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May 28, 2019

TO: LOCSD Board of Directors

FROM: Director Matthew Fourcroy
Renee Osborne, General Manager

SUBJECT: **Agenda Item 11l – 6/6/2019 Board Meeting**
Approve a Snail Study to Determine the Feasibility of a Pocket Park at the Ferrell Avenue Property

DESCRIPTION

This item requests your Board to approve a snail study to determine the feasibility of a pocket park where the community garden was located on District property on Ferrell Avenue.

STAFF RECOMMENDATION

This item will be approved along with the Consent Calendar unless it is pulled by a Director for separate consideration. If so, Staff recommends that the Board adopt the following motion:

Motion: I move that the Board approve a snail study for determining feasibility of a pocket park at the Ferrell Avenue Community Gardens site.

DISCUSSION

Community Garden History

In 2003, the District allowed the Community Garden at the Ferrell Avenue property. The Community Garden was later shut down due to water and maintenance invoices not being paid.

A snail study was performed in March 2007 (attached). Snails were not found in the Community Garden portion of the property at that time. Due to inactivity in the Community Garden site, your District Engineer has determined that a new snail study would need to be performed prior to any new use of the property.

Snail studies are good for 2 years and can only be done after a rain event. Three separate studies will need to be conducted in order for a full report to be compiled. This could mean waiting until the Fall of this year (2019) to get results.

The property is already insured for liability under the District's existing plan with Special District Risk Management Authority (SDRMA). Currently, the cost is $120.00 for the whole property. Half of that cost would be billed to Fund 900. Additional insurance for items such as benches, trash cans, etc., is available for $0.20 per $100.

In discussions with the County, they mentioned that the District would not have to obtain a permit for this type of use, please see attached email from Kerry Brown.

Next Steps
SWCA Environmental Consultants conduct snail surveys and have been contacted. They feel they will need to do several "protocol surveys" to check if there are still snails in the area and/or if they have moved. Their total cost would be about $3,000.

The Park and Recreation Committee (PARC) requested staff to get additional quotes from other contractors.

SUMMARY

PARC would like to determine the feasibility of a pocket park project at Ferrell Avenue Community Garden site and a snail study is the first step. PARC requests that the Board approve the first step of the Ferrell Avenue Project by allowing staff to seek a contractor to conduct the snail study at the Ferrell Avenue Community Garden area and enter into a contract with the lowest responsive bidder.

FINANCIAL IMPACT

The Snail Survey is approximately $3,000 and has been added to the Fund 900 2019/2020 Fiscal Budget.

Attachments

Renee Osborne

From: Kerry Brown <kbrown@co.slo.ca.us>
Sent: Wednesday, May 29, 2019 1:54 PM
To: Renee Osborne
Subject: Re: [EXT]Farrell Street Community Garden to Pocket Park
Attachments: Outdoor Sports and recreation.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Renee,

Thank you for following up on our conversation regarding the Farrell Street Pocket Park. Based on the project description you provided, which included benches, picnic tables, and landscaping; the use is considered passive recreation. No land use permit is required for this project.

Please note, since the project description is not finalized and the exact furniture is not determined, a land use permit may still be required. I've attached Section 23.08.070 Outdoor Sports and Recreation standards for your review. Please see section c. Public park facilities, which include playfields, children's playgrounds, and public parks as principal uses. A Minor Use Permit is required for public park facilities.

Let me know if you have any questions.

Best,

Kerry Brown
Department of Planning and Building
County of San Luis Obispo
805-781-5713
kbrown@co.slo.ca.us

Ferrell Avenue Well Site
Los Osos, California

MORRO SHOULDERBAND SNAIL PROTOCOL SURVEY REPORT

Prepared for:

Mr. George Milanes
Los Osos Community Services District
2122 9th Street
Los Osos, CA 93402

Prepared by:

March 30, 2007

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I. INTRODUCTION

This protocol survey report has been prepared by Morro Group, Inc. for the Los Osos Community Services District (LOCSD), and is intended for use by the LOCSD and regulatory agencies for permitting and planning purposes. The objective of this report is to provide protocol-level survey results for the federally listed Morro shoulderband snail (*Helminthoglypta walkeriana*) on an approximately 1.0-acre lot (APN 074-251-006) located on Ferrell Avenue in the community of Los Osos, California (refer to Figures 1 to 2). The data presented in this report is a compilation of information received from regulatory agencies, literature reviews, and five protocol-level surveys of the property by Morro Group biologists.

