

## 4.3 BIOLOGICAL RESOURCES

This section of the EIR identifies and evaluates potential impacts to biological resources resulting from implementation of the project. Regional information is provided based on the Port Master Plan Final Program EIR (CMCA 2004), and is supplemented within information from the California Natural Diversity Database (CNDDDB) and California Native Plant Society (CNPS) database (refer to Appendix D). Project specific information is based on biological and botanical surveys and mapping conducted on the following dates: December 4, 2013, and March 20, May 15, and August 11, 2014.

### 4.3.1 Existing Conditions

#### 4.3.1.1 Regional Setting

The area surrounding the project site encompasses a wide range of habitats, from marine to terrestrial. Habitat types in the immediate region include open water, marine intertidal, estuarine, riparian, sandy beach, coastal scrub, coast live oak (*Quercus agrifolia*) woodland, annual grassland, and ruderal/disturbed.

#### Open Water

The bay bottom is predominantly sandy with benthic fauna typical of sand bottom habitats. Small isolated rock outcrops provide scattered hard-bottom habitat. There is evidence of kelp beds in association with the Cal Poly Marine Sciences pier. Various species of seaweed and algae have established on pier pilings.

Marine mammals, such as the Southern sea otter (*Enhydra lutris*), California sea lion (*Zalophus californianus*), and harbor seal (*Phoca vitulina*) utilize marine intertidal and estuarine habitats for feeding, and haul-out along rocky shore areas to rest. Marine species such as staghorn sculpin (*Leptocottus armatus*) will often enter coastal lagoons and estuarine habitats to feed and/or reproduce during the winter and spring when sand bars at the mouths of the streams have been breached. Humpback whales (*Megaptera novaeangliae*) and killer (orca) whales (*Orcinus orca*) have been observed in the bay and further out to sea.

#### Marine Intertidal

From the mouth of San Luis Obispo Creek westward, large rocks are present in the intertidal zone. These rocks are covered with red and green algae but are otherwise generally lacking in higher plants. The mouth of San Luis Obispo Creek is approximately 0.7 mile east of the project site.

Some of the more common inhabitants of the intertidal zone are the rock lice (*Logia occidentalis*), periwinkles (*Littorina* spp.), and white acorn barnacles (*Chthamalus* spp.), along with the green algae. Downward in progression are the upper and mid-intertidal zones. California mussels (*Mytilus californianus*) form beds in these zones that are the basis of an array of fauna. The seastar, mostly *Pisaster ochraceus*, is the hardiest predator in the middle intertidal. Other animals include the gooseneck barnacles (*Pollicipes* spp.), acorn barnacles (*Blanus* spp.), abalone (*Haliotis* spp.), limpets (*Lottia* spp.), chitons, and the anemones (*Anthopleura* spp). A variety of algae provide shelter and protection from desiccation for many animals that otherwise could not exist so high up on shore. Common invertebrate species within the low rocky intertidal zone are the sea urchin (*Strongylocentrotus* spp.), and the limpet (*Acmaea* spp).

## Estuarine

Vegetation between Avila Beach Drive and the lagoon formed by San Luis Creek on the road berm is coastal scrub dominated by coyote brush (*Baccharis pilularis*) with some California sage (*Artemisia californica*), black sage (*Salvia mellifera*), toyon (*Heteromeles arbutifolia*), and goldenbush (*Isocoma menziesii*). Along the edge of the lagoon is a narrow band of salt marsh where the banks are not riprap or otherwise cleared. The dominant plants present in the salt marsh are pickleweed (*Salicornia virginica*), fleshy jaumea (*Jaumea carnosa*), and alkali heath (*Frankenia grandiflora*).

The lagoon provides habitat for a variety of aquatic species. Invertebrates include amphipods and polychaete worms. Fish that inhabit or seasonally use the lagoon include tidewater goby (*Eucyclogobius newberryi*), starry flounder (*Platichthys stellatus*), Pacific herring (*Clupea pallasii harengus*), topsmelt (*Atherinops affinis*), staghorn sculpin (*Leptocottus armatus*), striped bass (*Morone saxatilis*), Southern steelhead (*Oncorhynchus mykiss*), king salmon (*Oncorhynchus tshawytscha*), and Pacific lamprey (*Petromyzon tridentata*). Other primarily freshwater fish may enter the lagoon seasonally from upstream. Native species include threespine stickleback (*Gasterosteus aculeatus*), speckled dace (*Rhinichthys osculus*), and prickly sculpin (*Cottus asper*).

Bullfrogs (*Rana catesbeiana*) and crayfish, both non-native species, inhabit lower San Luis Obispo Creek as well as the native Pacific treefrog (*Hyla regilla*) and western toad (*Bufo boreas*). The fish and invertebrates in the lagoon attract wading birds such as the great blue heron (*Ardea herodias*) and great egret (*Casmerodius albus*) as well as several species of waterfowl including grebes, American coot (*Fulica americana*), and mallard (*Anas platyrhynchos*). California least tern (*Sterna antillarum browni*) may also be present during the summer. Common shorebirds present at least seasonally include least and western sandpipers (*Calidris minutilla* and *C. mauri*), long-billed curlew, marbled godwit, sanderling, and terns. Flocks of gulls rest on the exposed sand flats near the lagoon mouth and on the waters of the lagoon.

## Riparian

Wild Cherry Canyon and Harford Creek are located approximately 1,500 feet and 0.7 mile east of the project site, respectively. These creeks are both ephemeral waterways with limited riparian canopy. Ephemeral creeks in coastal San Luis County typically will contain grasses, rushes and sedges. Some potential species include: Dallis grass (*Paspalum dilatatum*), Italian ryegrass (*Lolium multiflorum*), spreading rush (*Juncus patens*), low bulrush (*Scirpus cernuus*), and flatsedge (*Cyperus involucratus*). Wetter areas may additionally support woodier species such as sweet fennel (*Foeniculum vulgare*), mugwort (*Artemisia douglasiana*), and southern honeysuckle (*Lonicera subspicata*). Coast live oak riparian habitat is present in limited areas within the project site.

Except for San Luis Obispo Creek, riparian systems in the immediate area are considered ephemeral, and exhibit little riparian canopy. Because of the limited area and seasonality of these channels, they are unlikely to support permanent wildlife habitat. Animals may visit these areas for water and forage. These may include species such as Tri-colored blackbird (*Agelaius tricolor*), along with other avian species. San Luis Obispo Creek supports habitat for special-status species including California red-legged frog (*Rana aurora draytonii*), Southwestern pond turtle (*Clemmys marmorata pallida*), southern steelhead, and tidewater goby.

## Sandy Beach

Bluffs range from being almost completely covered with iceplant (*Carpobrotus edulis*) to being barren in the vertical portions. No vegetation is present on the beach between the ocean and the bluff. Sandy beach areas are located approximately 60 to 130 feet from the southern edge of the project site, across Avila Beach Drive.

Several invertebrate species (predominantly crustaceans such as sand crabs and beach hoppers) are adapted to the wave action and shifting sands of the beach. These invertebrates attract numerous shorebirds such as willets (*Catoptrophorus semipalmatus*), sanderlings (*Calidris alba*), marbled godwits (*Limosa fedoa*), long-billed curlews (*Numenius americanus*), and black-bellied plovers (*Pluvialis squatarola*). These species are most abundant during the winter. Other common migrant species include Baird's and pectoral sandpipers (*Calidris bairdii* and *C. melanotos*), semipalmated plover (*Charadrius semipalmatus*), and terns (royal [*Sterna maxima*], elegant [*S. elegans*], Caspian [*S. caspia*], and Forster's [*S. forsteri*]). Several species of gulls (*Larus* spp.) and the California brown pelican (*Pelecanus occidentalis californicus*) rest and preen on the beach. Western snowy plover (*Charadrius alexandrinus nivosus*) may winter on Avila Beach.

## Coastal Scrub

Species composition is highly variable in coastal scrub communities and is generally dependent on topography, soils and slope aspect. Plants occurring in coastal scrub communities are characterized as being aromatic, low growing and drought tolerant. Common plant species include California sagebrush, coyote brush (*Baccharis pilularis*), monkeyflower (*Mimulus* sp.), poison oak (*Toxicodendron diversilobum*), California buckwheat (*Eriogonum fasciculatum*), and black sage (*Salvia mellifera*). Understory within coastal scrub communities is generally sparse and includes forbs such as plantain (*Plantago* sp.) and yarrow (*Achillea* sp.). This habitat type is present within the project site.

Coastal scrub areas provide resources for prairie falcon (*Falco mexicanus*), American peregrine falcon (*Falco peregrinus anatum*), California quail, acorn woodpecker, brown towhee, and dark-eyed junco. Wading birds, such as the snowy and great egret and great blue heron, frequent and utilize coastal saltmarsh and freshwater marsh habitats for feeding. Silvery legless lizard (*Anniella pulchra pulchra*) and California horned lizard (*Phrynosoma coronatum frontale*) may also be present.

## Coast Live Oak Woodland

Coast live oak woodlands in the region typically occur as a mosaic closely associated with communities such as coastal scrub and non-native grassland. Typical understory plant species where oaks provide a dense canopy include toyon, poison oak, bracken fern (*Pteridium aquilinum*), miner's lettuce (*Claytonia perfoliata*), bedstraw (*Galium aparine*), and coffeeberry. In drier areas, coast live oak woodland often integrates into other plant communities, such as chaparral and grassland, and understory becomes highly variable. Stands of coast live oak woodland are located within the project site, near the northeastern and northwestern property boundaries.

Species which are expected to be present in oak woodland include, but are not limited to, western skink (*Eumeces skiltonianus*), silvery legless lizard, California newt (*Taricha torosa*), southern alligator lizard (*Gerrhonotus multicarinatus*), western fence lizard (*Sceloporus occidentalis*), acorn woodpecker (*Melanerpes formicivorus*), western bluebird (*Sialia mexicana*), red-tailed hawk (*Buteo jamaicensis*), Cooper's hawk (*Accipiter cooperii*), sharp-shinned hawk

(*Accipiter striatus*), white-tailed kite (*Elanus leucurus*) pocket gopher (*Thomomys* spp), raccoon (*Procyon lotor*), mule deer (*Odocoileus hemionus*), bobcat (*Lynx rufus*), coyote (*Canis latrans*), Townsend big-eared bat (*Corynorhinus [Plecotus] townsendii*), and pallid bat (*Antrozous pallidus*).

