

County of San Luis Obispo Planning and Building Department



Annual Workshop for Biologists
October 26, 2016

Housekeeping

- Turn your cell phones off or to silent
- Bathrooms
- Lunch – Haute Skillet/ on your own
- Questions



Goals of this Workshop

- Provide updated information
- Outline County process and requirements
- Develop defensible CEQA documents
- Help reduce revisions to reports
- Provide additional information on State and Federal permitting processes



Annual Workshop for Biologists Agenda

Morning session (9am-12 pm)

- Welcome – John McKenzie (Co. of SLO Planning)
- County Guidelines on Biological Resource Assessment
 - Overview-John McKenzie
 - Common issues – Brooke Langle, Terra Verde
- BREAK
- Permit Tracking – County GIS – Jeff Legato
- County Quals for Biologists – John McKenzie
- LUNCH – Haute Skillet/Parking Lot



Annual Workshop for Biologists Agenda

Afternoon session (1pm-4pm)

- Army Corps of Engineers – Teresa Stevens
- U.S. Fish & Wildlife Service – Dou-ShuanVang
- WildNotes & AEP's new CEQA Portal
- BREAK
- Regional Water Quality Control Board – Paula Richter
- California Dept. of Fish & Wildlife– Dave Hacker
- Wrap up – John McKenzie



County Guidelines on Biological Resource Assessments

- Latest Version found on County's website at:

http://www.slocounty.ca.gov/Assets/PL/environmental/environmentalresources/Guidelines_Bio.pdf

- Key Elements

- Primary Objectives
- County Process
- Report Requirements
- Biological Survey Process
- Report Acceptance Procedure



County Guidelines on Biological Resource Assessments

■ Primary Objectives

- Ensure quality, accuracy, and completeness of biological assessment work prepared for projects;
- Ensure that assessment work provides adequate information for County to make appropriate planning decisions and environmental determinations (such as the California Environmental Quality Act [CEQA]);
- Aid in County staff's efficient and consistent review of submitted biological assessments.



County Process – Overview

- For discretionary projects, when County IDs sensitive species or habitat potential, biological report(s) is requested
- Applicant selects qualified biologist(s)
- Applicant submits report(s) for County review and adequacy determination (and meets County Bio Guidelines)
- Once accepted, report(s) used with environmental determination and bio report recommendations may become project conditions of approval



Report Requirements

- Use of County Template (Appendix A) encouraged; highlights include:
 - Cover Page
 - Executive Summary
 - Detailed Project Description with readable maps
 - Existing Condition Description
 - Methodology used
 - Results (discuss habitats, species, connectivity)
 - Impact Assessment
 - Mitigation/Recommendations (Pending)



Report Requirements (cont.)

- Signed Declaration of Qualifications (Appendix E)
- Number of copies to County: 2 paper, 1 electronic
- Report to include all provisions and information specified in the County's 'Guidelines For Biological Resources Assessments'
- Assessor Parcel Number(s) and any County Permit Numbers
- Representative photos (in color) and graphics that show locations of sensitive species or habitats ID'd in report



Biological Survey Process

- Appendix B provides process to follow; highlights include:
 - Biologist must have adequate local knowledge of sensitive species/ habitat
 - Methodology used needs to work well for the species being surveyed;
 - If state/federal protocols exist, they should be used, and proper state/ federal permits, collecting permits, & MOUs obtained
 - Adequate pre-survey work needs to be completed (e.g., 9-quadrant review of CNDDDB species layer, understanding habitat characteristics, etc.)



Biological Survey Process

- Appendix B provides process to follow; highlights include (cont.):
 - Match survey timing to when species has greatest potential to be identified
 - Recognize that more than one type of survey may be necessary
 - Make sure survey covers all aspects of project such as night lighting, utility lines, water tanks, access roads, etc.
 - If directed to survey only a portion of a site, and those surveyed portions include sensitive species/habitats, work with applicant to survey additional areas for potential alternatives to avoid impacts (vs. mitigate)
 - Accurately map any sensitive species/habitats