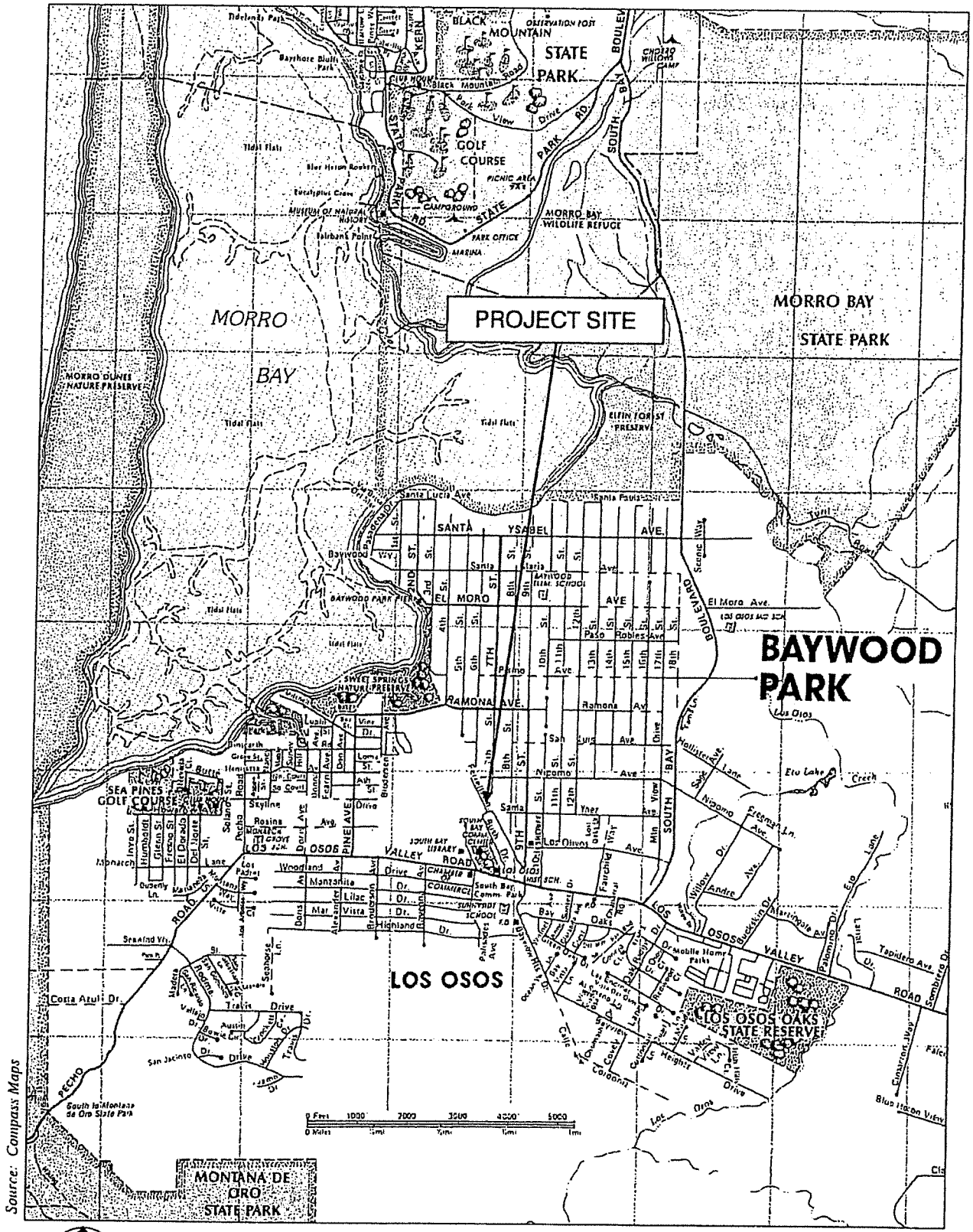
II. SURVEY METHODS

According to the 2003 United States Fish and Wildlife Service (USFWS) Protocol Survey Guidelines for Morro shoulderband snail (MSS) a minimum of five formal protocol surveys must be performed under rainy or heavy fog conditions per the protocol requirements, Morro Group conducted five surveys during or immediately following rainfall events (refer to Table 1) between December 11, 2006, and January 27, 2007. All surveys were led by USFWS-approved Morro Group biologists Bob Sloan or Dwayne Oberhoff, and supported by Morro Group biologist, Jon Claxton. Both Mr. Sloan and Mr. Oberhoff are authorized to perform MSS surveys under federal permit PRT-824123-3.

All five surveys were conducted on foot, over an approximate one hour period, and all areas of the site were thoroughly examined in order to determine the presence/absence of live MSS, empty shells, suitable habitat, or other resources considered sensitive by USFWS. Although the entire area was surveyed, Morro Group biologists focused the majority of survey efforts within areas of potential habitat including, but not limited to: woody refuse, stems of woody vegetation, areas of detritus or debris, shrubs, and ground cover plants.