### Annual Grassland

The majority of grasslands throughout California are dominated by non-native grasses that were accidentally introduced from the Mediterranean region during the Spanish Colonization period. Non-native grasses, native wildflowers and weedy annual forbs (broadleaf plants) dominate grassland areas. In addition, a few native species of grass may potentially occur infrequently as part of the non- native grassland association in the area. Typical non-native grass species in the region include wild oat (*Avena* sp.), soft chess (*Bromus mollis*), red brome (*Bromus rubens*), Italian rye grass (*Lolium multiflorum*) and annual fescues (*Vulpia* spp.). Typical forbs associated with grassland communities in the planning area include native wildflowers such as California poppy (*Eschscholzia californica*), goldfields (*Lasthenia californica*), lupine (*Lupinus* sp.), owl's clover (*Orthocarpus densiflorus*), popcorn flower (*Plagiobothrys* spp.), blue-eyed grass (*Sisyrinchium bellum*), and clarkia (*Clarkia* sp.). Non-native forbs include wild mustard (*Brassica* spp.), redstem filaree (*Erodium cicutarium*), long-beak filaree (*E. botrys*), and burclover (*Medicago hispida*). Native species of grass, which may occur in scattered locations throughout the planning area, include purple needlegrass (*Stipa pulchra*) and slender needlegrass (*S. lepida*). Non-native annual grassland is present within the project site.

Typical species that utilize open grassland areas and fields include loggerhead shrike (*Lanius ludovicianus*), northern harrier (*Circus cyaneus*), prairie falcon, American peregrine falcon, red-tailed hawk, red-shouldered hawk (*Buteo lineatus*), American kestrel (*Falco sparverius*), Cooper's hawk, white-tailed kite, western meadowlark (*Sturnella neglecta*), Say's phoebe (*Sayornis saya*), and western bluebird. California horned lizard, Townsend big-eared bat, and pallid bat may also be present.

### Ruderal (Disturbed)

Ruderal vegetation has been disturbed by agriculture, landscaping, construction, or other land clearing activities. Disturbed habitat occurs throughout the project area at the margins of parking areas, roadsides, and vacant lots (such as the project site). Vegetation in these areas typically consists of low-growing grasses, forbs and weedy species. The primary difference between non-native grasslands and ruderal habitats are that the soil is often disturbed in ruderal habitats, and native wildflowers are often lacking. Characteristic uncultivated species recorded in disturbed habitat include non-native species such as wild mustard, cheeseweed (*Malva parviflora*), milk thistle (*Silybum marianum*), sow thistle (*Sonchus* sp.), scarlet pimpernel (*Anagallis arvensis*), and burclover (*Medicago* sp.). Landscaped areas can range widely in terms of species present.

Wildlife associated with ruderal habitat include species such as western fence lizard, southern alligator lizard (*Gerrhonotus multicarinatus*), gopher snake (*Pituophis melanoleucus*), Botta's pocket gopher (*Thomomys bottae*), northern mockingbird (*Mimus polyglottos*), Brewer's blackbird (*Euphagus cyanocephalus*), house finch (*Carpodacus mexicanus*), and gulls.

#### **4.3.1.2 Project Site Setting**

The project site is located north of Avila Beach Drive, and ranges in elevation from approximately 30 to 330 feet above mean sea level (msl). The project site supports limited vegetation due to grading and land uses that have occurred throughout the site's history. As

shown in Figure 4.3-1, Habitat Map, habitats within and adjacent to the property boundaries include coast live oak woodland, coastal scrub, valley needlegrass grassland, non-native grassland, ornamental trees, and ruderal/disturbed area.

#### **4.3.1.3 Environmentally Sensitive Habitat**

A basic goal of the California Coastal Act is to "protect, maintain, and where feasible, enhance and restore the overall quality of the coastal zone environment and its natural and man-made resources." To achieve this goal, the County's LCP identifies and protects sensitive habitat areas through the designation of appropriate land uses and management techniques. Environmentally sensitive habitats are defined by the Coastal Act as "any area in which plant or animal life or their habitats are either rare or especially valuable because of their nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments." The San Luis Coastal Area Plan identifies Environmental Sensitive Habitat Areas (ESHAs) and Sensitive Resource Areas (SRAs) ~~in the project area~~ within and proximate to the project site, including the following described below.

##### San Luis Creek Estuary

This small estuary west of the community of Avila Beach is an SRA and an important feeding and resting area for migratory water fowl. San Luis Creek may be the southernmost stream supporting steelhead rainbow trout runs in the State. One mile upstream from the mouth of the creek a check dam was installed to stop salt water intrusion. However, with the exception of the rainbow trout, the dam has blocked migration up and down the stream. Most of the estuary is in private holdings. The project site is located approximately 0.7 mile of the estuary.

##### Coastal Streams and Riparian Vegetation

Coastal streams and riparian vegetation (SRV) are ESHAs and the natural hydrological system and ecological function of coastal streams shall be protected and preserved. Enforcement of SRV protection is provided by §23.07.174 of the CZLUO, including a requirement for a 50-foot setback for sites within the Urban Services Line, such as the project site. SRV within and proximate to the project includes two unnamed drainages. One drainage is located parallel to Diablo Canyon Road, approximately 50 feet west of the western property boundary (with the exception of the northwestern corner). This drainage is identified as a coastal stream in the County LCP. The second drainage is located within the far eastern portion of the project site; this feature is not identified as a coastal stream; however, this EIR analysis considers similar protection measures (i.e., avoidance and application of a 50-foot development buffer). These features are shown on Figure 4.3-1.

#### **4.3.1.4 Native and Important Vegetation**

Areas dominated by coast live oak as well as scattered oak trees occur at several locations around the periphery of the project site. Oaks occur on-site near the northeastern property boundary and next to the water tank near the northern property boundary. They also occur outside of the property boundary in a deep canyon northwest of the project site and near Diablo Canyon Road, and in clusters north of the project site. The oak woodland at the northeastern side of the project site is dense in spots with an understory composed of species common to the adjacent coastal sage scrub or non-native grassland habitats. Nine coast live oak trees are located within ornamental trees and vegetation along Babe Lane, and 12 coast live oak trees are located in the far eastern corner of the project site.

Coastal scrub is located within the northern portion of the project site, on upper slopes near the existing water tank, and on steep slopes northeast of the property. This habitat type is also

present east of Diablo Canyon Road, and within a small area north of Avila Beach Drive. Dominant species include coyote brush, coastal buckwheat, California sagebrush, giant wildrye, deerweed, goldenbrush, toyon, black sage, pepper trees, and scattered coast live oak trees (in the eastern corner of the project site).

Non-native grassland and valley needle grassland including bunches of purple needlegrass ~~is~~are located on the upper slopes of the project site and is interspersed with coastal sage scrub and oak woodland habitats surrounding the site. The grassland observed within and adjacent to the project property supports a variety of introduced annual grasses including valley needlegrass and weedy herbaceous species including wild oats, bromes, mustard, and tocalote.

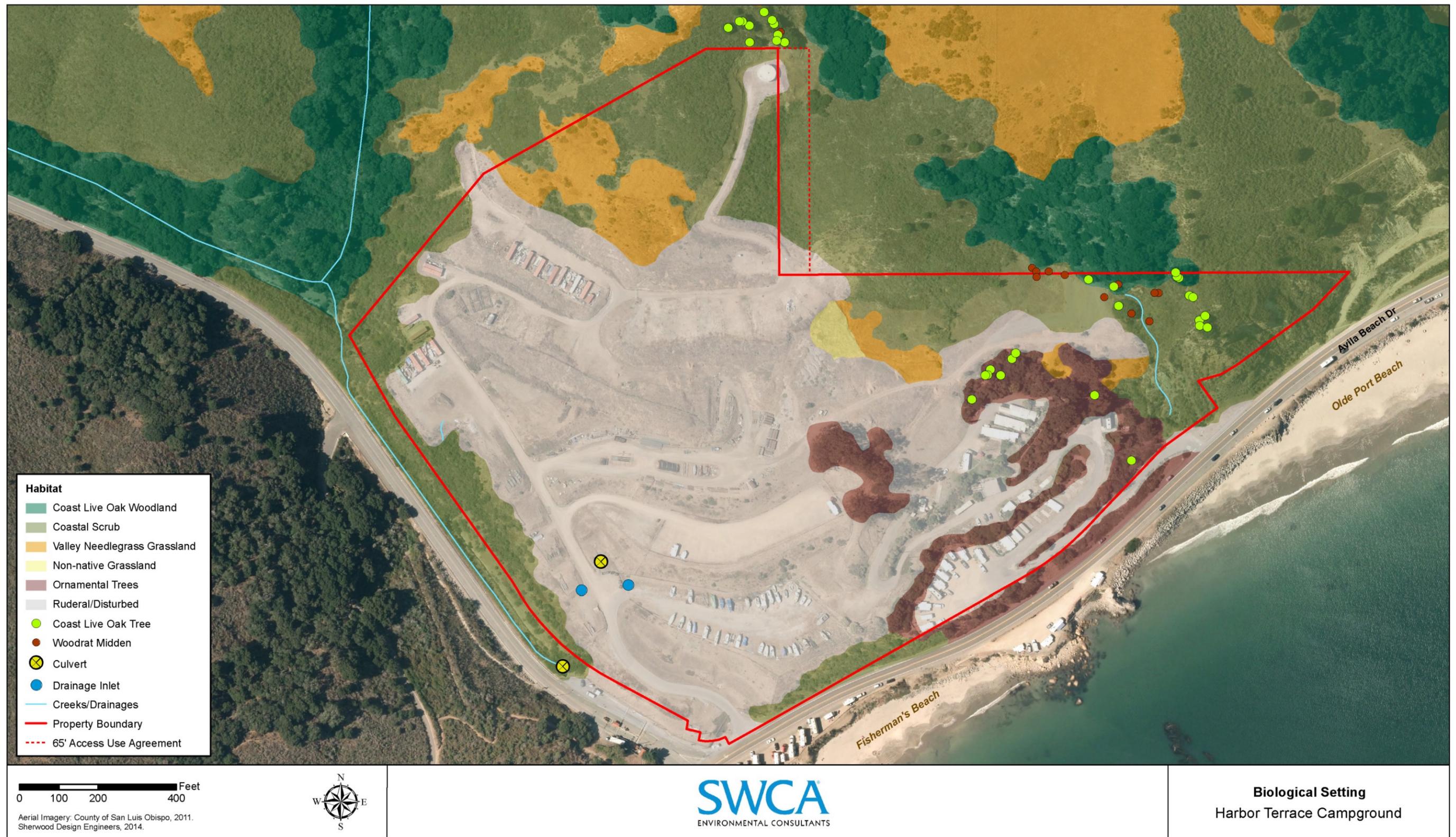
Native grassland observed on the project site was classified as valley needlegrass grassland (Holland 1986) and more specifically as a Nassella Pulchra Herbaceous Alliance (Sawyer et. al 2009). This plant community consists of mid-height (up to 2 feet) grasslands dominated by perennial, tussock-forming purple needlegrass (*Nassella [=Stipa] pulchra*). Native shrubs/forbs and non-native annual grasses were observed between the purple needlegrass tussocks, and were observed to be intermixed with non-native grassland, coastal scrub and coast live oak woodlands in particular areas of the site.

