STATE OF CALIFORNIA

Governor's Office of Planning and Research

State Clearinghouse and Planning Unit

Edmund G. Brown Jr.
Governor

Ken Alex
Director

Notice of Preparation

September 23, 2013

To: Reviewing Agencies

Re: Los Osos Community - Wide Habitat Conservation Plan and Implementing Agreement
SCH# 2013091071

Attached for your review and comment is the Notice of Preparation (NOP) for the Los Osos Community - Wide Habitat Conservation Plan and Implementing Agreement draft Environmental Impact Report (EIR).

Responsible agencies must transmit their comments on the scope and content of the NOP, focusing on specific information related to their own statutory responsibility, within 30 days of receipt of the NOP from the Lead Agency. This is a courtesy notice provided by the State Clearinghouse with a reminder for you to comment in a timely manner. We encourage other agencies to also respond to this notice and express their concerns early in the environmental review process.

Please direct your comments to:

John McKenzie
San Luis Obispo County
Planning and Building Department
976 Osos Street, *Room 200*
San Luis Obispo, CA 93408-2040

with a copy to the State Clearinghouse in the Office of Planning and Research. Please refer to the SCH number noted above in all correspondence concerning this project.

If you have any questions about the environmental document review process, please call the State Clearinghouse at (916) 445-0613.

Sincerely,

Scott Morgan
Director, State Clearinghouse

P 2 6 2013

Attachments
cc: Lead Agency

1400 TENTH STREET P.O. BOX 3044 SACRAMENTO, CALIFORNIA 95812-3044
TEL (916) 445-0613 FAX (916) 323-3018 www.opr.ca.gov

Document Details Report
State Clearinghouse Data Base

SCH# 2013091071
Project Title Los Osos Community - Wide Habitat Conservation Plan and Implementing Agreement
Lead Agency San Luis Obispo County

Type NOP Notice of Preparation

Description The purpose of issuing a programmatic incidental take permit is to allow the County to authorize the covered activities while conserving the covered species and their habitats. Implementation of a programmatic, multi-species Habitat Conservation Plan, rather than a species-by-species or project-by-project approach, will maximize the benefits of conservation measures for covered species and eliminate potentially expensive and time-consuming efforts associated with processing individual incidental take permits for each project within the proposed Habitat Conservation Plan area. It is important to note that completion of the Los Osos wastewater treatment plant, rather than adoption of the Habitat Conservation Plan and Issuance of the incidental take permit(s) to the County, is the action that will trigger lifting of the moratorium and allow new or expanded development to proceed subject to receipt of the required permits. Adoption of the Habitat Conservation Plan and issuance of the incidental take permit(s) would facilitate a streamlined permitting process and also provide a cohesive conservation strategy managed by one entity with a single funding source, but is not a requirement for activities covered in the Habitat Conservation Plan to proceed.

Lead Agency Contact

Name John McKenzie
Agency San Luis Obispo County
Phone (805) 781-5600 **Fax**
email jdmckenzie@co.slo.ca.us
Address Planning and Building Department
976 Osos Street, Room 200
City San Luis Obispo **State** CA **Zip** 93408-2040

Project Location

County San Luis Obispo
City
Region
Cross Streets
Lat / Long
Parcel No.
Township **Range** **Section** **Base**

Proximity to:

Highways
Airports
Railways
Waterways
Schools
Land Use Privately-owned parcels

Project Issues Aesthetic/Visual; Agricultural Land; Air Quality; Biological Resources; Archaeologic-Historic; Geologic/Seismic; Other Issues; Toxic/Hazardous; Water Quality; Landuse; Minerals; Noise; Population/Housing Balance; Public Services; Traffic/Circulation

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Reviewing Agencies Resources Agency; Department of Parks and Recreation; Department of Water Resources; Department of Fish and Wildlife, Region 4; Native American Heritage Commission; Caltrans, District 5; Regional Water Quality Control Board, Region 3

Date Received 09/23/2013 **Start of Review** 09/23/2013 **End of Review** 10/22/2013

Note: Blanks in data fields result from insufficient information provided by lead agency.

