

Appendix L Responses to Public Comments on the LOHCP

This section provides responses to the written comments that were received by the County of San Luis Obispo (County) and the United States Fish and Wildlife Service (USFWS) on the Draft Los Osos Habitat Conservation Plan (LOHCP). For each comment, it provides the County response. Responses address the questions and issues raised by the commenters and indicate where and how the LOHCP was revised to address the comments.

The Draft LOHCP was circulated for a 45-day public review period that began October 2, 2019, and concluded on November 18, 2019. The LOHCP review period overlapped with that of the LOHCP Environmental Impact Report and the LOHCP Environmental Assessment, which are the environmental review documents prepared by the County, which is the lead agency under the California Environmental Quality Act (CEQA), and the USFWS which is the lead agency for the National Environmental Policy Act (NEPA), respectively.

Table L-1 lists the comment letters received by the County and the USFWS on the LOHCP and its two environmental review documents, which are provided in Appendix L. Each comment letter was assigned a unique letter identifier (1-33); within each letter, separate comments were delineated using a line down the right margin (i.e., bracketed) and assigned a sequential number based on the letter number (e.g., comment 3.7 is the seventh comment in Letter 3). The responses to comments are presented according to the letter number and specific comment number below.

This appendices primarily provides responses to comments on the LOHCP. Because some comments address the LOHCP and one or more of its environmental documents, this document references to the EIR and EA in the comments and responses to comments, which also reference the Los Osos Community Plan—the official plan for land use and transportation in Los Osos which informed planning in the LOHCP and analysis in the environmental review documents. Responses to comments that address aspects of the Draft EIR, Draft EA, or Los Osos Community Plan are included here for informational purposes only. Responses to comments addressing the EIR and EA can be found in the response to comments sections of the respective documents.

Table L-1: Comments Received on the LOHCP, Draft EIR, and/or Draft EA

Letter #	Commenter	Addressed in this Document
1	Jean Prijatel, Manager, Environmental Review Branch, United States Environmental Protection Agency, Region IX (commented on Draft EA)	No; see EA
2	Vince Kirkhuff, Air Quality Specialist, San Luis Obispo County Air Pollution Control District (commented on Draft EIR)	No; see EIR
3	Bill Amend, private citizen (commented on LOHCP and Draft EIR)	Yes; see EIR for additional responses.
4	Marcie Begleiter, private citizen (first letter, addressed only to the County; commented on LOHCP and Draft EIR)	Yes; see EIR for additional responses.
5	Marcie Begleiter, private citizen (second letter, addressed only to the Service; commented on LOHCP and Draft EIR)	Yes; see EIR for additional responses.
6	R. David Bowlus, private citizen (commented on LOHCP and Draft EIR)	Yes; see EIR for additional responses.
7	Beverly Boyd, private citizen (commented on LOHCP and Draft EIR)	Yes; see EIR for additional responses.
8	David H. Chipping, Conservation Chair, California Native Plant Society, San Luis Obispo Chapter (commented on LOHCP, Draft EIR, and Draft EA)	Yes
9	Lisa Denker, private citizen (commented on LOHCP and Draft EIR)	Yes
10	James and Catherine Gentilucci, private citizens (commented on LOHCP)	Yes
11	Eve Gruntfest, private citizen (commented on LOHCP and Draft EIR)	Yes; see EIR for additional responses.
12	Jeanne Howland, private citizen (first letter, addressed only to the County; commented on LOHCP and Draft EIR)	Yes; see EIR for additional responses
13	Jeanne Howland, private citizen (second letter, addressed only to the Service; commented on LOHCP and Draft EIR)	Yes; see EIR for additional responses
14	Jeff Edwards, J. H. Edwards Company, private company (first letter, addressed only to the Service; commented on LOHCP and Draft EA)	Yes
15	Jeff Edwards, J. H. Edwards Company, private company (second letter, addressed only to the County; commented on LOHCP and Draft EIR)	Yes

Table L-1: Comments Received on the LOHCP, Draft EIR, and/or Draft EA

Letter #	Commenter	Addressed in this Document
16	R.E. Kirk, private citizen (commented on LOHCP and Draft EA)	Yes
17	Roxanne Lee, private citizen (commented on LOHCP)	Yes
18	Patrick McGibney, Los Osos Sustainability Group, community organization (commented on LOHCP and Draft EIR; letter received after close of public review comment)	Yes
19	Rebecca McFarland, private citizen (commented on LOHCP and Draft EIR)	Yes; see EIR for additional responses
20	Patrick McGibney, private citizen (commented on LOHCP and Draft EIR)	Yes; see EIR for additional responses
21	Emily Miggins, private citizen (commented on LOHCP)	Yes
22	Babak Naficy, private citizen (commented on LOHCP and Draft EIR)	Yes; see EIR for additional responses
23	Ellen Nelson, private citizen (commented on LOHCP)	Yes
24	Jean Public, private citizen (commented on LOHCP)	Yes
25	Joey Racano, private citizen (commented on LOHCP)	Yes
26	Stephanie Raphael, private citizen (commented on LOHCP)	Yes; see EIR for additional responses
27	Deborah Ross and Robbie Conal, private citizens (commented on LOHCP and Draft EIR)	Yes; see EIR for additional responses
28	Andrew Christie, Santa Lucia Chapter of the Sierra Club, and Keith Wimer, Los Osos Sustainability Group, community organizations (commented on LOHCP and Draft EIR)	Yes; see EIR for additional responses
29	Julie Tacker, private citizen (commented on LOHCP)	Yes
30	Marc Weber, private citizen (commented on LOHCP and Draft EIR)	Yes; see EIR for additional responses
31	Amber Wiehl, private citizen (commented on LOHCP)	Yes
32	Susan Wiest, private citizen (commented on LOHCP)	Yes; see EIR for additional responses
33	Laurie Wright, private citizen (commented on LOHCP)	