Native grasslands on the site were determined by estimating the percent cover of purple needlegrass within 10-meter plots. One-meter quadrats were also placed within the plots to determine species richness within the plots and to further support the cover of purple needle grass within the plots. The 10-meter plots were also placed in areas determined to be non-native grassland and where a distinct change in species composition was observed. Native grasses and forbs observed in the plots and during surveys conducted during the blooming period include purple needlegrass, soap plant (*Chloragalum pomeridianum*), blue eyed grass (*Sisyrinchium bellum*), blue dicks (*Dichelostemma capitatum*), wild cucumber (*Marah fabaceus* var. *fabaceus*), catch fly (*Silene gallica*), rattlesnake weed (*Daucus pusillus*), pacific sanicle (*Sanicula crassicaulis*), yarrow (*Achillea millefolium*), arroyo lupine (*Lupinus succulentus*), coast morning glory (*Calystegia macrostegia* ssp. *cyclostegia*), and California poppy (*Eschscholzia californica*). Emergent native shrubs observed in the native grassland areas include saw-toothed goldenbush (*Hazardia squarrosa*), coyote brush (*Baccharis pilularis*), and California sagebrush (*Artemisia californica*). Non-native grasses and forbs observed in the native grassland areas include oats (*Avena* spp.), brome (*Bromus* spp.), rattail fescue (*Festuca myuros*), Italian ryegrass (*Festuca perennis*), and iceplant (*Carpobrotus edulis*).

Percent cover of purple needlegrass within the plots was observed to be 20-60% in the areas mapped as native grassland. Purple needlegrass presence within the random 1-meter quadrats was observed to be 30-90%. The condition of the grassland habitat onsite varied based on slope and location. Native grassland within the upper slopes of the northwest portion of the project site appears to have remained undisturbed due to the topography and lack of historic and recent access. Grassland areas on gently sloping areas adjacent to ruderal/disturbed areas have historically been disturbed by the storage of materials and use of equipment near existing storage areas and roads, and do not exhibit the same habitat quality as the upper northwestern grassland areas.

Stands of ornamental trees are located along and west of Babe Lane, and include pepper trees, Monterey pines, blue gum eucalyptus trees, and Italian cypress. Native vegetation interspersed with the ornamental vegetation includes coast live oak trees, toyon, and yucca (*Yucca* spp.). Scattered native shrubs and grasses are present on slopes between the terraces, including coyote brush, coast goldenbush, and needlegrass.

Figure 4.3-1. Habitat Map



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A stand of introduced blue gum eucalyptus trees is located near the center of the site with a dense stand of needlegrass beneath, a native bunchgrass. Several toyon shrubs are growing beneath the stand of eucalyptus. Various ornamental landscape species have been planted around the trailer park. Several individuals of these species, including California pepper and myosporum, have spread to other areas.

The remainder of the project site consists of ruderal/disturbed habitat, including graded roads, pads, terraces, and storage areas. Vegetation includes various grasses and shrubs.

#### **4.3.1.5 Special-Status Species**

No rare, threatened or endangered plant species were found on the Harbor Terrace site during site surveys conducted for the Harbor Terrace EIR in 1996. Furthermore, inventories of sensitive species on Diablo Canyon lands in 1995 did not identify sensitive species on the property. Recent surveys conducted on December 4, 2013, and March 20, May 15, and August 11, 2014, by Barrett Holland documented the presence of woodrat middens; no other special status plants or wildlife was observed.

##### Special-status Plants

Based on review of the CNDDDB and CNPS databases, (refer to Appendix D), 18 special-status plant species and one natural community of concern have the potential to occur in the area (refer to Table 4.3-1). Out of these species, suitable habitat conditions are present for the following:

- San Luis Obispo owl's clover (*Castilleja densiflora* ssp. *obispoensis*)
- Mesa horkelia (*Horkelia cuneata* ssp. *puberula*)
- Jones's layia (*Layia jonesii*)
- southern curly-leaved monardella (*Monardella sinuata* ssp. *sinuate*)

Based on appropriately-timed seasonal botanical surveys, no special-status plant species were observed onsite.

##### Special-status Animal Species

Based on review of the CNDDDB, eight special-status animal species have the potential to occur in the immediate area (refer to Table 4.3-2 and Appendix D). Out of these species, suitable habitat conditions are present for the following:

- Nesting birds (Class Aves)
- San Diego woodrat (*Neotoma lepida intermedia*)

No rare, threatened, or endangered wildlife species were observed; however, woodrat middens were documented within and adjacent to oak woodland located in the far northeastern portion of the project site, near the property boundary.

##### Nesting and Migratory Birds

Trees and groundcover provide habitat for nesting and migratory birds. Endangered or threatened birds such as California brown pelican or American peregrine falcon may occasionally fly over the site.

Table 4.3-1. Special-Status Plant Species Evaluated for Potential Occurrence

Species Name	Habitat and Distribution	Flower Season	Legal Status Federal/State/CNPS	Rationale for Expecting Presence or Absence
Hoovers bent grass <i>Agrostis hooveri</i>	Chaparral, cismontane woodland, valley and foothill grasslands in sandy soils. Elevation 6-610 meters.	April-July	--/--/1B.2	<b>Suitable Conditions Absent:</b> Grassland and oak woodland habitat is present in the property boundaries; however, sandy soils were not observed. Species not observed during the appropriate blooming period.
Morro manzanita <i>Arctostaphylos morroensis</i>	Chaparral, cismontane woodland, coastal dunes, and coastal scrub in Baywood fine sand. Elevation 5-205 meters.	December-March	FT/--/1B.1	<b>Suitable Conditions Absent:</b> Coastal scrub and oak woodland habitat is present in the property boundaries; however, Baywood fine sand was not observed. No manzanita species ( <i>Arctostaphylos</i> sp.) were observed in the property boundaries.
Pecho manzanita <i>Arctostaphylos pechoensis</i>	Closed-cone coniferous forest, coastal scrub, and chaparral on siliceous shale. Elevation 125-850 meters.	November-March	--/--/1B.2	<b>Suitable Conditions Absent:</b> Coastal scrub habitat is present in the property boundaries; however, siliceous shale soils were not observed. No manzanita species ( <i>Arctostaphylos</i> sp.) were observed in the property boundaries.
Santa Margarita manzanita <i>Arctostaphylos pilosula</i> [formerly <i>Arctostaphylos wellsi</i> ]	Closed-cone coniferous forest, cismontane woodland and chaparral (sandstone). Elevation 170-105 meters.	December-March	--/--/1B.2	<b>Suitable Conditions Absent:</b> Oak woodland habitat is present in the property boundaries. Species also occurs at slightly higher elevations than the property boundaries. No manzanita species ( <i>Arctostaphylos</i> sp.) were observed in the property boundaries.
San Luis mariposa-lily <i>Calochortus obispoensis</i>	Chaparral, coastal scrub and grassland communities on serpentine soils. Elevation 75-665 meters.	May-July	--/--/1B.2	<b>Suitable Conditions Absent:</b> Grassland and coastal scrub habitat is present in the property boundaries; however, serpentine soils were not observed. Species not observed during the appropriate blooming period.

Table 4.3-1. Special-Status Plant Species Evaluated for Potential Occurrence

Species Name	Habitat and Distribution	Flower Season	Legal Status Federal/State/CNPS	Rationale for Expecting Presence or Absence
La Panza mariposa-lily <i>Calochortus simulans</i>	Chaparrals, cismontane woodland, lower montane coniferous forest, and valley and foothill grassland (sandy, granitic or serpentine). Elevation 395-1100 meters	April-May	--/--/1B.3	<b>Suitable Conditions Absent:</b> Grassland and oak woodland habitat is present in the property boundaries; however, this species occurs at higher elevations than the property boundaries. Species not observed during the appropriate blooming period.
San Luis Obispo owl's clover <i>Castilleja densiflora</i> ssp. <i>obispoensis</i>	Valley and foothill grassland in clay or other rocky soils. Elevation 10-215 meters.	March-May	--/--/1B.2	<b>Suitable Conditions Present:</b> Grassland habitat and the appropriate soils are present in the property boundaries; however, species not observed during the appropriate blooming period.
Brewer's spineflower <i>Chorizanthe breweri</i>	Chaparral, cismontane woodland, coastal scrub, closed-cone coniferous forest; rocky or gravelly serpentine sites; usually in barren areas. Elevation 45-800 meters.	May-August	--/--/1B.3	<b>Suitable Conditions Absent:</b> Oak woodland habitat is present in the property boundaries; however, the appropriate soils were not observed. Species not observed during the appropriate blooming period.
Pismo clarkia <i>Clarkia speciosa</i> ssp. <i>immaculata</i>	Chaparral, cismontane woodland, valley/foothill grasslands in sandy soils. Found in southern SLO County. Elevation 25-180 meters.	May-July	FE/SR/ 1B.1	<b>Suitable Conditions Absent:</b> Grassland and oak woodland habitat is present in the property boundaries; however, sandy soils were not observed. Species not observed during the appropriate blooming period.
Eastwood's larkspur <i>Delphinium parryi</i> ssp. <i>eastwoodiae</i>	Perennial herb; chaparral and valley and foothill grassland (serpentinite, coastal). 75-500 meters	February-March	--/--/1B.2	<b>Suitable Conditions Absent:</b> Grassland habitat is present in the property boundaries; however, serpentine soils were not observed. Species not observed during the appropriate blooming period.

Table 4.3-1. Special-Status Plant Species Evaluated for Potential Occurrence

Species Name	Habitat and Distribution	Flower Season	Legal Status Federal/State/CNPS	Rationale for Expecting Presence or Absence
mouse gray dudleya <i>Dudleya abramsii</i> ssp. <i>murina</i>	Coastal scrub, valley and foothill grassland (serpentine), and chaparral. Elevation 90-440 meters.	May-June	--/--/1B.3	<b>Suitable Conditions Absent:</b> Grassland and coastal scrub habitat is present in the property boundaries; however, serpentine soils were not observed. Species not observed during the appropriate blooming period.
Indian Knob mountainbalm <i>Eriodictyon altissimum</i>	Maritime chaparral, cismontane woodland, coastal scrub, on sandstone. Elevation 80-270 meters.	March-June	FE/SE/1B.1	<b>Suitable Conditions Absent:</b> Oak and coastal scrub habitat is present in the property boundaries; however, the appropriate soils were not observed. Species not observed during the appropriate blooming period.
Mesa horkelia <i>Horkelia cuneata</i> ssp. <i>puberula</i>	Chaparral, cismontane woodland and coastal scrub (sandy or gravelly). Elevation 70-810 meters.	February-July (September)	--/--/1B.1	<b>Suitable Conditions Present:</b> Oak woodland and coastal scrub habitat is present; however, species not observed during the appropriate blooming period.
Jones's layia <i>Layia jonesii</i>	Chaparral and valley and foothill grassland (clay or serpentine outcrops). Elevation 5-400 meters.	March-May	--/--/1B.2	<b>Suitable Conditions Present:</b> Grassland habitat and the appropriate soils were observed in the property boundaries for this species. Species not observed during the appropriate blooming period.
southern curly-leaved monardella <i>Monardella sinuata</i> ssp. <i>sinuata</i>	Chaparral, coastal dunes, coastal scrub (openings), and cismontane woodland. 0-300 meters	April-September	--/--/1B.2	<b>Suitable Conditions Present:</b> Coastal scrub and oak woodland habitat is present; however, species not observed during the appropriate blooming period.
woodland woollythreads <i>Monolopia gracilens</i>	Occurs on serpentine in broadleaved upland forest, chaparral (openings), cismontane woodland, North Coast coniferous forest (openings), and valley and foothill grassland. 100-1200 meters.	February-July	--/--/1B.2	<b>Suitable Conditions Absent:</b> Grassland and cismontane woodland is present; however, the appropriate soils were not observed in the property boundaries for this species. Species not observed during the appropriate blooming period.

