



## United States Department of the Interior

### U.S. FISH AND WILDLIFE SERVICE

Ecological Services  
Ventura Fish and Wildlife Office  
2493 Portola Road, Suite B  
Ventura, California 93003



IN REPLY REFER TO:  
08EVEN00-2020-CPA-0092

October 15, 2020

Dwayne Oberhoff  
Ecological Assets Management  
P.O. Box 6840  
Los Osos, California 93412

Subject: Survey Results and Non-Federal No Take Request for Morro Shores Mobile Home Park, Community of Los Osos, County of San Luis Obispo, California

Dear Dwayne Oberhoff:

We completed an initial review of the Morro shoulderband snail survey report prepared for the subject project and the request for our agreement with your determination that project activities are not likely to result in take of the federally endangered Morro shoulderband snail (*Helminthoglypta walkeriana*). You submitted the report and request electronically to our office on June 30, 2020. It is our understanding that you made the request on behalf of Michael Milan, Regional Property Manager, Bessire and Casenhiser, Incorporated, 430 South San Dimas Avenue, San Dimas, California, 91773. On September 29, 2020, we provided our concurrence that the project would not likely result in take of the Morro shoulderband snail. We included recommended project measures to be implemented to support our concurrence. We received an email from you on October 1, 2020, stating that the measures were unusual and excessive for this type of project in these conditions. You requested further review of the site conditions. On October 8, 2020, we received an email from Nyri Achadjian, the project proponent, requesting further review of the site conditions and reconsideration of the measures. This letter supersedes the September 29, 2020, letter.

The Morro Shores Mobile Home Park is on a 30-acre parcel (assessor's parcel number 074-229-020) located at 633 Ramona Avenue, within the community of Los Osos in San Luis Obispo County, California (project). The proposed project is the addition of eleven new mobile home spaces, a new dog park, golf putting green, shade structures, tables/benches, additional parking spaces, and improvement of an existing emergency exit within three disturbed or previously developed areas of the existing mobile home park. The subject parcel is located outside of the boundaries of critical habitat units for Morro shoulderband snail designated on February 7, 2001

Dwayne Oberhoff

(Service 2001). The nearest critical habitat unit for Morro shoulderband snail is located approximately 0.53 mile south of the project. The project is adjacent to large undeveloped areas and near native coastal scrub habitat and known locations of Morro shoulderband snail, but there are no known occurrences adjacent to the project (EcoVision 2019).

Under the authority of recovery permit TE180579-1, you conducted protocol surveys for Morro shoulderband snails during five site visits to the proposed project area between March 23 and April 20, 2020. You also conducted habitat assessments for the project area to assess if native or non-native habitats suitable for Morro shoulderband snails are present.

During the five site visits to the proposed project area, you did not observe any live or empty shells of Morro shoulderband snails. You observed several live and empty shells of common brown garden snails (*Cornu aspersum*). During the habitat surveys, you documented heavily disturbed areas that were either covered in sparse non-native vegetation, wood chip layers, bare sand, or completely paved. You did not observe any native habitats or isolated individual native shrubs that could provide suitable habitat for Morro shoulderband snail within the project area. Based on the heavily disturbed conditions in the project area, and the absence of Morro shoulderband snail observed during the five protocol surveys, you concluded that the proposed project is unlikely to result in take of Morro shoulderband snail.

The U.S. Fish and Wildlife Service's (Service) responsibilities include administering the Endangered Species Act of 1973, as amended (Act), including sections 7, 9, and 10. Section 9 of the Act prohibits the taking of any federally listed endangered or threatened species. Section 3(19) of the 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." Service regulations (50 CFR 17.3) define "harm" to include significant habitat modification or degradation which actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding or sheltering. The Act provides for civil and criminal penalties for the unlawful taking of listed species. Exemptions to the prohibitions against take may be obtained through the Service in two ways: through interagency consultation for projects with Federal involvement pursuant to section 7, or through the issuance of an incidental take permit under section 10(a)(1)(B) of the Act.

Although no Morro shoulderband snails were found during the protocol surveys, adjacent to the work area defined as Area 2 in the protocol survey report for the Morro Shores Mobile Home Park is a large undeveloped parcel (assessor's parcel number 074-220-024). This parcel is on Baywood Fine Sands soil type, appears to have native vegetation, and is adjacent to known densely occupied sites. There are no records for Morro shoulderband snail surveys in this undeveloped parcel, however, it is reasonable to assume there may be Morro shoulderband snails occupying the site. Morro shoulderband snails in this adjacent undeveloped area could migrate toward the project site during wet weather. However, the presence of a 6.5 foot cinderblock wall should prevent them from entering Area 2 where they could be adversely affected by project activities. To ensure there is no take to Morro shoulderband snails during the proposed project activities, the following avoidance and minimization measures should be implemented:

1. A biologist approved by the Service will conduct a pre-construction survey of the work area no more than 48 hours prior to the initiation of site work. The biologist will notify the Service of the results of the survey immediately following the survey efforts. No live Morro shoulderband snail will be captured and relocated during these efforts.
2. A Service-approved biologist will conduct a pre-construction environmental awareness training session for all construction personnel involved in site disturbance. The training is intended to inform the permittees, construction crews, field supervisors, and equipment operators about identifying the Morro shoulderband snail and its habitat and non-native refugia, the status of the species, and proposed avoidance and minimization measures.

Based on our secondary review of the results of the habitat assessment and the implementation of the avoidance and minimization measures, we agree that take of Morro shoulderband snail is unlikely. This letter conveying our agreement is valid only for the subject project within the boundaries defined in the project description and one year from its issuance. It does not authorize species take in any form. If Morro shoulderband snails are found in the project area at any time, or if project activities are not complete in one year, please stop all project activities and contact the Ventura Fish and Wildlife Office regarding how to proceed.

If you have any questions regarding the contents of this letter, please contact Debora Kirkland of my staff electronically at [debora\\_kirkland@fws.gov](mailto:debora_kirkland@fws.gov).

Sincerely,

Leilani Takano  
Assistant Field Supervisor

cc: Kerry Brown, County of San Luis Obispo

## LITERATURE CITED

- [EcoVision] EcoVision Partners. 2019. Morro shoulderband snail (*Helminthoglypta walkeriana*): Study of MSS populations and habitat associates for nine conserved parcels. Report submitted to the U.S. Fish and Wildlife Service. October 2019. 248 pages.
- [Service] U.S. Fish and Wildlife Service. 2001. Endangered and Threatened Wildlife and Plants; Final Determination of Critical Habitat for the Morro Shoulderband Snail (*Helminthoglypta walkeriana*). Federal Register 66: 9233-9246.