

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

I. Project Information

- A. Project name:** Lewis-Barnes Low-Effect Habitat Conservation Plan
- B. Affected species:** Morro shoulderband snail (*Helminthoglypta walkeriana*)
- C. Project size:** 0.46 acre (20,038 square-feet)
- D. Brief project description including minimization and mitigation plans:**

Purpose: The Lewis-Barnes Low-Effect Habitat Conservation Plan (HCP) provides the basis for issuance of a section 10(a)(1)(B) incidental take permit (ITP) to Joaquin Lewis and Gwenda Barnes (the legal owners and hereafter referred to as the applicants or the permittees). Permit issuance is necessary to authorize the incidental take of the federally endangered Morro shoulderband snail associated with an otherwise lawful activity: the construction and maintenance of a single-family residence on an existing, legal residentially zoned parcel.

Need: Surveys conducted between 2004 and 2014 demonstrate continued presence of very low numbers of Morro shoulderband snail on the Lewis-Barnes parcel. As such, the Service has determined that proposed activities associated with the construction and maintenance of a single-family residence is likely to result in take of the species. Until 2014, it was the Service's determination that construction of the residence could avoid take of Morro shoulderband snail. As such, the former owners (Ron and Cathy Ness) obtained those permits necessary to construct a single-family residence from the County of San Luis Obispo in 2010. Construction of the building foundation and installation of the septic system were complete in 2010; however, project completion was suspended in 2011. As part of the possible sale of the property in 2014, the Service asked for updated survey information for Morro shoulderband snail. Surveys revealed the presence of three live individuals and two vacant shells in the work area. As such, the project could no longer be completed without incurring take of Morro shoulderband snail that would require the issuance of an incidental take permit (ITP) for this otherwise legal activity.

Proposed Project: The proposed project involves the activities required to complete construction of a single-family residence and associated infrastructure/landscaping. The HCP provides the basis for issuance of an ITP to authorize the incidental take of Morro shoulderband snail associated with project implementation. The project footprint, including the residential structure and associated landscaping/infrastructure, will occupy the majority of the parcel.

Permit Term: The requested permit term is 10 years.

Covered Lands: The permit would address the entire 0.46-acre parcel legally described as County of San Luis Obispo Assessor Parcel Number 074-483-013 and physically located at 216

Madera Street in the unincorporated community of Los Osos, San Luis Obispo County, California.

Species Occupation and Baseline: Morro shoulderband snail presence was first documented onsite during a protocol-level survey effort in 2004-2005 when a single live individual was identified along the western part of the southern property boundary. Surveys conducted in 2010 identified only one empty shell of Morro shoulderband snail. Surveys conducted in March 2014 confirmed the presence of three live individuals and two vacant shells in the north-central part of the parcel.

Species Goals: The conservation strategy developed for the HCP incorporates payment of an in-lieu fee to effect recovery actions for the Morro shoulderband. Unavoidable take will be mitigated through funding of identified recovery tasks (e.g., population studies, habitat restoration) on select, conserved parcels within the known range of the species in as described in the *Recovery Plan for the Morro Shoulderband Snail and Four Plants from Western San Luis Obispo County, California* (Service 1998). One of the objectives of this mitigation strategy is to facilitate collection of data needed to address remaining recovery tasks identified for Morro shoulderband snail. Data resulting from the research will also be useful in the development of habitat management strategies that will be necessary for the eventual delisting of the species.

Minimization and Mitigation Measures

Minimization Measures: All work associated with Morro shoulderband snails will be performed by a biologist (hereafter, the snail biologist) approved, in advance of the commencement of any activities, by the Service. To minimize take of Morro shoulderband snail in the form of injury or mortality, the applicants will retain a snail biologist to conduct pre-construction surveys of the site prior to the initiation of each construction phase. Monitoring will continue throughout the duration of construction activities. The purpose of the monitoring is to reduce take in the form of injury or mortality by capture and moving of all live Morro shoulderband snails out of harm's way into appropriate conserved habitat onsite or to an offsite parcel previously approved the Service. The snail biologist will also conduct a pre-construction environmental awareness workshop for all personnel working on-site. The intent of the workshop is to inform construction crews, field supervisors, and equipment operators regarding the status and presence of the species, grading and construction-activity restrictions, the avoidance and minimization measures specified in the HCP, the terms and conditions of the ITP, and legal ramifications of non-compliance. Finally, the snail biologist will have the authority to order any reasonable measure deemed necessary to prevent avoidable take of Morro shoulderband snail and to stop any work or activity that does not comply with the conditions set forth in the incidental take permit. Funding to implement the minimization measures and compliance monitoring (\$4,300) will be the responsibility of the permittees, or their legal successor(s) in ownership.

Mitigation: Mitigation for unavoidable take of Morro shoulderband snail consists of the payment of an in-lieu fee of \$4,500 to the Morro Shoulderband Snail Impact Directed Environmental Account established and administered by the National Fish and Wildlife

Foundation. This account receives, and will disburse, funds that will be used to effect identified recovery actions for the species as identified in the recovery plan (Service 1998).

Monitoring and Reporting

Monitoring: Monitoring for project effects will include pre-construction awareness training, and monitoring activities both prior to and during construction. A snail biologist will be present during the initial grading and excavation activities (e.g., clearing of vegetation and stripping of the surface soil layer) to monitor for Morro shoulderband snail presence and to capture and move identified individuals out of harm's way. The Service's Ventura Fish and Wildlife Office will be notified of any "stop work" order and any such order will remain in effect until the issue has been resolved. Upon completion of site grading activities, the monitor will visit the project site throughout the construction period to ensure that impacts to the project site comply with permit terms and conditions. During periods of rain or heavy fog/dew, the monitor will conduct pre-activity surveys to ensure no Morro shoulderband snails have migrated into the work area. No construction work will re-commence until the snail biologist determines that the work area is clear of Morro shoulderband snails.