**Table 4.3-1. Special-Status Plant Species Evaluated for Potential Occurrence**

Species Name	Habitat and Distribution	Flower Season	Legal Status Federal/State/CNPS	Rationale for Expecting Presence or Absence
black-flowered figwort <i>Scrophularia atrata</i>	Conifer forest, chaparral, coastal dune, coastal scrub, and riparian scrub habitats with diatomaceous shale. Elevation 10-500 meters.	March - July	--/--/1B.2	<b>Suitable Conditions Absent:</b> Coastal scrub habitat is present; however, the appropriate soils were not observed in the property boundaries for this species. Species not observed during the appropriate blooming period.
most beautiful jewel-flower <i>Streptanthus albidus</i> ssp. <i>peramoenus</i>	Chaparral, cismontane woodlands, and valley and foothill grasslands on serpentinite soil. Elevation 94-1000 meters.	April - September	--/--/1B.2	<b>Suitable Conditions Absent:</b> Oak woodland and grassland habitat is present; however, the appropriate soils were not observed in the property boundaries. Species not observed during the appropriate blooming period.

**Natural Communities of Concern**

Central maritime chaparral	A variable scrub community of moderate to high cover dominated by various <i>Arctostaphylos</i> or <i>Ceanothus</i> species. Found on well drained sandy soils in areas subject to summer fog.	<b>Absent:</b> This natural community was not observed within the property boundaries.
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**Status Codes:**

*Federal:*

FE = Federally Endangered

FT = Federally Threatened

*State:*

SE = State Endangered

ST = State Threatened

SR = State Rare

*California Native Plant Society (CNPS):*

List 1B = rare, threatened, or endangered in California and elsewhere.

List 2 = rare, threatened, or endangered in California, but more common elsewhere.

Threat Code:

.1 = Seriously endangered in California (over 80% of occurrences threatened / high degree and immediacy of threat)

.2 = Fairly endangered in California (20-80% occurrences threatened)

.3 = Not very endangered in California (<20% of occurrences threatened or no current threats known)

Table 4.3-2. Special-status Wildlife Species Investigated for Potential Occurrence

Species Name	Habitat and Distribution	Legal Status Federal/State/Other Status	Rationale for Expecting Presence or Absence
<b><i>Fish</i></b>			
southern steelhead – southern California DPS <i>Oncorhynchus mykiss irideus</i>	South coast flowing waters. Optimally, clear, cool water with abundant instream cover, well-vegetated stream margins, relatively stable water flow, and a 1:1 pool-to-riffle ratio.	FT / -- / SSC	<b>Suitable Conditions Absent:</b> Suitable aquatic habitat was not observed within the property boundaries or adjacent drainage.
tidewater goby <i>Eucyclogobius newberryi</i>	Brackish shallow lagoons and lower stream reaches where water is fairly still, but not stagnant.	FE / -- / SSC	<b>Suitable Conditions Absent:</b> Suitable aquatic habitat was not observed within the property boundaries or adjacent drainage.
<b><i>Amphibians</i></b>			
California red-legged frog <i>Rana draytonii</i>	Aquatic habitats with little or no flow and surface water depths to at least 2.3 feet. Presence of fairly sturdy underwater supports such as cattails.	FT / -- / SSC	<b>Suitable Conditions Absent:</b> Suitable aquatic habitat necessary to support this species was not observed within the property boundaries or adjacent drainage.
<b><i>Reptiles</i></b>			
black legless lizard <i>Anniella pulchra nigra</i>	Sandy or loose loamy soils under sparse vegetation. Soil moisture is essential. Prefer soils with high moisture content.	-- / -- / SSC	<b>Suitable Conditions Absent:</b> The appropriate soils and vegetation necessary to support this species was not observed within the property boundaries.
western pond turtle <i>Emys marmorata</i>	Quiet waters of ponds, lakes, streams, and marshes. Typically in the deepest parts with an abundance of basking sites.	-- / -- / SSC	<b>Suitable Conditions Absent:</b> Suitable aquatic habitat was not observed within the property boundaries.
coast horned lizard <i>Phrynosoma blainvillii</i>	Frequents a wide variety of habitats; most commonly in lowlands along sandy washes with scattered low bushes.	-- / -- / SSC	<b>Suitable Conditions Absent:</b> Sandy wash habitat necessary to support this species was not observed within the property boundaries.

**Table 4.3-2. Special-status Wildlife Species Investigated for Potential Occurrence**

Species Name	Habitat and Distribution	Legal Status Federal/State/Other Status	Rationale for Expecting Presence or Absence
<b>Birds</b>			
other nesting birds Class Aves	Various habitats (nesting).	MBTA / -- / CDFW Code §3503	<b>Suitable Conditions Present:</b> Suitable foraging and nesting habitat for migratory birds is present within the property boundaries. No nesting birds or activity was observed during the survey; however, the property boundaries may be used by nesting birds active nest season (March-August).
<b>Mammals</b>			
San Diego woodrat <i>Neotoma lepida intermedia</i>	Forest habitats of moderate canopy and moderate to dense understory; also in chaparral habitats. Nests constructed of grass, feathers, etc. Population may be limited by availability of nest materials.	-- / -- / SSC	<b>Suitable Conditions Present:</b> Several woodrat middens were observed within the property boundaries.

General references: Unless otherwise noted all habitat and distribution data provided by California Natural Diversity Database

**Status Codes**

--= No status

*Federal:*

FE = Federal Endangered

FT = Federal Threatened

FC = Federal Candidate

CH = Federal Critical Habitat

PCH = Proposed Federal Critical Habitat

MBTA = Protected by Federal Migratory Bird Treaty Act

*State:*

SE = State Endangered

ST = State Threatened

*California Department of Fish and Game:*

SSC = California Special Concern Species

FP = Fully Protected Species

SA = Not formally listed but included in CDFW "Special Animal" List.

#### **4.3.1.6 Common Wildlife**

Animals expected or observed on site in literature include rodents, Audubon's cottontail (*Sylvilagus audubonii*), black-tailed jackrabbit (*Lepus californicus*), white-crowned sparrow (*Zonotrichia leucophrys*), California towhee (*Melospiza crissalis*), Bewick's wren (*Thryomanes bewickii*), wren-tit (*Chamaea fasciata*), bushtit (*Psaltriparus minimus*), California thrasher (*Toxostoma redivivum*), house finch, scrub jay (*Aphelocoma californica*), mourning dove (*Zenaidura macroura*), and Anna's hummingbird (*Calypte anna*). Winter visitors include the ruby-crowned kinglet (*Regulus calendula*), yellow-rumped warbler (*Dendroica coronata*), golden-crowned sparrow (*Zonotrichia atricapilla*), and lesser goldfinch (*Carduelis psaltria*). Reptiles include western fence lizard, side-blotched lizard (*Uta stansburiana*), striped racer (*Masticophis lateralis*), gopher snake, common kingsnake (*Lampropeltis getulus*), and western rattlesnake (*Crotalus viridis*). Foraging animals may include coyotes, raccoons, long-tailed weasels (*Mustela frenata*), bobcats and badgers (*Taxidea taxus*) as well as red-tailed hawk, northern harrier, merlin (*Falco columbarius*), red-shouldered hawk, barn owl (*Tyto alba*), and great-horned owl (*Bubo virginianus*).

#### **4.3.1.7 Wildlife Corridors and Migration.**

Wildlife corridors serve to connect wildlife to important breeding areas, foraging sites, or water sources. Corridors typically need to exhibit sufficient cover to provide some protection for prey, but may also consist of relatively unobstructed access. In the project area, wildlife corridors may include drainages along the eastern and western property boundaries. Terrestrial open space to the north provides relatively uninterrupted movement opportunities for area wildlife.

### **4.3.2 Regulatory Setting**

#### **4.3.2.1 Federal and State**

##### Endangered Species Act of 1973 (16 United States Code §1531 et seq.)

The Federal Endangered Species Act (FESA) protects threatened and endangered species, as listed by the U.S. Fish and Wildlife Service (USFWS), from unauthorized take, and directs Federal agencies to ensure that their actions do not jeopardize the continued existence of such species. Section 7 of FESA defines federal agency responsibilities for consultation with the USFWS. FESA requires preparation of a Biological Assessment to address the effects on listed and proposed species of a project requiring National Environmental Policy Act compliance. Under Section 10 of FESA, the USFWS may issue permits, with conditions, that authorize the take (harm or harassment) of a listed species.

##### Executive Orders 11988 (Floodplain Management) and 11990 (Protection of Wetlands)

These Executive Orders require federal agencies to provide leadership to protect the natural and beneficial values served by floodplains and wetlands. Federal agencies are directed to avoid development in floodplains where possible, and to minimize the destruction or degradation of wetlands.

##### Clean Water Act of 1977, as amended (33 United States Code §1251 et seq.)

The Clean Water Act provides for the restoration and maintenance of the physical, chemical, and biological integrity of the nation's waters. Section 404 of the Act prohibits the discharge of dredged or fill materials into waters of the United States, including wetlands, except as permitted under separate regulations by the U.S. Army Corps of Engineers (USACE) and US EPA. An important aspect of the regulations is that discharges into waters of the United States,

and the placement of fill in wetlands in particular, should be avoided if there are practicable alternatives. A Section 404 permit application would have to be submitted to the USACE and approved prior to any discharge of fill or dredged material into San Luis Obispo Creek or the beach area below the high tide line. A Water Quality Certification is required under Section 401 of the Act before a Section 404 permit can be issued.

California Coastal Act of 1976 (Public Resources Code §30000 et seq.)

The California Coastal Act was established to provide for the conservation and development of California's coastline. It established the CCC as a permanent state coastal management and regulatory agency, with jurisdiction over the Coastal Zone. Cities and Counties, including San Luis Obispo County, have prepared, with the approval of the Coastal Commission, LCPs that provide policies, land use plans, and zoning ordinances that guide development decisions through the issuance of Coastal Development Permits.