III. MORRO SHOULDERBAND SNAIL SPECIES AND HABITAT DESCRIPTION

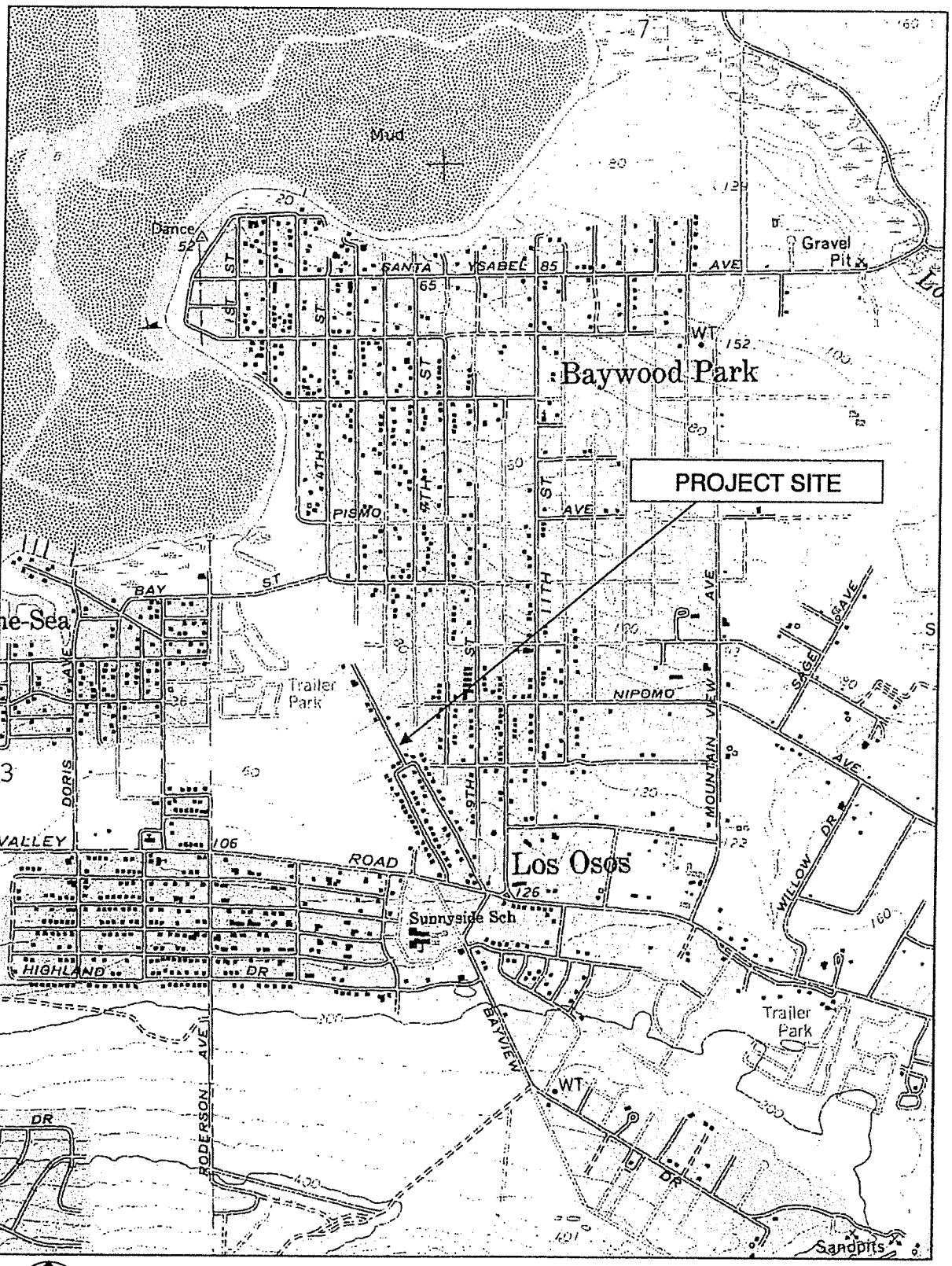
On December 15, 1994 the USFWS listed the MSS as an endangered species, under the Federal Endangered Species Act. MSS are a member of the land snail family Helminthoglyptidae and are most closely related to the surf shoulderband snail (*Helminthoglypta fieldii*), which occurs in coastal dune habitats south of the San Luis range to Point Arguello. The MSS is most often found associated with sandy soils of coastal dune and coastal sage scrub communities near Morro Bay. MSS has been found to be closely associated with several species of shrubs including mock heather, seaside golden yarrow, deerweed, sand almond, and with the introduced hottentot fig (ice plant). Other plants that commonly occur in areas occupied by this species include black sage, dune buckwheat, California sagebrush, dune lupine, and California croton. Typically, live snails have been found to be associated with shrubs that exhibit dense, low growth with ample contact with the ground.



