



July 19, 2018

Schani Siong, Senior Planner
Planning & Building Department
976 Osos Street, Room 300
San Luis Obispo, California 93408

Subject: Review of LSA Associates March 2018 Biological Resources Assessment for Master Development Plan Amendment Permit Application, Avila Beach, California

Dear Ms. Siong,

As the contract biologist for the County of San Luis Obispo (County), I have reviewed the biological resources report referenced above and am recommending that the County request further information from the Applicant or the Applicant's consultant as detailed below:

1. **California red-legged frog:** LSA Associates (LSA) conducted a habitat assessment for this species but did not follow the U.S. Fish and Wildlife Service Site Assessment or survey guidance. They did so in order to determine if further study was needed, but that is typically done by conducting a Site Assessment and coordinating with the U.S. Fish and Wildlife Service to seek input on whether further surveys are appropriate (i.e., protocol-level day and night surveys). The approach taken by LSA is common but does not result in negative findings for California red-legged frog and does not provide enough information to determine if this species may actually be present. A new record of California red-legged frog has been recorded within the adjacent golf course ponds within a half mile of the proposed project, as well as western pond turtle (Terra Verde 2018).

LSA notes in their report: *"Aquatic habitat associated with San Luis Obispo Creek was not surveyed as it is outside the survey area, no impacts are anticipated to occur to that waterway, and LSA did not have access to the property."* This is also a common approach when access is limited. In this case, LSA discounted the likelihood of California red-legged frogs occurring in San Luis Obispo Creek or the ponds within a one-mile radius of the proposed project based on the age of the record that occurs within 700 feet of the proposed project. The suitable habitat on either side of the proposed project and the ponds both northwest and northeast of the proposed project increases the likelihood that California red-legged frogs may disperse across the upland between these aquatic habitat locations. The LSA report notes that the hydrological regime of the upstream wastewater plant is unknown, thus, they were not able to definitively speak to the water flows and/or pooling in the creek adjacent to Wild Cherry Canyon.



LSA did attempt to address the potential for this species to occur on the property on occasion, proposing one mitigation measure. The measure suggested using erosion and sediment controls as a barrier for frogs that may cross the site. Silt fence is not an effective barrier for California red-legged frogs, as they can jump and/or scale this material. LSA did not clarify the location of the intended barrier. LSA did not address the potential impacts to frogs during project operations.

The recommendation is to ask LSA to revisit this issue to provide revised and additional proposed avoidance and minimization measures to ensure no impacts to this species.

- 2. Botanical:** When LSA conducted their field work, the site had been continually grazed. They describe sparse patches of native needlegrass and concluded grazing is the reason it's sparse. LSA also noted the following about the site conditions: *"The 2014–2015 rain season proved to be the fourth consecutive year with below-average rainfall totals and sporadic rain events. Some of the annual vegetation growth patterns within the survey area may have been affected by early and shortened growing seasons and blooming periods (some annual or bulbiferous species may not have emerged at all). Additionally, the long history of livestock ranching within the survey area has created an abundance of weedy species and has altered the native vegetation composition. Therefore, based on site observations coupled with the habitat suitability analysis, special-status plant species, with the exception of chaparral ragwort, are not expected to occur within the survey area. No special-status plant species are anticipated to be adversely affected by the proposed project."*

The County requested that Terra Verde conduct updated botanical surveys in May 2018 (May 21 and 22, 2018). The survey focused on any potentially occurring sensitive plant species as well as addressed the potential for unmapped Environmentally Sensitive Habitat Areas (ESHA) since this was not specifically addressed in the LSA report. It appears that grazing has ceased after the initial LSA surveys, thus, the vegetation composition has shifted.

Terra Verde surveyed the entire area surveyed by LSA in 2015, as well as an additional corridor on the slope west of Ana Bay Road (northeast corner of the overall survey area). The survey included an assessment of the type and quality of habitat present with an emphasis on identification of special-status species and sensitive habitat types that meet the definition of ESHA. The survey was timed to coincide with the typical blooming and/or fruiting period of regionally-occurring, special-status species, when plants are most readily identifiable. At the time of the survey, numerous common, annual-blooming species were readily identifiable at the site.

The population of chaparral ragwort (*Senecio aphanactis*) was identified and confirmed. At the time of the survey, less than 35 individuals were observed on the edge of coastal scrub habitat along the southern boundary of the survey area. Suitable habitat for chaparral ragwort is present throughout the site, but no additional localities were observed during the surveys.



In addition, a patchy distribution of needle grass (*Stipa* sp.) was observed and mapped throughout the grassland and coastal scrub communities within the survey area. Habitat patches of at least 0.25 acre supporting a minimum of 10 percent cover of needle grass are considered a Sensitive Natural Community by the California Department of Fish and Wildlife. However, these communities do not meet the definition of ESHA in the coastal zone. No areas of unmapped ESHA were observed.

The recommendation is that LSA address impacts to purple needlegrass grassland and propose appropriate mitigation to offset proposed impacts.

3. **Oak trees:** LSA appears to have measured oak trees six inches in diameter at breast height and above. The County and state guidance require oaks five inches and above be included in impact assessments. The report notes 17 trees may be impacted, but it appears that actual impacts (numbers, trimming versus removal) were not known at the time of the LSA report. The report recommends excluding heavy equipment from under the dripline of oaks but allows for an arborist to approve encroachment. Lastly, the report calls for blaze orange fencing as tree protection fencing.

The recommendations are that LSA include trees five inches in diameter, provide an impact assessment of trees impacted (including anticipated heavy equipment encroachment) or removed based on current project design, provide more detail on oak tree mitigation, including any proposed locations for replanting on the project site, and provide for other tree protective fencing options, such as t-posts and highly visible yellow rope.

4. **Woodrat:** LSA notes that at least one woodrat midden was documented on the site. The recommendation is that an avoidance measure be provided.
5. **Nesting birds:** The LSA report provides a shortened window for nesting birds, ending August 15 rather than the California Department of Fish and Wildlife guidance of September 15. Additionally, they propose that regulatory agencies be contacted to determine appropriate buffers should nesting occur during construction. The recommendation is for the window to be expanded and to specify buffers to be followed, versus contacting agencies during construction.

In conclusion, further information is needed to complete the CEQA review. Please feel free to contact me at blangle@terraverdeweb.com or (805) 896-5479 if you have any questions.

Sincerely,

A handwritten signature in black ink that reads "Brooke Langle". The signature is written in a cursive, flowing style.

Brooke Langle
Principal Biologist

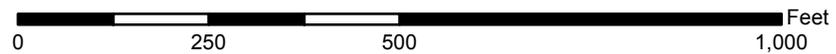
19 Jul 2018



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community

-  Approximate Survey Area (24 acres)
-  Needlegrass Grassland (>10% Cover, 2.9 acres)

 Chaparral Ragwort Population



The Cottages Project - Avila Beach, CA 2018 Updated Botanical Survey Results