The central provisions of Chapter 3 of the California Coastal Act provide guidance for the protection of sensitive resources. These provisions include §§30231, 30240, and 30250(a) as follows:

*Section 30231 provides that the biological productivity of coastal waters, streams, wetlands, estuaries, and lakes must be maintained and, where feasible, restored. This is to be achieved by, among other means: minimizing adverse effects of wastewater discharges and entrainment; controlling runoff; preventing depletion of groundwater supplies and substantial interference with surface water flow; encouraging wastewater reclamation; maintaining natural buffer areas that protect riparian habitats; and minimizing alteration of natural streams.*

*Section 30240 prohibits any significant disruption of habitat values, and limits development within environmentally sensitive habitat areas (ESHA) to uses that are dependent on the resources. It also requires development adjacent to ESHA be sited and designed to prevent significant degradation and be compatible with the continuance of the habitat.*

*Section 30250 (a) directs new residential, commercial, or industrial development to existing developed areas. Where developed areas cannot accommodate new development, it is to be located in other areas where it will not have significant adverse effects, either individually or cumulatively, on coastal resources.*

Under the California Coastal Act, estuaries and other wetlands within the Coastal Zone are environmentally sensitive habitats, and are to be protected, enhanced, and, where possible, restored. The proposed project would not include direct impacts to drainages onsite.

California Environmental Quality Act of 1970 (Public Resources Code §21000-21177; Guidelines at §15000 et seq.)

CEQA Guidelines stipulate that a plant or animal that is not listed but can be shown to meet criteria for listing under the California Endangered Species Act (CESA) (see below) shall be given the same consideration as a listed species.

### California Endangered Species Act of 1984 (Fish and Game Code §2050 et seq.)

CESA ensures legal protection for plants listed as rare or endangered, and wildlife species formally listed as endangered or threatened, and also maintains a list of California Species of Special Concern (SSC). SSC status is assigned to species that have limited distribution, declining populations, diminishing habitat, or unusual scientific, recreational, or educational value. Under state law, the California Department of Fish and Wildlife (CDFW) is empowered to review projects for their potential to impact special-status species and their habitats. Under CESA, CDFW reserves the right to request the replacement of lost habitat that is considered important to the continued existence to CESA protected species.

### California Fish and Game Code

California Fish and Game Code §3511 includes provisions to protect Fully Protected species, such as: (1) prohibiting take or possession “at any time” of the species listed in the statute, with few exceptions; (2) stating that “no provision of this code or any other law shall be construed to authorize the issuance of permits or licenses to “take” the species; and (3) stating that no previously issued permits or licenses for take of the species “shall have any force or effect” for authorizing take or possession. The CDFW is unable to authorize incidental take of “fully protected” species when activities are proposed in areas inhabited by those species. §§3503 and 3503.5 of the Fish and Game Code state that it is unlawful to take, possess, or destroy the nest or eggs of any bird, with occasional exceptions. In addition, §3513 states that it is unlawful to take or possess any migratory bird as designated in the Migratory Bird Treaty Act of 1918 (MBTA) or any part of such migratory birds except as provided by rules and regulations under provisions of the MBTA. CDFW also manages the California Native Plant Protection Act of 1977 (Fish and Game Code §1900, et seq.), which was enacted to identify, designate and, protect rare plants. In accordance with CDFW guidelines, CNPS 1B list plants are considered “rare” under the CESA, and are evaluated in CEQA documents.

Fully Protected species may not be taken or possessed without a permit from the Fish and Game Commission and/or CDFW. Information on these species can be found within §3511 (birds), §4700 (mammals), §5050 (reptiles and amphibians), and §5515 (fish) of the Fish and Game Code.

### Porter-Cologne Water Quality Control Act (California Water Code, §13020)

Under the authority of the Porter-Cologne Act and the Federal Clean Water Act, the Central Coast RWQCB acts as the regional agency for the State Water Resources Control Board and is responsible for the regional enforcement of water quality laws and coordination of water quality control activities. A Compilation of Water Quality Goals prepared by the RWQCB establishes water quality goals for protection of saltwater and freshwater aquatic life. These goals include maximum and average concentrations of organic and inorganic constituents in water.

### Senate Bill 1334 Oak Woodlands Conservation

Under Senate Bill (SB) 1334, county governments are responsible for conserving oak woodlands within their jurisdiction. During the CEQA review process, SB 1334 requires county governments to determine if a proposed project would result in the conversion of oak woodland. If the County determines that the proposed project would result in the conversion of oak woodland, the County is mandated to require implementation of specified mitigation as outlined in an oak woodland management plan. In San Luis Obispo County, oak woodlands are defined as areas containing greater than 10% oak canopy cover. The County oak management plan defines conversion as cutting or removing 10% or more of the oak woodland canopy or

removing more than 10 oak trees. The proposed project would result in the conversion of oak woodland; therefore, is subject to mitigation as mandated by SB 1334 and the County oak management plan.

#### **4.3.2.2 Local Regulations and Policies**

The project is required to comply with the County of San Luis Obispo LCP, CZLUO, and San Luis Bay Coastal Area Plan.

##### San Luis Bay Coastal Area Plan

Applicable standards identified in the San Luis Bay Coastal Area Plan are listed below.

##### **Sensitive Resource Areas (SRA)**

9. **Site Planning – Development Plan Projects.** *Projects requiring Development Plan approval are to concentrate proposed uses in the least sensitive portions of properties. Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade such areas, and shall be compatible with the continuance of such habitat areas. Native vegetation is to be retained as much as possible.*

##### **Port San Luis**

##### **Aquatic and Terrestrial Habitats**

**Goal: Responsibly managed and protected resources in and surrounding San Luis Obispo Bay (State-granted Tidelands).**

1. **Marine Environments.** *Unless allowed under Chapter 3 of the Coastal Act, new development, including alterations to port facilities is prohibited in marine environmentally sensitive habitat areas (ESHAs) and shall not result in significant water quality impacts to San Luis Obispo Bay. Marine resources shall be maintained, enhanced, and where feasible restored. New development within the marine environment shall sustain the biological productivity of coastal waters and maintain healthy populations of all species of marine organisms adequate for long term commercial, recreational, scientific, and educational purposes.*

*New development within or adjacent to the marine environment shall include water quality Best Management Practices (BMP's) before, during, and after construction.*

*Environmentally sensitive habitats of San Luis Creek and other coastal creeks, including their associated riparian habitats, shall be protected, preserved, and restored where feasible.*

4. **Native Vegetation.** *Native oak trees and plant cover shall be protected wherever feasible. New landside development shall require landscaping plans that include only native, drought tolerant plants of local stock appropriate to the site and that reflect the Port's waterfront character. Invasive plant species are prohibited.*

5. **Land-based Sensitive Resources.** *Consistent with the LCP provisions for Environmentally Sensitive Habitat Areas (ESHA) already required pursuant to Coastal Zone Land Use Ordinance Section 23.07.170, land based environmentally sensitive habitat areas (ESHA) shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas. Development adjacent to ESHA and parks and recreation areas shall be sited and designed to prevent impacts that would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.*

**Harbor Terrace**

- c. *To protect and enhance sensitive biological resources and habitat areas, including water quality, on and adjacent to the Harbor Terrace site, the following measures shall include, but are not limited to:*
  1. *The revegetation of all cut slopes with native species of local stock appropriate to the site. Invasive plant species are prohibited.*
  2. *The replacement of all oak trees in areas adjacent to existing oak woodland habitat, if the removal of such oak trees cannot be avoided. The number and replacement of trees shall be adequate to ensure that an equal or greater number of oak trees, in comparison to the number of trees removed, will be successfully established. A tree replacement program, including long-term maintenance measures, shall accompany any development plan that involves the removal of existing oak trees. This program will include strategies for improving natural oak recruitment.*
  3. *Designing grading and construction activities to avoid disturbance of habitat (e.g. coastal scrub habitat) and minimize the removal of oak trees.*
  4. *The establishment, management, and maintenance of setback or buffer zones as habitat areas. The width of such setback/buffer areas shall be determined through a project specific biological analysis that identifies the minimum setback/buffer area necessary to protect the biological productivity of sensitive habitat areas. Setback areas necessary for fire safety shall be identified in the development plan and shall be designed to avoid the removal or disturbance of habitat areas. The width of the vegetative buffer area provided for the coastal stream adjacent to Diablo Canyon Road shall be no less than 50 feet.*
  5. *Providing information to future guests regarding nature viewing opportunities.*
  6. *The provision of designated areas for pets so that native habitat areas are avoided.*
  7. *Grading for approved development shall be designed and implemented to minimize sedimentation impacts on adjacent surface water bodies including coastal streams and San Luis Bay.*

*Construction activities such as grading and clearing shall be scheduled to avoid the rainy season.*

- 8. Minimize impervious surfaces and install post development BMP's to capture, infiltrate, and/or treat storm water runoff. The objective of drainage improvements shall be to avoid any increase in the quantity and intensity of storm water runoff exiting the site. Post construction BMP's shall be designed with adequate capacity to accommodate, at a minimum, the 85th percentile 24-hour runoff event.*
- 9. If drainage facilities are proposed to flow into the stream/drainage channel adjacent to Diablo Canyon Road, the stream channel shall be restored to provide both flow capacity and natural habitat.*
- 10. Filtering all drainage from parking facilities by using vegetated swales or oil/water separators to limit oil/grease pollution and the intensity of flow commonly associated with parking lots.*
- 11. Use all BMP's possible to limit water quality impacts and eliminate to the greatest degree feasible the need for additional culverts and ocean/beach disposal points.*

### Coastal Zone Land Use Ordinance

Section 23.07.170 of the CZLUO provides standards and findings required for development proposed within ESHA, as defined by Chapter 23.11. To approve a land use permit for a project within or adjacent to an ESHA, the review body must find that:

- 1. There will be no significant negative impact on the identified sensitive habitat and the proposed use will be consistent with the biological continuance of the habitat.*
- 2. The proposed use will not significantly disrupt the habitat.*

Section 23.07.170 (d) provides development standards for ESHA that must be satisfied, which include:

- 1. New development within or adjacent to the habitat shall not significantly disrupt the resource.*
- 2. New development within the habitat shall be limited to those uses that are dependent upon the resource.*
- 3. Where feasible, damaged habitats shall be restored as a condition of development approval.*
- 4. Development shall be consistent with the biological continuance of the habitat.*
- 5. Grading adjacent to ESH shall conform to the provisions of Section 23.05.034c.*

## Port Master Plan and Port Master Plan Final Program EIR

The Port Master Plan includes the following goals and policies, which are incorporated in greater detail in the San Luis Bay Coastal Area Plan (refer to list of standards above).

