Executive Summary

Pursuant to the California Environmental Quality Act (CEQA), this Environmental Impact Report (EIR) evaluates the potential environmental impacts associated with implementation of the Los Osos Habitat Conservation Plan (LOHCP) and issuance of an incidental take permit (ITP) under Section 10(a)(1)(B) of the Federal Endangered Species Act (FESA) of 1973, as amended (16 United States Code [U.S.C.] §1531 et seq.) from the U.S. Fish and Wildlife Service (Service) to the County of San Luis Obispo (County) to allow 'take'[1] of two federally listed animal species, as well as impacts to two federally listed plant species. These actions are collectively referred to as the "proposed project" or "project." The proposed project involves discretionary actions that require approval of the County Planning Commission and the County Board of Supervisors. Therefore, the proposed project is subject to the environmental review requirements of CEQA. In accordance with Section 15121 of the *CEQA Guidelines*, the purpose of this EIR is to serve as an informational document that:

> ...will inform public agency decision-makers and the public generally of the significant environmental effects of a project, identify possible ways to minimize the significant effects, and describe reasonable alternatives to the project.

Although the primary purpose of the LOHCP is to streamline the permitting of covered activities by providing a program for the protection and enhancement of habitat for listed species impacted by such activities, adoption of the LOHCP and issuance of an ITP would commit the County to a course of action that could adversely impact the environment. Therefore, this EIR has been prepared.

Because the issuance of a Section 10 ITP constitutes a discretionary federal action by the Service and is thus subject to NEPA, the Service has prepared an Environmental Assessment (EA) pursuant to the National Environmental Policy Act ([NEPA] 42 U.S.C. §§4321–4370 et seq.). The Service is the NEPA lead agency for this project and is processing the EA as a separate document.

It is noted that although two of the covered species in the LOHCP are also state listed species, in addition to being federally listed, the proposed project would avoid potential 'take'[2] of such species, as defined by the California Endangered Species Act (CESA). Therefore, the project would not require issuance of a state ITP by the California Department of Fish and Wildlife (CDFW) under Fish and Game Code (FGC) Section 2080.

This section summarizes the project, potential environmental impacts associated with the project, required mitigation measures, and alternatives to the project. Additional detail regarding the project is located in Section 2, *Project Description*.

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[1] Under FESA, the term 'take' means "to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct" (16 U.S.C., §1532 (19)). Furthermore, the term 'harm' is defined as "an act which actually kills or injures wildlife. Such an act may include significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding, or sheltering" (16 U.S.C., §1532 (20); 50 C.F.R. §17.3).

[2] Under CESA, the term "take" means to "hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill" (FGC §86).

Project Synopsis

Project Applicant

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Project Description

The proposed project would include implementation of the LOHCP and issuance of an ITP for two federally listed species that occur in the LOHCP Area (Plan Area). The ITP issued for the LOHCP would cover the "take" of two animal species: the federally and state listed as endangered Morro Bay kangaroo rat (*Dipodomys heermanni morroensis*) and the federally listed as endangered Morro shoulderband snail (*Helminthoglypta walkeriana*). The ITP would authorize take of any form, including harassment, injury, or mortality, that could result from covered activities. In addition, the LOHCP covers two plant species: the federally and state listed as endangered Indian Knob mountainbalm (*Eriodictyon altissimum*) and the federally listed as threatened Morro manzanita (*Arctostaphylos morroensis*). It is noted that the Morro shoulderband snail and Morro manzanita are not state listed as threatened or endangered, or candidate species for state listing.

An ITP is required for the undertaking of any activity by a non-federal landowner or entity that may result in the incidental take of a federally listed animal species in the Plan Area, but which is otherwise lawful. Implementation of the LOHCP would allow non-federal landowners or entities undertaking activities covered under the LOHCP to apply for a Certificate of Inclusion (COI), allowing for take of species under the ITP, as specified in the LOHCP.

The County would select an Implementing Entity (IE) that would contract with the County to implement most LOHCP components. The IE would be a non-profit conservation organization approved by the Service and the California Department of Fish and Wildlife (CDFW), and would be responsible for processing take/impact coverage applications for all projects, issue COIs for covered activities, and implementing the LOHCP, including the conservation program, on behalf of the County. The IE would also be responsible for ensuring individual applicants for COIs meet the requirements set forth in the LOHCP.

COIs would be available to applicants with projects in the Plan Area that meet the eligibility criteria set forth in the LOHCP. Signed COIs would extend the ITP's take coverage to individual landowners and other entities for incidental take of the covered species as a result of development projects on their parcels during the permit term, provided the individuals meet the eligibility criteria in the LOHCP. Signed COIs would cover applicants for incidental take of Morro shoulderband snail and

Morro Bay kangaroo rat and impacts to Morro manzanita and Indian Knob mountainbalm as a result of development projects on their parcels during the 25-year permit term.

The LOHCP includes provisions for permit extension as long as take remains below the authorized amount specified in the ITP. Service regulations (50 CFR §13.22) allow a permit to remain in effect while the Service considers a renewal request, but only if the request is received at least 30 days prior to expiration. The LOHCP is summarily described below. Additional detail can be found in the LOHCP, which is hereby incorporated by reference in this EIR and included as Appendix B.

Alternatives

As required by Section 15126(d) of the *CEQA Guidelines*, this EIR examines a range of reasonable alternatives to the project that could feasibly achieve similar objectives. This includes the following two alternatives:

- **Alternative 1 (No Project).** Under the No Project Alternative, the LOHCP would not be implemented. Activities would continue in a manner consistent with current practices. Project proponents would be required to prepare individual ITP applications, including HCPs.
- **Alternative 2 (Reduced Take).** Under the Reduced Take Alternative, the total amount of development that would be covered would be 266 acres, 50 percent of the maximum amount in the LOHCP Alternative. After the cap is reached, no additional permits would be issued and project proponents would instead need to prepare individual ITP applications, including HCPs, in order to receive take coverage.

Based on the alternatives analysis, the proposed project was determined to be the environmentally superior alternative. Refer to Section 6, *Alternatives*, for the complete alternatives analysis.

Areas of Concern

Pursuant to Section 15123(b)(2) of the *CEQA Guidelines*, this EIR acknowledges the areas of controversy and issues to be resolved which are known to the County of San Luis Obispo or were raised during the scoping process. The County prepared and circulated a Notice of Preparation (NOP) for the EIR on September 20, 2013 and held two scoping meetings on October 8, 2013. Public comments and agency responses were due on November 20, 2013. The NOP and written comments are presented in Appendix A of this report and further discussed in Section 1, *Introduction*.

Summary of Impacts and Mitigation Measures

A Class I, Significant and Unavoidable, impact is an impact that cannot be reduced to below the threshold level given reasonably available and feasible mitigation measures. Such an impact requires a Statement of Overriding Considerations to be issued if the project is approved per Section 15093 of the *CEQA Guidelines*. **This project would not result in any significant and unavoidable (Class I) impacts.**

In accordance with the *CEQA Guidelines*, Table 1 and Table 2 identify the following types of potential impacts associated with the project:

- **Class II, Less than Significant Impact with Incorporation of Mitigation:** An impact that can be reduced to below the threshold level given reasonably available and feasible mitigation

measures. Such an impact requires Findings to be made under Section 15091 of the *CEQA Guidelines*.

- **Class III, Less than Significant Impact:** An impact that may be adverse but does not exceed the threshold levels and does not require mitigation measures. However, mitigation measures that could further lessen the environmental effect may be suggested if readily available and easily achievable.
- **Class IV, Beneficial Effect:** An effect that would reduce existing environmental problems or hazards.

Specifically, Table 1 provides a summary of the potential Class II environmental impacts of the project as well as the mitigation measures associated with each impact, which are to be implemented to reduce the environmental impacts to the maximum extent feasible. Table 2 lists the potential Class III environmental impacts under each issue area addressed in this EIR. For the Class III impacts identified in the EIR, no mitigation measures are required beyond the standard federal, state, and local requirements that would apply to the proposed project. These requirements include, but are not limited to, compliance with local development standards, implementation of local air district dust and emission control measures, state and local hazard and hazardous materials handling and response requirements, payment of state and local impact fees, preparation of a Stormwater Pollution Prevention Plan, inclusion of LID features, and implementation of Best Management Practices.