Source: Compass Maps

NORTH
Not to Scale

Vicinity Map
FIGURE 1



Source: USGS 7.5 Quadrangle – Morro Bay South.

NORTH
Not to Scale

Location Map – Usgs Quad
FIGURE 2

IV. PROPOSED PROJECT

The project site includes an existing well which is utilized by the LOCSD. The proposed project would include the installation of two additional wells within the southwestern portion of the property (refer to Figure 3). The wells are being proposed to augment the potable water supply to LOCSD area customers, to increase reliability and redundancy in the water supply. The wells are not intended to provide new water supplies to serve future development. A small housing structure will also be built within the property for the wellhead, and pump facilities, as well as electrical and chemical product storage.

V. EXISTING CONDITIONS

The property is currently developed with one municipal water well and associated infrastructure operated by the LOCSD (refer to Figure 3). The property is bordered to the north and south by existing residences, Ferrell Street to the west and 7th Street to the east.

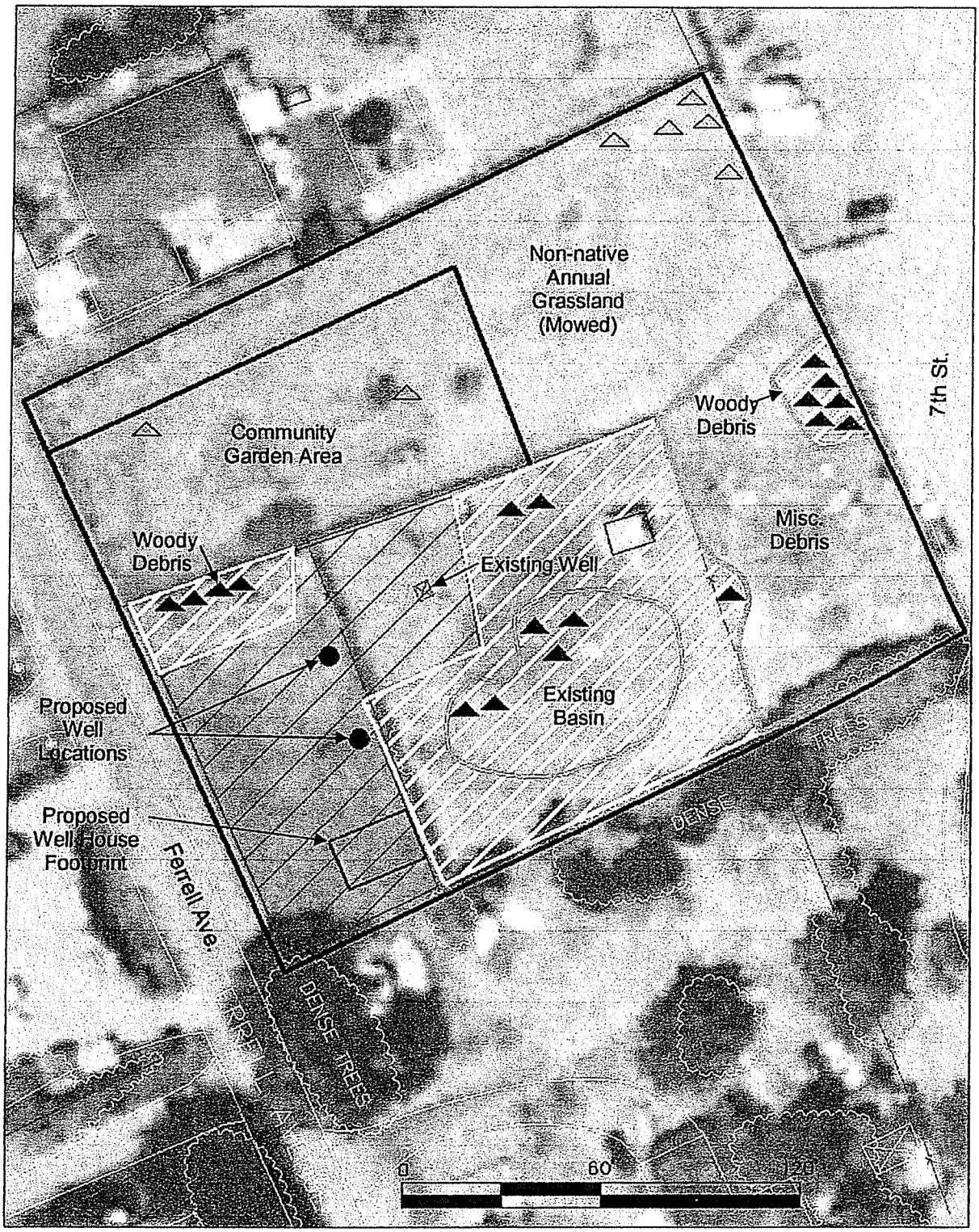
The northern portion of the property consists of non-native annual grassland species dominated by veldt grass (*Ehrharta calycina*) and a few remnant coastal scrub species such as silver beach lupine (*Lupinus chamissonis*). This area is mowed on an annual basis and provides little cover for wildlife species. Within this area is also a community garden area. The southern portion of the property includes an existing basin that is dominated by veldt grass and other non-native species such as wild radish (*Raphanus sativa*) and unidentified forbs. The eastern portion of the property is also dominated by non-native vegetation and is also mowed on an annual basis. The eastern portion of the property is currently utilized by the LOCSD for debris stockpiling and heavy equipment storage.