L.1 Letter 1

COMMENTER: Jean Prijatel, Manager, Environmental Review Branch, United States Environmental Protection Agency, Region IX (commented on Draft EA)

DATE: November 14, 2019

Response 1.1

The commenter states appreciation for the opportunity to review the Draft EA. This comment is noted. This comment addresses the EA; refer to the Final EA for the response to this comment.

Response 1.2

The commenter recommends quantification of air pollutant emissions from the covered activities included in the LOHCP, as future development could lead to increases in regional emissions from criteria pollutants.

This comment addresses the EA; refer to the Final EA for the response to this comment.

Response 1.3

The commenter suggests adding several standard construction Best Management Practices (BMPs) related to air pollutant suppression during construction activities as mitigation measures in the Final EA. This comment addresses the EA; refer to the Final EA for the response to this comment.

Response 1.4

The commenter recommends adding an analysis in the Final EA of the potential for aquifer drawdown or overdraft due to implementation of cumulative projects. This comment addresses the EA; refer to the Final EA for the response to this comment.

Response 1.5

The commenter recommends the stormwater mitigation measures be added to the Final EA to include all sizes of development, not just single-family residences.

This comment addresses the EA; refer to the Final EA for the response to this comment.

Response 1.6

The commenter recommends that the Final EA includes the outcome of tribal consultation between the Service and the tribal governments within the project area.

This comment addresses the EA; refer to the Final EA for the response to this comment.

Response 1.7

The commenter reiterates appreciation for the opportunity to review the Draft EA and requests a copy of the Final EA and FONSI.

This comment is noted; the Service will send the commenter a copy of the Final EA and FONSI, should it be adopted.

L.2 Letter 2

COMMENTER: Vince Kirkhuff, Air Quality Specialist, San Luis Obispo County Air Pollution Control District (commented on LOHCP and Draft EIR)

DATE: November 18, 2019

Response 2.1

The commenter states appreciation for the opportunity to review the LOHCP and LOHCP Draft EIR. This comment is noted.

Response 2.2

The commenter states that the LOHCP EIR incorrectly states that the South Central Coast Air Basin is under the jurisdiction of the San Luis Obispo County Air Pollution Control District (SLOCAPCD).

This comment addresses the EIR; refer to the Final EIR for the response to this comment.

Response 2.3

The commenter states that Table 10, *Current Federal and State Ambient Air Quality Standards*, shows emissions data from 2016, 2017, and 2018; however, the text preceding Table 10 states the data are from 2015, 2016, and 2017.

This comment addresses the EIR; refer to the Final EIR for the response to this comment.

Response 2.4

The commenter states that the LOHCP EIR inaccurately states that the SLOCAPCD is required to prepare an air quality improvement plan for the South Central Coast Air Basin.

This comment addresses the EIR; refer to the Final EIR for the response to this comment.

Response 2.5

The commenter states that the LOHCP EIR inaccurately states that the Senate Bill (SB) 32 Scoping Plan is expected to be adopted in 2017.

This comment addresses the EIR; refer to the Final EIR for the response to this comment.

Response 2.6

The commenter states that they do not recommend relying on the GHG thresholds in the SLOCAPCD's CEQA Air Quality Handbook.

This comment addresses the EIR; refer to the Final EIR for the response to this comment.

Response 2.7

The commenter states that it is important to note that the EnergyWise Plan was created with a planning threshold of 2020, and therefore may not meet the state’s reduction goals for 2030 as required by SB 32 and the 2017 Scoping Plan.

This comment addresses the EIR; refer to the Final EIR for the response to this comment.

L.3 Letter 3

COMMENTER: Bill Amend, private citizen (commented on LOHCP and Draft EIR)

DATE: November 17, 2019

Response 3.1

The commenter states support for the approval of the proposed project (i.e., implementation of the LOHCP). Support for the proposed project is noted and will be provided to the decision-makers.

Response 3.2

The commenter does not think the LOHCP adequately addresses wildfire management. The commenter says that wildfire management in the Los Osos area was historically and currently is inadequate, and that the EIR relies on a Community Wildfire Protection Plan (CWPP) that is not yet developed and/or publicly vetted.