***Goal: A harbor with protected, maintained, and enhanced resources that balances the environmental, social, and economic needs of the various user groups.***

### **Aquatic and Terrestrial Habitats**

- 1. Marine Environments. No actions taken by the Board of Commissioners of Harbor District will result in significant and unavoidable decreases in water quality of San Luis Obispo Bay, including sensitive habitats in San Luis Creek.*
- 2. Runoff Controls. Require implementation of effective runoff control strategies and pollution prevention activities by incorporating the most current best management practices for all new development.*
- 3. Native Vegetation. Require landscaping plans to incorporate native plants and other coastal species appropriate to the site that reflect the Port's waterfront character.*
- 4. Land-based Sensitive Resources. Incorporate decisions and implementation measures that protect environmentally sensitive resources.*

The following mitigation measures identified in the Port Master Plan Final Program EIR are applicable to the proposed project:

- B-1.*** *Oak trees removed or damaged by project activities shall be replaced by planting oak trees in areas adjacent to existing oak woodlands outside project grading limits. These oak trees should be grown from locally collected acorns. San Luis Obispo County recommends a 4:1 replacement of oak trees removed or damaged by development activities. Existing oak trees shall be beneficially incorporated where possible in the project landscaping along with other native species.*
- B-2.*** *Grading and construction in and adjacent to sensitive native habitat areas shall be minimized. Project grading activities shall generally avoid steep slopes and bluff areas.*
- B-3.*** *Construction limits shall be clearly defined and enforced. Oak tree protective measures shall be incorporated by installing construction fencing outside of the drip line of oak trees and preventing any construction or grading activities from damaging existing oak trees.*
- B-4.*** *Projects abutting open, natural areas, will incorporate a buffer zone incorporating fire clearance requirements, and transition zones between introduced and native landscaping. Maintenance of this buffer zone would include prevention of non-native vegetation in the project area from spreading into the native habitats surrounding the site.*

**B-5.** *Initial land-clearing and grading activities shall be scheduled to avoid spring and early summer months in areas where oak woodland or dense coastal scrub border the site. If clearing must occur during this time period, preconstruction surveys shall be conducted to identify nesting birds in coastal scrub and oak woodland habitats within 500 feet of any project grading or related activities (parking, equipment storage, construction office, etc.). If active nests of Cooper’s hawk, northern harrier, white-tailed kite, or Bell’s sage sparrow are found, construction or related activities shall be postponed within 500 feet of the nest until the young have fledged or the nest becomes inactive.*

**B-6.** *Botanical surveys shall be conducted to determine the presence and distribution of special status plant species on the Harbor Terrace site prior to project approval. Botanical surveys shall be conducted by a qualified botanist during known flowering periods of plant species listed in Table 5.6-1 and focus on vegetated areas that would be disturbed by the project. If special-status species would be adversely affected by the project, mitigation measures shall include:*

- a. Relocating project components to avoid impacts;*
- b. Preservation of the majority of the population on the project site through a permanent conservation easement; and*
- c. Transplanting individual plants (perennials) or seeds (annuals) from impact areas to restoration areas.*

*Measure a. should be implemented if the plant is threatened or endangered or if a small percentage of the sensitive population on the project site would be affected. Otherwise, measures b. or c. may be implemented.*

**B-7.** *Native landscaping shall be designed and installed to discourage pedestrian access from the Harbor Terrace site into adjacent native habitats. In addition, if pets are allowed, designated pet areas shall be incorporated into the design of new development so pets are not allowed into nearby habitat areas or buffer zones that support native wildlife.*

**B-8.** *To approve a land use permit for a project within or adjacent to an Environmentally Sensitive Area, the Harbor District must find that:*

- 1. There will be no significant negative impact on the identified sensitive habitat and the proposed use will be consistent with the biological continuance of the habitat.*
- 2. The proposed use will not significantly disrupt the habitat.*

**B-9.** *The Harbor District shall implement the following provisions of the Coastal Zone Land Use Ordinance in the review and approval of new development that may affect environmentally sensitive areas:*

- 1. New development within or adjacent to the habitat shall not significantly disrupt the resource.*
- 2. New development within a sensitive habitat shall be limited to those uses that are dependent upon the resource.*

3. *Where feasible, damaged habitats shall be restored as a condition of development approval.*
4. *Development shall be consistent with the biological continuance of the habitat.*
5. *Grading adjacent to Environmentally Sensitive Habitat Areas shall conform to the provisions of Section 23.05.034c of the Coastal Zone Land Use Ordinance.*

**B-10.** *The Harbor District shall implement the following provisions of the Coastal Zone Land Use Ordinance in the review and approval of new development that may affect marine, nearshore and beach habitats:*

1. *Protection of kelp beds, offshore rocks, reefs and intertidal areas. Development shall be sited and designed to mitigate impacts that may have adverse effects upon the habitat, or that would be incompatible with the continuance of such habitats.*
2. *Siting of shoreline structures. Shorelines structures, including piers, groins, breakwaters, seawalls, and pipelines shall be designed or sited to avoid and to minimize impacts on marine habitats.*
3. *Coastal access. Coastal access shall be monitored and regulated to minimize impacts on marine resources. If negative impacts are demonstrated, then the Harbor District shall take steps to mitigate these impacts, including limitations of the use of the coastal access.*

### **4.3.3 Thresholds of Significance**

According to the State CEQA Guidelines, the project would have a significant impact if it would:

- a. Have a substantial adverse effect, either directly or through habitat modification, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the CDFW or USFWS.
- b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations, or by the CDFW or USFWS.
- c. Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means.
- d. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.
- e. Conflict with any local policies or ordinances protecting biological resources, such as a tree protection policy or ordinance, or conflict with any regional plans or policies to protect sensitive species, or regulations of the CDFW or USFWS.
- f. Conflict with the provisions of an adopted Habitat Conservation Plan (HCP) or Natural Community Conservation Plan (NCCP).

- g. Further, impacts are considered significant if the proposed plan or its implementation would conflict with the resource protection sections of the Coastal Act.

#### 4.3.4 Impact Assessment and Methodology

Impact assessment focused on identifying potential project-related impacts associated with implementation of the project, and was based on details presented within the project description. Identified impacts represent a reasonable worst case scenario based on the provided project plans. Potential impacts were expected to occur where proposed construction or development activities would result in temporary or permanent modification of sensitive communities or habitats occupied by special-status species. Impacts to biological resources within the study area were evaluated by determining the sensitivity, significance, or rarity of each resource that would be adversely affected by the proposed project, and thresholds of significance were applied to determine if the impact constituted a significant impact. The significance threshold may be different for each habitat or species and is based on the resource's rarity or sensitivity and the level of impact that would result from the proposed project. Where potential project-related impacts to sensitive resources were identified, measures for avoiding or minimizing adverse effects to these resources were recommended.

#### 4.3.5 Project Specific Impacts and Mitigation Measures

Implementation of the proposed project would primarily affect ruderal/disturbed areas of the project site (refer to Figure 4.3-2). Impacts to all habitat types onsite are summarized in Table 4.3-3 below, and are categorized based on use in Table 4.3-4. Additional management of vegetation would occur within 30 to 100 feet of proposed structures, and would include mowing and tree trimming, which would result in additional impacts to grassland and coastal scrub.

**Table 4.3-3. Summary of Temporary and Permanent Impacts to Habitat**

Habitat	Existing Habitat <sup>1</sup>	Permanent Impacts	Additional Temporary Impacts <sup>2</sup>	Total
Coast live oak woodland	0.16	0.02	0.0	0.02
Ruderal/disturbed	21.69	11.42	6.82	18.24
Valley needlegrass grassland	1.72	0.08	0.07	0.15
Non-native annual grassland	0.18	0.01	0.0	0.01
Ornamental trees	2.45	0.56	0.43	0.99
Coastal scrub	8.08	0.79	0.11	0.90
<b>Total</b>	<b>34.29</b>	<b>12.88</b>	<b>7.43</b>	<b>20.32</b>

<sup>1</sup>Includes 32-acre project site and proposed 65-foot access use agreement easement

<sup>2</sup>Includes additional areas to be disturbed by grading activities outside of the permanently impacted areas

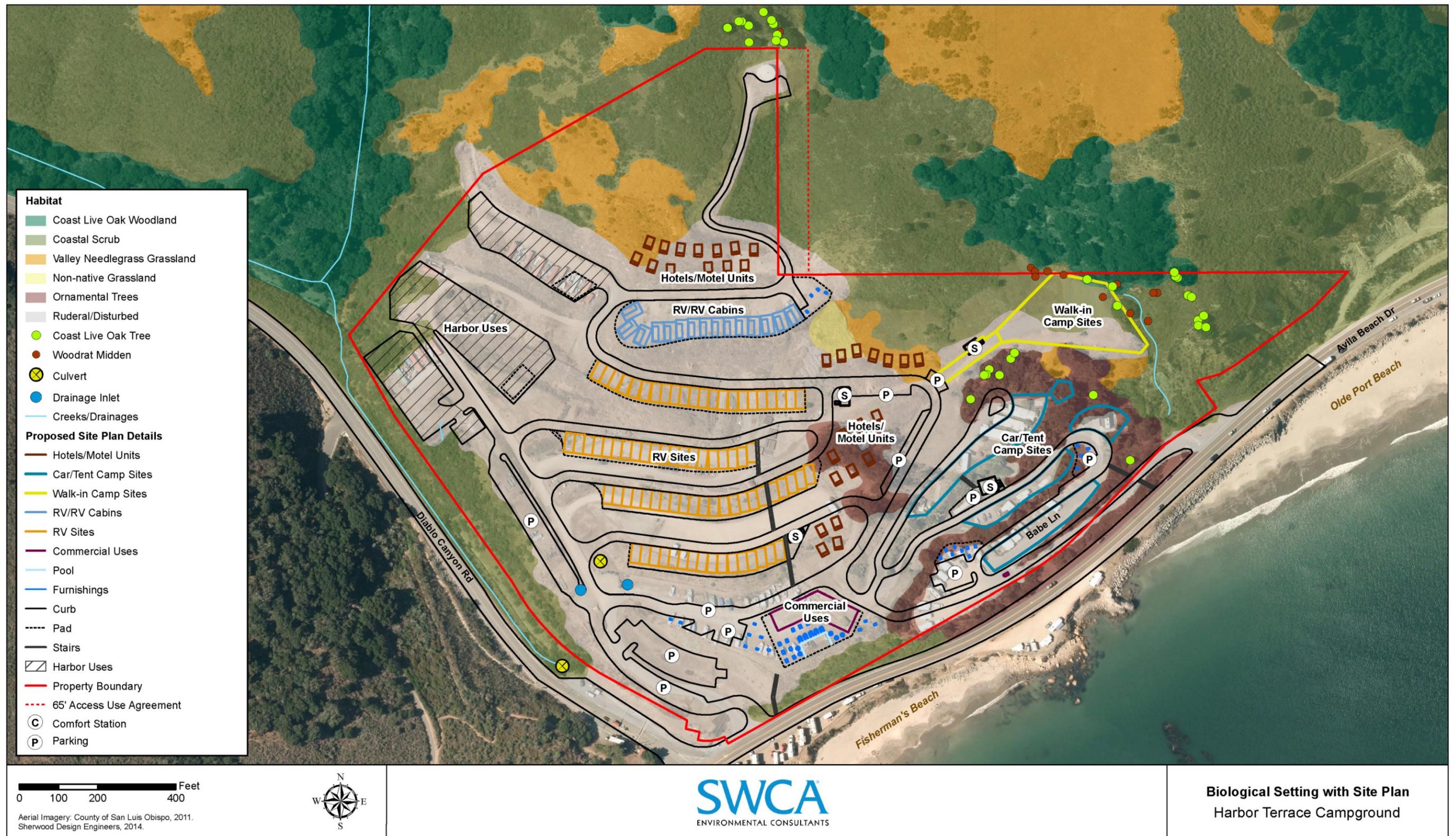
Table 4.3-4. Detailed Temporary and Permanent Impacts Based on Use Area (acres)