Submittal Procedures

- Bio Report is submitted to County staff for initial review, they will review report for:
 - Signed Declaration - once type of report(s) determined, make sure lead field biologist(s) has adequate qualifications
 - Inclusion of all sections specified in Guidelines
 - Cover Page
 - Synopsis/Summary
 - Photographs
 - Project Description matches county file
 - Maps show all sensitive species/habitat ID'd in report
 - Methodology used
 - When (potential) species ID'd, adequacy of impact analysis and mitigation measures/ recommendations



Submittal Procedures

- Bio Report is submitted to County staff for initial review, they will review report for (cont.):
 - Some reports are peer reviewed by County-retained biologist
 - When important information is missing or errors found, it will be returned to applicant with a list of corrections or deficiencies
 - Once deficient items addressed to the satisfaction of the County, report is accepted
 - Biologist recommendations are reviewed for 'CEQA' completeness before being included as project 'conditions of approval'



Environmentally Sensitive Habitat Area (ESHA)

- Coastal Zone Land Use Ordinance (Sec. 23.07.170)
- ESHA designations on County Map
 - Wetlands (CZLUO Sec. 23.07.172)
 - 100 ft. setback, could be less (to 25 ft.) but basis to reduce seldom biologically based
 - Must evaluate value of habitat and wildlife in relation to functional capacity of wetland
 - Note: Coastal Commission & Coastal Act have strict definition
 - Streams & Riparian Vegetation (SRV) (CZLUO Sec. 23.07.174)
 - 100 ft. setback (rural), 50 ft. setback (urban); could be less (10 ft.) but basis to reduce seldom biologically based;
 - Alternatives analysis suggested;
 - Alteration of riparian vegetation not allowed with some specific exceptions



Environmentally Sensitive Habitat Areas (ESHA)

- ESHA designations on County Map (cont.)
 - Terrestrial Habitat (TH) (CZLUO Sec. 23.07.176)
 - Recommendations should emphasize ecological community vs. individual impacts to sensitive plant/wildlife
 - Native plants to be used for any restoration planting
 - Report should include TH boundary graphic
 - Marine Habitats (CZLUO Sec. 23.07.178)
 - Siting of shoreline structures (e.g., seawalls) – avoid/minimize impact to marine resources
 - Evaluate human impacts from coastal access



Environmentally Sensitive Habitat Areas (ESHA)

■ Applicability

- Layers can be obtained on County's 'Interactive GIS Mapping' (also called PermitView) website:
<http://www.sloplanning.org/PermitView/MapSearch>
- Field work should start at least 100 feet from edge of ESHA
- CZLUO states project design should design first to avoid ESHA – bio report should evaluate this possibility



Environmentally Sensitive Habitat Areas (ESHA) - continued

- Report must be done during **proper season** as applicable
- Report shall identify **impacts**, measures to **avoid impacts** or **reduce impacts**, measures to **restore damaged habitats**, provide **long-term protection**, and **effectiveness of measures** implemented
- Report should evaluate potential 'negative impacts from **noise, sedimentation** and other potential disturbances'
- Biologist should determine if **other state or federal agencies** have made any recommendations and incorporate these into the report, as appropriate



Environmentally Sensitive Habitat Areas (ESHA) - continued

- Evaluate the adequacy of the County's standard setback, and if a larger setback is appropriate
- If development is proposed within ESHA, report shall evaluate entire ESHA within property boundaries



Environmentally Sensitive Habitat Areas (ESHA) - continued

- Unmapped ESHAs
 - Applies to areas outside of mapped ESHAs
 - When identified, treated just like ESHAs
 - Bio report should be mapping sensitive habitat regardless of ESHA designations



Coastal Zone

PERMITVIEW 

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County of San Luis Obispo, Department of Planning and Building

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Base Imagery (new!)
Quick Search
Search

Layers

- Open Street Maps
- Boundaries and Land Use
 - Roads
 - Boundaries
 - Land Use
 - Land Use Outlines
 - Planning Area Standards
 - Highway Corridor
 - Combining Designations
 - Coastal Zone Standards
 - Coastal Zone
 - CZ Marine Habitat
 - CZ Terrestrial Habitat
 - CZ Coastal Stream
 - CZ Riparian Vegetation
 - CZ Wetland
 - CZ Coastal Vertical Access
 - CZ Vista Point
 - CZ Coastal Lateral Access
 - Proposed Public Facilities
 - Camp Roberts Influence Area
 - Land Use Filter