VI. RESULTS

A total of twenty-three (23) live Morro shoulderband snails were found on the property during the five protocol-level surveys conducted by Morro Group (refer to Table 1). Several of the MSS present were likely observed on several different surveys – the actual total number of MSS present is estimated at between 12 and 15. The majority of MSS individuals observed onsite were found within woody debris piles; however, five MSS individuals were observed in clumps of non-native vegetation and debris located within a small existing basin in the southern portion of the property (refer to Figure 3).

Potential native habitat (remnant coastal scrub) for MSS is located within the northern portion of the property; however, the entire project site has been historically cut on an annual basis for fire prevention. Therefore, few individuals were observed this area and it is likely that these mowed areas would provide minimal habitat value for MSS.

Numerous live and empty shells of *Helix aspersa* were also observed in various areas of the property during the performance of the five protocol-level surveys. Competition with *Helix aspersa* is a known threat to MSS (USFWS, 1998).



Source: Wallace Group

LEGEND

- ▲ Live Morro Shoulderband Snail
- △ Empty Morro Shoulderband Snail Shell
- Proposed Construction Area
- Morro Shoulderband Snail Habitat Area

NORTH
Scale as shown

Site Map
FIGURE 3

TABLE 1
Survey Dates, Time, and Findings

Survey Number	Survey Date and Time	Rainfall Activity	Temperature	Findings	Biologist(s)
1	12/11/06 9:05 a.m. to 10:00 a.m.	Approximately 0.95-inch of collective rain during previous two days and day of survey.	61ºF	MSS – 1 adult live individual and 4 Class B shells observed. *Helix aspersa* – 31 live individuals and 14 shells observed	D. Oberhoff J. Claxton
2	12/27/06 11:00 a.m. to 11:50 a.m.	Approximately 0.11 inch of collective rain during previous day and day of survey.	54ºF	MSS – 1 adult live individual observed. *Helix aspersa* – 18 live individuals and 3 shells observed.	D. Oberhoff J. Claxton
3	1/4/07 1:00 p.m. to 1:55 p.m.	Approximately 0.10-inch of rain during day of survey.	52ºF	MSS – 3 adult live individuals and 1 Class A shell observed. *Helix aspersa* – 11 live individuals and 6 shells observed.	D. Oberhoff J. Claxton
4	1/17/07 3:30 p.m. to 4:30 p.m.	Approximately 0.10-inch of rain during day of survey.	52ºF	MSS – 2 adult live individuals, 6 juvenile live individuals, and 3 Class C shells observed. *Helix aspersa* – 8 shells observed.	B. Sloan J. Claxton
5	1/27/07 2:00 p.m. to 3:00 p.m.	Approximately 0.75-inch of rain during day of survey.	58ºF	MSS – 3 adult live individuals, 7 juvenile live individuals and 1 Class C shell observed. *Helix aspersa* – 5 live individuals and 3 shells observed.	B. Sloan J. Claxton

VII. REGULATORY IMPLICATIONS

Section 3(18) of the Endangered Species Act defines "*take*" to mean "*to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct.*" As further defined by the USFWS, "*harm*" includes significant habitat modification or degradation which actually kills or injures wildlife by "*significantly impairing essential behavioral patterns, which include, but are not limited to, breeding, feeding, or sheltering.*" Therefore, activities such as construction, mowing, brush or debris removal or grading within the property has potential to result in "*take*" of Morro shoulderband snail, as well as modification and/or degradation to known habitat.

Concurrence authorization may be granted from the USFWS if the project can be shown to have no adverse impacts on MSS or their habitat. If a concurrence authorization is not granted by USFWS, mitigation through preparation of a Habitat Conservation Plan (HCP) may be necessary prior to construction.

