

Condition 65**Monterey spineflower Surveys**

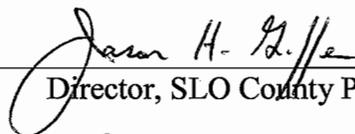
Prior to project construction and within all areas on the Broderson property that contain suitable habitat for the Monterey spineflower, a qualified biologist shall be retained to conduct botanical surveys for Monterey spineflower presence. Surveys shall be conducted during the local blooming period for the species, which typically occurs between April and June, and according to recommendations and guidelines prepared by the USFWS, CDFG, and CNPS. If positively identified, all specimens shall be clearly demarcated with flagging, and avoided to the maximum extent feasible during construction. A qualified monitoring biologist shall be retained to monitor all construction activities in the immediate vicinity (within 25 feet) of any flagged specimens that will not be removed as a result of construction activities. If specimens are positively identified within the leachfield impact area, the seeds of those specimens shall be collected and sown within suitable habitat located outside of the leachfield impact area and within the Broderson property.

The County shall provide a written report to USFWS within 90 days following the completion of the project. The report shall document the number of Monterey spineflower specimens removed from project areas, the locations of areas seeded with Monterey spineflower seeds, and the number of Monterey spineflower specimens found to be dead or damaged as a result of construction activities. The report shall contain a brief discussion of any problems encountered in implementing minimization measures, results of biological surveys, observations, and any other pertinent information such as the acreages affected and restored, or undergoing restoration, of each habitat type.

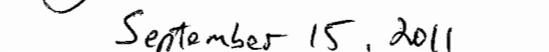
Evidence of compliance:

Monterey spineflower is not known from the region around Morro Bay. The attached details the original misidentification of spineflower in Los Osos. No impacts to the federally-endangered Monterey spineflower will occur as a result of this project.

Condition Satisfied



Director, SLO County Planning



Date



SAN LUIS OBISPO COUNTY DEPARTMENT OF PUBLIC WORKS

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Memorandum

Date: July 26, 2011

To: File

From: Kate Ballantyne, Environmental Resource Specialist

Subject: Condition 65 of LOWWP, Monterey spineflower

In 1985, an EIR for the LOWWP was prepared which included a botanical survey prepared by VL Holland and David Keil. The survey of site 6, Los Osos, as part of *An Assessment of the Impact of the Southbay Wastewater Treatment Facility's Groundwater Recharge Basins on the Vegetation of site 6, Los Osos, California* identified Monterey spineflower (*Chorizanthe pungens* var. *pungens*) occurring in the Los Osos area. The California Natural Diversity Database (CNDDDB) also recorded an occurrence of the Monterey spineflower in 2009 in the Los Osos area.

As efforts to minimize the potential take of critical habitat of the Monterey spineflower, Condition 65 requires surveys be conducted during appropriate blooming times of the spineflower and if positively identified, seeds be sown outside of the impact area. Furthermore, County shall provide a written report to USFWS of these activities within 90 days of completing the project.

However, in 2009, progress was made in clarifying the occurrence of the Monterey spineflower in the Los Osos area. *Chorizanthe* specialist Dr. James L. Reveal determined the species initially misidentified as *Chorizanthe pungens* var. *pungens*, was determined to be *Chorizanthe angustifolia* var. *eastwoodiae*. Additionally, Dr. Keil reports *Chorizanthe pungens* is not known to occur in the Morro Bay area.

Further support of the lack of occurrence of Monterey spineflower in the project vicinity was provided in the Biological Opinion (8-8-11-F-5R) for the LOWWP. Page 2 of the Opinion highlights the work of Dr. James Reveal to correctly identify the species of subject as *Chorizanthe angustifolia* and not *Chorizanthe pungens*. Based upon this determination, the proposed project would have no effect on the Monterey spineflower and as such, no special measures to protect the species are required. In turn, condition 65 of the LOWWP has been satisfied.

The following email documents the communication between Dr. David Keil and me resolving the question of any occurrence of Monterey spineflower in the Los Osos area.

From: David Keil dkeil@calpoly.edu
To: Kate Ballantyne kballantyne@co.slo.ca.us
Date: 06/02/2009 01:33 PM
Subject: Re: *Chorizanthe* identification

Hi Kate,

The specimens that served as the basis for our report of *Chorizanthe pungens* were subsequently determined by Dr. James L. Reveal to be *Chorizanthe angustifolia* var. *eastwoodiae*. *Chorizanthe pungens* is not known to occur in the Morro Bay area.

Dave Keil

From: Kate Ballantyne
kballantyne@co.slo.ca.us

To: David Keil dkeil@calpoly.edu

Date: 06/02/2009,
12:53 PM

Hello Dr. Keil,

I'm working on the Los Osos wastewater project for the County Public Works Department. Our EIR cited a report prepared by you and V.L. Holland in 1985. VL Holland and David Keil. 1985. *An Assessment of the Impact of the Southbay Wastewater Treatment Facility's Groundwater Recharge Basins on the Vegetation of Site 6, Los Osos, CA*. A Botanical Survey Prepared for the Morro Group, Inc. 4 pages. We do not have a copy of the report, but a secondary reference in the EIR says that Monterey spineflower was identified. We are attempting to verify this. Do you by any chance have a specimen in the herbarium from Los Osos, or any further information about Monterey spineflower in the Los Osos area?

I collected a specimen this weekend that seems to key out to *Chorizanthe angustifolia*. We are planning to go in the field Monday to look for additional spineflower in our project site. Because *C. pungens* is federally listed, and its presence in our project area would affect permits needed for the project, we hoped to get input from a recognized expert. Perhaps you would be willing to take a look at the *angustifolia* for verification? This would give us confidence during our future surveys that we know we've keyed it out correctly and that we could identify *pungens* if we encounter it.

Thank you in advance for any help you might be able to provide us,

Sincerely
Kate Ballantyne

Kate Ballantyne
Environmental Resource Specialist
County of San Luis Obispo
Department of Public Works
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