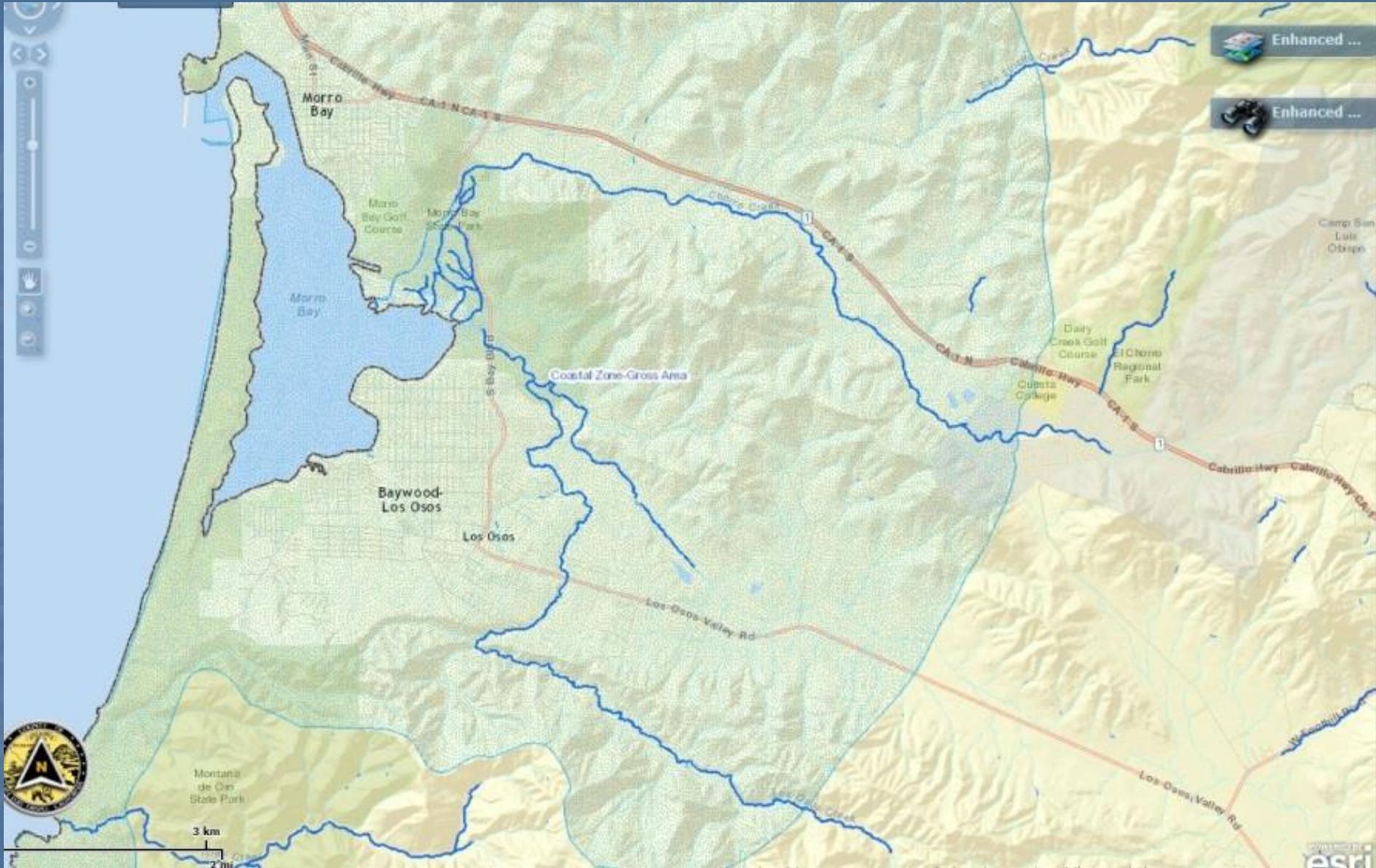
Map data © OpenStreetMap contributors, CC-BY-SA | San Luis Obispo



