



# Environmental Assessment Specialists, Inc.

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**Biological Resources Impact Analysis  
CSL03323 (Wilson)  
3939 El Pomar Drive  
Templeton, San Luis Obispo County  
California**

Prepared for:

**AT&T Mobility, LLC**  
1452 Edinger Avenue, 3<sup>rd</sup> Floor  
Tustin, CA 92780

Prepared by:

**Contact: Martyn Leaver  
Environmental Assessment Specialists, Inc.  
71 San Marino Avenue  
Ventura, CA 93003**

**January 28, 2020**

**Findings of a Biological Resources Impact Analysis**  
**AT&T Mobility LLC Candidate CSL03323**  
**(Wilson)**  
**3939 El Pomar Drive**  
**Templeton, San Luis Obispo County, California.**

Environmental Assessment Specialists, Inc. (EAS) is pleased to submit this letter report addressing the biological resources associated with the subject AT&T Mobility, LLC (AT&T) facility located within the community of Templeton, San Luis Obispo County, California.

## **INTRODUCTION**

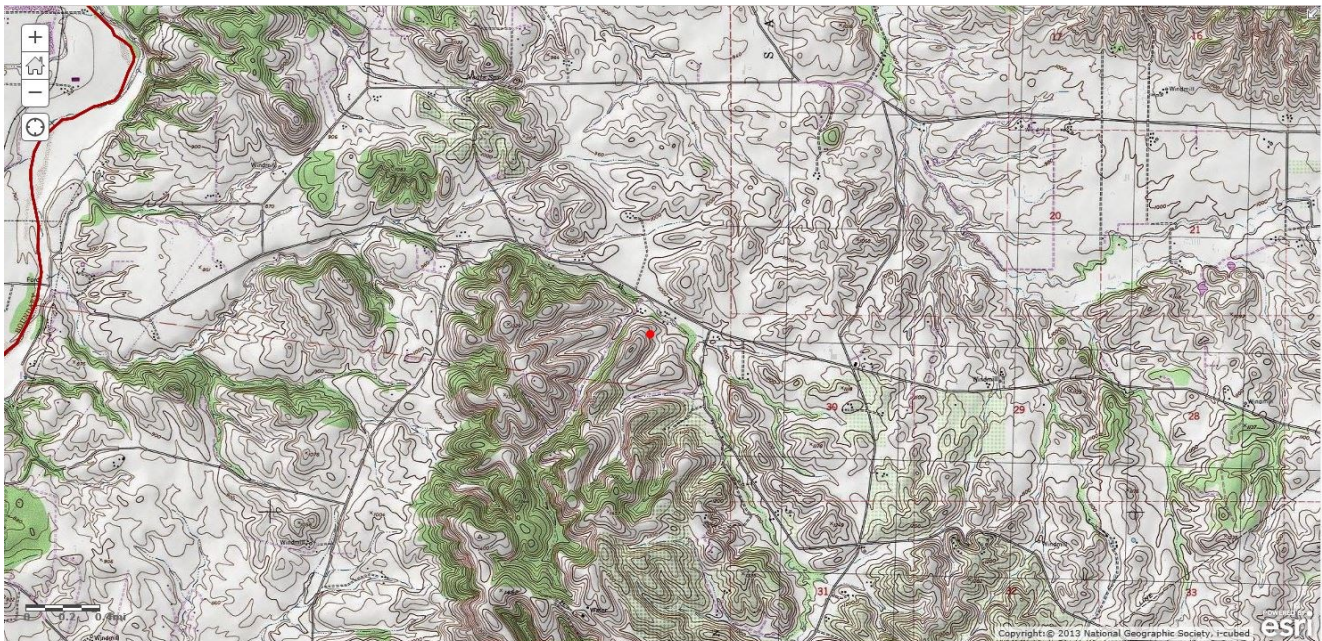
EAS on behalf of AT&T performed an informal biological assessment for a proposed 60' faux water tower telecommunications project. This assessment was conducted per Federal Communication Commission's (FCC) National Environmental Policy Act (NEPA) requirements to evaluate potential impacts on threatened or endangered species, and critical habitats. This informal biological assessment was conducted in conjunction with an FCC NEPA review in accordance with 47 CFR 1.1.307(a) 3.