The LOHCP includes as a covered activity vegetation management and related fire hazard abatement work implemented as part of the most recently adopted CWPP (SLOCCFSC 2009). The CWPP is designed to reduce the risk of wildfire by reducing fuels at the wildland urban interfaces. Covering the impacts of this activity will facilitate implementation of this work. The CWPP identifies areas that could be subject to a range of fuel reduction and fire hazard abatement treatments in and adjacent to Los Osos (Section 2.2.7, Figure 2-7). Anticipated treatments include removal of downed, dead, and/or diseased vegetation; creation of shaded fuel breaks; and mowing of non-native grassland. The CWPP would involve wildfire protection measures on 89.4 acres of the Plan Area in the wildland-urban interface (Figure 2-7). Such activities would result in long-term risk reduction associated with wildfire for the Plan Area.

The Interim Adaptive Management and Monitoring Plan for the LOHCP Preserve System (McGraw 2020) outlines recommendations for fuels reduction as part of the CWPP within the Bayview Unit of the Morro Dunes Ecological Reserve, which is the first preserve planned for inclusion in the LOHCP Preserve System during initial implementation. The fuels management recommendations in the IAMMP are designed to facilitate implementation of the fuel break in a way that will maximally benefit the covered species and protect other natural resources, while achieving the fuel reduction and associated fire safety objectives.

In addition, the USFWS and the California Department of Fish and Wildlife (CDFW) worked with CALFIRE to develop AMMs for the CWPP (Table 5-4). With implementation of the AMMs, activities under the CWPP would avoid take of Morro Bay kangaroo rat and impacts to Indian Knob mountainbalm, and is anticipated to result in negligible effects on Morro shoulderband snail and Morro manzanita.

The LOHCP also includes as a covered activity the creation of “defensible space” around private and public development structures. Defensible space is an area of reduced vegetation, which, in turn, would slow the spread of fire and enable firefighters to safely access structures. Defensible space should extend 100 feet from structures or to the property line, whichever is nearer. The first 30 feet from a structure should not contain flammable vegetation or woodpiles. Within the remaining 70 feet (or to the property line), vegetation should be reduced/minimized and spaced to reduce the speed and/or intensity of any fires (CAL FIRE 2020).

Response 3.3

The commenter summarizes their comments previously discussed in the comment letter. Refer to Responses 3.1 and 3.2.

L.4 Letter 4

COMMENTER: Marcie Begleiter, private citizen (first letter, addressed only to the County; commented on LOHCP and Draft EIR)

DATE: November 18, 2019

Response 4.1

The commenter expresses dissatisfaction with the venue size for the public meeting held on October 28, 2019 for the LOHCP and Draft EIR, as well as the date of the meeting when considering the end date of the public review period for the Draft EIR. The commenter also states that the County's contact information presented at the meeting was incorrect and that the public review period should be extended.

These comments are noted, and the County apologizes for the inconveniences related to the public meeting. The County provided adequate public notices of completion and availability of the Draft EIR, and also provided a 45-day public review period for the Draft EIR, which is typical for an EIR of this complexity and complies with the public review requirements under CEQA. Accordingly, the County did not extend the public review period of the Draft EIR beyond November 20, 2019 (or November 18, 2019 for the LOHCP).

Response 4.2

The commenter expresses the need to protect open space and preserve the character of the community. The commenter also states that the LOHCP and Draft EIR describe extensive development under implementation of the LOHCP, stating approximately 30 percent in fill units by 2035, which is more than double the rate of California from 2006 to 2016.

The County believes this comment is not on the LOHCP or the Draft EIR for the LOHCP, but rather the Draft EIR of the Los Osos Community Plan, which was released for public review on September 12, 2019. The Los Osos HCP does not direct land use; rather, it provides a comprehensive strategy for mitigating the impacts of the land use on the covered species and their habitats. The LOHCP EIR response to comments provides analysis related to the environmental impacts of development that would be permitted through the LOHCP.

Response 4.3

The commenters states that the data in the report is at least five years old. The County believes this comment is not on the LOHCP, but rather the latest (2015) Los Osos Community Plan (County 2015a), the Draft EIR for which was released for public review on September 12, 2019. With regard to the LOHCP, data and references used were the most up-to-date information available when the plan was prepared.

Response 4.4

This comment addresses the EIR; refer to the Final EIR for the response to this comment.

Response 4.5

The commenter requests updating the LOHCP with current data on sea level rise and saltwater intrusion. Sea level rise is discussed in Section 6.5.3 *Climate Change* of the LOHCP. The County does not believe additional changes to the LOHCP are needed to address this issue.

Response 4.6

The commenter requests changing the amount of development allowed under the LOHCP, similar to Comment 4.2. Refer to Response 4.2.

Response 4.7

This comment addresses the EIR; refer to the Final EIR for the response to this comment.

Response 4.8

The commenter thanks the County for its service to the community. The County appreciates such feedback.

