

**SCREENING AND ENVIRONMENTAL ACTION FORM
FOR A LOW-EFFECT HCP DETERMINATION**

I. Project Information

A. Project: Kroll Habitat Conservation Plan

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

C. Project Size: 3.09 acres (134,600 square feet)

D. Project Description: The proposed project involves the construction and maintenance of a single-family residence, barn, septic system, and improved residential access; maintenance of an existing open space easement; and implementation of a restoration plan to re-establish coastal dune scrub habitat for Morro shoulderband snail. The project would result in direct impacts to approximately 0.6 acre of nonnative grassland, horticultural species, and orchard variously occupied by Morro shoulderband snail from construction and maintenance of the-family residence, barn, septic system, and improved residential access. Take is also expected to occur as part of the maintenance of a 0.93-acre County of San Luis Obispo (County) open space easement area and coastal dune scrub restoration on 1.1 acres to be dedicated to the County as a conservation easement.

Morro shoulderband snails have been documented to occur within the proposed project area since 2003. Because low numbers of the species have been observed in various locations onsite, it is our determination that proposed covered activities (including implementation of the conservation strategy) are likely to result in take of the species.

James and Sharon Kroll have prepared a habitat conservation plan (HCP) in support of their application for an incidental take permit pursuant to section 10(a)(1)(B) of the Endangered Species Act of 1973, as amended (Act). Permit issuance would authorize take of the federally endangered Morro shoulderband snail associated incidental to the otherwise legal construction and maintenance of a single-family residence, barn, septic system and improved residential access; maintenance of an open space area; and conservation and restoration of habitat for Morro shoulderband snail within the plan area. The requested permit duration is 10 years and the permit would be eligible for renewal.

E. Covered Lands: The ITP would authorize take of Morro shoulderband snail within a 3.09-acre portion of an existing 5.08-acre residential suburban-zoned parcel legally described as County of San Luis Obispo Assessor Parcel Number 074-022-041. The rectangular-shaped parcel is located between Sea Horse Lane and Madera Street, south of Highland Drive, in the unincorporated community of Los Osos, San Luis Obispo County, California.

F. Species Occupation and Baseline: A habitat assessment and single protocol-level survey for Morro shoulderband snail was conducted by Dan Dugan, Tenera Environmental, on March 4, 2003. During the first survey, four live Morro shoulderband snails were found on the property: three snails in a small patch of German ivy (*Delairea odorata*) growing around a fence post

along the southern fence line and a fourth in leaf litter at the base of an isolated myoporum (*Myoporum laetum*) growing along a pasture fence line inside of the northern property boundary. The survey effort was discontinued following establishment of the presence of live Morro shoulderband snails on the parcel during the initial site visit. In 2007, Mr. Dugan completed five protocol-level surveys. Four live Morro shoulderband snails and three empty shells of the species were identified the southwestern and central portion of the property within perennial veldt grass (*Ehrharta calycina*) habitat. Protocol and non-protocol level surveys for Morro shoulderband snails conducted by biologists from SWCA in 2014; however, no live individuals or empty shells of the species were identified.

Despite the negative results of the 2014 surveys, coastal dune scrub habitat occupied by Morro shoulderband snails is contiguous with the western and northern boundaries of the proposed permit area. In addition, we are now aware that the species can aestivate deep within the culms of perennial veldt grass as well as in soils surrounding these culms. This makes detection difficult and complicates our ability to make a determination that the species is absent from a site. As such, we feel that it is likely that Morro shoulderband snails are still present within the proposed permit area, albeit likely in very low numbers.

G. Minimization and Mitigation Measures

Minimization Measures: To minimize take of Morro shoulderband snail, the applicants have committed to retain a Service-approved biologist to prepare and deliver pre-construction environmental awareness training(s) for the applicants and all personnel who will be working on the project. This training would inform personnel of the status and presence of Morro shoulderband snails, grading and construction-activity restrictions, and those minimization measures specified in the HCP. A temporary construction fence will be installed to prevent accidental egress into lands to be conserved. The biologist will also conduct pre-construction surveys of the 0.63-acre area to be directly affected prior to the initiation any vegetation clearing and/or constructions activities. Monitoring surveys will also be conducted concurrent with ongoing construction activities by this same biologist who would have the authority to implement any reasonable measure necessary to prevent avoidable take of Morro shoulderband snail and to stop any activity that does not comply with the conditions set forth in the HCP/ITP. All live Morro shoulderband snails identified during the monitoring surveys would be captured by the Service-approved biologist and moved out of harm's way into suitable habitat within the conservation easement/restoration area.