Based on the results of the biological assessment, it is EAS' opinion that the proposed project will have no effect on listed threatened or endangered species or designated Critical Habitats, and that the project will not significantly affect migratory birds.

US Fish & Wildlife Service (USFWS), the National Marine Fisheries Service (NMFS), and in accordance with FCC guidelines on USFWS reviews, biological assessments with "no effect" determinations do not require review by the USFWS or NMFS in order to fulfill FCC NEPA reporting requirements.

## **TELECOMMUNICATION SITE DESCRIPTION**

The proposed project will occur on an un-developed hilltop in the central portion of a rural residential property. The property is located on the south side of El Pomar Drive, east of the Redonda Lane intersection in Templeton, CA. The project site is generally located north and west of State Route 41, south of State Route 46, and east of State Route 101, and is depicted on the *Templeton, California* U.S. Geological Survey (USGS) 7.5-minute topographic map.



United States Geological Survey (USGS) *Templeton, California* 7.5-minute topographical quadrangle map.

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## METHODS

The reconnaissance-level assessment of the site was conducted in January 2020 by Martyn Leaver, Principal Biologist of EAS. Weather conditions included a temperature of approximately 58 degrees Fahrenheit, winds of 0 to 5 miles per hour, and clear skies. Particular attention was focused on sensitive and special interest biological resources to determine the presence or potential occurrence of any sensitive or special interest plant or animal species. The biological resources assessment was based on the literature review and a field assessment.

## VEGETATION

The site is specifically located at a private residence at 3939 El Pomar Dr., Templeton, San Luis Obispo County, California. Land use adjacent to the site generally consists of undeveloped rolling hills and rural residential development. The proposed site will occur within previously disturbed areas associated with the private residence. Vegetation on the project site primarily consists of annual grasses and ruderal (weedy) species. Oak trees (*Quercus sp.*) and cultivated fruit trees were observed within the vicinity of the proposed trench route but will not be impacted by the proposed facility. Common species observed include brome grass (*Bromus sp.*), red stem filaree (*Erodium cicutarium*), barley grass (*Hordeum sp.*), yellow sweet-clover (*Melilotus officinalis*), and shortpod mustard (*Hirschfeldia incana*).

## GENERAL WILDLIFE

The project site and surrounding area provide habitat for wildlife species that commonly occur in non-native grassland and ornamental communities. Wildlife species expected to occur onsite include western fence lizard (*Sceloporus occidentalis*), red-tailed hawk (*Buteo jamaicensis*), and California ground squirrel (*Spermophilus beecheyi*). No amphibian, reptilian, or mammalian species were observed or detected during the field survey. Avian species observed/detected include: Common raven (*Corvus corax*), Mourning dove (*Zenaida macroura*), and House finch (*Carpodacus mexicanus*). No small mammal burrows were observed on or within the immediate vicinity of the project site.

## SENSITIVE BIOLOGICAL RESOURCES

### Special Status Species

Special status species are native species that have been accorded special legal or management protection because of concern for their continued existence. There are several categories of protection at both federal and state levels, depending on the magnitude of threat to continued existence and existing knowledge of population levels.

The U.S. Fish and Wildlife Service (USFWS) administers the federal Endangered Species Act (ESA). The ESA provides a process for listing species as either threatened or endangered, and methods of protecting listed species. The ESA defines as “endangered” any plant or animal species that is in danger of extinction throughout all or a significant portion of its range. A “threatened” species is a species that is likely to become endangered in the foreseeable future. A “proposed” species is one that has been officially proposed by USFWS for addition to the federal threatened and endangered species list.

Section 9 of the ESA prohibits “take” of threatened or endangered species. The term “take” means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in such conduct. Take can include disturbance to habitats used by a threatened or endangered species during any portion of its life history. The presence of any federally threatened or endangered species that is in a project area generally imposes severe constraints on development, particularly if development would result in take of the species or its habitat. Under the regulations of the ESA, the USFWS may authorize take when it is incidental to, but not the purpose of, an otherwise lawful act.