Table 1 Less than Significant Impacts with Mitigation Incorporated (Class II)

Impact	Mitigation Measures	Residual Impact
Biological Resources		
Impact BIO-1. Implementation of the project may result in impacts to special-status plant and animal species. Impacts would be Class II, less than significant with incorporation of mitigation.	**MM BIO-1(a). Biological Resources Screening and Assessment** On a project-by-project basis, a preliminary biological resource screening shall be performed as part of the environmental review process to determine whether the project has any potential to impact biological resources other than covered species. If it is determined that the project has no potential to impact biological resources, no further action is required. If the project would have the potential to impact biological resources, prior to construction, a qualified biologist shall conduct a biological resources assessment to document the existing biological resources within the project footprint plus a buffer and to determine the potential impacts to those resources. The biological resources assessment shall evaluate the potential for impacts to all biological resources including, but not limited to: special status species, nesting birds, wildlife movement, sensitive plant communities, and other resources judged to be sensitive by local, state and/or federal agencies. Depending on the results of the biological resources assessment, design alterations, further technical studies (i.e., protocol surveys) and/or consultations with the Service, CDFW, and/or other local, state, and federal agencies may be required. As part of this evaluation, the biologist shall evaluate whether the LOHCP Preserve System provides suitable habitat for any non-covered impacted species. The LOHCP Preserve System may be considered for mitigation only where it provides the appropriate habitats and this approach would not result in conflicts with the needs of the covered species, the primary focus of the reserve. **MM BIO-1(b). Special Status Plant Species Surveys** If completion of the project-specific biological resources screening and assessment determines that non-covered special-status plant species have potential to occur on-site, surveys for special-status plants shall be completed prior to any vegetation removal, grubbing, or other construction activity of	Less than significant

Impact	Mitigation Measures	Residual Impact

each project (including staging and mobilization). The surveys shall be floristic in nature and shall be seasonally-timed to coincide with the target species identified in the project-specific biological resources assessment. All plant surveys shall be conducted by a qualified biologist approved by County no more than one years prior to project implementation (annual grassland habitats may require yearly surveys). All special status plant species identified on-site shall be mapped onto a site-specific aerial photograph or topographic map. Surveys shall be conducted in accordance with the most current protocols established by the Service, CDFW, and County. A report of the survey results shall be submitted to the County for review. If special status plant species are identified, MM BIO-1(c) shall apply.

MM BIO-1(c). Special Status Plant Species Avoidance, Minimization and Mitigation

If federally and/or state listed and/or CRPR 1 and 2 species are found during special status plant surveys (pursuant to mitigation measure MM BIO-1(b)), the project shall be redesigned to avoid impacting these plant species to the maximum extent feasible. If CRPR 3 and 4 species are found, the biologist shall evaluate to determine if they meet criteria to be considered special status, and if so, the same process as identified for CRPR 1 and 2 species shall apply.

If special-status plant species cannot be avoided and would be impacted by a project, the biologist must also evaluate whether population-level effects would occur, and if habitats preserved in the LOHCP Preserve System are suitable for the species and known to be occupied. Species not known to be protected in the LOHCP Preserve System or for which habitats in the LOHCP Preserve System are not suitable would require additional mitigation at an appropriate ratio to fully offset project impacts, as determined by a qualified biologist for each species as a component of habitat restoration. A restoration plan shall be prepared and submitted to County for approval.

MM BIO-1(d). Non-Covered Listed Species Habitat Assessment and Protocol Surveys

Specific habitat assessment and survey protocol surveys are established for several federally and/or state listed as endangered and/or threatened animal species. If the results of the biological resources assessment determine that suitable habitat may be present for any such species not covered by the LOHCP, protocol habitat assessments/surveys shall be completed in accordance with CDFW and/or Service/NMFS protocols prior to issuance of any construction permits/project approvals.

Alternatively, in lieu of conducting protocol surveys, the applicant may choose to assume presence within the project footprint and proceed with development of appropriate avoidance measures, consultation and permitting, as applicable. If the target species is detected during protocol surveys, or protocol surveys are not conducted and presence assumed based on suitable habitat, mitigation MM BIO-1(e) shall apply.

MM BIO-1(e). Non-Covered Listed Species Avoidance and Compensatory Mitigation

If habitat is occupied or presumed occupied by non-covered federal and/or state listed species that could be impacted by the project, the applicant shall redesign the project in coordination with a qualified biologist to avoid impacting occupied/presumed occupied habitat to the maximum extent feasible. If occupied or presumed occupied habitat cannot be avoided, the qualified biologist shall evaluate the total acreages for habitat that would be impacted. Compensatory mitigation shall be provided at an appropriate ratio to fully offset project impacts, as determined by a qualified biologist for permanent impacts. Compensatory mitigation may be combined/nested with special status plant species and sensitive community restoration where applicable. Temporary impact areas shall be restored to pre-project

Impact	Mitigation Measures	Residual Impact

conditions. The applicant may also need to obtain separate take permits for species not covered by the HCP.

If the LOHCP Preserve System is proposed for mitigation, the project biologist shall demonstrate that habitat is suitable and mitigation would not conflict with primary reserve goals. For example, certain restoration activities such as invasive species control can benefit many different species. If on- and/or off-site mitigation sites that are not part of the LOHCP Preserve System are identified, the applicant shall retain a qualified biologist to prepare a Habitat Mitigation and Monitoring Plan (HMMP) to ensure the success of compensatory mitigation sites that are to be conserved for compensation of permanent impacts to federally and/or state listed species. The HMMP shall identify long-term site management needs, routine monitoring techniques, and success criteria, and shall determine if the conservation site has restoration needs to function as a suitable mitigation site. The HMMP shall be submitted to the County for approval.

MM BIO-1(f). Non-Covered Endangered/Threatened Species Avoidance and Minimization During Construction

The following measures shall be applied to aquatic and terrestrial species, where appropriate. The County shall select from these measures as appropriate depending on site conditions, the species with potential for occurrence and the results of the biological resources screening and assessment (mitigation measure MM BIO-1(a)).

- Pre-construction surveys for non-covered federal and/or state listed species with potential to occur shall be conducted where suitable habitat is present by a qualified biologist not more than 48 hours prior to the start of construction activities. The survey area shall include the proposed disturbance area and all proposed ingress/egress routes, plus a 100-foot buffer. If any life stage of federal and/or state listed species is found within the survey area, the appropriate measures in the Biological Opinion or Habitat Conservation Plan/ITP issued by the Service/NMFS (relevant to federally listed species) and/or the ITP issued by the CDFW (relevant to state listed species) shall be implemented; or if such guidance is not in place for the activity, the qualified biologist shall recommend an appropriate course of action, which may include consultation with the Service, NMFS, and/or CDFW. The results of the pre-construction surveys shall be submitted to the County for review and approval prior to start of construction. As described in the LOHCP, this is not anticipated to commonly occur because the LOHCP has been designed to cover the species most likely to be impacted by project-level activities.
- Ground disturbance shall be limited to the minimum necessary to complete the project. The project limits of disturbance shall be flagged. Areas of special biological concern within or adjacent to the limits of disturbance shall have Environmental Sensitive Area fencing installed between said area and the limits of disturbance.
- All projects occurring within/adjacent to aquatic habitats (including riparian habitats and wetlands) shall be completed during the dry season, typically between April 1 and October 31, to avoid impacts to sensitive aquatic species.
- All projects occurring within or adjacent to sensitive habitats that may support non-covered federally and/or state listed as endangered/threatened species shall have a qualified biologist present during all initial ground-disturbing/vegetation-clearing activities. Once initial ground-disturbing/vegetation-clearing activities have been completed, the biologist shall conduct daily pre-activity clearance surveys for endangered/threatened species. Alternatively, as outlined in project permits if applicable, said biologist may conduct site inspections at a minimum of once per week to ensure all prescribed avoidance and minimization measures are begin fully implemented.