NOP Distribution List

County: San Luis Obispo SCH# 2013091071

Resources Agency

- [x] Resources Agency
  Nadell Gayou
- [ ] Dept. of Boating & Waterways
  Nicole Wong
- [ ] California Coastal Commission
  Elizabeth A. Fuchs
- [ ] Colorado River Board
  Tamya Trujillo
- [ ] Dept. of Conservation
  Elizabeth Carpenter
- [ ] California Energy Commission
  Eric Knight
- [ ] Cal Fire
  Dan Foster
- [ ] Central Valley Flood Protection Board
  James Herota
- [ ] Office of Historic Preservation
  Ron Parsons
- [x] Dept of Parks & Recreation
  Environmental Stewardship Section
- [ ] California Department of Resources, Recycling & Recovery
  Sue O'Leary
- [ ] S.F. Bay Conservation & Dev't. Comm.
  Steve McAdam
- [x] Dept. of Water Resources Resources Agency
  Nadell Gayou

Fish and Game

- [ ] Depart. of Fish & Wildlife
  Scott Flint
  Environmental Services Division
- [ ] Fish & Wildlife Region 1
  Donald Koch
- [ ] Fish & Wildlife Region 1E
  Laurie Harnsberger
- [ ] Fish & Wildlife Region 2
  Jeff Drongesen
- [ ] Fish & Wildlife Region 3
  Charles Armor
- [x] Fish & Wildlife Region 4
  Julie Vance
- [ ] Fish & Wildlife Region 5
  Leslie Newton-Reed
  Habitat Conservation Program
- [ ] Fish & Wildlife Region 6
  Gabrina Gatchel
  Habitat Conservation Program
- [ ] Fish & Wildlife Region 6 I/M
  Heidi Sickler
  Inyo/Mono, Habitat Conservation Program
- [ ] Dept. of Fish & Wildlife M
  George Isaac
  Marine Region

Other Departments

- [ ] Food & Agriculture
  Sandra Schubert
  Dept. of Food and Agriculture
- [ ] Depart. of General Services
  Public School Construction
- [ ] Dept. of General Services
  Anna Garbeff
  Environmental Services Section
- [ ] Dept. of Public Health
  Jeffery Worth
  Dept. of Health/Drinking Water
- [ ] Delta Stewardship Council
  Kevan Samsam

Independent Commissions,Boards

- [ ] Delta Protection Commission
  Michael Machado
- [ ] Cal EMA (Emergency Management Agency)
  Dennis Castrillo
- [x] Native American Heritage Comm.
  Debbie Treadway
- [ ] Public Utilities Commission
  Leo Wong
- [ ] Santa Monica Bay Restoration
  Guangyu Wang
- [ ] State Lands Commission
  Jennifer Deleong
- [ ] Tahoe Regional Planning Agency (TRPA)
  Cherry Jacques

Business, Trans & Housing

- [ ] Caltrans - Division of Aeronautics
  Philip Crimmins
- [ ] Caltrans - Planning
  Terri Pencovic
- [ ] California Highway Patrol
  Suzann Ikeuchi
  Office of Special Projects
- [ ] Housing & Community Development
  CEQA Coordinator
  Housing Policy Division

Dept. of Transportation

- [ ] Caltrans, District 1
  Rex Jackman
- [ ] Caltrans, District 2
  Marcelino Gonzalez
- [ ] Caltrans, District 3
  Gary Arnold
- [ ] Caltrans, District 4
  Erik Alm
- [x] Caltrans, District 5
  David Murray
- [ ] Caltrans, District 6
  Michael Navarro
- [ ] Caltrans, District 7
  Dianna Watson
- [ ] Caltrans, District 8
  Dan Kopulsky
- [ ] Caltrans, District 9
  Gayle Rosander
- [ ] Caltrans, District 10
  Tom Dumas
- [ ] Caltrans, District 11
  Jacob Armstrong
- [ ] Caltrans, District 12
  Maureen El Harake