The California Department of Fish and Wildlife (CDFW) administers the California Endangered Species Act (CESA). The State of California considers an “endangered” species one whose prospects of survival and reproduction are in immediate jeopardy, a “threatened” species is one present in such small numbers throughout its range that it is likely to become an endangered species in the near future in the absence of special protection or management, and a “rare” species is one present in such small numbers throughout its range that it may become endangered if its present environment worsens. The term “rare” species applies to California native plants. State threatened, and endangered species are fully protected against take, as defined above. “Species of special concern” is an informal designation used by CDFW for some declining wildlife species that are not state candidates. This designation does not provide legal protection but signifies that these species are recognized as sensitive by CDFW.



The United States Department of Agriculture (USDA) has developed an inventory of California's sensitive plant species for Pacific County California (USDA, 2020). This inventory summarizes information on the distribution, rarity, and endangerment of California's vascular plants. The inventory is divided into four lists based on the rarity of the species. In addition, the USDA provides an inventory of plant communities that are considered sensitive by the state and federal resource agencies, academic institutions, and various conservation groups. Determination of the level of sensitivity is based on the number and size of remaining occurrences as well as recognized threats.

The California Native Plant Society (CNPS) has developed an inventory of California's sensitive plant species (Tibor 2001). This inventory summarizes information on the distribution, rarity, and endangerment of California's vascular plants. The inventory is divided into four lists based on the rarity of the species. In addition, the CNPS provides an inventory of plant communities that are considered sensitive by the state and federal resource agencies, academic institutions, and various conservation groups. Determination of the level of sensitivity is based on the number and size of remaining occurrences as well as recognized threats.

Sensitive habitats are natural communities that support concentrations of sensitive plant or wildlife species, are of relatively limited distribution, or are of particular value to wildlife (CNDDDB 2020). Sensitive habitats are not afforded legal protection unless they support protected species, except for wetland habitats, which cannot be filled without authorization from the U.S. Army Corps of Engineers (USACE) and CDFW.

The following discussion describes the special-status plants, wildlife, and habitats that have been afforded special recognition by federal, state, or local resource agencies or organizations and are known to occur in the region of the project site. Sources used for the classification of sensitive resources are as follows:

- Plants - California Department of Fish and Wildlife (CDFW April 2019), California Natural Diversity Data Base (CNDDDB 2020), and California Native Plant Society (Tibor 2001 and CNPSEI 2020)
- Habitats - CNDDDB (2020), Holland (1986)
- Wildlife - CDFW (April 2019), CNDDDB (2020)

A review of the CNDDDB and the CNPS Electronic Inventory of Rare and Endangered Vascular Plants resulted in a list of 15 sensitive plant species, 17 sensitive wildlife species, and 00 sensitive plant communities that occur within the Templeton, California USGS topographic quadrangle.

**The sensitive plant species include:**

<i>Lasthenia leptalea</i>	Salinas Valley goldfields
<i>Amsinckia douglasiana</i>	Douglas' fiddleneck
<i>Caulanthus lemmonii</i>	Lemmon's jewelflower
<i>Calystegia collina</i> ssp. <i>venusta</i>	South Coast Range morning-glory
<i>Astragalus macrodon</i>	Salinas milk-vetch
<i>Juncus luciensis</i>	Santa Lucia dwarf rush
<i>Malacothamnus jonesii</i>	Jones' bush-mallow
<i>Eschscholzia hypocoides</i>	San Benito poppy
<i>Eriastrum luteum</i>	yellow-flowered eriastrum
<i>Navarretia nigelliformis</i> ssp. <i>radians</i>	shining navarretia
<i>Chorizanthe palmeri</i>	Palmer's spineflower
<i>Eriogonum elegans</i>	elegant wild buckwheat
<i>Delphinium gypsophilum</i> ssp. <i>parviflorum</i>	small-flowered gypsum-loving larkspur
<i>Delphinium parryi</i> ssp. <i>eastwoodiae</i>	Eastwood's larkspur
<i>Horkelia cuneata</i> var. <i>puberula</i>	mesa horkelia

Proposed development will be contained within previously disturbed areas associated with the private residence. This disturbance includes excavation, backfilling, and compaction activities resulting from previous construction and maintenance activities. Evidence of surface disturbance on and in the immediate vicinity of the site has greatly reduced the potential for sensitive plant species to occupy the area. Therefore, none of the above-listed sensitive plant species are anticipated to occur onsite, and the proposed project is not anticipated to result in any impacts to sensitive plant species. No further action is recommended with regard to sensitive plant species.