L.5 Letter 5

COMMENTER: Marcie Begleiter, private citizen (second letter, addressed only to the Service; commented on LOHCP and Draft EIR)

DATE: November 18, 2019

Response 5.1

The commenter expresses dissatisfaction with the venue size for the public meeting held on October 28, 2019 for the LOHCP and Draft EIR, as well as the date of the meeting when considering the end date of the public review period for the Draft EIR. The commenter also states that the public review period should be extended. This comment is similar to Comment 4.1; the commenter is referred to Response 4.1.

Response 5.2

The commenter expresses the need to protect open space and preserve the character of the community. The commenter also states that the LOHCP and Draft EIR describe extensive development under implementation of the LOHCP, stating approximately 30 percent in fill units by 2035, which is more than double the rate of California from 2006 to 2016.

This comment is the same as Comment 4.2; the commenter is referred to Response 4.2. Additional analysis is not required under CEQA.

Response 5.3

The commenters states that the data in the report is at least five years old. This comment is the same as Comment 4.3; the commenter is referred to Response 4.3. Additional analysis is not required under CEQA.

Response 5.4

This comment addresses the EIR; refer to the Final EIR for the response to this comment.

Response 5.5

The commenter requests updating the LOHCP and Draft EIR with current data on sea level rise and saltwater intrusion. This comment is the same as Comment 4.5; the commenter is referred to Response 4.5.

Response 5.6

The commenter requests changing the amount of development allowed under the LOHCP, similar to Comment 4.2. This comment is the same as Comment 4.6; the commenter is referred to Response 4.2.

Response 5.7

This comment addresses the EIR; refer to the Final EIR for the response to this comment.

Response 5.8

The commenter thanks the County for its service to the community. The County appreciates such feedback.

L.6 Letter 6

COMMENTER: R. David Bowlus, private citizen (commented on LOHCP and Draft EIR)

DATE: November 17, 2019

Response 6.1

The commenter suggests that prescriptive rights for informal visitor parking, beach access, and small boat access continue to be allowed to the bay along the 1300 block of 1st Street.

The LOHCP covered activities are not likely to affect beach parking or access. The area is already developed, so there is only potential for some infill development of single-family residences and commercial development along 1st Street in Los Osos.

Response 6.2

The commenter states that Rosina Drive between Pine Avenue and Doris Avenue needs to be paved and maintained by the County.

This request is beyond the purview of the LOHCP which does not plan for public works and related projects. The LOHCP does include as covered activities capital improvement projects by the County Public Works Department (Section 2.2.5.3). Adoption of the LOHCP would streamline permitting for covered activities by reducing the length of time and costs associated with the ESA permitting process for covered activities. Implementation of this community-wide LOHCP, in contrast with the current project-by-project approach to permitting, would maximize the benefits of the conservation program and eliminate potentially expensive and time-consuming efforts associated with processing individual ITPs for each project in the Plan Area.

Response 6.3

The commenter states that traffic flow along Ramona Avenue, 4th Street, and 9th Street is inefficient based on current traffic volumes and suggests implementing some one-way roadway segments in Los Osos, as well as provide walkways and bicycle lanes.

As noted for Response 6.2, this topic is beyond the purview of the LOHCP, although the LOHCP does include as a covered activity capital improvement projects by the County Public Works Department (Section 2.2.5.3). Adoption of the LOHCP would streamline permitting for covered activities by reducing the length of time and costs associated with the ESA permitting process for covered activities. Implementation of this community-wide LOHCP, in contrast with the current project-by-project approach to permitting, would maximize the benefits of the conservation program and eliminate potentially expensive and time-consuming efforts associated with processing individual ITPs for each project in the Plan Area.

Response 6.4

This comment addresses the EIR; refer to the Final EIR for the response to this comment.

L.7 Letter 7

COMMENTER: Beverly Boyd, private citizen (commented on LOHCP and Draft EIR)

DATE: November 17, 2019

Response 7.1

The commenter suggests that prescriptive rights for informal visitor parking, beach access, and small boat access continue to be allowed to the bay along the 1300 block of 1st Street. This comment is the same as Comment 6.1; the commenter is referred to Response 6.1.

Response 7.2

The commenter states that Rosina Drive between Pine Avenue and Doris Avenue needs to be paved and maintained by the County. This comment is the same as Comment 6.2; the commenter is referred to Response 6.2.

Response 7.3

The commenter states that traffic flow along Ramona Avenue, 4th Street, and 9th Street is inefficient based on current traffic volumes and suggests implementing some one-way roadway segments in Los Osos, as well as provide walkways and bicycle lanes. This comment is the same as Comment 6.3; the commenter is referred to Response 6.3.

Response 7.4

This comment addresses the EIR; refer to the Final EIR for the response to this comment.