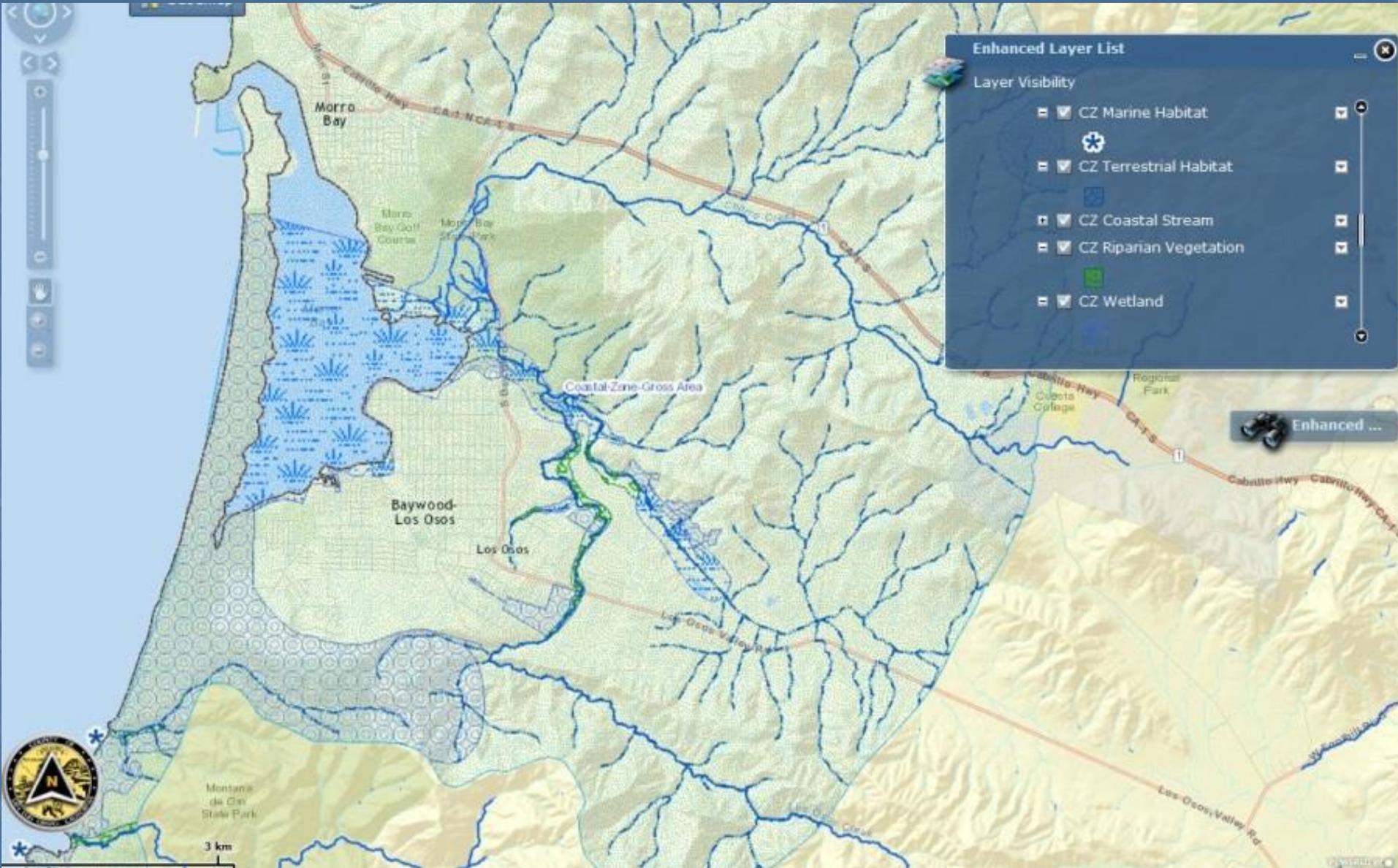
Coastal Zone



Los Osos - Coastal Zone



Los Osos - ESHAs



Sensitive Resource Areas (SRA)

- Coastal Zone Land Use Ordinance (Sec. 23.04.210) – SRA used for Visual Resources
- Inland Land Use Ordinance (Title 22)
 - No ESHAs
 - SRAs used for Visual and Biological Resources
 - Variable level of directives on bio resources – each SRA is associated with ‘Planning Area Standards’ most are general, high level directives
 - Development setbacks from sensitive resources may be less than in Coastal Zone



County Sensitive Resource Areas



Break!



