

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

I. Project Information

A. Project name: Moreno Low-Effect Habitat Conservation Plan

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

C. Project size: 1.25 acres (54,450 square feet)

D. Brief project description including minimization and mitigation plans:

Purpose: The Moreno Low-Effect Habitat Conservation Plan (HCP) supports issuance of a section 10(a)(1)(B) incidental take permit (ITP) to Cayetano Moreno to authorize incidental take of the federally endangered Morro shoulderband snail associated with the construction, maintenance, and occupation of a single-family residence and guesthouse and implementation of a conservation strategy on an existing, legal parcel.

Need: Morro shoulderband snails were documented onsite during species surveys conducted in 2008 and 2011. Because the species is present in low numbers throughout the site, proposed activities associated with the construction, maintenance, and occupation of a single-family residence and guesthouse, along with implementation of the conservation strategy, are considered likely to result in species take.

Proposed Project: The proposed project involves construction, maintenance, and occupation of a single-family residence and guesthouse, and implementation of a conservation strategy to enhance habitat for Morro shoulderband snail and Morro manzanita. The project would, at a minimum, result in permanent impacts to approximately 0.2 acre (8,712 square feet; sf) of habitat occupied by Morro shoulderband snail associated with the construction of two residential structures; however, could result in some level of disturbance to an additional 0.425 acre (18,513 sf) as a result of use and reliance on these structures. The maximum area of disturbance consists of 0.625 acre (27,225 sf).

Permit Term: The requested permit duration is 8 years. The permit would be renewable.

Covered Lands: The ITP would address the entire 1.2-acre (52,272-sf) parcel legally described as County of San Luis Obispo Assessor Parcel Number 074-383-020. It is located at the northeast corner of Chumash Lane and Al Sereno in the unincorporated community of Los Osos, San Luis Obispo County, California.

Species Occupation and Baseline: Surveys conducted for MSS on the parcel in 2008 and 2011 (five surveys each event) revealed the presence of six live Morro shoulderband snails. The observed snails included four juveniles and two adults distributed sporadically throughout the property. A total of 18 empty shells of Morro shoulderband snail were also found in various areas throughout property during

these two survey events. One live individual and 15 empty shells of the common brown garden snail (*Helix aspersa*) were also observed during these two survey events.

Species Goals: Two biological goals are identified in the HCP: 1) to avoid and minimize take of Morro shoulderband snail and impacts to Morro manzanita (*Arctostaphylos morroensis*, a federally threatened plant species) and 2) to preserve, enhance, and maintain habitat occupied by Morro shoulderband snail and Morro manzanita.

Minimization and Mitigation Measures

Minimization Measures: To minimize take of Morro shoulderband snails, the applicant, or his legal successor(s) in ownership, will retain a Service-approved biologist (i.e., one in possession of a valid section 10(a)(1)(A) recovery permit for the species) will conduct pre-construction training for all personnel who will work onsite. This training is intended to inform them of the status and presence of Morro shoulderband snails (and Morro manzanita), grading and construction-activity restrictions, and those avoidance and minimization measures specified in the HCP. This biologist will also conduct pre-construction surveys of the 0.625-acre area to be disturbed prior to the initiation of each construction phase. Construction activities will also be monitored by the biologist who will have the authority to order any reasonable measure 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 ITP. All live Morro shoulderband snails identified during these surveys will be captured and moved into suitable habitat within the conservation easement. Empty shell locations will be noted on a map and counted/classified by size and age. These shells will be left in place.

Mitigation Measures: Mitigation for unavoidable take of Morro shoulderband snail will consist of the preservation of 0.625 acres of maritime chaparral and coastal dune scrub habitat in a conservation easement recorded with the County of San Luis Obispo. The purpose of the easement area is to preserve and enhance existing habitat values for Morro shoulderband snail and Morro manzanita. The easement will restrict development and other uses, and its perimeters fenced to restrict unauthorized activity. The fence is to limit access by people and pets and reduce the potential for inadvertent impacts to Morro shoulderband snail and its habitat from adjacent residential uses

Monitoring and Reporting

Monitoring: Monitoring for project effects will include pre-construction awareness training, and monitoring activities prior to and during construction. A Service-approved 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 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 be initiated until the monitor determines that the work area is clear of Morro shoulderband snails.

Reporting: Documentation of monitoring results will be submitted in annual reports. These 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. While surveys reveal that Morro shoulderband snails to be present onsite, low number of individuals are present.

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, maintenance, and occupation of a single-family residence and guesthouse on an existing, legal parcel in an area developed to similar uses. 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 Moreno project consists of the construction of a single residence and guesthouse on the southern half of an existing, legal parcel. The northern half of the parcel would be preserved in a conservation easement. As such, we determine that project implementation 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, maintenance, and occupation of a single-family residence and guesthouse in an area of similar uses.

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. Native maritime chaparral and coastal dune scrub are present onsite; however, there are no 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 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 and guest house, with and supporting infrastructure/landscaping, would be constructed on the southern half of 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 guesthouse, along with supporting infrastructure and landscaping, would be constructed on the southern half of an existing, legal parcel that was created in compliance with the California Environmental Quality and California Coastal Acts.

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 phase I cultural resources survey was conducted on October 18, 2011. No significant archaeological resources were identified during this survey.

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 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 guesthouse and, therefore, not considered a water development project.

K. 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 guesthouse to be owner-occupied.

L. 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.

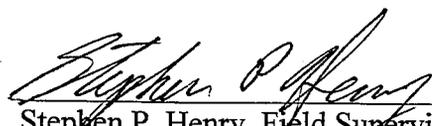
M. Contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species (Federal Noxious Weed Control Act and EO 13112)? No. This project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

ENVIRONMENTAL ACTION STATEMENT

Based on the analysis above, the Moreno 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: Moreno Low-Effect Habitat Conservation Plan for Morro Shoulderband Snail (SWCA; November 2013)

Concurrence:


Stephen P. Henry, Field Supervisor

April 21, 2014
Date