Impact	Mitigation Measures	Residual Impact

- No non-covered endangered/threatened species shall be captured and relocated without authorization from the CDFW and/or the Service/NMFS.
- If pumps are used for dewatering activities, all intakes shall be completely screened with wire mesh not larger than five millimeters to prevent animals from entering the pump system.
- If at any time during construction of the project, a non-covered endangered/threatened species enters the construction site or otherwise may be impacted by the project, all project activities shall cease. At that point, a qualified biologist shall recommend an appropriate course of action, which may include consultation with the Service, NMFS and/or CDFW. Alternatively, the appropriate measures shall be implemented in accordance with the Biological Opinion or Habitat Conservation Plan/ITP issued by the Service (relevant to federally listed species) and/or the ITP issued by the CDFW (relevant to state listed species) and work can then continue as guided by those documents and the agencies as appropriate.
- All vehicle maintenance/fueling/staging shall occur not less than 100 feet from any riparian habitat or water body. Suitable containment procedures shall be implemented to prevent spills. A minimum of one spill kit shall be available at each work location near riparian habitat or water bodies.
- No equipment shall be permitted to enter wetted portions of any affected drainage channel other than equipment necessary to conduct approved dewatering activities required for project construction.
- All equipment operating within streambeds (restricted to conditions in which water is not present) shall be in good conditions and free of leaks. Spill containment shall be installed under all equipment staged within stream areas and extra spill containment and clean up materials shall be located in close proximity for easy access.
- At the end of each work day, excavations shall be secured with cover or a ramp shall be provided to prevent wildlife entrapment.
- All trenches, pipes, culverts, or similar structures shall be inspected for animals prior to burying, capping, moving, or filling.

MM BIO-1(g). Non-Listed Special Status Animal Species Avoidance and Minimization

Depending on the species identified in the Plan Area, the following measures shall be selected from among the following to reduce the potential for impacts to non-listed special-status animal species:

- Pre-construction clearance surveys shall be conducted within 14 days prior to the start of construction (including staging and mobilization). The surveys shall cover the entire disturbance footprint plus a minimum 100-foot buffer and shall identify all special-status animal species that may occur on-site. All non-listed special-status species shall be relocated from the site either through direct capture or through passive exclusion. A report of the pre-construction survey shall be submitted to the County for their review and approval prior to the start of construction.
- A qualified biologist shall be present during all initial ground disturbing activities, including vegetation removal, to recover special-status animal species unearthed by construction activities.
- Upon completion of the project, a qualified biologist shall prepare a final compliance report documenting all compliance activities implemented for the project, including the pre-construction survey results. The report shall be submitted within 30 days of completion of the project.
- If special-status bat species may be present and impacted by the project, or if maternal colonies may be present, within 30 days of the start of construction a qualified biologist shall conduct presence/absence surveys for special-status bats and maternal colonies, where suitable roosting habitat is present. Surveys shall be conducted using acoustic detectors and by searching tree cavities, crevices, and other areas where bats may

Impact	Mitigation Measures	Residual Impact

roost. If active bat roosts or colonies are present, the biologist shall evaluate the type of roost to determine the next step.

- If a maternity colony is present, all construction activities shall be postponed within a 250-foot buffer around the maternity colony until it is determined by a qualified biologist that the young have dispersed or as recommended by CDFW through consultation. Once it has been determined that the roost is clear of bats, the roost shall be removed immediately.
- If a roost is determined by a qualified biologist to be used by a large number of bats (large hibernaculum), alternative roosts, such as bat boxes if appropriate for the species, shall be designed and installed near the project site. The number and size of alternative roosts installed will depend on the size of the hibernaculum and shall be determined through consultations with the CDFW.
- If other active roosts are located, exclusion devices such as valves, sheeting, or flap-style one-way devices that allow bats to exit but not re-enter roosts discourage bats from occupying the site.

MM BIO-1(h). Preconstruction Surveys for Nesting Birds

For construction activities occurring during the nesting season (generally February 1 to September 15), surveys for nesting birds covered by the FGC, Migratory Bird Treaty Act, and Bald and Golden Eagle Protection Act shall be conducted by a qualified biologist no more than 30 days prior to vegetation removal activities.

A qualified biologist shall conduct preconstruction surveys for raptors. The survey for the presence of bald and golden eagles, shall cover all areas within of the disturbance footprint plus a one-mile buffer where access can be secured. The survey area for all other nesting bird and raptor species shall include the disturbance footprint plus a 300-foot and 500-foot buffer, respectively.

If active nests (nests with eggs or chicks) are located, the qualified biologist shall establish an appropriate avoidance buffer ranging from 50 to 300 feet based on the species biology and the current and anticipated disturbance levels occurring in vicinity of the nest. The objective of the buffer shall be to reduce disturbance of nesting birds. All buffers shall be marked using high-visibility flagging or fencing, and, unless approved by the qualified biologist, no construction activities shall be allowed within the buffers until the young have fledged from the nest or the nest fails.

For bald or golden eagle nests identified during the preconstruction surveys, an avoidance buffer of up to one mile shall be established on a case-by-case basis in consultation with the Service and CDFW. The size of the buffer may be influenced by the existing conditions and disturbance regime, relevant landscape characteristics, and the nature, timing, and duration of the expected disturbance. The buffer shall be established between February 1 and August 31; however, buffers may be relaxed earlier than August 31, if a qualified ornithologist determines that a given nest has failed or that all surviving chicks have fledged and the nest is no longer in use.

A report of these preconstruction nesting bird surveys and nest monitoring (if applicable) shall be submitted to the County for review and approval prior to the start of construction.

MM BIO-1(i). Worker Environmental Awareness Program (WEAP)

Prior to initiation of construction activities (including staging and mobilization), all personnel associated with project construction shall attend WEAP training, conducted by a qualified biologist, to aid workers in recognizing special status resources that may occur in the project area. The specifics of this program shall include identification of the sensitive species and habitats, a description of the regulatory status and general ecological characteristics of sensitive resources, and review of the limits of construction

Impact	Mitigation Measures	Residual Impact

and mitigation measures required to reduce impacts to biological resources within the work area. A fact sheet conveying this information shall also be prepared for distribution to all contractors, their employers and other personnel involved with construction of the project. All employees shall sign a form documenting that they have attended the WEAP and understand the information presented to them.

MM BIO-2. Herbicide Guidance

The Adaptive Management Plan shall provide specific guidance regarding use of herbicides to minimize risk of overspray and avoid incidental impacts to covered species and their habitats. Specifically, the plan shall prohibit spraying when wind speed exceeds 10 miles per hour (mph) gusts or when rain is predicted within 24 hours. Situations in which pre-construction surveys for covered species will be conducted must be specifically identified. Specific herbicides proposed for use must be identified in consultation with the County and/or the Service and CDFW prior to use in the Plan Area.

MM BIO-3. Prescribed Fire Guidance

The Adaptive Management Plan shall provide specific guidance on how and where prescribed fire or fire surrogate treatments will be applied. This guidance must identify management conflicts between the covered species and other resources that result from the different adaptations of the four covered species to fire (e.g., of different return intervals), and a clear plan for addressing these conflicts throughout the design and implementation of treatments (e.g., limit treated area to sites occupied by only one covered species). If used, prescribed fires or fire surrogates must be conducted in a manner that considers needs of special-status species not covered by the LOHCP. At a minimum the plan shall include the following elements:

a) Timing shall be outside nesting bird season (after August 31), and after temperatures have cooled.

b) To limit the potential for short-term negative impacts to have long-term repercussions on small or isolated populations of sensitive plants and animals, design and implement prescribed burns or fire surrogates in small patches and retain refugia consisting of intact habitat adjacent to the treatment areas. Connecting occupied areas to treatment areas and adjacent occupied habitat will facilitate recolonization of restored habitat the restoration treatments.

c) The Plan shall identify appropriate periods of time between fires (i.e., return intervals) to ensure that burned areas have sufficient time for recruitment and recovery of native flora and fauna before adjacent areas are treated. All covered species and other special-status species must be considered, and where conflicts exist in fire return intervals, the plan must identify a method of prioritizing needs. The plan must work to conserve special-status species not covered by the HCP where possible.

d) The Plan must require development of a spatial database to track fire-related treatments to avoid too frequent treatment (e.g., inappropriately short fire return intervals).

e) Known locations of non-listed special-status plants, animals, and lichens shall be considered when planning fire treatments to avoid short-term impacts to the entirety of any known occurrence.