Cal EPA

Air Resources Board

- [ ] Airport/Energy Projects
  Jim Lerner
- [ ] Transportation Projects
  Jon Taylor
- [ ] Industrial Projects
  Mike Tollstrup
- [ ] State Water Resources Control Board
  Regional Programs Unit
  Division of Financial Assistance
- [ ] State Water Resources Control Board
  Student Intern, 401 Water Quality Certification Unit
  Division of Water Quality
- [ ] State Water Resouces Control Board
  Phil Crader
  Division of Water Rights
- [ ] Dept. of Toxic Substances Control
  CEQA Tracking Center
- [ ] Department of Pesticide Regulation
  CEQA Coordinator

Regional Water Quality Control Board (RWQCB)

- [ ] RWQCB 1
  Cathleen Hudson
  North Coast Region (1)
- [ ] RWQCB 2
  Environmental Document Coordinator
  San Francisco Bay Region (2)
- [x] RWQCB 3
  Central Coast Region (3)
- [ ] RWQCB 4
  Teresa Rodgers
  Los Angeles Region (4)
- [ ] RWQCB 5S
  Central Valley Region (5)
- [ ] RWQCB 5F
  Central Valley Region (5)
  Fresno Branch Office
- [ ] RWQCB 5R
  Central Valley Region (5)
  Redding Branch Office
- [ ] RWQCB 6
  Lahontan Region (6)
- [ ] RWQCB 6V
  Lahontan Region (6)
  Victorville Branch Office
- [ ] RWQCB 7
  Colorado River Basin Region (7)
- [ ] RWQCB 8
  Santa Ana Region (8)
- [ ] RWQCB 9
  San Diego Region (9)

- [ ] Other _____
  _____
  _____

- [ ] _____
  Conservancy

Last Updated 9 /17/2013

2013091071

NOTICE OF PREPARATION – Draft Environmental Impact Report/NEPA Document & Scoping Meeting Notice

SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING AND BUILDING
976 OSOS STREET • ROOM 200 • SAN LUIS OBISPO • CALIFORNIA 93408 • (805) 781-5600
Promoting the Wise Use of Land • Helping to Build Great Communities

DATE: 9/20/13

TO: Responsible Agencies, Trustee Agencies and Interested Parties

FROM: Department of Planning & Building
976 Osos St., Room 300
San Luis Obispo, CA 93408-2040

PROJECT TITLE: Notice of Preparation (NOP) of an integrated Draft Environmental Impact Report and National Environmental Policy Act documentation for the Los Osos Community-Wide Habitat Conservation Plan and Implementing Agreement (the proposed project) and Notice of Scoping Meeting ED13-061

RECEIVED
SEP 23 2013
STATE CLEARING HOUSE

PROJECT APPLICANT: County of San Luis Obispo

NOP/NOI RESPONSES DUE BY: 11/20/13

SCOPING MEETING DATE: Two Meetings as follows: October 8, 2013 between 3:30PM and 5:30PM and 7:00PM and 9:00PM

An integrated Draft Environmental Impact Report (EIR) and National Environmental Policy Act (NEPA) document is proposed to evaluate the environmental effects from the draft Los Osos Community-Wide Habitat Conservation Plan (HCP) and Implementing Agreement (IA).

This notice: (1) provides an overview of the proposed action and possible alternatives; (2) is soliciting comments from Responsible and Trustee Federal, State and local agencies on the County's intent to prepare a Draft EIR/NEPA document; (3) is soliciting public participation in and notification of a Public Scoping Meeting and the initiation of a 60 day public scoping period relating to the scope of environmental issues and alternatives to be included in the Draft EIR/ NEPA document.