Mitigation Measures: Mitigation for unavoidable take of Morro shoulderband snail would consist of the restoration of 1.1 acres of nonnative (perennial veldt grass) grassland to coastal dune scrub habitat suitable for occupation by the species. This restoration effort will be actively managed and monitored for a period of 9 years, post-installation. This restoration area would be recorded as a conservation easement with the County and fenced to prevent access for anything other than management of the restoration effort.

H. Monitoring and Reporting

Monitoring: The HCP includes compliance, effects, and effectiveness monitoring. These are described in detail below.

- **Compliance Monitoring:** Upon issuance of a permit, the permittees will retain a Service-approved biologist to conduct compliance monitoring for Morro shoulderband snail during construction of the project. This biologist would ensure that the required minimization measures, such as protective fencing and environmental training, are implemented. Results of the compliance monitoring will be reported in the first annual report and any subsequent reports, as necessary.
- **Effects Monitoring:** To quantify the amount of incidental take resulting from project implementation, the Service-approved biologist will document the number and age class of individual Morro shoulderband snails that are captured and moved, as well as any individuals found injured or killed during any aspect of project implementation. This information will be included in the first annual report and any subsequent reports, as necessary.
- **Effectiveness Monitoring:** The mitigation (= conservation easement) area will be monitored four times in the first year, three times a year for years 2 through 4, and then annually in years 4 through 10. The Service-approved biologist will monitor, evaluate, and report the progress of the compensatory mitigation site to determine the success of the mitigation efforts. The monitoring program will document the success of the restoration plantings, presence of perennial veldt grass in the restoration areas, and speak to general ITP compliance. Effectiveness monitoring will include three types: Qualitative Assessments; Annual Quantitative Assessments; and General ITP Compliance. Qualitative Assessments will occur in Years 1 through 4; Quantitative Assessments will occur annually in Years 1 through 7; General Permit Compliance Assessments will occur throughout the permit term. Site monitoring and success criteria are discussed in the restoration plan. Effectiveness monitoring results will be reported annually.

Reporting: Project implementation and annual monitoring reports will be submitted to the Service during the 10-year permit term. Reports will be submitted to the Service by December 31 each year and include, at a minimum, the following: (1) a brief summary of project activities conducted during the reporting year (e.g., development/construction activities, and other covered activities); (2) project impacts; (3) a description of any take that occurred for each covered species (including cause of take, form of take, take amount, location of take and time of day, and deposition of dead or injured individuals); and (4) results of monitoring results (compliance, effects and effectiveness monitoring) and surveys.

II. Does the HCP fit the following low-effect 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 prior to implementation of the minimization and mitigation measures? Yes. Although Morro shoulderband snails are

present onsite, they occur in very low numbers. Take of the species would be predominantly in the form of capture; few individuals are expected to be subject to take in the form of injury or mortality.

B. Are the effects of the HCP minor or negligible on other environmental values or resources (e.g., air quality, geology and soils, water quality and quantity, socio-economic, cultural resources, recreation, visual resources, etc.) prior to implementation of the minimization and mitigation measures? Yes. The proposed project involves the construction and maintenance of a single-family residence, barn, septic system, and improved residential access; maintenance of an open space area; and conservation and restoration of habitat for Morro shoulderband snail. Development is consistent with current zoning. It is not anticipated that site development would result in significant effects to the human environment.

C. Would the impacts of this HCP, considered together with the impacts of other past, present, and reasonably foreseeable similarly situated projects not result, over time, in cumulative effects to environmental values or resources that would be considered significant? As discussed previously, the proposed project consists of the construction and maintenance of a single-family residence, barn, septic system, and improved residential access; maintenance of an open space area; and conservation and restoration of habitat for Morro shoulderband snail. As such, we determine that project implementation is not likely to result in significant cumulative effects to the human environment.

