

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

I. HCP Information

A. HCP Name: Low-Effect Habitat Conservation Plan for the Federally Endangered Morro Shoulderband Snail, Singh Parcel in Los Osos, San Luis Obispo County, California.

B. Affected Species: Federally endangered Morro shoulderband snail (*Helminthoglypta walkeriana*).

C. HCP Size (in stream miles and/or acres): The HCP consists of a 4.7-acre undeveloped parcel (APN 074-052-036) located at 2050 Pine Avenue in the community of Los Osos. The permit boundaries will encompass the project impact area and a 2-acre conservation area.

D. Brief Project Description (including minimization and mitigation plans):

Ms. Stephanie Singh (applicant) is seeking a 10-year incidental take permit, under section 10(a)(1)(B) of the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. § 1531 *et seq.*), for the take of the federally endangered Morro shoulderband snail (*Helminthoglypta walkeriana*) incidental to the construction of a single-family residence.

Species Occupation and Baseline

While surveys following Service guidelines were not conducted for Morro shoulderband snail on the parcel, a habitat assessment conducted in 2017 observed a single empty Morro shoulderband snail shell on the eastern portion of the site. No other snail shells or fragments were observed on the site since that assessment. A series of six protocol surveys were conducted on the approximately two-acre property located directly west of the site at 2045 Pine Avenue in 2014, 2015, and 2017 and no live Morro shoulderband snail were identified (only one empty Morro shoulderband snail shell was observed). Seven additional empty Morro shoulderband snail shells were found in the adjacent undeveloped county right of way along Skyline Drive. Morro shoulderband snail are known to be present within coastal dune scrub habitat areas of the Sweet Springs Nature Preserve, located approximately 0.4 mile to the north of the property.

Goals and Objectives of the HCP

Goal 1: Minimize adverse effects to Morro shoulderband snail within the project site.

Goal 2: Preserve and maintain suitable native habitat for Morro shoulderband snail.

The identified objectives, which implement these goals, largely include relocating the covered species from the impact areas to other suitable habitat and setting aside a conservation area to

preserve suitable habitat (discussed further below).

The Proposed HCP

(a) Mitigation Measures

The proposed development would be sited on approximately 0.56 acre of the 4.7-acre property. To mitigate the effects of the taking of Morro shoulderband snail, the applicant proposes to set aside 2 acres of the 4.7-acre property under a conservation easement that would be dedicated, in perpetuity, to the County of San Luis Obispo. The implementation of the HCP would result in the permanent loss of 0.56 acre of marginal habitat and the preservation of 2 acres of suitable habitat for the Morro shoulderband snail.

The HCP's conservation strategy includes the following measures to mitigate unavoidable impacts to the Morro shoulderband snail:

1. Onsite conservation area - the applicant proposes to set aside and restore to coastal dune scrub 2 acres of disturbed habitat in a conservation easement. As a condition of the incidental take permit, the applicant will dedicate the easement prior to conducting any activity that could result in take or use/reliance on any permit issued by the County.
2. Habitat restoration and enhancement - The proposed conservation easement area will be restored to coastal dune scrub habitat suitable for occupation by Morro shoulderband snail through removal of non-native plants, natural regeneration of native coastal scrub species, and seeding with native species characteristic of coastal dune scrub habitat. Non-native species to be removed include, but are not limited to, narrow-leaved ice plant and veldt grass.

(b) Minimization and Avoidance

1. Design of impact area - the proposed development is sited in the southwest section of the 4.7-acre property. The project impact area is located near Pine Avenue and there are residences on adjoining lots to the south. The proposed conservation area contains remnant coastal dune scrub habitat elements and will be enhanced and restored to increase areal cover of native species and suitable habitat for Morro shoulderband snail.
2. Protective fencing - before heavy equipment begins work at the project site, the impact disturbance area will be fenced to establish the limits of the construction area.
3. Sediment and erosion control - all sediment and erosion control measures established for the project will direct stormwater flows away from the HCP conservation easement area.
4. Morro shoulderband snail surveys and relocation - to reduce the potential for direct injury or mortality of individual snails, a Service-approved biologist in possession of a valid 10(a)(1)(A) permit for Morro shoulderband snail will survey the impact area and clear the surveyed areas, of all live snails and empty shells.
5. Contractor and employee education (Environmental awareness training) - The Service-approved biologist will conduct an orientation program for all persons who will work on-site during grading and construction.