PermitView

- Presented by Jeff Legato, County Planning

Bio Reporting – Common Issues

- The most common issues documented during peer review are:
 - 1. Not following the County's guidelines
 - 2. Failing to provide suggested mitigation measures for identified resources and/or potential impacts
 - 3. Conducting surveys during the wrong season (appropriate blooming season for plants, rainy season/spring for amphibians, vernal pools)
 - 4. Failing to properly address the potential for sensitive resources (wetlands, indirect impacts, upland habitat for semi-aquatic species)



Bio Reporting – Common Issues

■ Continued:

- 5. Not conducting a site/habitat assessment for California red-legged frogs when suitable habitat is present nearby
- 6. Not addressing the potential impacts to nesting birds
- 7. Not identify or delineating Waters of the U.S./wetlands
- 8. Not surveying an adequate amount of area to cover all the ancillary components of a project including proposed vegetation mitigation (e.g., oak tree plantings on site)



Common Issues – Follow Guidelines

- 1. Not following the County's guidelines:
 - No signature page
 - Not using a 9-quad search with no explanation on alternative approach
 - Failing to submit CNDDDB forms for special-status species
 - No executive summary
 - Not including ancillary features of a project or not surveying an adequate area to cover these features when they are ID'd
 - Lacking details on oak tree impacts and mitigation (e.g., replanting details and where those areas are located on the property)
 - Failing to identify and provide avoidance, minimization, or mitigation for wetland impacts



Common Issues - Mitigation

- 2. Failing to provide suggested mitigation measures for identified resources and/or potential impacts
 - Overall, declaring no significant impact
 - A sensitive species is noted on or near the property, but no mitigation suggested
 - Vegetation impacts with no mitigation offered (i.e., not considered significant by author)
 - Bat potential on site, but no mitigation other than to look before work and put up bat houses
 - Western spadefoot toad habitat and potential on site, but no clear result and no mitigation for impacts



Common Issues – Survey Timing

- 3. Conducting surveys during the wrong season (appropriate blooming season for plants, rainy season/spring for amphibians, vernal pools, bats)
 - Most common is out of season botanical – forensic botany exists but is not CEQA defensible
 - Bats are migratory and can show up seasonally
 - Best way to determine if western spadefoot exist is to check persistent rain pools for tadpoles
 - Vernal pools can be very difficult to ID in summer



Common Issues - Continuity

- 4. Failing to properly address the potential for sensitive resources (wetlands, indirect impacts, upland habitat for semi-aquatic species)
 - Upland habitat for semi-aquatic species is often not addressed
 - If wetland species are in your plant list, you should describe potential for wetlands or rule them out
 - Encroachment to waterways and wetlands need to be justified/mitigated



Common Issues - CRLF

- 5. Not conducting a site/habitat assessment for California red-legged frogs when suitable habitat is present nearby
 - If historic records are nearby and/or aquatic resources are onsite or within a mile, a site assessment per U.S. Fish and Wildlife Service protocol may be warranted – if not, a detailed explanation should be included
 - If seasonal features or dried ponds are present, that does not immediately rule out frogs
 - When in doubt, you can coordinate with the U.S. Fish and Wildlife Service for guidance on the appropriate approach





Ruler

Line Path Pro

Measure the distance between two points on the ground

Map Length:	0.96 Miles
Ground Length:	0.96
Heading:	294.31 degrees



Ruler

Line Path Pro

Measure the distance between two points on the ground

Map Length: 0.12 Miles

Ground Length: 0.12

Heading: 6.32 degrees

Mouse Navigation

Save Clear

Common Issues – Nesting Birds

- 6. Not addressing the potential impacts to nesting birds
 - What is the nesting season?
 - Most every project will have the potential for nesting birds to occur, not just sensitive species
 - Clear mitigation on the protocol to address nesting birds often lacking



Common Issues – Waters of the U.S.