L.8 Letter 8

COMMENTER: David H. Chipping, Conservation Chair, California Native Plant Society, San Luis Obispo Chapter (commented on LOHCP, Draft EIR, and Draft EA)

DATE: November 15, 2019

Response 8.1

The commenter expresses concern regarding the LOHCP EIR's lack of independent assessment of impact to Morro manzanita, instead of relying on the assessment included in the LOHCP. The commenter also states that they have attached their comments on the LOHCP on the Service.

This comment addresses the EIR; refer to the Final EIR for the response to this comment.

Response 8.2

The commenter states they do not understand why the locations and acreages of development under the LOHCP are not more definitive, so that the impacts from take of covered species is "validated."

The LOHCP is a programmatic plan designed to cover impacts associated with a range of activities that could be anticipated to occur over a 25-year permit term. It covers impacts to up to 532.0 acres (14.6 percent) of land within the Plan Area (Table 2-9). Although the exact numbers, sizes, and locations of the individual projects to be conducted under the LOHCP are currently unknown, impacts to vegetation communities and other biological resources were estimated under the impact assumptions per the type of covered activity (Table 4-1). Section 4 of the LOHCP provides a detailed discussion of potential impacts to covered species. The avoidance and minimization measures (AMMs) under the LOHCP would require pre-project surveys for covered species, as well as several other measures to minimize or avoid direct and indirect impacts to covered species and other special-status species, as outlined in Section 5.2. The negative impacts of covered activities on Morro manzanita would be offset by the beneficial impacts of implementation of the LOHCP conservation program from efforts to protect, restore, and manage habitat within the LOHCP Preserve System as described in Section 5.3.

Response 8.3

The commenter expresses appreciation for the opportunity to comment on the LOHCP. This comment is noted.

Response 8.4

This comment is a summary of Comment 8.11; refer to Response 8.11.

Response 8.5

This comment is a summary of Comments 8.12 through 8.14; refer to Responses 8.12 through 8.14.

Response 8.6

This comment is a summary of Comment 8.15; refer to Response 8.15.

Response 8.7

This comment is a summary of Comment 8.16; refer to Response 8.16.

Response 8.8

This comment is a summary of Comment 8.17; refer to Response 8.17.

Response 8.9

This comment is a summary of Comment 8.18; refer to Response 8.18.

Response 8.10

This comment is a summary of Comment 8.19; refer to Response 8.19.

Response 8.11

The commenter states parcel numbers and locations in the LOHCP are confusing when compared to those stated in the Estero Area Plan (EAP). The commenter also expresses a concern of buildout of larger parcels if subdivided.

Section 2 of the LOHCP provides tables and figures that illustrate the general location and total acreages of parcels in the Plan Area based on land use designations, development status, and size categories, which are collectively used to determine the amount of additional development that can occur on the parcels. There are too many parcels in the plan area to provide individual parcel data, as suggested by the commenter.

Table 2-6 and LOHCP identifies the maximum square feet of disturbance that can occur on each parcel based on its location and size. Parcels cannot be subdivided as part of the HCP; the LOHCP will only cover development on legal lots at the time the LOHCP is adopted and the ITP is issued or lots that have received prior subdivision approval by the County that remains valid.

Response 8.12

The commenter states that the LOHCP is “unclear” on the location of protected habitat for Morro manzanita. The commenter also expresses concern that potential future subdivision of larger parcels would “cloud” the quantification of take of Morro manzanita.

As the LOHCP is a programmatic plan, the exact numbers, sizes, and locations of the individual projects to be conducted under the LOHCP are currently unknown. The LOHCP estimates the impacts to vegetation communities and other biological resources using the impact assumptions per the type of covered activity as outlined in Table 4-1 of the LOHCP. As noted in the response to comment 8.11, the LOHCP does not allow subdivision and also caps the amount of disturbance on each parcel.

The commenter also questioned whether the Morro Dunes Ecological Reserve (MDER) meets the enrollment criteria for the LOHCP Preserve System. The commenter is referred to Appendix G of the LOHCP, which concludes that the MDER is eligible for inclusion in the LOHCP Preserve System for purposes of habitat enhancement and restoration.

The commenter also stated that existing protected lands should not be considered as a gain in net protection. Section 5.3.3.1 of the LOHCP describes how restoration and management of existing protected lands is counted toward mitigation only based on the additional benefits of the enhanced management and restoration for the covered species; such lands are not credited in terms of habitat protected. Section 5.3.3.2 describes how the existing protected lands will be managed based on an Adaptive Management and Monitoring Plan for the LOHCP Preserve System, which will identify the additional benefits of enhanced management and restoration on existing protected lands. Section 6.2.3.1 of the LOHCP describes how enrollment of such lands will require a maintenance of effort agreement between the LOHCP Implementing Entity and the landowner, to ensure that the current management and restoration activities that are being implemented by the landowner continue to ensure that the LOHCP mitigation has added benefits for the covered species.

Response 8.13

The commenter states that the LOHCP is “unclear” on the location of restorable habitat for Morro manzanita.