MM BIO-4. Avoidance and Minimization Measures for Non-Listed Special-Status Wildlife Species

Avoidance and minimization measures can reduce take of individuals of non-listed special-status reptiles, as well as common reptiles during prescribed treatments such as burns, mechanical weed removal, and erosion control efforts. Ecological requirements and potential for impacts is variable among these species. Projects where work is completed above ground, does not use heavy equipment (e.g., use of hand tools, weed whacking, etc.), or does not result in ground disturbance are excluded from this measure. Any project

Impact	Mitigation Measures	Residual Impact

requiring use of heavy equipment (e.g., new trail construction, repair of erosion) shall have a County-approved biologist select measures from among the following, depending on the species identified in the treatment, to reduce the potential for impacts to special-status wildlife species:

a) For special-status terrestrial reptiles, "coverboard" surveys shall be completed within three months of the start of construction. The coverboards shall be at least four feet by four feet and constructed of untreated plywood placed flat on the ground. The coverboards shall be checked by a qualified biologist once per week for each week after placement up until the start of vegetation removal. All special-status and common animals found under the coverboards shall be captured and placed in five-gallon buckets for transportation to relocation sites near but outside proposed restoration or management activity. All relocation sites shall consist of suitable habitat similar to the original habitat site, and as close as possible to but outside the treatment area. Relocation sites shall be as close to the capture site as possible but far enough away to ensure the animal(s) is not harmed by the project. Relocation shall occur on the same day as capture. All special-status species found and relocated shall be tallied and recorded in a database. CNDDB Field Survey Forms shall be submitted to the CFDW for special-status animal species relocated for restoration and management activities on an annual basis.

b) Pre-construction clearance surveys shall be conducted within five days of the start of work (including staging and mobilization). The surveys shall cover the entire disturbance footprint plus a minimum 200-foot buffer, if feasible, and shall identify all special-status wildlife species that may occur onsite. All special-status wildlife species shall be relocated from the site through direct capture. Relocation efforts shall be documented and reported annually.

MM BIO-5. Nesting Bird Avoidance Measures

Activities with risk to nesting birds and raptors, including weed management activities expected to occur during the nesting season, must implement the following:

a) Minimum avoidance distances for native birds likely to occur in the Plan Area must be provided for all management and restoration actions that could occur during nesting season. If activities cannot be conducted outside nesting season, the Adaptive Management Plan must identify how nesting birds will be protected through a pre-activity survey.

b) For activities occurring during the nesting season (generally February 1 to August 31), surveys for nesting birds covered by the FGC and the Migratory Bird Treaty Act shall be conducted by a qualified biologist no more than 14 days prior to vegetation removal. The surveys shall include the entire disturbance area plus a 500-foot survey buffer around the site. If active nests are located, all work shall be conducted outside a nest buffer zone from the nest. Nest buffer zone size shall be determined by the qualified biologist based on species and site conditions. The buffer area(s) shall be closed to all construction personnel and equipment until the adults and young are no longer reliant on the nest site. If nests are identified subsequent to the initial nest survey, the above avoidance buffer measures shall apply. A qualified biologist shall confirm that breeding/nesting is completed and young have fledged the nest prior to removal of the buffer.

MM BIO-6. Rare Plant and Lichen Database

Existing records for all special-status plants and lichens known to occur in the Plan Area shall be compiled and reviewed. As special-status plants or lichens are encountered through covered activities, they shall be documented and maintained in a database. This database shall be utilized to inform management decisions regarding prescribed fire, fire surrogate treatments, and invasive species control efforts. Management activities with potential to

Impact	Mitigation Measures	Residual Impact
	impact individual rare plants and lichens shall be planned such that known occurrences of rare plants or lichens are never completely impacted by the activity. For example, a fire treatment or surrogate fire treatment could remove one patch of chaparral with splitting yarn lichen, but must not remove all shrubs with splitting yarn lichen from that occurrence. In this measure, separate occurrences are defined as those which are one-quarter mile apart or greater. **MM BIO-7. Rare Plant Life Cycle Consideration** Management activities with the potential to negatively impact rare plants, particularly annual plant species, should occur after seed has set, whenever possible. **MM BIO-8. Pre-Construction Surveys for Badger Dens** Any project requiring use of heavy equipment and resulting in ground disturbance (e.g., new trail construction, repair of erosion) shall complete a pre-construction survey for active badger dens not less than two weeks prior to the initiation of work. The surveys shall include a thorough walking survey of the entire site. The survey shall cover the entire area proposed for disturbance plus a 100-foot buffer. Active dens located within the survey area shall be avoided during the breeding season (March 1 through June 30). A minimum buffer of 100 feet around the active den shall be demarcated by flagging or construction fencing (fencing would be installed to leave the first foot above ground open to permit movement of badgers in and out of the buffer zone). If the den must be impacted, a biologist shall then use appropriate tracking and observation methods to determine when an active den is no longer in use. When the biologist confirms that the den is no longer in use, activity may proceed, or the den may be collapsed by the biologist if work will not proceed immediately to avoid the need for further follow-up surveys. A qualified biologist shall conduct a training session for all construction personnel prior to the start of project activities requiring the use of heavy equipment and resulting in ground disturbance. At a minimum, the training shall include a description of the species and their habitats, the specific measures that will be implemented to conserve and protect the species, and the project boundaries defining the work limit areas. Brochures, books, and briefings may be used in the training session.	
Impact BIO-2. Implementation of the project would have a substantial adverse effect on sensitive habitats, including riparian areas. Impacts would be Class II, less than significant with incorporation of mitigation.	**MM BIO-9. Sensitive Vegetation Avoidance and Monitoring** New trails shall occur in degraded habitat and avoid the high quality suitable habitat for covered species to the maximum extent possible. Where actions must occur in high quality suitable habitat, follow-up monitoring shall be conducted every other year for five years to ensure that no adverse effects to the remaining vegetation community along the trail occur. If problems are noted, the source of the problem shall be identified and remedial actions shall be taken to address the issue, and return the impacted area to its original condition.	Less than significant

Impact	Mitigation Measures	Residual Impact
Cultural Resources		
Impact CR-1. Ground disturbance from implementation of the project would have the potential to disturb historical, archaeological, and/or paleontological resources. impacts would be Class II, less than significant with incorporation of mitigation.	**MM CR-1. Pre-Construction Cultural Resources Survey** Prior to the implementation of covered activities associated with development of the Preserve System and which involve ground disturbance, the County and/or Implementing Entity shall contract with a County-qualified archaeologist to perform a Phase I cultural resources assessment. In the event that cultural resources are identified during the Phase I assessment, if the resource cannot be avoided, the implementing agency shall implement a Phase II subsurface testing program to determine the resource boundaries within the impact area, assess the integrity of the resource, and evaluate the site's significance through a study of its features and artifacts. If the site is determined significant, the County and/or Implementing Entity may choose to cap the resource area using culturally sterile and chemically neutral fill material. A qualified archaeologist shall be retained to monitor the placement of fill upon the site. If a significant site would not be capped, the results and recommendations of the Phase II study shall determine the need for a Phase III data recovery program designed to record and remove significant prehistoric or archaeological cultural materials that could otherwise be tampered with or impacted by activities covered under the LOHCP. If the site is determined to be not significant, no capping or further archaeological investigation shall be required, though archaeological monitoring may still be required. The results and recommendations of the Phase II and/or Phase III studies shall determine the need for construction monitoring and/or project redesign to minimize resource effect. **MM CR-2. Archaeological Resource Construction Monitoring** Prior to the commencement of construction activities for each project component undertaken as part of development or management of the LOHCP Preserve System, if areas within each project component are identified by a qualified professional as sensitive for cultural resources and archaeological monitoring of construction activities is recommended, the following procedures shall be followed: ▪ An orientation meeting shall be conducted by an archaeologist, general contractor, subcontractor, and construction workers associated with earth disturbing activities. The orientation meeting shall describe the potential of exposing archaeological resources, the types of cultural materials that may be encountered, and directions on the steps that shall be taken if such a find is encountered. ▪ A qualified archaeologist shall be present during all initial earth moving activities within the culturally sensitive areas. **MM CR-3. Paleontological Resource Construction Monitoring** Any excavations within the Preserve System mapped with Monterey Formation at the surface, or where excavations expose below ground units of the Monterey Formation (bedrock shale below Holocene alluvium) shall be monitored on a full-time basis by a qualified paleontological monitor. If no fossils are observed during the first 50 percent of excavations, paleontological monitoring may be reduced to weekly spot-checking under the discretion of the qualified paleontologist. If fossils are discovered, the qualified paleontologist (or paleontological monitor) shall recover them. Typically, fossils can be safely salvaged quickly by a single paleontologist and not disrupt construction activity. In some cases, larger fossils (such as complete skeletons or large mammal fossils) require more extensive excavation and longer salvage periods. In this case the paleontologist shall have the authority to temporarily direct, divert or halt construction activity to ensure that the fossil(s) can be removed in a safe and timely manner. Once salvaged, fossils shall be identified to the lowest possible taxonomic level, prepared to a curation-ready condition and curated in a scientific institution with a permanent paleontological collection, along with all pertinent field notes, photos, data, and maps.	Less than significant