Reporting: Monitoring results will be documented and reported to the Service. The reports will document project activities; delivery of workshop training; the number of Morro shoulderband snails identified, captured, and moved; compliance issues that may arise; and the level of take (in all forms). Reports will be submitted to the Service by December 31 each year and include, at a minimum: (1) a brief summary or list of project activities accomplished during the reporting year (e.g., development/construction activities, 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, amount of take, 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 survey information (if applicable).

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. While it has been recently established that Morro shoulderband snails continue to be present onsite, the numbers revealed from surveys conducted between 2004 and 2014 are very low (between one and three live individuals and one and two vacant shells).

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 is the construction and maintenance of a single-family residence on an existing, legal in-fill parcel in an area that is largely developed to the same use. Construction of an additional single-family residence in this area is not anticipated to result in any 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 Lewis-Barnes parcel involves the construction of a single residence on an existing, legal, in-fill parcel located in a developed residential subdivision. As such, we have determined that it is not likely to result in significant cumulative effects to environmental values or resources

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 supports the issuance of an ITP for Morro shoulderband snail associated with the construction and maintenance of a single-family residence in an existing neighborhood of same.

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 site is a residentially zoned area that has been developed for many years (Cabrillo Estates). As such, the site does not contain any unique geographic characteristics such as large areas of native habitat; parks, recreations, refuge lands; wilderness areas; wild or scenic rivers; drinking water aquifers; prime farmlands; wetlands; floodplains; or ecologically significant areas. The Lewis-Barnes parcel is not within an identified conservation planning area (Service 1998) for Morro shoulderband snail or any other species.

C. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources (NEP section 102(2)(E))? No. The proposed project is consistent with County of San Luis Obispo zoning laws and regulations.

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, a garage, and supporting infrastructure/landscaping are proposed for construction on an existing, legal parcel.

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 supporting infrastructure/landscaping is proposed for construction and occupation on an existing, legal parcel that was created in compliance with the California Environmental Quality and California Coastal Acts.

F. Be directly related 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. As mentioned above, the building foundation and septic system have been constructed pursuant to an existing construction permit (PMT2009-01239) issued by the County in July 2010. The San Luis Obispo County Archaeological Society conducted a preliminary investigation of the project area when the Cabrillo Estates subdivision was proposed in the late 1970s. No cultural resources were identified at this time. Language from the environmental impact report prepared for the subdivision states, "A preliminary investigation of the site was made by the San Luis Obispo Archaeological Society, and no evidence of archaeological deposits was found. No sites of historic significance are located on the property." Upon approval of the subdivision, parcels were established and graded. Existing infrastructure improvements were made and included roads and utilities to the curb of each parcel. In addition, the proposed project was subject to compliance with the California Environmental Quality Act, which included an evaluation of the potential for impacts to cultural resources, as part of the process to obtain a construction permit. Again, no cultural resources were identified. For all of these reasons, we do not anticipate any adverse effects to resources listed or eligible on the National Register of Historic Places to be the result of the issuance of an ITP for a single-family residence on this parcel.

H. Have adverse effects on federally listed or species proposed for Federal listing, or have significant impacts on designated critical habitat for listed species? The Lewis-Barnes parcel is not located within or adjacent to critical habitat designated for Morro shoulderband snail or any other species.

I. Violate a Federal, State, local or tribal law or requirement imposed for the protection of the environment? No. The Lewis-Barnes HCP supports the issuance of an ITP that would authorize take of Morro shoulderband snail incidental to otherwise lawful activities. This project was subject to review pursuant to the County of San Luis Obispo's Local Coastal Plan. Project implementation required issuance construction and coastal development permits by the County of San Luis Obispo.

J. Have adverse effects on wetlands, floodplains or be considered a water development project thus requiring compliance with either Executive Order 11988 (Floodplain Management), Executive Order 11990 (Protection of Wetlands), or the Fish and Wildlife Coordination Act? No. The site is comprised wholly of terrestrial upland habitat. There are no wetlands or floodplains onsite. The project is the construction and occupancy of a single-family residence and, thus, not considered a water development project.

K. Have a disproportionately high and adverse effect on low income or minority populations (EO 12898)? No, the project involves the construction and maintenance of a single-family residence to be owner-occupied.

L. Limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or significantly affect the physical integrity of such sacred sites (EO 13007)? No. The project site is not located proximal to any sacred sites used by Native American religious practitioners nor are such lands found within the project area.

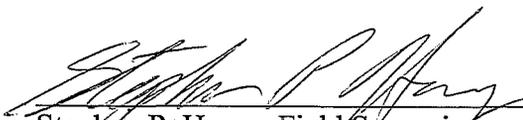
M. Contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species (Federal Noxious Weed Control Acts and EO 13112)? No. This project will actually result in the removal of areas of invasive non-native perennial veldt grass (*Ehrharta calycina*) that currently occupies much of the area where the residence and associated infrastructure/landscaping would be constructed.

ENVIRONMENTAL ACTION STATEMENT

Based on the analysis above, the Lewis-Barnes HCP qualifies 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: Lewis-Barnes Parcel Habitat Conservation Plan (2014)

Concurrence:



Stephen P. Henry, Field Supervisor

6/2/14

Date