Habitat	Existing Habitat <sup>1</sup>	Walk-In Campsites	Car/Tent Sites	RV Sites	RV/RV Cabins	Comfort Stations	Commercial Uses	Harbor Uses	Hotel Units	Picnic Areas	Paving	Temporary Impacts <sup>2</sup>
Coast live oak woodland	0.16	0.02	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Ruderal/disturbed	21.69	0.40	0.81	1.94	0.73	0.04	0.44	1.86	0.18	0.14	4.88	6.82
Valley needlegrass grassland	1.72	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.06	0.0	0.02	0.07
Non-native annual grassland	0.18	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.01	0.0	0.0	0.0
Ornamental trees	2.45	0.0	0.15	0.01	0.0	0.0	0.0	0.0	0.03	0.06	0.3	0.43
Coastal scrub	8.08	0.41	0.0	0.0	0.0	0.0	0.0	0.30	0.0	0.0	0.08	0.11
<b>Total</b>	<b>34.29<sup>1</sup></b>	<b>0.84</b>	<b>0.96</b>	<b>1.95</b>	<b>0.73</b>	<b>0.04</b>	<b>0.44</b>	<b>2.16</b>	<b>0.28</b>	<b>0.20</b>	<b>5.29</b>	<b>7.43</b>

<sup>1</sup>Includes 32-acre project site and proposed 65-foot access use agreement easement

<sup>2</sup>Includes additional areas to be disturbed by grading activities outside of the permanently impacted areas

Figure 4.3-2. Habitat Map with Project Overlay



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**Effects on Special-Status Species and Habitat**

**Construction-Related Impacts**

Based on the results of seasonally-timed biological surveys within and adjacent to the project site, no special-status plant species were observed. Project grading and development (including potential removal of trees and vegetation) would primarily occur within ruderal/disturbed and currently developed areas, and would not result in direct impacts to sensitive habitats including the drainage near Diablo Canyon Road and the drainage east of the proposed walk-in campsites. Potential impacts to valley needlegrass grassland and coastal scrub habitat are addressed under “Long-term Impacts” below. Inadvertent impacts to native habitats including coast live oak woodland, coastal scrub, grassland, and drainages may occur if staging areas and construction equipment enter these areas. Additional disturbance of woodrat middens, native habitats, including grading, equipment storage, discharge of materials, fuels, sediment, and other pollutants outside of the grading limits and ruderal/disturbed areas would result in a potentially significant impact. Removal of ornamental trees and Eucalyptus would have an adverse effect on nesting birds, if present. Mitigation is identified, which would reduce potential effects to less than significant.

<b>BIO Impact 1</b>	
Construction of the proposed project may directly and/or indirectly affect special-status species, including terrestrial and avian species, resulting in a potentially significant short-term impact.	
<b>Mitigation Measures</b>	
<i>BIO/mm-1</i>	<i>Prior to initiation of grading activities, a qualified biologist shall conduct pre-construction surveys to determine the presence or absence of special-status species. A qualified biological monitor shall be present during any clearing and grading activities within 100 feet of onsite drainages and oak woodland. The work areas shall be clearly marked to ensure that no work occurs outside of the approved limits of disturbance (i.e., lathes and flagging, t-posts and yellow ropes, and temporary signage). The qualified biologist will receive project-specific approvals from resource agencies prior to handling any special-status wildlife species. Speed limits shall be restricted to 15 mph and work shall be limited to daylight hours.</i>
<i>BIO/mm-2</i>	<i>Upon application for construction permits from the County of San Luis Obispo, the following measures shall be included on applicable plans in order to avoid erosion and sedimentation impacts to the creeks and water quality:</i> <ol style="list-style-type: none"> <li><i>a. Grading and construction resulting in ground disturbance should be limited to the typical dry season (April 15 to October 15).</i></li> <li><i>b. If work must occur during the rainy season, the Harbor District (or their designee) shall install adequate erosion and sedimentation controls to prevent any sediment-laden run-off from entering creeks, drainages, and the Pacific Ocean.</i></li> <li><i>c. Upon completion of construction, disturbed areas will be stabilized or vegetated as detailed in the project’s re-vegetation plan.</i></li> </ol>
<i>BIO/mm-3</i>	<i>If feasible, all work shall be avoided during the nesting bird season (approximately February 1 through August 15), including ground and tree-nesting birds. If any construction activities are scheduled to occur during the nesting season, pre-construction bird surveys shall be conducted by a qualified biologist. If nesting bird species are observed within 250 feet of the construction area during the surveys, the biologist shall determine the appropriate exclusion zone for the specific species. A buffer of 250 feet shall be maintained around any nesting raptors. The nesting bird exclusion zones shall be completely avoided until the qualified biologist determines that the young have successfully fledged. A qualified biologist shall conduct periodic site inspections to ensure that the exclusion zone is maintained and to monitor the nesting progression. In the event that sensitive bird species are discovered, the USFWS and/or CDFW will be contacted to determine the appropriate protective measures prior to any construction beginning. If construction activities</i>

<b>BIO Impact 1</b>	
	<i>must occur within 250 feet of a nesting raptor nest, a qualified biologist shall be consulted to determine if the buffer can be reduced. If, in the opinion of the qualified biologist, the buffer cannot be safely reduced, a full-time avian monitor shall be present during all construction activities occurring within the established buffer to ensure no impacts occur. The avian monitor will have the authority to halt or re-direct work if raptors show signs of disturbance.</i>
<i>BIO/mm-4</i>	<i>All existing oak trees shall remain on-site. All oak trees (<u>greater than 4 inches in diameter</u>) that are within 50 feet of construction or grading activities shall be marked for protection (e.g., with flagging) and their root zone fenced prior to any grading or site grubbing. The outer edge of the tree root zone to be fenced will be outside of the canopy half the distance as measured between the tree trunk and outer edge of the canopy (i.e., 1.5 times the distance from the trunk to the drip line of the tree). Grading, utility trenching, compaction of soil, or placement of fill shall be avoided within these fenced areas to the maximum extent feasible. If grading, compaction, or placement of fill in the root zone of an existing oak tree cannot be avoided, retaining walls may be constructed to minimize cut and fill impacts to existing oak trees. Care shall be taken to avoid surface roots within the top 18 inches of soil. If any roots must be removed or exposed, they shall be cleanly cut and not left exposed above the ground surface.</i>
<i>BIO/mm-5</i>	<i>All oak trees identified to remain shall not be removed, unless otherwise regulated by the County CZLUO §23.05.062 (Exemption for trees in a hazardous condition). Unless previously approved by the County, the following activities are not allowed within the root zone of existing or newly planted oak trees:</i> <ol style="list-style-type: none"> <li><i>a. year-round irrigation (no summer watering, unless “establishing” new tree or native compatible plant(s) for up to 3 years);</i></li> <li><i>b. grading (includes cutting and filling of material);</i></li> <li><i>c. compaction (e.g., regular use of vehicles);</i></li> <li><i>d. placement of impermeable surfaces (e.g., pavement); or,</i></li> <li><i>e. disturbance of soil that impacts roots (e.g., tilling).</i></li> </ol>
	<i>Implement Port Master Plan Final Program EIR mitigation measures B-2, B-4, B-5, and B-9.</i>
<i>B-2</i>	<i><u>Grading and construction in and adjacent to sensitive native habitat areas shall be minimized. Project grading activities shall generally avoid steep slopes and bluff areas.</u></i>
<i>B-4</i>	<i><u>Projects abutting open, natural areas will incorporate a buffer zone incorporating fire clearance requirements, and transition zones between introduced and native landscaping. Maintenance of this buffer zone would include prevention of non-native vegetation in the project area from spreading into the native habitats surrounding the site.</u></i>
<i>B-5</i>	<i><u>Initial land-clearing and grading activities shall be scheduled to avoid spring and early summer months in areas where oak woodland or dense coastal scrub border the site. If clearing must occur during this time period, preconstruction surveys shall be conducted to identify nesting birds in coastal scrub and oak woodland habitats within 500 feet of any project grading or related activities (parking, equipment storage, construction office, etc.). If active nests of Cooper’s hawk, northern harrier, white-tailed kite, or Bell’s sage sparrow are found, construction or related activities shall be postponed within 500 feet of the nest until the young have fledged or the nest becomes inactive.</u></i>
<i>B-9</i>	<i><u>The Harbor District shall implement the following provisions of the Coastal Zone Land Use Ordinance in the review and approval of new development that may affect environmentally sensitive areas:</u></i> <ol style="list-style-type: none"> <li><i><u>1. New development within or adjacent to the habitat shall not significantly disrupt the resource.</u></i></li> <li><i><u>2. New development within a sensitive habitat shall be limited to those uses that are dependent upon the resource.</u></i></li> <li><i><u>3. Where feasible, damaged habitats shall be restored as a condition of development approval.</u></i></li> <li><i><u>4. Development shall be consistent with the biological continuance of the habitat.</u></i></li> <li><i><u>5. Grading adjacent to Environmentally Sensitive Habitat Areas shall conform to the provisions of Section 23.05.034c of the Coastal Zone Land Use Ordinance.</u></i></li> </ol>

<b>BIO Impact 1</b>
<b><i>Residual Impacts</i></b>
Based on the results of the biological surveys conducted for the project, mitigation was identified to ensure that no special-status species are present prior to construction. Mitigation measures include procedures for species identification and protection. The proposed landscape plan includes oak trees and native vegetation, consistent with the landscape. Identified mitigation includes protection measures to avoid inadvertent impacts during construction and standards for necessary trimming and hazardous tree removal. Based on incorporation of mitigation measures identified above, residual impacts would be less than significant with mitigation.

***Long-term Impacts***

Long-term impacts include the permanent loss of 0.08 acre of valley needlegrass grassland and 0.79 acre of coastal scrub. These effects would be mitigated through implementation of the proposed landscape plan, which includes native species consistent with these habitat types, including enhancement of existing natural areas to remain undeveloped, and restoration of currently ruderal/disturbed areas to native habitat. Establishment of walk-in campsites would affect approximately 0.02 acre of coast live oak woodland understory and up to three individual coast live oak trees as a result of soil compaction during long-term use. These effects would be mitigated by the incorporation of coast live oak trees in the proposed landscape plan. Based on the existing condition of the project site, and proposed restoration actions that would occur through implementation of the landscape plan, potential long-term impacts to habitat would be less than significant.

