

Screening Form
Low-Effect Incidental Take Permit Determination and
National Environmental Policy Act (NEPA)
Environmental Action Statement

I. HCP Information

- A. HCP Name:** Habitat Conservation Plan for 12 Rancho San Carlos (Ocho West) in the Santa Lucia Preserve, Monterey County, California.
- B. Affected Species:** Federally threatened Central Distinct Population Segment of the California tiger salamander (*Ambystoma californiense*) and federally threatened California red-legged frog (*Rana draytonii*).
- C. HCP Size (in stream miles and/or acres):** The project would disturb a total of 7.6 acres, the majority of which occurs within a 175.7-acre parcel (Assessor Parcel Number [APN]: 157-131-002). Driveway improvement would occur within existing easements within adjacent parcels (APNs: 157-131-010, 239-021-004).
- D. Brief Project Description (including minimization and mitigation plans):**

Mr. Andris Uptis (applicant) is seeking an incidental take permit under Section 10(a)(1)(B) of the Endangered Species Act of 1973, as amended (Act), for take of the federally threatened California red-legged frog and Central Distinct Population Segment of the California tiger salamander, incidental to the construction, occupation, and maintenance of a private home. The HCP covers activities required for the construction, occupation, and maintenance of a private home. The project includes 2.8 acres of permanent impacts as hardscape and 4.8 acres of temporary impacts. The HCP also includes measures to minimize impacts to covered species as well as provide mitigation to offset unavoidable impacts to those species. The applicant requested a permit term of 10 years.

The proposed project is located at 12 Rancho San Carlos in Monterey County, California. The project site is located in the Santa Lucia Preserve, a 20,000-acre development, of which 18,000 acres is protected as open space. The parcel is currently undeveloped land and Monterey County has approved the location of the development envelope, where the project would take place. It occurs within California red-legged frog Critical Habitat Unit MNT-2. The parcel is bordered to the west by Palo Corona Regional Park. Approximately 2.8 acres would be permanently lost and 4.8 acres would be temporarily disturbed, for a total of 7.6 acres of impacted area.

Goals and Objectives

Goal 1: Avoid or minimize the take of California tiger salamander and California red-legged frog via design of the residential development.

Objective 1.1: Implement design features, including reduced-size development, reduced length of retaining walls, placement of retaining walls to minimize disruption to dispersal or migration of covered species, and the elimination of curbs from the original driveway design to reduce barriers to dispersing or migrating species.

Goal 2: Avoid or minimize the take of covered species during the construction of the home site and driveway.

Objective 2.1: Conduct pre-construction surveys to locate any individuals of listed species within the project footprint, and relocate to suitable habitat.

Objective 2.2: Avoid construction during the rainy season, when California tiger salamanders and California red-legged frogs are most likely to move through the project area.

Objective 2.3: Monitor construction activities to: 1) capture and relocate California tiger salamanders and California red-legged frogs observed during construction to suitable habitat away from construction activities, and 2) enforce avoidance measures to reduce take of listed species.

Goal 3: Avoid and minimize impacts during residential occupancy

Objective 3.1: Limit mowing to a seasonal window between June 1 and October 15, except within 50 feet of the residence. Within 50 feet of the residence, avoid mowing within 24 hours of measurable rain, or forecasted rain.

Objective 3.2: Avoid the use of rodenticides.

Objective 3.3: Conduct long-term compliance monitoring of the terms and conditions of the HCP.

Goal 4: Restore the 4.8 acres of California tiger salamander and California red-legged frog upland habitat and California red-legged frog dispersal habitat.

Objective 4.1: Revegetate all areas of temporary disturbance with native plants, and monitor for success of restoration.

Goal 5: Mitigate for the loss of 1.6 acres of moderate-to-high quality California tiger salamander upland habitat and 0.2 acres of California red-legged frog upland habitat at a 3:1 ratio, and 1.1 acres of low-quality California tiger salamander upland habitat and 2.6 acres of California red-legged frog dispersal habitat at a 1:1 ratio.

Objective 5.1: Place 5.9 acres of otherwise developable land within the development envelope under conservation easement for preservation into perpetuity, or provide compensatory mitigation through a conservation bank or in-lieu fee program that is approved by the U.S. Fish and Wildlife Service (Service).

Objective 5.2: Implement an Invasive Plant Management Plan to maintain and improve habitat function and value for the covered species within the conservation easement.

The HCP's conservation strategy includes numerous measures to avoid and minimize the proposed project's impacts on the California tiger salamander and California red-legged frog

during the construction phase. It includes all measures that the Service considers standard for protecting these species that are also applicable to the project activities. The applicant will fund the mitigation methods, as well as all other elements of the proposed conservation strategy. A Service-approved biologist will conduct monitoring to ensure effective implementation of the conservation strategy, and to evaluate success toward the biological goals and objectives. Monitoring results will be documented in annual reports provided to the Service for each year that the permit is active.