III. Do any of the exceptions to categorical exclusions apply to this HCP? (Form 516 DM 2.3, Appendix 2)

Would implementation of the HCP:

A. Have significant adverse effects on public health or safety? No. The HCP was prepared in support of the issuance of an ITP for Morro shoulderband snail associated with the construction and maintenance of a single-family residence, barn, septic system, and improved residential access; maintenance of an open space area; and conservation and restoration of habitat for Morro shoulderband snail in an area of similar uses. It is not anticipated that project implementation would result in significant adverse effects on public health or safety.

B. Have adverse effects on such unique geographic characteristics as historic or cultural resources, park, recreation or refuge lands, wilderness areas, wild or scenic rivers, sole or principal drinking water aquifers, prime farmlands, wetlands, floodplains, migratory birds, or ecologically significant or critical areas? No. The project is sited in a residentially zoned area that has been undergoing various levels of developments for many years. Onsite habitat consists predominantly of nonnative grassland with remnant individuals species typically found in coastal dune scrub. There are no wetlands or floodplains onsite. Project implementation would not result in adverse effects to unique geographic characteristics such as parks, recreation, or refuge lands; wilderness areas; wild or scenic rivers; drinking water aquifers; prime farmlands; wetlands; floodplains; or ecologically significant areas.

C. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA section 102(2)(E)]? No. The project is of a limited size and scope and consistent with County of San Luis Obispo zoning laws and regulations. An alternatives analysis is provided in the HCP; no alternative was identified to have substantially less effects on available resources than the proposed project.

D. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks? No. The project is limited in size and scope. A maximum of one residence and barn, with supporting infrastructure, would be constructed on an existing, legal residential suburban-zoned parcel. No unique risks have been identified and no reasonably identifiable future effects are expected.

E. Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects? No. The project is limited in size and scope. A maximum of one residence and barn, along with supporting infrastructure, would be constructed on an existing, legal parcel that was created in compliance with the California Environmental Quality and California Coastal Acts. Project implementation does not set a precedent or represent a decision in principle about potentially significant future environmental effects.

F. Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects? No. This is a single-action not related to any other.

G. Have adverse effects on properties listed or eligible for listing on the National Register of Historic Places? No. A cultural resources inventory was conducted in July 2005; no significant archaeological resources were identified onsite.

H. Have adverse effects on federally listed or species proposed for Federal listing, or have significant impacts on designated critical habitat for listed species? No. The project site is not within proposed or designated critical habitat for Morro shoulderband snail or any other federally listed species.

I. Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment? No. The HCP supports the issuance of an ITP that would authorize take of Morro shoulderband snail incidental to otherwise lawful activities. This project will be subject to review pursuant to the County of San Luis Obispo's Local Coastal Plan. Project implementation will require issuance of a minor use permit by the County of San Luis Obispo and a Coastal Development Permit. Demonstration that the applicants are in receipt of an ITP for this parcel will be a condition needed to obtain subsequent permits necessary to allow activities that would result in take.

J. Have a disproportionately high and adverse effect on low income or minority populations (EO 12898)? No. This project involves the construction of a single-family residence and barn for the owners' use.

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 (EO 13007)? No. The project site is not located proximal to sacred lands used by Native American religious practitioners nor are such lands found within the project area.

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 EO 13112)? No. This project will actually result in the removal of areas of invasive nonnative perennial veldt grass occupying that area where the residence and barn would be constructed.

ENVIRONMENTAL ACTION STATEMENT

Based on the analysis above, issuance of an ITP for the Kroll project is eligible for use of a categorical exclusion as its National Environmental Policy Act compliance as defined in the Service's *Habitat Conservation Planning Handbook* and is excluded from further National Environmental Policy Act documentation as provided by 516 DM 2, Appendix 1 and 516 DM 6, Appendix 1.

Other supporting documents: Low-Effect Habitat Conservation Plan for the Federally Endangered Morro Shoulderband Snail on the Kroll Property (APN 074-022-041), Los Osos, California (SWCA; September 2014)

Concurrence:


Field Supervisor

5/18/15
Date