NOTICE OF PREPARATION - ENVIRONMENTAL DOCUMENTS

The County of San Luis Obispo will be the California Environmental Quality Act (CEQA) Lead Agency and will be preparing an integrated Draft Environmental Impact Report (EIR) and National Environmental Policy Act (NEPA) document for the proposed project (see Project Element description below). The U.S. Fish and Wildlife Service (Service) will be the lead agency under NEPA and will be recommending either the preparation of an Environmental Assessment (EA) or an Environmental Impact Statement (EIS) for the proposed project. The Service is concurrently publishing a Notice of Intent (NOI) in the Federal Register for the preparation of the NEPA portion of the document. This integrated EIR/ NEPA document will meet the requirements of CEQA and NEPA.

Contact Information. For Responsible and Trustee Federal, State and local agencies, please provide your comments, questions and responses by the NOP/NOI date specified above and address all inquiries to:

John McKenzie
County of San Luis Obispo
Planning and Building Department
976 Osos Street, Room 200
San Luis Obispo, CA 93408
e-mail: jdmckenzie@co.slo.ca.us

The County requests the views of your agency as to the scope and content of the environmental information which is relevant to your agency's statutory responsibilities in connection with the proposed project. Your agency will need to use the EIR/NEPA document prepared by the County when considering your permit or other approval(s) for the project.

Please provide the following information at your earliest convenience, but not later than the comment period due date specified above.

1. NAME OF CONTACT PERSON. (Please include address, e-mail and telephone number)
2. PERMIT(S) or APPROVAL(S) AUTHORITY. Please provide a summary description of these and send a copy of the relevant sections of legislation, regulatory guidance, etc.
3. ENVIRONMENTAL INFORMATION. What environmental information must be addressed in the EIR/NEPA document to enable your agency to use this documentation as a basis for your permit issuance or approval?
4. PERMIT STIPULATIONS/CONDITIONS. Please provide a list and description of standard stipulations (conditions) that your agency will apply to features of this project. Are there other conditions that have a high likelihood of application to a permit or approval for this project? If so, please list and describe.
5. ALTERNATIVES. What alternatives does your agency recommend be analyzed in the EIR?
6. REASONABLY FORESEEABLE PROJECTS, PROGRAMS or PLANS. Please name any future project, programs or plans that you think may have an overlapping influence with the project as proposed.
7. RELEVANT INFORMATION. Please provide references for any available, appropriate documentation you believe may be useful to the County in preparing the EIR/NEPA document. Reference to and/or inclusion of such documents in an electronic format would be appreciated.
8. FURTHER COMMENTS. Please provide any further comments or information that will help the County to scope the document and determine the appropriate level of environmental assessment.

The general project description, location, and the probable environmental effects are contained in the following materials.

Due to the time limits mandated by State law, your response must be sent at the earliest possible date, **but not later than the due date specified above**.

SCOPING MEETINGS

Two public scoping meetings on the Draft EIR/NEPA document will be held on **October 8, 2013** with the first between **3:30PM and 5:30PM** and and the second between **7:00PM and 9:00PM** at the South Bay Community Center located at 2180 Palisades Avenue, Los Osos, California. The purpose of the public scoping meetings are to solicit the views of interested parties, responsible agencies, agencies with jurisdiction by law, trustee agencies and involved federal agencies, as to the appropriate scope and content of the Draft EIR/NEPA document. Representatives from the County and the U.S. Fish and Wildlife Service will be present to offer a summary of and answer questions regarding the proposed project. All inquiries about this process or written comments submitted should be made to Trevor Keith (see contact information above). **Written public comments will be due no later than 11/20/13.**

PROJECT – RELATED ELEMENTS/CONTRIBUTING FACTORS

The following factors have contributed to the preparation of the Los Osos Communitywide HCP: local, state and federal regulations that have focused on the protection of sensitive plant and wildlife species; unique characteristics within the coastal community of Los Osos that support several threatened or endangered species; and Regional Water Quality Control Board (RWQCB) establishing a Prohibition Area (and subsequent construction of the Los Osos sewer, which was predicated on the completion and implementation of a communitywide HCP). Approval and implementation of the HCP will establish a process to allow future development while providing adequate measures to ensure protection of the listed species evaluated under the HCP. The EIR/ NEPA document will evaluate the environmental impacts associated with implementation of the HCP and IA. Additional details regarding these factors are described in the following sections.