Impact	Mitigation Measures	Residual Impact
Hazards and Hazardous Materials		
Impact HAZ-1. Construction of covered activities could potentially encounter unknown hazardous materials during ground disturbance. Individual projects would be required to undergo project-specific review to determine potential risks associated with known or unknown existing hazardous materials. Impacts would be Class II, less than significant with mitigation incorporated.	**MM HAZ-1. Contingency Plan** Prior to construction or site restoration, a Contingency Plan shall be prepared to address actions that would be taken during construction in the event that unexpected ordnance and/or contaminated soil or groundwater is discovered. The Contingency Plan shall include health and safety considerations, handling and disposal of wastes, reporting requirements, and emergency procedures. The Contingency Plan shall include a requirement that if evidence of contaminated materials is encountered during construction, construction would cease immediately and applicable requirements of the Comprehensive Environmental Release Compensation and Liability Act and the California Code of Regulations Title 22 regarding the disposal of waste would be implemented.	Less than significant
Impact HAZ-4. The project would include wildfire management as a conservation strategy but would also preserve vegetated land that can act as fuel for wildfire. The project would allow covered activities to occur in "high" and "very high" Fire Hazard Severity Zone and State Responsibility Areas. Impacts would be Class II, less than significant with mitigation incorporated.	**MM HAZ-2. Fire Management Plan** A fire management plan shall be prepared for all lands included in the Preserve System by the Implementing Entity, which addresses fire management and suppression based onsite-specific conditions. Each fire management plan is required to include the following: ▪ A map of fire access roads and gates ▪ Identification of fuel load management methods, such as mowing, livestock grazing, and maintenance of unvegetated buffers, and criteria for their application ▪ Criteria and procedures for prescribed fire for management purposes (burn plan) ▪ A description of fire-suppression criteria, procedures, resources, and responsibilities, including criteria for selecting fire-fighting water sources ▪ A discussion of restoration/rehabilitation of vegetation following a fire	Less than significant
Hydrology and Water Quality		
Impact HWQ-6. The project may affect the quantity of available surface or groundwater. Impacts would be Class II, less than significant with mitigation incorporated.	**MM HWQ-1. Reduce Water Supply Demands** For covered activities, one or a combination of the following options shall be implemented to reduce use of water supplies: ▪ Irrigation shall use utilize recycled water supplies. ▪ Retrofit offsite landscaped areas to utilize recycled water supplies. ▪ Retrofit offsite public facilities (e.g., County offices, schools, libraries, etc.) that are in the same water service area. The determination of the water demand that requires an offset, and the mechanisms for the offset, shall be determined by the County in consultation with the applicable water service provider(s). ▪ Retrofit other facilities in the water service area, as determined appropriate by the County, as well as including consent from the property	Less than significant

Impact	Mitigation Measures	Residual Impact
	owner affected. **MM HWQ-2. Dust Control Watering** For construction activities, dust control shall be conducted using recycled water supplies or other dust suppressant substance/methodology to reduce use of water supplies. Also, for smaller projects, when appropriate and not near water bodies/creeks, consider scheduling construction during the rainy season, or after smaller rain events. **MM HWQ-3. New Restrooms for Recreational Use** Restrooms installed in the Preserve System as part of implementation of the LOHCP shall reduce demand for water through one of the following options: ▪ Retrofit offsite facilities that are in the service area. The determination of the water demand that requires an offset, and the mechanisms for the offset, shall be determined by the County and applicable water service provider(s). ▪ Omit development of any proposed restroom facility that cannot meet this requirement.	
Noise		
Impact N-1. Construction of covered activities would result in a temporary increase in ambient noise levels. Impacts would be Class II, less than significant with mitigation incorporated.	**MM N-1. Project-Specific Noise Studies** All construction work proposed outside of the County's construction noise exemption period (7:00 a.m. to 9:00 p.m. Monday through Friday and 8:00 a.m. and 5:00 p.m. on Saturday or Sunday) shall be accompanied by a noise study that includes measures to achieve the daytime and/or nighttime threshold for stationary equipment (50 dBA Leq during the day and 45 dBA Leq at night). Measures used to achieve the daytime and nighttime thresholds could include, but are not limited, the following: ▪ Stationary construction equipment that generates noise that exceeds the thresholds at the boundaries of adjacent sensitive receptors shall be baffled to reduce noise and vibration levels ▪ Construction equipment powered by internal combustion engines shall be properly muffled and maintained ▪ Unnecessary idling of internal combustion engines shall be prohibited ▪ Placement of stationary construction equipment such that emitted noise is directed away from sensitive noise receivers ▪ Use of sound blankets on noise generating equipment ▪ Construction of temporary sound barriers between the construction site and nearby sensitive receptors ▪ Maximize the distance between construction equipment staging and parking areas and occupied residential areas ▪ Use of electric air compressors and similar power tools, rather than diesel equipment ▪ Placement of staging areas onsite to minimize offsite transportation of heavy construction equipment ▪ Siting of staging areas to maximize the distance between activity and sensitive receptors (neighboring residences) The required noise study shall include, to the satisfaction of the County Department of Planning and Development, a Noise Mitigation and Monitoring Program, and demonstrating how the required thresholds would be achieved. **MM N-2. Trail Signage** Where trails cross through fences or barriers to remain, install a gate at these points in the Preserve System. The IE shall be responsible for ensuring that the gates are closed and locked during nighttime hours. In addition, all-weather signage shall be installed at trailheads to alert the user when trails are closed.	Less than significant

Table 2 Additional Impacts (Class III, Less than Significant Impacts; Class IV, Beneficial Effects; and No Impacts)

Impact
Air Quality
Impact AQ-1. The project would not conflict with or obstruct implementation of the SLOAPCD 2001 Clean Air Plan. Impacts would be Class III, less than significant.
Impact AQ-2. Criteria pollutants generated by project construction would not exceed any applicable SLOAPCD thresholds. Impacts would be Class III, less than significant.
Impact AQ-3. The project would not expose sensitive receptors to substantial pollutant concentrations. Impacts would be Class III, less than significant.
Impact AQ-4. The project would not expose sensitive receptors to substantial pollutant concentrations. Impacts would be Class III, less than significant.
Biological Resources
Impact BIO-3. Implementation of the project would not substantially interfere with the movement of resident or migratory fish or wildlife species or with established resident or migratory wildlife corridors. Impact would be Class IV, beneficial effect.
Impact BIO-4. Implementation of the project would not conflict with local policies or ordinances protecting biological resources. Impacts would be a Class III, less than significant.
Cultural Resources
Impact CR-2. The project would have the potential to disturb human remains. However, if human remains are discovered, implementation of state and local laws would avoid significant impacts. Impacts would be Class III, less than significant.
Geology and Soils
Impact GEO-1. The Plan Area is subject to various geological hazards, including seismic groundshaking and landslides, liquefaction, fault rupture, and expansive soils. Impacts would be Class III, less than significant.
Impact GEO-2. The covered activities could potentially result in soil erosion, topographic changes, loss of topsoil, or unstable soil conditions from project-related improvements; however, covered activities would be required to comply with state and local regulations to minimize impacts. Impacts would be Class III, less than significant.
Impact GEO-3. Expansive soil units may underlie portions of the Plan Area; however, compliance with County site-specific geotechnical studies would address expansive soils if present at the sites of covered activities. Impacts would be Class III, less than significant.
Impact GEO-4. The project would be consistent with the Geologic and Seismic Hazards goals and policies contained in the County's General Plan Safety Element. Impacts would be Class III, less than significant.
Impact GEO-5. The project would not preclude the future extraction of valuable mineral resources as no such resources are identified on or adjacent to the project site. No impact would occur.
Greenhouse Gas Emissions
Impact GHG-1. The project would not generate GHG emissions in excess of SLOAPCD thresholds such that it would result in adverse effects on the environment. Implementation of the LOHCP Preserve System would result in some initial GHG emissions, but such emissions would be offset by the long-term sequestration potential of restored and protected habitat. Impacts would be Class IV, beneficial effects.
Hazards and Hazardous Materials
Impact HAZ-2. No sites on the Cortese List are located on the Plan Area. Therefore, no related impacts would occur.
Impact HAZ-3. The project would not directly contribute to congestion of evacuation routes. impacts would be Class III, less than significant.