VIII. CONCLUSIONS AND EFFECTS DETERMINATION

The findings as described within Section VI are sufficient to establish that MSS and suitable habitat for this species exists within the property boundaries. Given the presence of MSS within the property, it is understood that concurrence authorization from the USFWS is unlikely to be granted unless the USFWS determines that the proposed project has determined that implementation of the project could avoid "take" of this species. Therefore, the LOCSD has modified the proposed project to avoid all potential habitat and known locations of MSS. In addition, the following recommended measures would be implemented as part of the project to further reduce potential impacts to MSS:

1. Construction activities would be limited to the dry season (April 15th to October 31) when MSS are aestivating, thus preventing MSS from entering the work area.
2. At least 30 days prior to construction activities, the LOCSD would retain a biologist in possession of a valid Section 10(a)(1)(A) permit to conduct a pre-construction survey to determine the distribution of MSS within the project site. In the event that MSS are found within the construction impact area, the LOCSD would consult with the USFWS to ensure that impacts to MSS are avoided.
3. Prior to the initiation of construction activities, the LOCSD would retain a biologist in possession of a valid Section 10(a)(1)(A) permit for MSS to conduct an environmental worker training class for construction personnel. Training would be conducted immediately prior to construction and would include a discussion of those constraints involved with working in MSS habitat, species identification, habitat avoidance, and regulatory requirements. Following this training, all attendees would sign an acknowledgement sheet to be submitted to the USFWS.
4. Prior to construction, the contractor would install construction fencing to clearly delineate the construction impact area and prevent foot-traffic within MSS habitat. The contractor would be responsible for maintaining this construction fencing throughout the duration of the project.

5. During construction, the LOCSD would retain a qualified biologist to periodically monitor construction activities to ensure compliance with recommended measures. The qualified biologist would prepare a monitoring report which would be submitted to the USFWS within 30 days following project completion.

Based on the results of the five protocol-level surveys, and the recommended measures included above, it is unlikely that the proposed project would affect individual MSS. A letter requesting a concurrence determination from USFWS has been prepared by Morro Group and included with this report.

IX. REFERENCES

California Natural Diversity Data Base. 2007. Data Base Search for the Morro Bay South U.S.G.S 7.5-minute Quadrangle. California Department of Fish and Game. Sacramento, California.

California Department of Fish and Game. 2006. State and Federally Listed Endangered and Threatened Animals of California. Sacramento, California.

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Holland, Robert F. 1986. Preliminary Descriptions of the Terrestrial Natural Communities of California. California Department of Fish and Game. Sacramento, California.

Hoover, Robert F. 1970. The Vascular Plants of San Luis Obispo County, California. University of California Press. Berkeley, California.

Morro Group, Inc. 2006. 2005 Annual Report for Endangered Species Permit (TE-824123-3) Prepared for the U.S. Fish and Wildlife Service.

Roth. 1985. Status Survey of the Banded Dune Snail, (*Helminthoglypta walkeriana*). Prepared for the U.S. Fish and Wildlife Service. Sacramento, California.

U.S. Fish and Wildlife Service. 1998. Recovery Plan for the Morro Shoulderband Snail and Four Plants from Western San Luis Obispo County, California. U.S. Fish and Wildlife Service, Portland, Oregon.

U.S. Fish and Wildlife Service. 2003. Protocol Survey Guidelines for the Morro Shoulderband Snail. U.S. Fish and Wildlife Service, Portland, Oregon.