Regulatory Background-Sensitive Species

Federal Endangered Species Act. Section 9 of the Endangered Species Act of 1973, as amended (Act) (16 U.S.C. 1531 *et seq.*) and its implementing regulations prohibit the take of animal species listed as endangered or threatened. The term "take" is defined under the Act as to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, listed wildlife species, or to attempt to engage in any such conduct. "Harm" is defined by Service regulation (50 CFR 17.3) to include significant habitat modifications or degradation where it actually kills or injures wildlife by significantly impairing essential behavior patterns, including breeding, feeding, or sheltering. For certain circumstances, under section 10(a)(1)(B) of the Act, the Service may issue permits to authorize "incidental take" of listed wildlife species. "Incidental take" is defined by the Act as take that is incidental to, and not the purpose of, carrying out an otherwise lawful activity. Regulations governing permits for endangered and threatened species are at 50 CFR 17.22 and 50 CFR 17.32.

Individuals and State and local agencies proposing an action that is expected to result in the take of federally listed species are encouraged to apply for an incidental take permit under section 10(a)(1)(B) of the Act to be in compliance with the law. Such permits are issued by the Service when take is not the intention of and is incidental to otherwise legal activities. An application for an incidental take permit must be accompanied by a habitat conservation plan, commonly referred to as an HCP. The regulatory standard under section 10(a)(1)(B) of the Act is that the effects of authorized incidental take must be minimized and mitigated to the maximum extent practicable. Under section 10(a)(1)(B) of the Act, a proposed project also must not appreciably

reduce the likelihood of the survival and recovery of the species in the wild, and adequate funding for a plan to minimize and mitigate impacts must be ensured.

California Endangered Species Act. The California Endangered Species Act (CESA) prohibits take of species listed as threatened or endangered by the California Fish and Game Commission, including birds, mammals, fish, amphibians, reptiles, and plants; invertebrates cannot be designated as threatened or endangered (CESA Section 2080). In CESA, take is defined as any action or attempt to hunt, pursue, catch, capture, or kill a listed species; take does not include loss or degradation of habitat alone or the impacts of the taking.

Like the Act, CESA allows exceptions to the prohibition for take that occurs during otherwise lawful activities. As described in Section 2081 of the California Fish and Game Code, incidental take of state-listed species may be authorized if an applicant submits an approved plan that minimizes and fully mitigates the impacts of take.

Los Osos

Los Osos is an unincorporated community ten miles northwest of the City of San Luis Obispo and five miles south of the City of Morro Bay in San Luis Obispo County, California. Los Osos is situated on an ancient dune complex. The sandy soil, known as the Baywood Fine Sands, combine with the region's maritime climate to create a mosaic of natural communities including coastal scrub, maritime chaparral, and coast live oak woodland, that support unique and diverse assemblages of plants and animals, including four endemic species with limited distribution.

- Morro Bay kangaroo rat (*Dipodomys heermanni morroensis*);
- Morro shoulderband snail (*Helminthoglypta walkeriana*);
- Morro Manzanita (*Arctostaphylos morroensis*); and
- Indian Knob mountainbalm (*Eriodictyon altissimum*).

Due to their small geographic range, narrow habitat parameters, and small and declining populations, these four species have been listed as either threatened or endangered under the federal Endangered Species Act and/or California Endangered Species Act. In order to comply with these laws, landowners and others seeking to conduct projects that would impact these species or their habitats must receive an incidental take permit, as described previously.