Impact
Hydrology and Water Quality
Impact HWQ-1. The project is not expected to adversely affect water quality. Impacts would be Class III, less than significant.
Impact HWQ-2. The project would create a slight increase in runoff but would not exceed the capacity of stormwater systems or cause substantial pollution. Impacts would be Class III, less than significant.
Impact HWQ-3. The project would not substantially affect soil absorption or substantially affect the amount or direction of surface runoff. Impacts would be Class III, less than significant.
Impact HWQ-4. The project would not substantially change drainage patterns or effect on- or off-site sedimentation/erosion or flooding. Impacts would be Class III, less than significant.
Impact HWQ-5. The project would not involve any activities within the 100-year flood zone. Impacts would be Class III, less than significant.
Impact HWQ-7. The project would not expose people to risk of loss, injury, or death involving flooding, or inundation by seiche, tsunami, or mudflow. Impacts be Class III, less than significant.
Land Use and Planning
Impact LU-1. The project would be consistent with the policies and regulations in applicable land use plans. Impacts would be Class III, less than significant.
Impact LU-2. The project would not be incompatible with surrounding land uses. No impacts would occur.
Noise
Impact N-2. Construction activities are not expected to cause substantial noise or vibration effects outside of the Plan Area. Impact would be Class III, less than significant.
Public Services
Impact PS-1. Covered activities under the LOHCP would increase demand for police protection, fire protection, and school services in the Plan Area. Development expedited by the project would be subject to project-specific environmental review, payment of applicable fees, and compliance with fire safety requirements. Impacts would be Class III, less than significant.
Transportation/Traffic
Impact T-1. Project-generated traffic would increase traffic volumes on area roadways and at intersections in and near the Plan Area. This increase would not exceed traffic projections analyzed under buildout of the EAP, and covered activities would also include roadway improvements and maintenance that could benefit roadway operations and LOS. Impacts would be Class III, less than significant.
Impact T-2. The project would not result in increased demand for alternative transportation beyond that projected under buildout of the EAP. Impacts would be Class III, less than significant.

1 Introduction

The County of San Luis Obispo (County) prepared this Environmental Impact Report (EIR) to analyze the potential environmental impacts associated with: (1) implementation of the Los Osos Habitat Conservation Plan (LOHCP) and (2) issuance of an incidental take permit (ITP) under Section 10(a)(1)(B) of the Federal Endangered Species Act (FESA) of 1973, as amended (16 United States Code [U.S.C.] §1531 et seq.) from the U.S. Fish and Wildlife Service (Service) to the County. These actions are collectively referred to as the "proposed project" or "project." The proposed project would enable development of private projects and capital projects, ongoing operations and maintenance at private and public facilities, fire hazard abatement, and conservation activities (collectively referred to as "covered activities") in the area covered by the LOHCP (Plan Area), which is located within the unincorporated portion of San Luis Obispo County in the community of Los Osos. The project is described in detail in Section 2, *Project Description*.

This Introduction describes: (1) the purpose of and legal authority for the EIR; (2) the scope and content of the EIR; (3) lead, responsible, and trustee agencies; and (4) the environmental review process required under the California Environmental Quality Act (CEQA).

1.1 Purpose and Legal Authority

The proposed project involves discretionary actions that require approval of the County Planning Commission and the County Board of Supervisors. Therefore, the proposed project is subject to the environmental review requirements of CEQA. In accordance with Section 15121 of the *CEQA Guidelines*, the purpose of this EIR is to serve as an informational document that:

> ...will inform public agency decision-makers and the public generally of the significant environmental effects of a project, identify possible ways to minimize the significant effects, and describe reasonable alternatives to the project.

This EIR has been prepared as a Program EIR pursuant to *CEQA Guidelines* Section 15168. A Program EIR is appropriate for multiple and phased projects. As stated in *CEQA Guidelines* Section 15165:

> Where individual projects are, or a phased project is, to be undertaken and where the total undertaking comprises a project with significant environmental effect, the Lead Agency shall prepare a single program EIR for the ultimate project as described in Section 15168. Where an individual project is a necessary precedent for action on a larger project, or commits the Lead Agency to a larger project, with significant environmental effect, an EIR must address itself to the scope of the larger project. Where one project is one of several similar projects of a public agency, but is not deemed a part of a larger undertaking or a larger project, the agency may prepare one EIR for all projects, or one for each project, but shall in either case comment upon the cumulative effect.

The CEQA compliance process will culminate with County Planning Commission and County Board of Supervisors hearings to consider certification of a Final EIR (FEIR) as well as the project's requested approvals.

1.2 Scope and Content

In accordance with the *CEQA Guidelines*, a Notice of Preparation (NOP) for this EIR was distributed for review by affected agencies and the public on September 20, 2013. The NOP is included in Appendix A of this EIR.

This EIR addresses potential environmental impacts associated with the project. Based on discussions among the public, consulting staff, and County staff during the scoping period, the County determined that the environmental issues addressed in this EIR include:

- Air Quality
- Biological Resources
- Cultural Resources
- Geology and Soils
- Greenhouse Gas Emissions
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Land Use and Planning
- Noise
- Public Services
- Transportation/Traffic

In preparing the EIR, pertinent County policies and guidelines, certified EIRs and adopted CEQA documents, and other background documents. A full reference list is contained in Section 7, *References and EIR Preparers.*

Section 6, *Alternatives,* was prepared in accordance with *CEQA Guidelines* Section 5126.6, which requires that an EIR examine a reasonable range of alternatives that are capable of avoiding or minimizing a project's significant effects while achieving most of the basic project objectives. Section 6 evaluates the CEQA required "no project" alternative and one alternative development scenario for the Plan Area. Section 6 also identifies the environmentally superior alternative among the alternatives assessed.

The level of detail contained throughout this EIR is consistent with the requirements of CEQA and applicable court decisions. The *CEQA Guidelines* (14 CCR Section 15000, et seq.) provide the standard of adequacy in which this document is based. Section 15151 of the *CEQA Guidelines* states:

> An EIR should be prepared with a sufficient degree of analysis to provide decision-makers with information which enables them to make a decision which intelligently takes account of environmental consequences. An evaluation of the environmental effects of the proposed project need not be exhaustive, but the sufficiency of an EIR is to be reviewed in light of what is reasonably feasible. Disagreement among experts does not make an EIR inadequate, but the EIR should summarize the main points of disagreement among the experts. The courts have looked not for perfection, but for adequacy, completeness, and a good faith effort at full disclosure.

1.3 Lead, Responsible, and Trustee Agencies

The *CEQA Guidelines* define lead, responsible, and trustee agencies (*CEQA Guidelines* Section 15367). The County of San Luis Obispo is the lead agency under CEQA for the project because the County has the principal responsibility of certifying the FEIR and approving the proposed project.

A responsible agency refers to public agencies, other than the lead agency, that have discretionary approval over the project (*CEQA Guidelines* Section 15381). There are no responsible agencies under CEQA for the project.

A trustee agency refers to a state agency having jurisdiction by law over natural resources affected by a project. The California Department of Fish and Wildlife (CDFW) is a trustee agency because the CDFW has jurisdiction over state listed as endangered or threatened species, including those that be affected by project implementation.

1.4 Environmental Review Process

The environmental impact review process required under CEQA is summarized below and illustrated in Figure 1. The steps of the environmental impact review process appear below in sequential order.