The LOHCP identifies a reserve system scenario, which includes protection and management of new habitat as well as restoration and enhanced management of existing protected lands, as describe in Section 5.3 of the LOHCP and illustrated in Tables 5-5, 5-9, and 5-10. Under this scenario, an estimated 22.3 acres of habitat for Morro Manzanita will be restored in existing protected lands, where an additional 188.6 acres would be managed in perpetuity; additionally, a total of 51.7 acres of habitat would be newly protected with 5.2 acres of that habitat being restored and the remaining 46.5 acres being managed. The newly protected habitat would be located primarily in the Priority Conservation Area, which is illustrated in Figure 5-1. The existing protected land to be restored and managed is anticipated to be largely within the Morro Dunes Ecological Reserve, as illustrated in Table 5-5.

The restoration and enhanced management will ultimately be identified in the Adaptive Management and Monitoring Plan (AMMP) for the LOHCP Preserve System, which will be developed during the first three years of LOHCP implementation, as described in Section 5.3.3.2. To guide interim management of the MDER, an Interim Adaptive Management and Monitoring Plan (IAMMP) has been developed (McGraw 2020). It provides for the restoration of Morro Manzanita habitat (i.e., central maritime chaparral) through two main activities: 1) control of veldt grass and co-occurring invasive plant species within 23 acres, and 2) restoring an estimated 4.3 acres of habitat degraded by *de facto* trails that have been created by recreational users throughout the Bayview Unit of the MDER. These initial restoration actions targeted for the Bayview Unit will restore and manage areas of central maritime chaparral that current support or are suitable for Morro manzanita.

Response 8.14

The commenter questions the LOHCP’s claim that the 8:1-acre benefit of the plan for Morro manzanita, which he feels is predicated on counting existing protected lands as habitat or providing management that is not needed.

The commenter is referred to Section 5.8, *Benefits of the Conservation Program* which outlines the anticipated net benefits of the conservation program, based on the anticipated preserve system scenario, relative to impacts to the covered species and their habitat caused by the anticipated covered activities. The benefits for the covered species of including existing protected lands in the LOHCP Preserve System is derived from the additional benefits of enhanced habitat management and

restoration beyond what is currently occurring and required by the landowner; the 8:1 ratio of benefits to impacts for Morro Manzanita does not include the value of the existing habitat protection.

While it is true that mature Morro Manzanita habitat is relatively stable, areas of central maritime chaparral supporting Morro Manzanita have been invaded by veldt grass, jubata grass, ice plant, and other invasive plant species that degrade habitat. Morro manzanita habitat has also been degraded by proliferation of *de facto* trails which denuded habitat and cause erosion. Morro manzanita will benefit from efforts outlined in the IAMMP to restore unauthorized trails and control invasive plants at the Bayview Unit of the MDER. Morro manzanita will also benefit from future management as outlined in the AMMP, which is anticipated to include additional management of invasive plants, recreation, and also fire—a natural part of the central maritime chaparral community to which Morro manzanita is likely adapted, as described in Section B.2.

Even if the final acres of habitat that are subjected to enhanced management, restoration, and protection is lower than the anticipated in the plan, based on the assumptions about the project impacts (Table 4-1 and 4-4) and assumptions about the Preserve System (Tables 5-5 and 5-10), the LOHCP would likely result in net benefits to Morro manzanita. This is because impacts to Morro manzanita and central maritime chaparral due to implementation of the LOHCP would be relatively low. Most future development under the LOHCP would be inside the USL, which contains only scattered individuals of Morro manzanita. In addition, most habitat protection would occur in the Priority Conservation Area, which contains most of the Plan Area's central maritime chaparral.

Response 8.15

The commenter questions the LOHCP's assertion that part of the restoration of Morro manzanita habitat can be restored by conducting fire management to promote regeneration of populations of Morro manzanita.

While additional development in the LOHCP area will necessitate exclusion of wildfire, it will not prevent active fire management including prescribed fire. CAL FIRE and other land management entities including State Parks have worked effectively in this region and other regions with fire-adapted communities that occur near the wildland-urban interface to conduct fire management treatments, including prescribed fire; these treatments can reduce the risk of catastrophic wildfire while promoting populations of fire-adapted species such as Morro Manzanita. The AMMP developed for the LOHCP Preserve System will address these dual benefits of proactive fire management techniques as outlined in Section D. 3 *Fire Management* of the LOHCP.

Response 8.16

The commenter states that a "significant portion of the core habitat for Morro manzanita" occurs in the southern portion of the Plan Area. The commenter also expresses concern that potential future subdivision of larger parcels could result in underestimating the take of Morro manzanita.

The exact numbers, sizes, and locations of the individual projects to be implemented under the LOHCP are currently unknown. The LOHCP estimates the impacts to vegetation communities and other biological resources using impact assumptions developed based upon the type of covered activity as outlined in Tables 2-6 and 4-1. The LOHCP caps the amount of disturbance that can occur on each legal parcel, as illustrated in Table 2-6. Additionally, the LOHCP only allows development on existing legal lots

at the time the LOHCP is adopted and the ITP is permitted, unless the County has previously approved a subdivision and that approval remains valid.