The proposed project is part of an application by the County to obtain programmatic incidental take permits from the Service and the California Department of Fish and Wildlife (Department); the agencies that implement the respective federal and state endangered species acts. The County, as the applicant, is requesting a permit term of 25 years to authorize take of covered species associated with covered activities in the Habitat Conservation Plan area, which is approximately 3,560 acres bounded by the Los Osos Urban Reserve Line. As the permittee, the County will have the ability to issue certificates of inclusion to confer incidental take coverage to landowners and other entities as long as their activities are included on the incidental take permit(s).

The Habitat Conservation Plan component of the proposed project identifies the suite of activities that will be covered by the permit (covered activities), their anticipated impacts to the listed species covered by the permit (covered species), and the steps that the County and other plan participants will take to avoid, minimize, and mitigate the impacts of the covered activities

on the covered species (the conservation strategy). Covered activities included in the Habitat Conservation Plan are:

- Commercial and residential development and redevelopment on privately-owned parcels;
- Public entity and private utility company facility and infrastructure development projects;
- Public entity and private utility company activities to operate and maintain, including repair and replace, existing facilities; and
- Activities conducted to implement the Habitat Conservation Plan conservation strategy.

The purpose of issuing a programmatic incidental take permit is to allow the County to authorize the covered activities while conserving the covered species and their habitats. Implementation of a programmatic, multi-species Habitat Conservation Plan, rather than a species-by-species or project-by-project approach, will maximize the benefits of conservation measures for covered species and eliminate potentially expensive and time-consuming efforts associated with processing individual incidental take permits for each project within the proposed Habitat Conservation Plan area. It is important to note that completion of the Los Osos wastewater treatment plant, rather than adoption of the Habitat Conservation Plan and issuance of the incidental take permit(s) to the County, is the action that will trigger lifting of the moratorium and allow new or expanded development to proceed subject to receipt of the required permits. Adoption of the Habitat Conservation Plan and issuance of the incidental take permit(s) would facilitate a streamlined permitting process and also provide a cohesive conservation strategy managed by one entity with a single funding source, but is not a requirement for activities covered in the Habitat Conservation Plan to proceed.

Project Location

The study area for the Draft EIR/NEPA document will be the unincorporated community of Los Osos, which is located on the central coast of California in San Luis Obispo County, approximately ten miles west of San Luis Obispo and five miles south of Morro Bay (see Figure 1). The study area borders the Morro Bay Estuary to the west, Morro Bay State Park to the north, Los Osos Creek to the east, and Montana de Oro State Park to the south. The study area coincides with the Urban Reserve Line for Los Osos.

Los Osos Sewer/RWQCB Prohibition Area

In 1983, the RWQCB adopted a Discharge Prohibition Area for large portions of the Los Osos/ Baywood Park community to reduce water quality pollution in the Los Osos area. This Prohibition Area has severely limited the County from issuing permits for new sources of sewage discharge or increases in the volume from existing sources. Subsequently, the County Board of Supervisors identified Los Osos as having a 'Level of Severity III' for inadequate sewage capacity, further restricting new development.

The solution to reduce this water quality problem was the construction of a public sewer system, which is now currently underway outside of Los Osos on Turri Road. Once operational, the wastewater treatment facility will provide service to 5,147 parcels within the 1,584-acre wastewater service area, including lots that are currently vacant (approximately 577 lots) (see Figure 2). As the Prohibition Area did not cover the entire community, there are 866 parcels located outside of the sewer service area that will continue to utilize septic systems for on-site sewage treatment and disposal.

PROBABLE ENVIRONMENTAL EFFECT TOPICS

As required by CEQA and NEPA, the Draft EIR/NEPA document will identify and evaluate any potentially significant adverse impacts, whether direct or indirect, that may result from the proposed project. The Draft EIR/NEPA document will also determine whether mitigation measures and/or alternatives can be implemented that will mitigate those impacts to a level that is less than significant. The alternatives for analysis in the document may include, but not be limited to, variations in the covered activities and the footprint of the actions within the approximately 3,560-acre planning area. All impacts will be evaluated against existing conditions in the study area as of the date of the issuance of this NOP.