**The sensitive wildlife species include:**

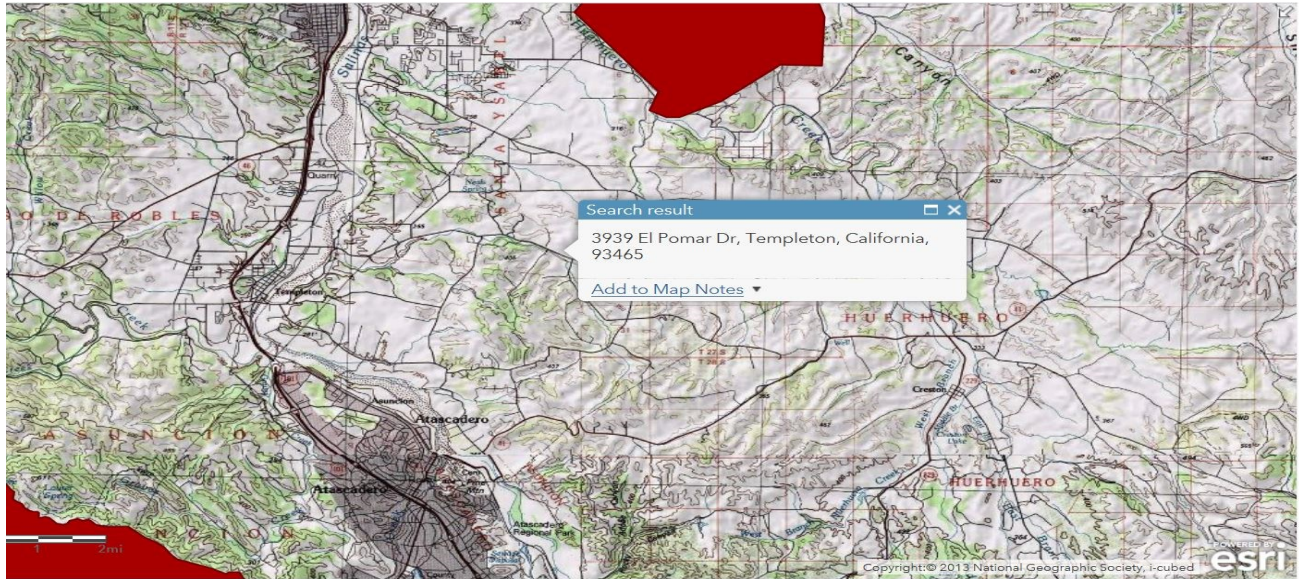
<i>Rana draytonii</i>	California red-legged frog
<i>Taricha torosa</i>	Coast Range newt
<i>Spea hammondi</i>	western spadefoot
<i>Agelaius tricolor</i>	tricolored blackbird
<i>Vireo bellii pusillus</i>	least Bell's vireo
<i>Branchinecta lynchi</i>	vernal pool fairy shrimp
<i>Lavinia exilicauda harengus</i>	Pajaro/Salinas hitch
<i>Lavinia symmetricus subditus</i>	Monterey roach
<i>Oncorhynchus mykiss irideus</i> pop. 9	steelhead - south-central California coast DPS
<i>Trimerotropis occulens</i>	Lompoc grasshopper
<i>Bombus crotchii</i>	Crotch bumble bee
<i>Polyphylla nubila</i>	Atascadero June beetle
<i>Vulpes macrotis mutica</i>	San Joaquin kit fox
<i>Taxidea taxus</i>	American badger
<i>Anniella pulchra</i>	northern California legless lizard
<i>Gambelia sila</i>	blunt-nosed leopard lizard
<i>Emys marmorata</i>	western pond turtle

Proposed development will be contained within previously disturbed areas associated with the private residence. No portions of the proposed development footprint contain the important habitat suitability elements for any of the above-listed sensitive wildlife species; none are likely to occur within the proposed development footprint itself. The site consists of heavily compacted bare ground and no small mammal burrows occur on the project site. Therefore, no direct impacts are anticipated to result to any sensitive wildlife species and their habitat from implementation of the proposed project.

**The sensitive plant communities include:**

No sensitive plant communities occur on the project site.

The proposed project is not located within any Designated Critical Habitat. The nearest USFW Designated Critical Habitat is for the Vernal pool fairy shrimp (*Branchinecta lynchi*), approximately 3.5 miles to the north of the proposed project location. The Vernal pool fairy shrimp is Federally listed as Threatened. No suitable habitat for this species will be impacted by the installation of this project.



