

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

I. HCP Information

A. HCP Name: Kellaway Low-Effect Habitat Conservation Plan for the Morro Shoulderband Snail, San Luis Obispo County, CA

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

C. HCP Size: 5.53 acres (as 2 parcels of 5.08 acres and 0.45 acre each)

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

Purpose and Need: The Kellaway Low-Effect Habitat Conservation Plan (HCP) has been prepared in support of the issuance of an incidental take permit (ITP) to authorize unavoidable take of Morro shoulderband snail that would result from the construction and occupation of two single-family residences on existing, contiguous legal parcels. It would also address habitat enhancement activities to be performed within a conservation easement on the larger of the parcels. Although contiguous parcels, the 5.08-acre parcel (APN 074-022-042) is accessed from Sea Horse Lane and the 0.45-acre parcel (APN 074-483-052) is located at the end of San Leandro Court. Both parcels are found in the southwestern portion of the unincorporated community of Los Osos, an unincorporated community in San Luis Obispo County, California. Thomas R. Kellaway and Doris J. Redmon, husband and wife as joint tenants, are the applicants for the ITP.

Proposed Project: The proposed project involves the construction and occupation of two single-family residences as well as the enhancement of 0.24-acre of disturbed coastal dune scrub habitat on the larger of the parcels. This HCP provides the basis for issuance of a section 10(a)(1)(B) incidental take permit (ITP) that would authorize the take of the federally endangered Morro shoulderband snail associated with otherwise legal activities. The project would impact 1.68 acres; 1.23 acres of which are a combination of coastal dune scrub and maritime chaparral.

Morro manzanita (*Arctostaphylos morroensis*), a federally threatened plant species, is discussed as part of the HCP but is not requested to be a covered species in this document. Up to 11 individual Morro

manzanita could be removed as part of project implementation; however, impacts to the species will be addressed in accordance with County of San Luis Obispo (County) requirements that typically require replacement at a ratio of 5:1.

As part of the project description, the applicants have agreed to record a conservation easement on the final map recorded with the County. The conservation easement will be a minimum of 3.8 acres in size and located on the larger parcel of land contiguous to adjacent conserved habitat. Its purpose is to protect, in perpetuity, coastal dune scrub and maritime chaparral habitats and their constituent species, including Morro shoulderband snail and Morro manzanita. Approximately 0.24 acre within this conservation easement area will be enhanced to improve habitat quality and function for Morro shoulderband snail.

Permit Duration: The requested permit duration is 5 years for construction activities (estimated at 13 months) and subsequent habitat restoration activities for approximately 4 years following completion of the residential construction projects.

Covered Lands: The HCP addresses two legal parcels that together total 5.53 acres. These two parcels are 5.03 acres and 0.45 acre in size and are identified by the County as Assessor Parcel Numbers 074-022-042 and 074-483-052, respectively.

Species Occupation and Baseline: Two empty shells of the Morro shoulderband snail were identified near the eastern property boundary on the 5.08 acre parcel in 2002. No live Morro shoulderband snails or empty shells of the species were found on the 0.45 acre parcel at that time; however, in 2004 and 2005, two live Morro shoulderband snails and three empty shells of the species were identified on this parcel.

Land and Benefiting Management Activities: A 3.8-acre portion of the larger parcel has been recorded in the County of San Luis Obispo as a conservation easement and will be maintained to provide habitat for Morro shoulderband snail in perpetuity. The easement is conditioned to preclude any uses that are not compatible with the conservation and enhancement of biological resource values.

Species Goals: The biological goals of the HCP are to avoid and minimize take of Morro shoulderband snail within the project site and to fully mitigate unavoidable take through the restoration of degraded habitat and conservation of high-quality habitat for the species.

Monitoring and Reporting

Monitoring: The HCP includes compliance monitoring to track the permit holder's compliance with the requirements specified in the HCP and permit, effects monitoring to track the impacts of the covered activities on the covered species, and effectiveness monitoring to track the progress of the conservation strategy in meeting the biological goals and objectives described in the HCP. To quantify the incidental take at the end of the project, the biologist will count the number of individual Morro shoulderband snail that were captured and relocated as well as the number injured or killed during construction. Habitat restoration will be monitored quarterly during the first year following construction and once annually for 4 additional years to measure cover of non-native plants and ensure that the site is meeting the performance standards outlined in the HCP. During this 5-year monitoring period, the conservation easement and open space easement areas will be visually inspected for disturbance that may negatively affect Morro shoulderband snail.

Reporting: Annual reports will be submitted to the Service at the completion of construction activities and annually during restoration activities. Reports will describe site conditions, methods and results of vegetation control and monitoring, and recommendations for meeting performance criteria and include:

1. Summary or list of project activities accomplished during the reporting year including development/construction activities, and other covered activities.
2. Project impacts (e.g., number of acres graded, number of buildings constructed).
3. Description of any take of covered species that occurred including cause of take, form of take, take amount, location of take and time of day, and deposition of dead or injured individuals.
4. Description of conservation strategy implemented.
5. Results of compliance, effects and effectiveness monitoring and survey information.

6. Description of circumstances requiring application of adaptive management, how changes were implemented, and a summary of the actions taken.
7. Description of any changed or unforeseen circumstances that occurred and how they were addressed.
8. Funding expenditures, balance, and accrual; and
9. Description of any minor or major amendments.

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 number of live individual and empty shells of Morro shoulderband snail identified on the parcels is 2 and 7, respectively. While it is expected that there are more live Morro shoulderband snails than reported, approximately 76 percent of the larger parcel (approximately 70 percent overall) will be conserved as biological open space under a conservation easement recorded with the County.

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. The proposed project is the construction and occupation of two single-family residences on each of two legal parcels. Infrastructure is already available to both parcels. The project will be subject to conditions of a minor use and coastal development permits prepared by the County pursuant to the California Environmental Quality Act and the County's Local Coastal Plan, respectively. It is anticipated that there will be no significant effects to other environmental values or resources because of project implementation.

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 a cumulative effects to the human environment (the natural and physical environment) which would be considered significant?

No. Take of Morro shoulderband snail has been avoided where possible and unavoidable take will be minimized and fully mitigated. Approximately 70 percent of the parcels will be protected in conservation easement that adds to existing open space on contiguous parcels. Uses within the conservation easement will be restricted to those that would benefit Morro shoulderband snail

and its habitat.

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. This HCP addresses only the construction and occupation of two single-family residences and a limited amount of habitat enhancement. As such, the project is not anticipated to result in adverse effects to 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. The project consists of the construction of two single-family residences on two legal parcels within a residentially zoned area. There are no 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, or ecologically significant or critical areas present on either property. As such, the project is not anticipated to result adverse effects to those above unique geographic characteristics.

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 representative of a typical single-family residential project for which there are typically no highly controversial environmental effects. It 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 minimal environmental effects of this project are considered to be certain and predictable.

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

No. This HCP identifies and mitigates for impacts consistent with past, similar actions and, as such, would not set a precedent for future actions.

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

This project is a single-action and 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, or eligible for listing, on the National Register of Historic Places.

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 location is not located in 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 a requirement imposed for the protection of the environment.

No. The project will be required to comply with subject to all applicable Federal, State, local, and/or Tribal laws and/or requirements pursuant to the County's CEQA guidelines and LCP.

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 is 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. A qualified biologist would be on-site during construction to maintain native maritime chaparral habitat and prevent habitat degradation by invasive species as a component of the HCP.

IV. ENVIRONMENTAL ACTION STATEMENT

[To be completed following public comment period.]