Fuel/vegetative management required by the California Department of Forestry and Fire Protection (CAL FIRE) would require mowing of vegetation and trees within 30 to 100 feet of proposed structures and within ten feet of access roads. These actions would result in additional impacts to native vegetation onsite; however, based on the existing conditions on the project site, these actions would not impair the ecological function of these habitats. In addition, enhancement of natural areas and existing ruderal/disturbed areas would result in an overall benefit. Tree trimming would be conducted by an arborist to ensure actions do not result in tree mortality. Therefore, potential impacts would be less than significant.

Use of the campground facilities would result in increased human presence in the area, including natural habitats in the northern portions of the project site. Pets, including dogs, would be permitted within the campsite, which could result in disruption of nesting birds and wildlife. No trails are proposed outside of the development area. The proposed development provides an opportunity for additional education regarding sensitive habitats and species including woodrat and nesting birds.

<b>BIO Impact 2</b>
Implementation of the project would result in the loss of 0.08 acre of valley needlegrass grassland and 0.79 acre of coastal scrub. Vegetative management required by CAL FIRE may result in additional disturbance of these habitat types, in addition to coast live oak woodland. Additional human presence within these habitat types may have an adverse effect on special-status and common wildlife in the immediate area.
<b><i>Mitigation Measures</i></b>
<i>BIO/mm-6      The trimming of oaks can be detrimental and shall be minimized as follows:</i> a. <i>Removal of larger lower branches should be minimized to:</i>

<b>BIO Impact 2</b>	
	<ul style="list-style-type: none"> <li>i. <i>avoid making tree top heavy and more susceptible to “blow-overs;”</i></li> <li>ii. <i>reduce having larger limb cuts that take longer to heal and are much more susceptible to disease and infestation;</i></li> <li>iii. <i>retain the wildlife that is found only in the lower branches;</i></li> <li>iv. <i>retain shade to keep summer temperatures cooler (retains higher soil moisture, greater passive solar potential, provides better conditions for oak seedling volunteers); and,</i></li> <li>v. <i>retain the natural shape of the tree.</i></li> </ul> <ul style="list-style-type: none"> <li>b. <i>The amount of trimming (roots or canopy) done in any one season should be limited as much as possible to limit tree stress/shock (10% or less is best, 25% maximum).</i></li> <li>c. <i>Excessive and careless trimming not only reduces the potential life of the tree, but can also reduce property values if the tree dies prematurely or has an unnatural appearance. If trimming is necessary, the Harbor District (or their designee) shall either use a skilled arborist or apply accepted arborist's techniques when removing limbs.</i></li> <li>d. <i>Unless a hazardous or unsafe situation exists, trimming of deciduous species shall be done only during the winter.</i></li> <li>e. <i>Smaller oak trees (smaller than five inches in diameter at four feet above the ground) within the project area are considered to be of high importance, and when possible, shall be given similar consideration as larger trees.</i></li> </ul>
<i>BIO/mm-7</i>	<p><i>Prior to issuance of grading permits from the County of San Luis Obispo, the Harbor District or their designee shall submit a final landscape plan incorporating the following elements and standards:</i></p> <ul style="list-style-type: none"> <li>a. <i>2:1 replacement of valley needlegrass grassland within the property boundaries.</i></li> <li>b. <i>2:1 replacement of coastal scrub within the property boundaries.</i></li> <li>c. <i>The landscape plan shall be implemented prior to occupancy and operation of the campground. Initial establishment of native vegetation, including valley needlegrass grassland and coastal scrub species shall be verified by a qualified biologist. A letter documenting compliance shall be submitted to the County of San Luis Obispo prior to final inspection.</i></li> <li>d. <i>Long-term establishment of valley needlegrass grassland and coastal scrub species shall be monitored by a qualified biologist for a period no less than three years. Annual monitoring reports shall be submitted to the County of San Luis Obispo, including one final monitoring report at the end of the three-year monitoring period. The reports shall document initial and consecutive acreage of species establishment, and any actions taken to remediate loss of restored vegetation.</i></li> </ul>
<i>BIO/mm-8</i>	<p><i>Prior to occupancy and operation of the proposed project, the Harbor District or their designee shall develop informative and educational materials to be provided to visitors. Materials may be available in hard copy or electronic form. Information included in the materials shall include, but not be limited to:</i></p> <ul style="list-style-type: none"> <li>a. <i>Description of special-status, marine mammal, and avian species present within San Luis Bay and the surrounding terrestrial areas.</i></li> <li>b. <i>Notification to avoid the creation of spur trails and subsequent disturbance of wildlife and habitats within undeveloped areas of the project site.</i></li> <li>c. <i>Notification to store and dispose of trash and recyclables in appropriately designated containers and areas.</i></li> <li>d. <i>Prohibition of fueling of generators outside of designated RV pads.</i></li> <li>e. <i>Map identifying designated onsite trails and access routes.</i></li> <li>f. <i>Prohibition of pets outside of paved areas, marked trails, and campsites.</i></li> <li>g. <i>Requirement for all pets to be on leash or contained (with owners also onsite) in tents, RVs, and units.</i></li> </ul>

<b>BIO Impact 2</b>	
<i>Implement Port Master Plan Final Program EIR mitigation measures B-1, B-4, B-5, and B-7.</i>	
<i><b>B-1</b></i>	<i><u>Oak trees removed or damaged by project activities shall be replaced by planting oak trees in areas adjacent to existing oak woodlands outside project grading limits. These oak trees should be grown from locally collected acorns. San Luis Obispo County recommends a 4:1 replacement of oak trees removed or damaged by development activities. Existing oak trees shall be beneficially incorporated where possible in the project landscaping along with other native species.</u></i>
<i><b>B-4</b></i>	<i><u>Projects abutting open, natural areas, will incorporate a buffer zone incorporating fire clearance requirements, and transition zones between introduced and native landscaping. Maintenance of this buffer zone would include prevention of non-native vegetation in the project area from spreading into the native habitats surrounding the site.</u></i>
<i><b>B-5</b></i>	<i><u>Initial land-clearing and grading activities shall be scheduled to avoid spring and early summer months in areas where oak woodland or dense coastal scrub border the site. If clearing must occur during this time period, preconstruction surveys shall be conducted to identify nesting birds in coastal scrub and oak woodland habitats within 500 feet of any project grading or related activities (parking, equipment storage, construction office, etc.). If active nests of Cooper's hawk, northern harrier, white-tailed kite, or Bell's sage sparrow are found, construction or related activities shall be postponed within 500 feet of the nest until the young have fledged or the nest becomes inactive.</u></i>
<i><b>B-7</b></i>	<i><u>Native landscaping shall be designed and installed to discourage pedestrian access from the Harbor Terrace site into adjacent native habitats. In addition, if pets are allowed, designated pet areas shall be incorporated into the design of new development so pets are not allowed into nearby habitat areas or buffer zones that support native wildlife.</u></i>
<b>Residual Impacts</b>	
<p>The proposed project includes implementation of a landscape plan, which includes enhancement of natural areas to remain undeveloped and establishment of native vegetation throughout the project site. Performance standards and monitoring is identified to ensure establishment of sensitive vegetation in the long-term. Tree-trimming standards are identified to minimize adverse effects on adjacent coast live oak trees during fuel management activities. Provision of educational materials, and the presence of a campground manager, would reduce potential impacts to surrounding habitats and wildlife during operation of the facility. Based on the existing conditions on the project site, and implementation of identified mitigation measures, potential long-term impacts would be less than significant.</p>	

**Effects on Riparian, Wetlands, and Other Sensitive Habitats**

Implementation of the proposed project would not have an adverse effect on riparian habitats or drainage features. Proposed grading and development would be located a minimum of 50 feet from identified drainages. Similar to the impact discussion above regarding construction-related impacts to special-status species and habitat, potential impacts to ESHA including streams and riparian vegetation include inadvertent and accidental discharge of sediments and other pollutants into drainages. Project construction is required to comply with County and RWQCB standards regarding erosion control and water quality (refer to EIR Section 4.8). Additional measures noted above include delineation of the construction area and environmental monitoring to ensure compliance.

In the long-term, in the addition to vegetative restoration incorporated into the landscape plan, the project includes Low Impact Development (LID) measures and onsite stormwater management features, which would filter stormwater runoff prior to discharge offsite. These features would capture accidental oil or fuel leaks from vehicles, RVs, boats, and other equipment onsite, and would likely result in improved water quality compared to existing conditions (i.e., paving, disturbed and bare soil, no onsite filters of stormwater).

### Effect on Wildlife Movement and Behavior

Development of the proposed project would primarily occur within ruderal/disturbed areas, including areas currently used for storage. The site is adjacent to expansive open space and natural habitats, and existing drainage features onsite would remain. Removal of ornamental trees, including eucalyptus, may result in a short-term reduction in potential nesting bird habitat onsite; however, the landscape plan includes the planting of trees, including coast live oaks, which would provide long-term nesting opportunities within the project site. In addition, the removal of eucalyptus may improve soil conditions for native plant and tree revegetation efforts onsite. Habitat for nesting birds and woodrat within the northern and far eastern portions of the project site would remain unaffected, and would be remain continuous with expansive, undeveloped habitat to the north. Uses adjacent to native habitats would be limited to low-impact, resource-dependent walk-in campsites. Therefore, the project would not have a significant adverse effect on wildlife movement in the area.

### Consistency with Local Policies and Ordinances and the Coastal Act

Implementation of the proposed project would comply with existing regulations and policies identified in the California Coastal Act, the County's LCP, the San Luis Coastal Area Plan, CZLUO, and previously-adopted mitigation measure identified in the Port Master Plan Final Program EIR. The project would not result in disturbance within 50 feet of mapped and potential SRV ESHA, and would include restorative actions that would enhance native habitat within the property boundaries.

### Consistency with HCP/NCCP

The project site is not located within an HCP or NCCP; therefore, no impact would occur.

## **4.3.6 Cumulative Impacts**

The cumulative impact scenario includes build-out under the Port Master Plan. The Port Master Plan Final Program EIR, which included an assessment of the development of Harbor Terrace, identified potentially significant but mitigable and less than significant impacts to biological resources that would occur as a result of build-out of the Master Plan. Potential impacts included: loss of habitat for special-status plant and animal species (less than significant); impacts to sensitive natural communities including needlegrass grassland (less than significant with mitigation); increased impervious surfaces and stormwater runoff (less than significant with mitigation); disruption of wildlife movement (less than significant with mitigation); extension of human-related disturbance into open space areas (less than significant). Mitigation identified in the Port Master Plan Final Program EIR and additional project-specific measures would mitigate all identified impacts to less than significant.

Implementation of the Avila Tank Farm project, and areawide buildout development, may result in impacts to biological resources, including native habitat, special-status species, and nesting birds. Consistency with Coastal Policies related to mapped and potential ESHA and sensitive resources would be addressed during the County's review of that project, and mitigation would be identified through environmental analysis.

Based on the existing conditions on the project site (primarily ruderal/disturbed), avoidance of both mapped and unmapped ESHA (coastal streams), compliance with the County's LCP and Coastal Policies, and incorporation of identified mitigation measures, the proposed project would not have a significant, adverse, cumulative effect on biological visual resources.