Response 8.17

The commenter states that the LOHCP does not address conflicting land management requirements for the four covered species.

To develop the AMMP for the LOHCP Preserve System, biologists will conduct comprehensive habitat assessments and surveys for the covered species. The LOHCP management and restoration strategies will reflect the goal E3 of the LOHCP, which is to “Maintain and enhance the natural mosaic of Baywood fine sands communities and their varying successional stages, to provide a range of habitat conditions for the covered species and the broader assemblages of native plants and animals in the ecosystem.” The IAMMP for the LOHCP Preserve System identifies 23 acres of habitat to be enhanced through control of veldt grass and co-occurring invasive plants, and an estimated 4.3 acres of habitat degraded by *de facto* trails that will be restored throughout the Bayview Unit of the MDER. These initial restoration measures as well as many other anticipated restoration and management measures outlined in Appendix D are anticipated to benefit all four covered species. Accordingly, the County respectfully disagrees with this comment. The LOHCP would not result in conflicting land management requirements for the four covered species.

Response 8.18

The commenter states that the LOHCP fails to recognize the Morro manzanita-coast live oak vegetation community and utilize data volunteers have collected to map Morro manzanita.

The 2019 LOHCP uses the same vegetation classifications as the 2005 Draft LOHCP. The areas where Morro manzanita-coast live oak are likely mapped in the 2019 LOHCP as either central maritime chaparral or coast live oak vegetation communities, both of which are considered to be habitat for Morro manzanita as illustrated in Table 4-4 of the LOHCP. The LOHCP calls for areal extent mapping and demographic monitoring of Morro Manzanita in the LOHCP Preserve system during development of the AMMP and when new preserves are added. The surveys that volunteers have conducted can be used to inform those efforts.

Response 8.19

The commenter states that the LOHCP should resolve a potential issue concerning some properties that received encumbered state or federal funding.

Table G-1 of the LOHCP outlines how, during the planning process, CDFW evaluated issues that would preclude its use for mitigation and confirmed that state funds used to purchase the property (from Proposition 50 and state license plate funds). The CDFW analysis concluded that funding sources do not preclude use of these properties for mitigation under the LOHCP.

Response 8.20

The commenter expresses appreciation for the opportunity to comment on the LOHCP. This comment is noted.

L.9 Letter 9

COMMENTER: Lisa Denker, private citizen (commented on LOHCP and Draft EIR)

DATE: November 18, 2019

Response 9.1

The commenter states that the vegetation communities map shown on Figure 6 of the EIR and Figure 3-4 of the LOHCP does not accurately show the actual extent of pickleweed or other intertidal shoreline habitats within the Baywood Park peninsula.

The vegetation communities map for the Plan Area was compiled by qualified biologists. It is noted that the scale of the map is such that determining the location of the 1.3 acres of pickleweed community within the 3,643.8-acre Plan Area is difficult. As described in Section 2.3 of the LOHCP, if the proponent of a project along the coastline or other waterways wishes to conduct projects that would cause take/impacts to non-covered listed species, that project proponent would need to obtain separate permits to cover those impacts, in order to be eligible for coverage of their impacts to the LOHCP covered species through the LOHCP.

Response 9.2

The commenter expresses the need for open space management with the growing population in Los Osos. The commenter requests management includes invasive plant removal, use of paths and signage to limit off-trails foot traffic, installation of trash cans, and education and enforcement of dog leash laws, as well as revegetation to prevent soil erosion.

Sections 4.2, 5.3.3.1, and D.2 of the LOHCP discuss the potential indirect impacts of increased population on the covered species including via the mechanisms identified by the commenter.

The LOHCP covered activities include implementation of a conservation program. As described in Section 5.3.3, the conservation program will include restoration and management of habitat with the LOHCP Preserve System, which would be comprised of a network of protected lands that would be managed and monitored in perpetuity to mitigate the impacts of covered activities on covered species. Habitat management and restoration would be designed to address factors that are negatively impacting species populations and vegetation communities, including management of vegetation using manual and mechanical techniques and/or fire, eradication and control of exotic plants and non-native animals, erosion control in unnaturally denuded areas, demolition and removal of structures and other infrastructure, and removal of debris and hazardous material. In addition, lands within the LOHCP Preserve System will be subject to general land stewardship and management, which are also a covered activity under the plan. The general activities that would be required to maintain the LOHCP Preserve System include maintenance of existing facilities (e.g., fences, gates, roads, trails, irrigation systems); installation and maintenance of trails; development and maintenance of interpretive facilities (e.g., signs, kiosks, wildlife observation platforms); and creation and maintenance of parking lots, staging areas, picnic areas, and restrooms.

In addition, covered activities include capital improvement projects by the County Parks and Recreation Department. Anticipated capital improvement projects include, but are not limited to, a new approximately 3-acre aquatic center, a new approximately 1.5-acre boat ramp, 10 new multi-use trails

(totaling approximately 7.8 miles), 14 new coastal access points, and expansion of the boardwalk and placement of an approximately 5,000-foot-long fence in the Elfin Forest Natural Preserve. Maintenance of parks and open space would also be considered a covered activity under the LOHCP.