- **Notice of Preparation (NOP) and Scoping Meeting(s).** Immediately after deciding that an EIR is required, the lead agency must file an NOP soliciting input on the EIR scope to the State Clearinghouse, other concerned agencies, and parties previously requesting notice in writing (*CEQA Guidelines* Section 15082). The NOP must be posted in the County Clerk's office for 30 days. The County issued an NOP for the preparation of an EIR and notice of scoping meetings on September 20, 2013. Two public scoping meetings were held to solicit input on the scope and content of this EIR. The scoping meetings were held at the South Bay Community Center located at 2180 Palisades Avenue, Los Osos, California on October 8, 2013, with the first occurring from 3:30 p.m. to 5:30 p.m. and the second occurring from 7:00 p.m. and 9:00 p.m. The public review period for the NOP was 30 days and ended on November 20, 2013. The County received five comment letters based on the NOP, which are summarized in Table 3. Verbal comments were also received during public scoping meetings, which are summarized in Table 4. Written comments received during the public review period for the NOP are included in Appendix A of this EIR.
- **Draft EIR Prepared.** A Draft EIR must contain: (1) table of contents or index; (2) summary; (3) project description; (4) environmental setting; (5) significant impacts (direct, indirect, cumulative, and growth-inducing impacts, including any unavoidable impacts); (6) alternatives; (7) mitigation measures; and (8) irreversible changes.
- **Notice of Completion (NOC) and Notice of Availability (NOA).** Upon completion of a Draft EIR, a lead agency must file an NOC with the State Clearinghouse and prepare an NOA of a Draft EIR. The lead agency must submit the NOA to the County Clerk's office and send a copy of the NOA to anyone who requested it (*CEQA Guidelines* Section 15087). Additionally, public notice of Draft EIR availability must be given through at least one of the following procedures: (1) publication in a newspaper of general circulation; (2) posting on and off the project site; and/or (3) direct mailing to owners and occupants of contiguous properties. The lead agency must solicit input from other agencies and the public. The minimum public review period for a Draft EIR is 30 days. When a Draft EIR is sent to the State Clearinghouse for review, the public review period must be

45 days, unless a shorter period is approved by the State Clearinghouse (PRC 21091). This Draft EIR will have a public review period of 45 days.

- **FEIR.** An FEIR must include: (1) the Draft EIR; (2) copies of comments received during public review; (3) list of persons and entities that commented on the Draft EIR; and (4) responses to comments.
- **Certification of FEIR.** Prior to deciding whether to certify an FEIR and/or approve a proposed project, the lead agency must ensure that: (1) the FEIR has been completed in compliance with CEQA; (2) the FEIR was presented to the decision-making body of the lead agency; and (3) the decision-making body reviewed and considered the information in the FEIR.
- **Lead Agency Project Decision.** A lead agency may: (1) disapprove a project because of its significant environmental effects; (2) require changes to a project to reduce and/or avoid significant environmental effects; or (3) approve a project despite its significant environmental effects, if the proper findings and statement of overriding considerations are adopted.
- **Findings/Statement of Overriding Considerations.** For each significant impact identified in an EIR, the lead and/or responsible agencies must find and document, based on substantial evidence, that either: (1) the project has been changed to avoid and/or substantially reduce the magnitude of the impact; (2) changes to the project are within another agency's jurisdiction and such changes have or should be adopted; or (3) specific economic, social, or other considerations make the mitigation measures or project alternatives infeasible. If an agency approves a project with unavoidable significant environmental effects, it must prepare a written Statement of Overriding Considerations that set forth the specific social, economic or other reasons supporting the agency's decision. It is noted that the project would not result in significant and unavoidable impacts; therefore, a Statement of Overriding Considerations would not be required for this EIR.
- **Mitigation Monitoring and Reporting Program (MMRP).** When a lead agency makes findings on significant effects identified in the EIR, it must adopt an MMRP for mitigation measures that were adopted or made conditions of approval for a project to mitigate significant effects.
- **Notice of Determination (NOD).** A lead agency must file an NOD after deciding to certify an FEIR. A lead agency must file the NOD with the County Clerk's office. The NOD must be posted for 30 days and sent to anyone previously requesting notification. Posting of the NOD starts a 30-day statute of limitations on CEQA legal challenges.

Table 3 Written Comments Received During the Public Scoping Period

Commenter	Comment/Request	Where Comment is Addressed
California Coastal Commission	Requests that the EIR clearly describes and evaluates how and why the Urban Service Line (USL) and/or the Urban Reserve Line (URL) may be amended to include or exclude certain areas based on the LOHCP.	Section 2.5, *Project Characteristics*, provides information regarding the USL and URL. The proposed project would not include or require amendments to the USL or URL.
	States that, per Condition 92 of the Los Osos Water Recycling Facility (LOWRF) coastal development permit, the LOHCP is required to "identify the habitat resources and quality of those resources on the remaining vacant properties within the South Bay Urban Area and the Los Osos Greenbelt."	Section 3.1.5.2 of the LOHCP identifies the vegetation communities and the quality of such habitat.

Commenter	Comment/Request	Where Comment is Addressed
	Requests that the EIR include a map and discussion of the physical characteristics of the study area, including the topography, soil types, migration corridors, and overall climate and microclimates of the Plan Area.	Section 3, *Environmental Setting*, includes a discussion of climate, topography, seismicity, and hydrology in the Plan Area. Existing biological resources conditions within the Plan Area are included in Section 4.2, *Biological Resources*. The reader is also referred to the LOHCP for additional details regarding the existing conditions of the Plan Area.
	Requests that the EIR include the results from a current biological assessment and wetland delineation of the Plan Area.	Impacts to biological resources (refer to Section 4.2, *Biological Resources*) were assessed based on existing conditions described in the LOHCP.
	Requests that the EIR include the following information: ▪ A list of sensitive species and habitats that are known to occur and that could occur in the Plan Area ▪ Protocol-level survey for those sensitive species likely to occur within the Plan Area ▪ Habitat maps (including sensitive plant and animal species locations) ▪ Discussion of seed banks ▪ Observed and estimated wildlife use of the Plan Area ▪ Nesting bird surveys including locations of rookeries/heronries. Protocol level surveys to be conducted for sensitive species/raptors, if present ▪ Location of trees suitable for nesting or roosting and location of significant foraging habitat ▪ A wetland delineation report and associated maps showing the boundaries of all delineated wetlands	Existing biological resources are discussed in Section 4.2.1; more detailed information is provided in the LOHCP (Appendix B).
	Requests that the EIR include an analysis of the frequency of wildfires, floods, or other natural disasters affecting the Plan Area. The EIR should also discuss how the LOHCP will avoid and minimize impacts to natural resources and include appropriation mitigation measures.	Section 4.6, *Hazards and Hazardous Materials*, discusses existing conditions and potential impacts related to wildfires. Section 4.7, *Hydrology and Water Quality*, discusses existing conditions and potential impacts related to flooding, seiches, and tsunamis.
	Requests that the EIR provide an analysis of the historical ecology of the Plan Area to assist in evaluating the efficacy of the LOHCP.	Historic occurrences of biological resources in the Plan Area are included in the LOHCP (Appendix B).
Morro Bay National Estuary Program (MBNEP)	Provides information regarding reasonably foreseeable projects in the area.	Section 3.3, *Cumulative Development*, discusses past, present, and reasonably foreseeable future projects included in cumulative impacts analyses.
	Provides information on planning documents prepared by the MBNEP and how to obtain them.	Noted.