- 7. Not identify or delineating Waters of the U.S./wetlands
 - Noting that a wetland delineation will be done and the U.S. Army Corps contacted listed as mitigation – this needs to be identified for a report to be complete so the County can address the potential impacts
 - Wetlands and ephemeral and seasonal drainages are often not addressed unless they meet the Corps definition



Common Issues – Project Description

- 8. Not surveying an adequate amount of area to cover all the ancillary components of a project including proposed vegetation mitigation (e.g., oak tree plantings on site)
 - Most commonly overlooked features are utility line connections, sewer line and leach fields, Cal Fire clearance requirements, and access roads (improvements and secondary access road needs)
 - Onsite oak tree mitigation offered, but no discussion of spacing or where the trees will be located (i.e., what will be the impact of plantings?)



Oaks and Oak Woodland

- Individual Oaks (tree replacement)
- Oak Woodland (AB1334 and CEQA Sec. 21083.4) – General Guidance
 - Case-by-case
 - Definition – 10% canopy coverage
 - Impacted and removed trees considered
 - Mitigation - on-site planting, conservation easement, fee



Native Tree Interim Zoning/Urgency Ordinance No. 3325

- Current Interim Ordinance prohibits clear-cutting until Permanent Ordinance approved (prior to 4/16/17)
- Geographically, Ordinance applies to all unincorporated portions of the County excluding properties within the urban and village reserve lines, and coastal zone
- Does not apply to land use/discretionary permits (CEQA is applied)
- Tree removal up to 10% requires minor use permit; up to 25% requires conditional use permit; greater than 25% automatically triggers an EIR
- Tree removal on property for agriculture may remove up to 5% and is not subject to the Ordinance; other exemptions apply



Permanent Oak Woodland Protection Ordinance

- Scope provided by the Board: Prohibit clear-cutting of healthy oak woodlands, consider different zoning categories and size (or amount) of removal, prohibit clear-cutting on steep slopes, provide opportunities for landowners to complete land management plans for Oak Woodlands.

Tentative Schedule

- Board update on January 24, 2017
- Planning Commission hearing February 23, 2017
- Board action on Permanent Ordinance March 2017
- Extension hearing for Interim Ordinance April 2017



Permanent Oak Woodland Protection Ordinance

- Next Steps
 - Gathering info from stakeholders/interested parties; to be a participant, contact:
 - Megan Martin, mamartin@co.slo.ca.us
 - Jay Johnson, jgjohnson@co.slo.ca.us
 - Jacqueline Protsman, jprotsman@co.slo.ca.us
 - Meetings with CACs between October and December
 - Communitywide meeting
 - Atascadero City Library – December 7, 2016 @ 6PM
- For more info, go to:
 - <http://www.slocounty.ca.gov/planning/urgency-ordinance-3325.htm>



Sudden Oak Death

- Recent study shows it has arrived in the County
- Staff reviewing what measures, if any, can be applied to new development to help reduce/offset these impacts



CEQA defensibility

- Project design Priority – ‘Avoid’ first, then ‘Minimize’, and then ‘Mitigate’
- Complete project description
- Demonstrate qualifications
- Show your work
- Thorough analysis
- Feasible Mitigation Measures



Biologist Qualifications

- Each Report to include 'Declaration of Qualifications'; initial reports required to include substantiating documentation (see Guidelines, Appendix E)
- Internal Training of County staff to provide initial review with some projects continuing to receive peer review
- Providing list of attendees to Bio Workshop on web
- Hold Workshop on annual basis



Questions?

Lunch!

- Haute Skillet – Parking Lot

- Contact information:

- John McKenzie, Senior Planner
- jdmckenzie@co.slo.ca.us
- (805)781-5452



Annual Workshop for Biologists Agenda

Afternoon session (1pm-4pm)

- 1 pm - Army Corps of Engineers – Teresa Stevens
- 1:40 pm - U.S. Fish & Wildlife Service – Dou-ShuanVang
- 2:05 pm - WildNotes & AEP's new CEQA Portal
- 2:20 pm - BREAK
- 2:30 pm - Regional Water Quality Control Board – Paula Richter
- 3:10 pm - California Dept. of Fish & Wildlife– Dave Hacker
- 3:50 pm - Wrap up – John McKenzie