The Draft EIR/NEPA document will address the following environmental issues, including, but not limited to:

- Aesthetics
- Agricultural Resources
- Air Quality
- Biological Resources
- Cultural Resources
- Geology and Soils
- Greenhouse Gas Emissions
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Land Use and Zoning
- Mineral Resources
- Noise
- Population and Housing
- Public Services
- Socioeconomic and Environmental Justice
- Transportation and Circulation
- Utilities and Service Systems

Additional Information: Additional information (such as color versions of attached figures) regarding this project may also be found at Planning's website: http://www.slocounty.ca.gov/planning.htm.

Attachments

Figure 1 – HCP Study Area
Figure 2 – Wastewater Treatment Plant Service Area

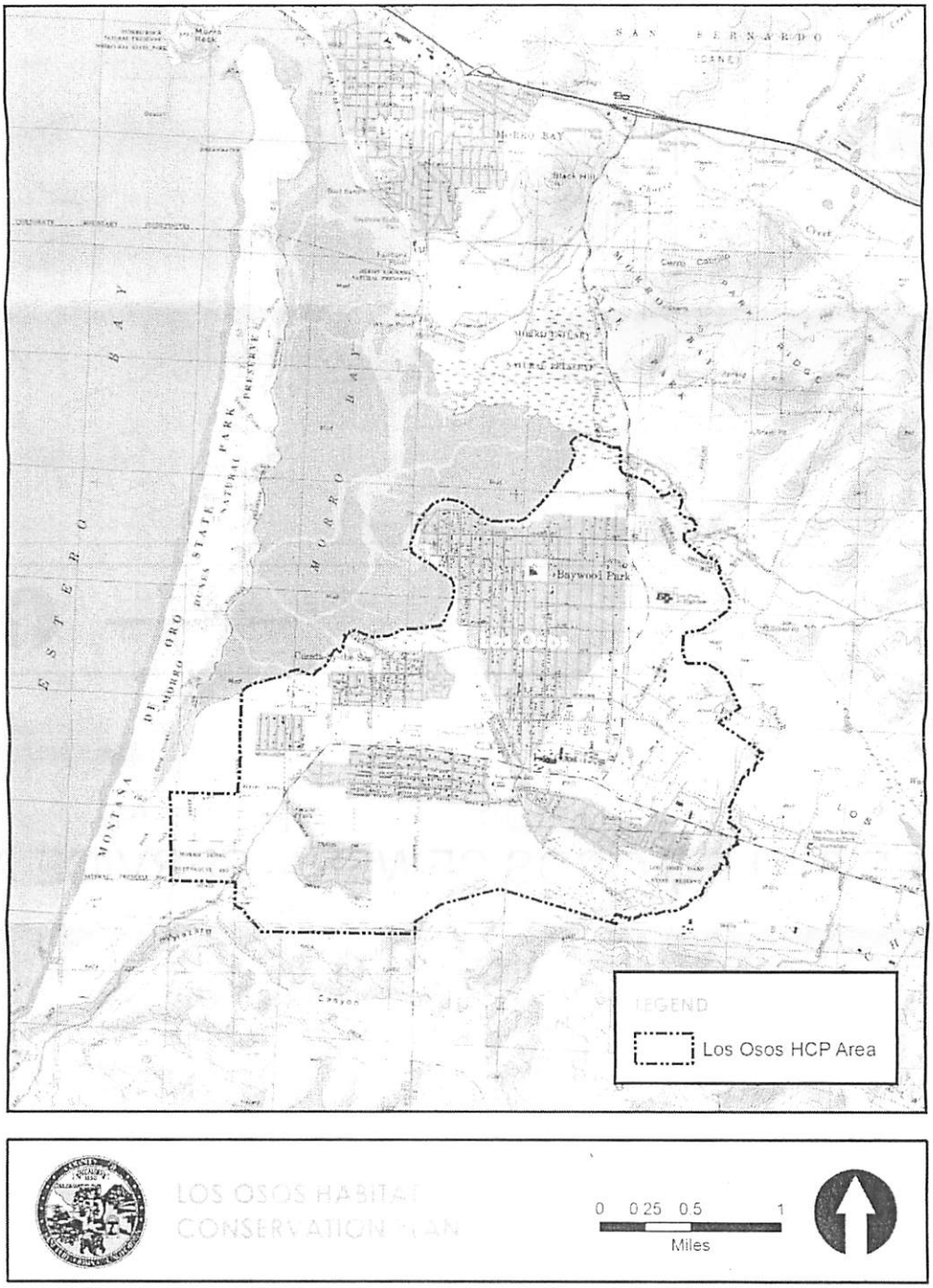

FIGURE 1 – HCP STUDY AREA

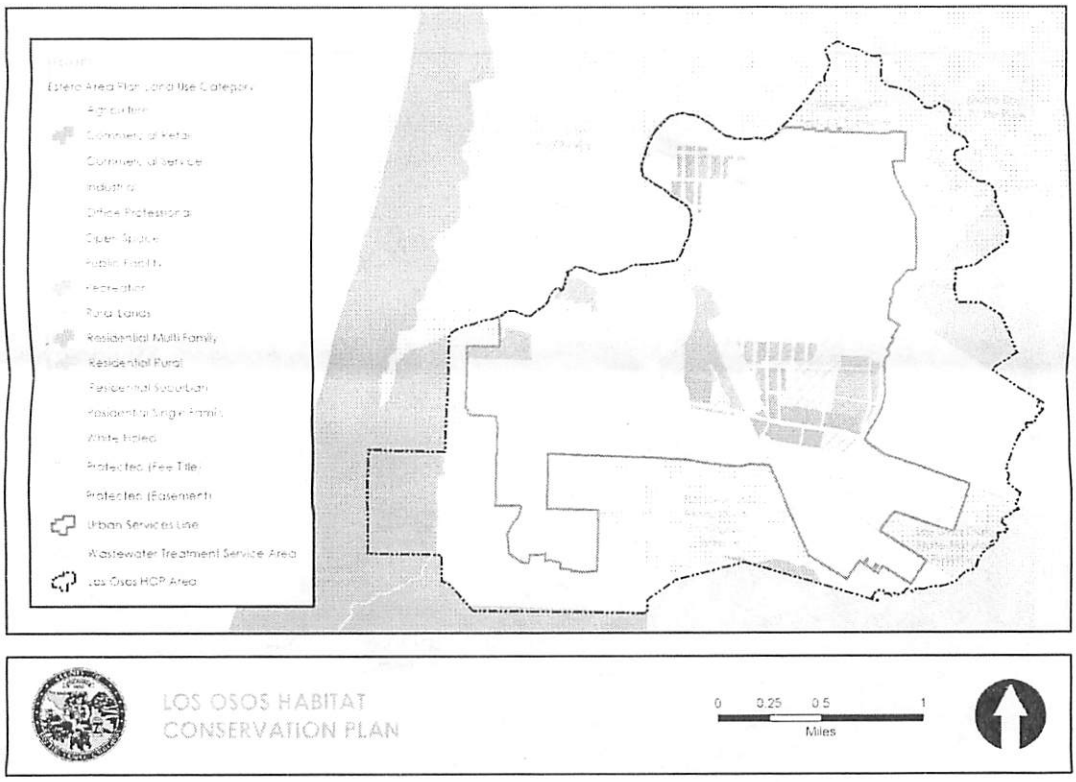

FIGURE 2 – LOS OSOS SEWER – SERVICE AREA