Designated Critical Habitat.

Review of the USFW National Wildlife Refuge System site indicates there are no Wildlife Refuges within 50 miles of the proposed project. Review of the Wilderness.net interactive map indicates the nearest wilderness area is the Santa Lucia Wilderness, over 13.5 miles to the south of the proposed project.

### **Jurisdictional Areas**

The USACE regulates discharges of dredged or fill material into waters of the United States. These waters include wetlands and non-wetland bodies of water that meet specific criteria. USACE regulatory jurisdiction pursuant to Section 404 of the federal Clean Water Act is founded on a connection or nexus between the water body in question and interstate commerce. This connection may be direct through a tributary system, linking a stream channel with traditional navigable waters used in interstate or foreign commerce, or may be indirect, through a nexus identified in the USACE regulations.

### **Waters of the U.S.**

USACE jurisdiction over non-tidal waters of the United States extends laterally to the ordinary high-water mark (OHWM) or beyond the OHWM to the limit of any adjacent wetlands, if present (33 CFR 328.4). The OHWM is defined as “that line on the shore established by the fluctuations of water and indicated by physical characteristics such as a clear natural line impressed on the bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, the presence of litter and debris, or other appropriate means that consider the characteristics of the surrounding area” [33 CFR 329.11(a) (1)]. Jurisdiction typically extends upstream to the point where the OHWM is no longer perceptible.

Recently, the federal courts have restricted USACE jurisdiction over waters that are not directly connected to traditional navigable waters (isolated waters), thereby increasing the focus clearly establishing the physical connection between the subject water body(ies) as a tributary to traditional navigable waters or otherwise by directly establishing the nexus with interstate commerce.

During the biological assessment survey, the site was evaluated according to the guidelines provided in the USACE 1987 Manual (i.e. Environmental Laboratory, 1987). Waters of the U.S. were absent from the site; no water bodies having a perceptible OHWM were identified on site or adjacent to the site.

## Wetlands

The USACE and EPA define “wetlands” as “areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted to life in saturated soil conditions.” In order to be considered a jurisdictional wetland under Section 404, an area must possess three wetland characteristics: hydrophytic vegetation, hydric soils, and wetland hydrology.

Each characteristic has a specific set of mandatory wetland criteria that must be satisfied in order for that wetland characteristic to be met. Several parameters may be analyzed to determine whether the criteria are satisfied.

The project site and surrounding area contain plant species commonly found in non-native grassland and active agriculture communities. A freshwater emergent wetland occurs adjacent to the northern portion of the proposed utility line trench route.



Wetlands Map

A potentially jurisdictional drainage and wetland intersect the northern portion of the proposed utility line trench route. Therefore, a formal jurisdictional assessment is required in order to gain full project approval. The recommendation for the jurisdictional assessment is based on the assumption that the installation of the proposed utility line trench route will impact the drainage feature and wetland. EAS recommends avoiding all impacts to the jurisdictional areas by limiting the footprint to previously disturbed areas. This includes rerouting the trench route to the existing access road as much as possible to ensure impacts are avoided. With a re-designed project plan that eliminates direct impacts to the drainage and wetland, project-related impacts to the drainage and wetland will be avoided, and a formal jurisdictional assessment will not be required.



## **NESTING BIRDS**

The Migratory Bird Treaty Act (MBTA) protects all common wild birds found in the United States except the house sparrow, starling, feral pigeon, and resident Wildlife birds such as pheasant, grouse, quail, and wild turkey. Resident Wildlife birds are managed separately by each state. The MBTA makes it unlawful for anyone to kill, capture, collect, possess, buy, sell, trade, ship, import, or export any migratory bird including feathers, parts, nests, or eggs.

No avian nests or nesting activity were observed during the field survey. The trees and shrubs located within the immediate vicinity of the proposed project and utility route provide suitable avian nesting habitat. The vegetation adjacent to the proposed facility provides suitable nesting habitat for avian species. Therefore, EAS recommends that construction activity avoid the avian nesting season (typically February - September).

If construction activity must occur during the nesting season, a qualified biologist should perform a pre-construction clearance survey to determine the presence/absence of nesting activity onsite and near the project site. The survey will address impacts to nesting birds per the MBTA. If no nesting activity is observed, no further action is required.