APPENDIX A

- Photo-documentation

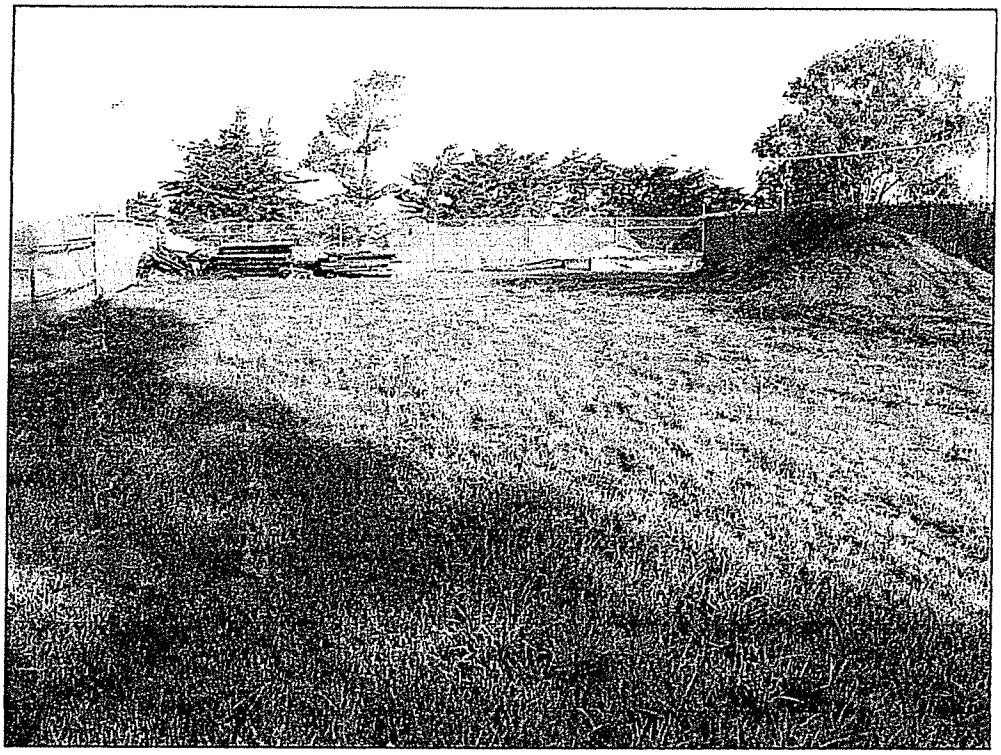

Photo 1:

View of project area along Ferrell Avenue, looking north. Note mowed grass in project area. The woodpile area visible along the rear fenceline contained several MSS during the survey effort. Picture taken December 12, 2006.

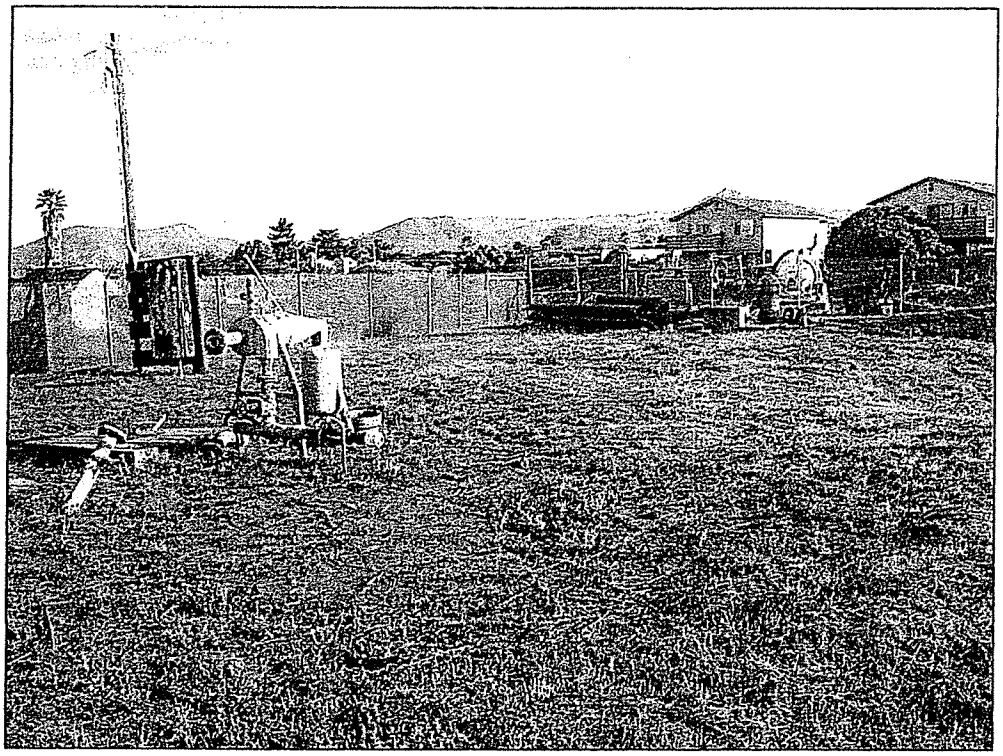

Photo 2:

View of existing well location and project area looking east. Note mowed grass over the project area, and equipment storage area in background. Picture taken December 12, 2006.

