



United States Department of the Interior

U.S. FISH AND WILDLIFE SERVICE

Ecological Services
Ventura Fish and Wildlife Office
2493 Portola Road, Suite B
Ventura, California 93003



IN REPLY REFER TO:
2023-0026986

February 15, 2024

Trevor Keith
Director of Planning and Building
County of San Luis Obispo
976 Osos Street, Room 300
San Luis Obispo, California 93408

Subject: Incidental Take Permit ESPER8245217 for the Los Osos Habitat Conservation Plan,
Los Osos, San Luis Obispo County, California

Dear Trevor Keith,

We have reviewed your incidental take permit application and final habitat conservation plan (HCP or plan) submitted for a suite of covered activities occurring on 532 acres within the 3,209-acre permit area in the unincorporated Community of Los Osos. You requested a permit term of 25 years to authorize the County of San Luis Obispo (County) take of the federally threatened Morro shoulderband snail (*Helminthoglypta walkeriana*) likely to result from the activities described in the HCP. The HCP also includes the federally endangered Morro Bay kangaroo rat (*Dipodomys heermanni morroensis*), the federally threatened Morro manzanita (*Arctostaphylos morroensis*), and the federally endangered Indian Knob mountainbalm (*Eriodictyon altissimum*) as covered species which are addressed in the conservation program in the HCP.

The permit authorizes the County to take Morro shoulderband snails. The County proposes to confer take authorization for covered activities through the issuance of Certificates of Inclusion (COI) to project proponents who then become participants in the HCP implementation. As a condition of the COI, the participant commits to implement the HCP's conservation program, including the measures to avoid, minimize, and mitigate the negative effects to the covered species. Although take authorization is conferred to participants, the County is ultimately responsible to ensure conditions of the ITP are met and the HCP is implemented as intended. The County has expressed the commitment to fund and implement the HCP and the conservation program through a letter of commitment (Gibson 2023). Impacts to the Morro shoulderband snail and the other covered species will be compensated through a combination of habitat restoration and land acquisition. Except for the conservation program activities, covered activities can occur only after compensatory mitigation credits have been accrued and approved in writing from the U.S. Fish and Wildlife Service.

We understand that the California Coastal Commission (CCC) is working with the County to authorize a local coastal development permit for additional development within Los Osos if acute water basin overdraft issues are addressed in a Los Osos Community Plan (LOCP) (County of San Luis Obispo 2020). The CCC requires that the HCP be an integral component of the LOCP (Service 2005, CCC 2010). As such, we understand that the County will incorporate the HCP into the finalized LOCP, rather than include it by reference.

We have collaborated for many years with the County in the development of the final HCP. We especially appreciated your collaboration and review as we drafted the permit's terms and conditions and have incorporated the County's comments that improved the clarity of the language. As discussed with your staff, the terms and conditions A through L are standard terms included in most incidental take permits. Term and Condition M lists additional terms and conditions specific to the implementation of the HCP. Adherence to the complete suite of terms and conditions is necessary for the County to maintain compliance with the permit. Through the development and implementation of the Adaptive Management and Monitoring Plan, we will continue to work with the County to support and improve the HCP conservation program to achieve the recovery goals for the covered species.

Based on our evaluation of your application and HCP, we determine that all permit issuance criteria established pursuant to Fish and Wildlife Regulation 50 CFR 17.22 are met. Under the authority of section 10(a)(1)(B) of the Endangered Species Act of 1973, as amended, take of the Morro shoulderband snail is authorized within the permit area in the form specified in the permit and in conjunction with those activities identified in the HCP. Enclosed please find permit ESPER8245217; we encourage you to review its terms and conditions.

We thank you for your cooperation and patience during this process. Should you have any questions regarding your permit or the contents of this letter please submit them via electronic mail to FW8VenturaITP@fws.gov.

Sincerely,

Stephen P. Henry
Field Supervisor

Enclosure: Federal Fish and Wildlife Permit ESPER8245217

References

- California Coastal Commission (CCC). 2010. Coastal Development Permit CDP A-3-SLO-09-055/069: Los Osos Wastewater Project; Condition 92, pages 24 and 25. September 7, 2010.
- County of San Luis Obispo. 2020. Los Osos Community Plan: Board of Supervisors Approved Plan for submittal to the California Coastal Commission. December 15, 2020. San Luis Obispo County Board of Supervisors Resolution 2020-242. Accessed on December 21, 2023 at <https://www.slocounty.ca.gov/Departments/Planning-Building/Forms-Documents/Plans-and-Elements/Community-Plans/Los-Osos-Community-Plan-Update-Files/Board-Adopted-Plan/Complete-BOS-Adopted-LOCP.pdf>.
- Gibson, Bruce. (April 18, 2023). [Letter of commitment by the County of San Luis Obispo to support the Los Osos Habitat Conservation Plan, 2023]. Received by D. Kirkland, Ventura Fish and Wildlife via electronic mail on April 19, 2023.
- U.S. Fish and Wildlife Service (Service). 2005. Biological Opinion for the Los Osos Wastewater Project, San Luis Obispo County, California (1-8-04-F-48). Ventura Fish and Wildlife Office, Ventura, California.