If nesting activity is observed on or in the immediate vicinity of the project site, construction activity may proceed after the nestlings have fledged. If the facility must be installed near an active nest, a biological monitor will be present during all construction activity. Construction activity can be conducted at the discretion of the monitor to ensure that it does not directly or indirectly cause a nest to fail.

### **Northern Long-Eared Bat (NLEB)**

The project is located outside of the NLEB's range. Therefore, no further action with USFWS or FCC is needed.

## **RECOMMENDATIONS**

### **Sensitive Plant and Wildlife Species**

**Sensitive Plant Species:** The project site contains no suitable habitat for any sensitive plant species. Therefore, no sensitive plant species have a moderate or high potential to occur onsite and focused surveys are not recommended.

**Sensitive Wildlife Species:** The project site contains no suitable habitat for any sensitive wildlife species. Therefore, no sensitive wildlife species have a moderate or high potential to occur onsite and focused surveys are not recommended.

**Sensitive Plant Communities:** No sensitive plant communities occur on the project site, none will be impacted by the proposed development.

### **Jurisdictional Areas**

A potentially jurisdictional drainage and wetland intersect the northern portion of the proposed utility line trench route. Therefore, a formal jurisdictional assessment is required in order to gain full project approval. The recommendation for the jurisdictional assessment is based on the assumption that the installation of the proposed utility line trench route will impact the drainage feature and wetland. EAS recommends avoiding all impacts to the jurisdictional areas by limiting the footprint to previously disturbed areas. This includes rerouting the trench route to the existing access road as much as possible to ensure impacts are avoided. With a re-designed project plan that eliminates direct impacts to the drainage and wetland, project-related impacts to the drainage and wetland will be avoided, and a formal jurisdictional assessment will not be required.

We at EAS appreciate the opportunity to assist you on this project.

Sincerely,

A handwritten signature in dark ink, appearing to read 'ML', enclosed within an oval shape with a horizontal line extending to the right.

Martyn Leaver  
Project Biologist  
Environmental Assessment Specialists, Inc.  
71 San Marino Avenue  
Ventura, CA 93003

Appendix A – Site photos  
Appendix B – Resume



North facing view from the candidate location



Northeast facing view from the candidate location



East facing view from the candidate location



Southeast view from the candidate location





South facing view from the candidate location



Southwest facing view from the candidate location



West facing view from the candidate location



Northwest facing view from the candidate location



North facing view of the candidate location



East facing view of candidate location





Northeast facing view of proposed trench route



Northeast facing view of proposed trench route





East-northeast facing view of proposed trench route



Northeast facing view of proposed point of connection

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**MARTYN LEAVER**

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**PROFESSIONAL HISTORY**

Environmental Assessment  
Specialists

Project Manager  
Biologist

**EDUCATION**

B.A., Biological Sciences,  
University of  
Missouri, Kansas  
City. School of  
Biological Sciences

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**BIOLOGIST**

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**PROJECT MANAGER**

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Mr. Leaver is a Biologist, Graduated from University of Missouri, school of biological sciences. He has inventoried both plant and wildlife in Missouri, and consulted on Biological projects in California. Mr. Leaver has performed and managed Environmental Assessments and Investigations for the past 20 years. Mr. Leaver has extensive knowledge of the National Environmental Policy Act (NEPA) and National Historic Preservation Action Section 106 requirements for the FCC wireless industry. Mr. Leaver has also been involved in the Consultation with Native American Tribes regarding Telecommunications projects in California.

**PROFESSIONAL EXPERIENCE**

- Provided QA/QC review of environmental reports including NEPA environmental screens, cultural resource surveys, architectural historian surveys, view shed surveys, and biological assessments.
- Managed environmental vendors for EAS West Region (California) and Northwest Region (Washington).
- Participated in tracing source of E.coli contamination, in the Brush Creek Flood Control Project, Kansas City, Missouri.
- Researched the effects of river bank construction on resident beaver populations along the Missouri River.
- Conducted fish population survey on Blue Springs Creek, Blue Springs, Missouri.
- Performed Biological resource investigations with Database searches using the California Natural Diversity Database, for light industrial, telecommunications, commercial facilities, residential developments and vacant parcels.