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

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

Yes, the effects of the project on the covered species are both minor and negligible. The project includes conservation measures to avoid or reduce impacts to California tiger salamander and California red-legged frog in each stage of the project. The home has been designed to reduce impacts to covered species, the construction phase implements numerous avoidance and minimization measures, and the HCP includes conservation measures to avoid or reduce impacts due to occupation of the home.

The permanent loss of 2.7 acres of upland California tiger salamander habitat will have a minor impact on the local population of California tiger salamanders, and a negligible impact on the species as a whole. The permanent loss is 1.5% of the upland habitat available within the entire property and driveway area. The permanent loss of 0.2 acre upland and 2.6 acres dispersal habitat within Critical Habitat Unit MNT-2 for the California red-legged frog will have a minor impact on the local population, and a negligible impact on the species as a whole. The permanent loss is 7.4% of the upland habitat, and 1.5% of the dispersal habitat present within the property and driveway area. These losses will not appreciably reduce the function of upland or dispersal habitat within the Critical Habitat Unit. The applicant will mitigate for the small losses of habitat for both species by protecting otherwise developable habitat, which will help maintain contiguous habitat throughout the property and greater landscape. Mitigation acres will occur within the same California red-legged frog critical habitat units as the effects of the project. If the applicant is unable to mitigate on-site, he will provide compensatory mitigation through a Service-approved conservation bank or in-lieu fee program. Doing so will benefit both species by either conserving occupied habitat, or contributing to programs that improve the status of the species.

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

Yes, due to the small size of the proposed project, we expect effects on other environmental values and resources will be minor or negligible. We expect effects of the project on air quality, geology and soils, and water quality and quantity to be negligible. The proposed project would

not cause socio-economic impacts and we do not anticipate that it would affect cultural or visual resources, recreation, environmental justice, or any other components of the human environment.

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

Yes, we do not expect significant cumulative effects on the human environment in the foreseeable future. The Santa Lucia Preserve, where the project takes place, precludes development on approximately 18,000 of the 20,000 acres in the preserve. Monterey County has approved the location of the development envelope for the project. In addition, this project is a relatively small development consisting of a single-family residence and is not related to any future development. Therefore, the implementation of this HCP would not result in additional development or significant cumulative effects to the natural and physical environment.

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

Would implementation of the HCP:

A. Have significant impacts on public health or safety?

No. The HCP would not have impacts on public health or safety.

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

No, implementation of the HCP would not have significant impacts on natural resources and unique geographic characteristics such as historic or cultural resources; park, recreation or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands; floodplains; national monuments; migratory birds, eagles; or other ecologically significant or critical areas, due to the limited size and scope of the project.

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

No. The project is consistent with County of Monterey zoning laws and regulations, and is

consistent with allowable land uses. We do not anticipate significant environmental effects or controversies.

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

No. The proposed project includes only the construction and occupation of a single-family residence, guest house, and associated infrastructure and vegetation management and does not have any highly uncertain and potentially significant environmental effects, or involve unique or unknown environmental risks.

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

No, the proposed project is limited in size and scope. Implementation of this HCP does not establish a precedent for future actions or represent a decision in principle about future actions that will potentially cause significant environmental effects.

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

No. This project is a single action, and is not directly related to any other projects.

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

No. The project site is undeveloped vacant land that is not listed on the National Register of Historic Places. A search of the National Register of Historic Places (<http://nrhp.focus.nps.gov/>) revealed no sites listed or eligible for listing within the project area.

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

No. The project will not have significant impacts on California tiger salamander or California red-legged frogs. The project site is not within designated critical habitat for California tiger salamander. Within the project site, 0.6 acres of upland habitat and 7.0 acres of dispersal habitat are present for California red-legged frog Critical Habitat Unit MNT-2. We do not expect the disturbance from the project to have a significant impact on the function of the upland and dispersal habitat as primary constituent elements of critical habitat.

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

No, implementation of the HCP would not violate a Federal law, or a State, local, or tribal law, or a requirement imposed for the protection of the environment. The HCP and incidental take permit issuance will fulfill Federal environmental compliance. This project is subject to

California Environmental Quality Act review pursuant to the County of Monterey implementing guidelines and other Federal, State, and local environmental laws and requirements. The project would not affect tribal lands.

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

No. The proposed project would have no effect on low income or minority populations.

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

No. Ceremonial or sacred sites do not occur on the proposed project site and would not be affected by implementation of the HCP.

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

No. The HCP includes an invasive management plan to actively reduce the prevalence of non-native invasive plant species, and thus will not contribute to the introduction, continued existence, or spread of non-native invasive plants. We do not anticipate that the project will contribute to the introduction, continued existence or spread of non-native invasive animals.