Monitoring

The applicant will retain a Service-approved Morro shoulderband snail biologist to conduct compliance monitoring during construction of the project. The monitoring biologist will ensure that the required minimization measures are implemented. Results of the compliance monitoring will be reported in the first annual report for the project. The conservation easement area will be monitored annually for five years following construction. During the first year, monitoring will occur on a monthly basis to document the restoration effort. Depending on the results of the first year's monitoring observations, monitoring will be reduced to quarterly during the second year, and then will occur twice per year (i.e., once in the fall and once in the spring) during years three through five. The annual monitoring will focus on measuring vegetation cover to determine extent of non-native plants and ensure that the site is meeting the performance standards outlined in the HCP. During the monitoring period, the conservation area will be visually inspected for disturbance that could negatively affect Morro shoulderband snail.

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 Morro shoulderband snail are both minor and negligible because the majority of the project would occur within a previously disturbed area and the project would result in the permanent removal of only 0.56 acre of low-quality habitat that contains invasive non-native vegetation. The prior disturbance of the site, by mowing in 2017, removed majority of the habitat that may have been present and encompassed the type of disturbance that was expected to result in the majority of take within the project. Any indirect effects will be limited by minimization measures incorporated in the plan's conservation strategy.

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 and the location within a residential neighborhood, we expect the project will cause only minor or negligible effects on other environmental values and resources.

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 project parcel is zoned Residential Single Family and is bound by residential development to the north and south. Adjacent parcels are also zoned as such. This project is a relatively small development consisting of a single-family residence and is not related to any future development. The overall effect of the proposed project will be a net increase in the amount of habitat for Morro shoulderband snail that will be protected from development and other disturbance. Therefore, the project would not result in significant cumulative effects to environmental values or resources.

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 was developed to cover legal activities on a legal parcel for residential use. The development would be conducted following the California Building Code, and would not involve the use of hazardous materials, substances, or waste.

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. The project area does not support 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; flood plains; national monuments; migratory bird resources; or other ecologically significant or critical areas.

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 includes construction of a single-family home and associated structures on 0.56 acre and the establishment of a conservation easement to protect habitat for Morro shoulderband snails on 2 acres. The project would not result in highly controversial environmental effects. Further, the project is consistent with County zoning laws and regulations.

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

No. The proposed development includes the construction of a single-family home, a driveway, a septic system/leach field and a detached workshop (to be built in the future) and associated

improvements within the 0.56-acre impact area. We do not anticipate that this would have 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. As discussed, the proposed project would have limited impacts to existing habitat and the project is located in a developed residential area. 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. No future actions are likely to be affected by the Singh Parcel HCP.

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

No. This project does not have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.

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

No. 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. This project would result in permanent loss of 0.56 acre of mowed native coastal dune scrub and non-native veldt grass habitat areas for Morro shoulderband snail. To mitigate the effects of the taking of Morro shoulderband snail, the applicant proposes to set aside 2 acres of the 4.7-acre property under a conservation easement that would be dedicated, in perpetuity, to the County of San Luis Obispo. The loss of this relatively small area of habitat is anticipated to have a negligible effect on the long-term persistence of the Morro shoulderband snail in the area and recovery of the species overall.

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 San Luis Obispo 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. The project site is small in geographic area, only taking place on the applicant's own personal property. Moreover, the project is also confined in scope and is not anticipated to cause effects beyond the project site itself.

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 a conservation strategy 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.

IV. ENVIRONMENTAL ACTION STATEMENT

Within the spirit and intent of the Council on Environmental Quality's regulations for implementing the National Environmental Policy Act and other statutes, orders, and policies that protect fish and wildlife resources, I have established the following administrative record.

Based on the information and analysis above, I determine that the proposed Incidental Take Permit for 2050 Pine Avenue qualifies for a categorical exclusion, as defined in 40 CFR 1508.4 and in the U.S. Fish and Wildlife Service Habitat Conservation Planning Handbook. Furthermore, no extraordinary circumstances identified in 43 CFR 46.215 exist for 2050 Pine Avenue. Therefore, the Service's permit action for 2050 Pine Avenue is categorically excluded from further NEPA review and documentation, as provided by 40 CFR 1507.3; 43 CFR 46.205; 43 CFR 46.215; 516 DM 3; 516 DM 8.5; and 550 FW 3.3C. A more extensive NEPA process is unwarranted, and no further NEPA documentation will be made.

Other supporting documents:

Singh Parcel Habitat Conservation Plan

Signature Approval:

Stephen P. Henry
Field Supervisor
Ventura Fish and Wildlife Office

Date