*, Puncture Vine

MONOCOTS

Poaceae – Grass Family
* *Bromus madritensis* ssp. *rubens*, Red Brome
* *Bromus diandrus*, Ripgut Brome
* *Cynodon dactylon*, Bermuda Grass

APPENDIX B: FAUNAL COMPENDIUM

The faunal compendium lists species that were either observed within or adjacent to the Project site. Taxonomy and common names are taken from Pelham (2012)[2] for butterflies, AOS (2019)[3] for birds, Crother (2017)[4] for amphibian, turtle, and reptile taxonomy, and CDFW (2016)[5] for mammals.

BIRDS

Columbidae – Pigeon and Dove Family

* *Streptopelia decaocto*, Eurasian Collared-Dove
Zenaida macroura, Mourning Dove

Corvidae – Jay and Crow Family

Aphelocoma californica, California Scrub-Jay
Corvus corax, Common Raven
Corvus brachyrhynchos, American Crow

Fringillidae – Finch Family

Spinus psaltria, Lesser Goldfinch

Mimidae – Thrasher Family

Mimus polyglottos, Northern Mockingbird

Odontophoridae – New World Quail Family

Callipepla californica, California Quail

Paridae – Titmice and Chickadee Family

Baeolophus inoratus, Oak Titmouse

Parulidae – New World Warbler Family

Cardellina pusilla, Wilson's Warbler
Setophaga coronata, Yellow-rumped Warbler

Passerellidae – American Sparrow Family

Zonotrichia leucophrys, White-crowned Sparrow

Phasianidae – Fowl and Pheasant Family

Gallus gallus domesticus, Domestic Chicken

Picidae – Woodpecker Family

Dryobates nuttallii, Nuttall's Woodpecker
Melanerpes formicivorus, Acorn Woodpecker

Polioptiliae – Gnatcatcher Family

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[2] Warren, A.D., K.J. Davis, N.V. Grishin, J. P. Pelham, E.M. Strangeland. 2012. Catalogue of the Butterflies of the United States and Canada. Interactive Listing of American Butterflies. [30-XII-12]. Available online at http://www.butterfliesofamerica.com.

[3]Chesser, R. T., K. J. Burns, C. Cicero, J. L. Dunn, A. W. Kratter, I. J. Lovette, P. C. Rasmussen, J. V. Remsen, Jr., D. F. Stotz, and K. Winker. 2019. Check-list of North American Birds (online). American Ornithological Society. Available online at http://checklist.aou.org/taxa.

[4] Crother, B. I., ed. 2017. *Scientific and Standard English Names of Amphibians and Reptiles of North America North of Mexico, with Comments Regarding Confidence in Our Understanding, 8th Edition*. SSAR Herpetological Circular 43:1-102. Shoreview, MN: Society for the Study of Amphibians and Reptiles, Committee On Standard English And Scientific Names.

[5] California Department of Fish and Wildlife. 2016. Complete List of Amphibian, Reptile, Bird and Mammal Species in California. Dated May 2016.

Polioptila caerulea, Blue-gray Gnatcatcher

Sturnidae – Starling Family
* *Sturnus vulgaris*, European Starling

Sylviiadae – Sylviid Warbler Family
Chamaea fasciata, Wrentit

Trochilidae – Hummingbird Family
Calypte anna, Anna's Hummingbird

Troglodytidae – Wren Family
Troglodytes aedon, House Wren
Troglodytes bewickii, Bewick's Wren

Turdidae – Thrush Family
Turdus migratorius, American Robin

Tyrannidae – Tyrant Flycatcher Family
Sayornis nigricans, Black Phoebe
Sayornis saya, Say's Phoebe

MAMMALS

Canidae – Canid Family
Canis lupus familiaris, Domestic Dog

Equidae – Horse Family
Equus ferus caballus, Domestic Horse

Geomyidae – Pocket Gopher Family
Thomomys bottae, Botta's Pocket Gopher

Sciuridae – Squirrel Family
Sciurus niger, Fox Squirrel

Leporidae – Hare and Rabbit Family
Sylvilagus audubonii, Audubon's Cottontail