PHOTO DOCUMENTATION

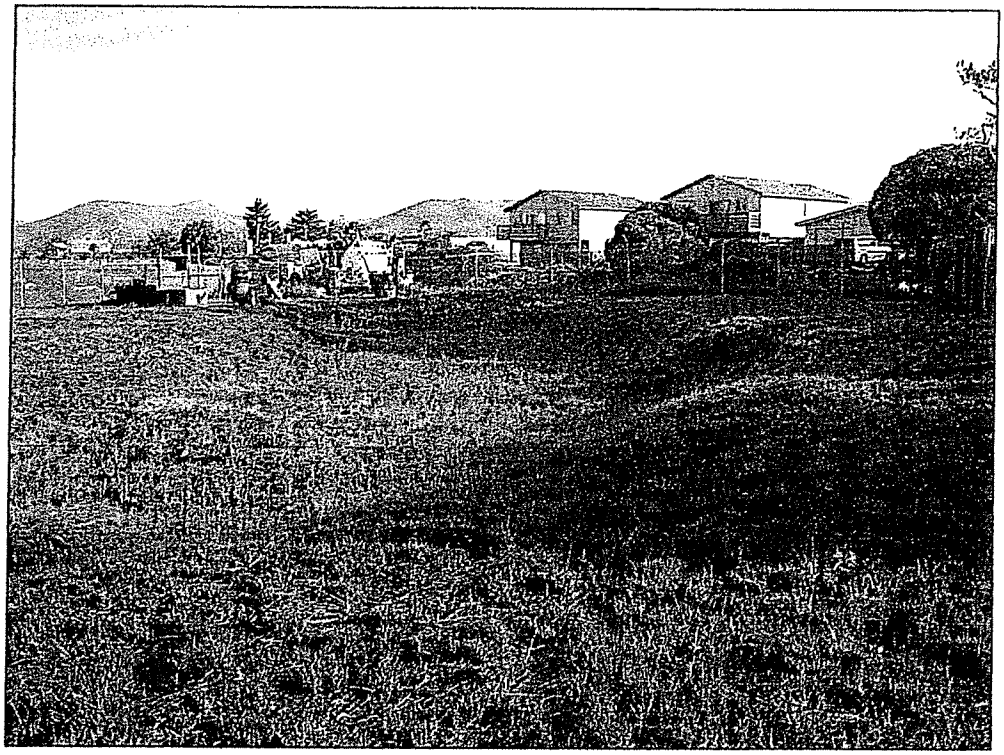

Photo 3:
View of existing basin where several MSS were found, looking east. The grass is regularly mowed in this area, however, uneven terrain and minimal vehicle or foot traffic has allowed taller and more diverse vegetation than in proposed project areas. Picture taken December 12, 2006.

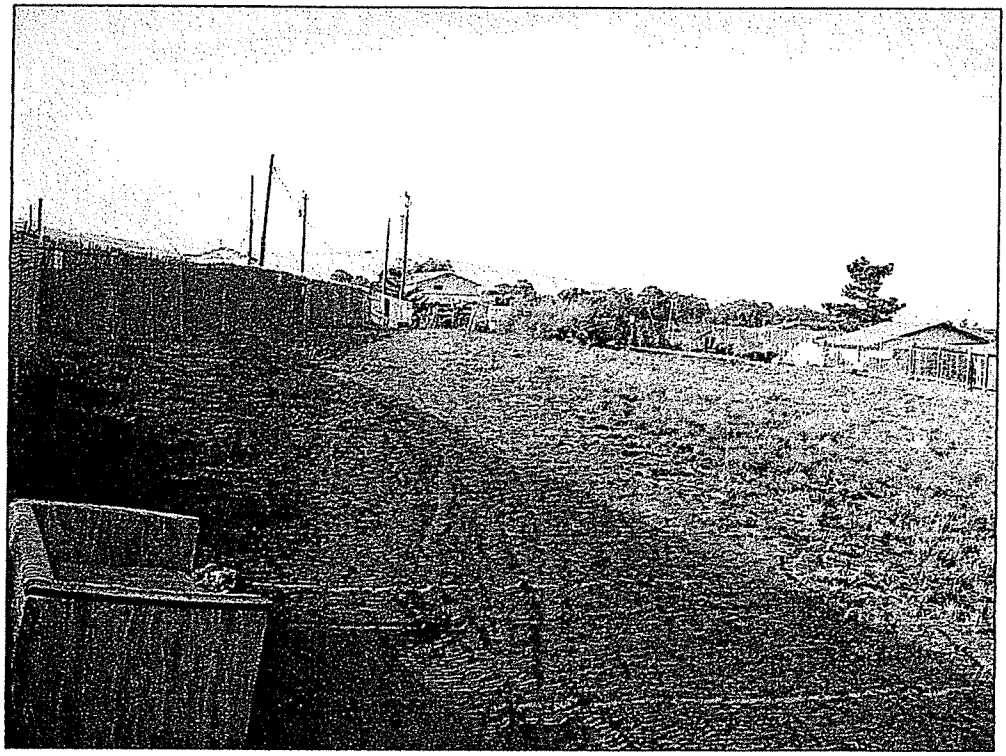

Photo 4:
View of adjacent area, including community garden plots, looking west. This area provides a connection between Ferrell Avenue and 7th Street, and receives significant foot and bicycle traffic. Picture taken December 12, 2006.

PHOTO DOCUMENTATION