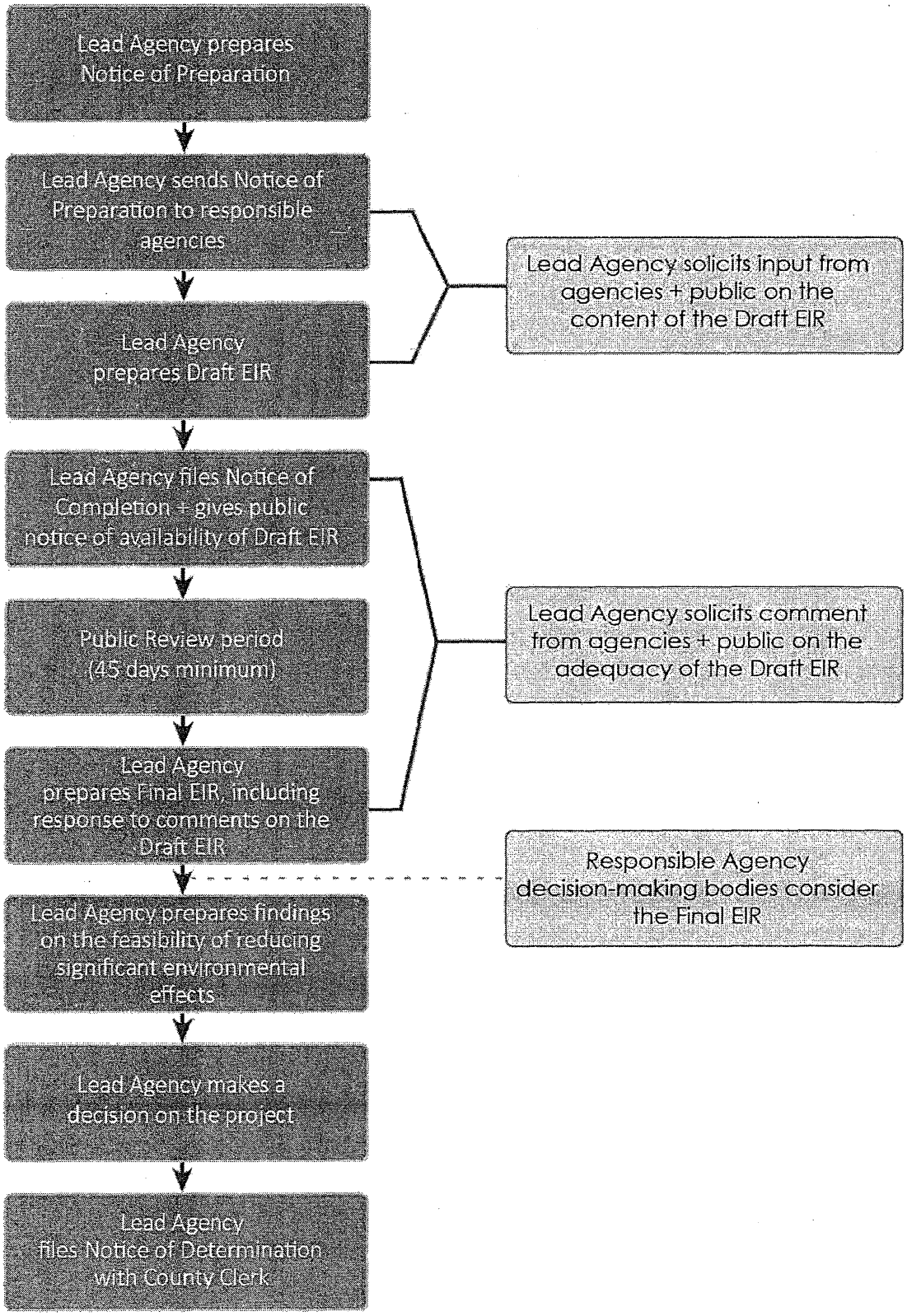
Commenter	Comment/Request	Where Comment is Addressed
Jeff Edwards	Requests that the LOHCP include the Los Osos Waste Water project monitoring data on the Morro shoulderband snail. Recent surveys suggest its presence reaches further than previously found.	Section 3.2.2.1 of the LOHCP (Appendix B) discusses the range of the Morro shoulderband snail, referencing annual construction monitoring reports for the Los Osos Wastewater Project through 2017.
	States that the Morro shoulderband snail was down-listed to "threatened" in 2006 and queries whether it should be delisted completely.	The potential delisting of species is not included in the scope of this project.
	States that the Morro Bay kangaroo rat should be a covered species in the LOHCP; at a minimum within the USL.	The Morro Bay kangaroo rat is included as a covered species in the LOHCP. Refer to Section 2, *Project Description.*
	Requests that covered capital projects in the LOHCP should include water resource and development and distribution projects identified in the Los Osos Basin Plan action programs. Other projects that should be covered activities include the potential for surface water discharge in Los Osos Creek as part of groundwater basin recharge.	Projects that would be allowed under the LOHCP are discussed in Section 2.5.2.2, *Covered Activities.*
	Requests that management of the invasive species *Asparagus asparagoides* be included in the LOHCP.	Projects that would be allowed under the LOHCP (including eradication and control of exotic plants) are discussed in Section 2.5.2.2, *Covered Activities.*
	Notes that discussion of growth-inducing impacts in the EIR should reflect limitations associated with water availability in Los Osos.	Refer to Section 2.1, *Project Background,* for a discussion of water supply limitations in the Plan Area.
	Requests that the term of the Incidental Take Permit be 30 years.	The ITP term was determined to be limited to 25 years by the County and the Service. Refer to Section 2, *Project Description.*
Julie Tacker	Requests that the Los Osos Community Services District conduct an informal consultation under FESA Section 7 to allow thinning of vegetation as a means to abate fire hazards.	Fire hazard abatement activities are included as a covered activity under the LOHCP. Refer to the Community Wildfire Protection Plan heading under Section 2.5.2.2, *Covered Activities.*
Los Osos Community Services District	Requests that potential impacts to listed species from the following routine Fire Department activities be considered: ▪ Hydrant maintenance involving flushing of large quantities of water ▪ Vegetation clearance around hydrants ▪ Enforcement of local weed abatement ordinance ▪ Enforcement of local hazard abatement ▪ Completion of large scale hazard abatement projects contained in the Los Osos Community Wildfire Protection Plan (CWPP)	Activities allowed under the LOHCP are discussed in Section 2.5.2.2, *Covered Activities.*

Table 4 Verbal Written Comments Received During the Public Scoping Period

Topic	Comment/Request
Environmental/ Biological Resources	▪ Baywood Fine Sands are not good for mitigation lands. Mitigation lands will need to be sourced from outside the Urban Reserve Line. As a result, the broader area of effect will need to be analyzed. ▪ What about considering other habitats besides the Coastal Dune Scrub community? ▪ How are other species going to be looked at? What is the mechanism to be used to evaluate potential presence? There may be other 'endangered' plants for inclusion in LOHCP – such as the salt marsh bird's beak, and wildlife, such as the legless lizard. Please also consider Spinning Yarn lichen. ▪ Has the Morro shoulderband snail been downgraded to threatened from endangered? ▪ Are Morro Bay kangaroo rats extinct in the area and if so why are they being included in the LOHCP? ▪ Under Population/Housing – are growth inducing impacts going to be discussed in environmental document? ▪ Morro shoulderband snail – does that fact that more occurrences of this species than expected have been found during construction of the sewer mean that it might be delisted? If that occurs and the Morro Bay kangaroo rat is determined to be extinct, is the LOHCP needed for just two plants? ▪ Information from the LOWRF EIR should be used for the setting in the CEQA document as it is a good source of information. ▪ Growth inducement – should be considered attributable to the LOHCP/Basin Plan/WWTP in equal parts. ▪ Another person disagreed with this and said it was not attributable to the LOHCP as growth could occur through the individual ITP process instead as is the case at the moment. ▪ Is climate change going to be considered? ▪ How will fire/fuel modification and manzanita removal be addressed?
Alternatives	▪ Suggested CEQA Alternative – considered landscape maintenance alternative that includes funding for acquisition/maintenance of previously unfunded/unmanaged lands for habitat conservation/enhancement, such as any surrounding greenbelt areas. ▪ No Project Alternative – should be considered and analyzed in detail. ▪ Would the bike lane area property (So. Bay Blvd) be a good candidate for preservation?
Habitat Conservation Plan	▪ Habitat preservation needs to be supported by an endowed fund. Costs for invasive weed (e.g., veldt grass) management of preserved lands should be included. ▪ The LCP amendment for the area was not certified by the Coastal Commission previously. ▪ Why isn't a joint Natural Communities Conservation Plan being considered? ▪ How will the LOHCP and EIR/NEPA be coordinated, including the development of a detailed project description? ▪ In the past the greenbelt has been the cornerstone of the LOHCP. Will the LOHCP include parcels, description, mapping indicating which are to be preserved? ▪ What is the timeline for completion of the LOHCP and associated environmental documentation? Will 'delays' be built in? What development timeframe will be used (e.g., 30-year planning horizon? Buildout?) ▪ How much of the earlier LOHCP documents have survived? ▪ How much of a lot needs to be preserved when species found? What will be the cost? ▪ Will individual surveys of parcels continue to be required when applying for future development projects? If so, what is the benefit/cost savings associated with the LOHCP? ▪ Should be noted that the Basin Plan still needs to be approved before development can occur. This could affect the timeline for implementation of the LOHCP. ▪ California Department of Forestry and Fire Protection (CAL FIRE) activities should be considered for inclusion as covered activities under the LOHCP. ▪ Should consider a 30+ year permit term for the LOHCP or tie it in with the payoff time of the

Topic	Comment/Request
	sewer. ▪ How expensive will future permits be as a result of the LOHCP process? ▪ What are the costs of these permits? Who is going to pay for the mitigation lands? ▪ How is mitigation land chosen? ▪ Will habitat areas need to be large or contiguous with areas to be protected?
Other	▪ The County has growth cap of 2.3% in place. Based on growth levels in other coastal communities this will likely be more like 1%. ▪ Willow is a protected wetland tree. The changeover to the sewer is going to affect the hydrological regime in the area and may result in impacts on willow groves. Will this be addressed? ▪ Water in Level of Severity III under Resource Management System – how can growth occur under this status?

Figure 1 EIR Environmental Review Process



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