Response 9.3

The commenter suggests that Estero Bay be designated a “pesticide-free zone” and that hunting on the bay be abolished.

This request is beyond the purview of the LOHCP. Adoption of the LOHCP would not directly result in development in Los Osos, nor the use of pesticides or hunting on Estero Bay. Adoption of the LOHCP would streamline permitting for covered activities by reducing the length of time and costs associated with the ESA permitting process for covered activities. Implementation of this community-wide LOHCP, in contrast with the current project-by-project approach to permitting, would maximize the benefits of the conservation program and eliminate potentially expensive and time-consuming efforts associated with processing individual ITPs for each project in the Plan Area.

L.10 Letter 10

COMMENTER: James and Catherine Gentilucci, private citizens (commented on LOHCP)

DATE: October 9, 2019

Response 10.1

The commenter states support for the approval of the proposed project (i.e., implementation of the of the LOHCP). Support for the proposed project is noted and will be provided to the decision-makers.

L.11 Letter 11

COMMENTER: Eve Gruntfest, private citizen (commented on LOHCP and Draft EIR)

DATE: November 18, 2019

Response 11.1

The commenter states support for the approval of Alternative 1 in the LOHCP EIR, the No Project Alternative, but wants Alternative 1 modified to include wildfire protection efforts that are not currently in place.

This comment addresses the EIR; refer to the Final EIR for the response to this comment.

Response 11.2

The commenter states that the Los Osos Nature Corridor, shown on Figure 4-1 as primary habitat for Morro shoulderband snail just south of the area labeled “Sweet Springs,” should be mapped on LOHCP Figure 5-1 as “Priority Conservation Area.”

The LOHCP Preserve System is focused on protecting habitat on the perimeter of the Plan Area. As discussed in Section 5.3.1, land protection will be prioritized in this priority conservation area, which is illustrated in Figure 5-1, where additional habitat protection can:

protect relatively large areas of habitat, including by buffering and expanding existing protected habitat areas, in order to safeguard large areas that feature reduced perimeter-to-area ratios that are therefore more resistant to edge effects and can be effectively managed using techniques designed to promote diversity and long-term population persistence, including prescribed fire or fire surrogates; and

maintain and restore critical landscape linkages between significant habitat areas, including protected lands and other large areas of relatively intact habitat. Connecting habitat that might otherwise become isolated will facilitate gene flow (exchange of genetic material) between individuals in otherwise isolated habitat, and recolonization of sites where populations are extirpated.

Within this priority conservation area, the LOHCP is projected to include an estimated 219.6 acres of habitat and potential habitat for the Morro shoulderband snail as illustrated in Table 5-10. Specifically, the LOHCP is anticipated to protect, restore, and/or manage in perpetuity approximately 54.7 acres of Morro shoulderband snail habitat and potential habitat that is currently unprotected, and thus, is subject to development and other land uses that could degrade such habitat. Of the 54.7 acres, approximately 5.5 acres of habitat would be restored; such restoration would include repair of areas that have been severely degraded by erosion or dense exotic plant infestations. The LOHCP Preserve System would also include protection, restoration, and/or management in perpetuity of 164.9 acres of Morro shoulderband snail habitat and potential habitat within existing protected lands. Such existing protected lands feature some of the largest areas of remaining habitat, where additional restoration and management can promote species population sizes and viability. For these reasons, implementation of the LOHCP is anticipated to have an overall beneficial impact on the Morro shoulderband snail.

Proponents of projects outside of the priority conservation area will still need to implement all applicable avoidance and minimization measures (AMMs) to participate in the LOHCP. Figure 5-2 of the

LOHCP shows the proposed Morro shoulderband snail “Minimization Measure Areas,” as well as currently protected land. As shown on this figure, the location which the commenter suggests should be mapped as “Priority Conservation Area” under the LOHCP is proposed to be a Morro shoulderband snail Minimization Measure Area. Figure 5-2, as well as Figure 4-1 and Figure 5-1, also shows a portion of that area as existing protected land.

As stated in Table 5-11, implementation of the LOHCP Conservation Program would require project proponents of covered activities in Morro shoulderband snail Minimization Measure Areas to implement AMM MSS-2, which requires a biologist approved by the Service to capture and move all Morro shoulderband snails to suitable habitat away from potential impact areas prior to and during all ground-disturbing activities in designated parcels. In addition, AMM E1 and AMMs C1 through C5 would help minimize short-term negative impacts of the LOHCP Conservation Program on Morro shoulderband snail.

Response 11.3

The commenter states that preserving the area referenced in Comment 11.2 in the center of the community as open space, not just the outskirts of the Plan Area, would be beneficial to biological resources, as well as humans living and visiting in Los Osos.

As noted above, the LOHCP conservation program is focused on lands the priority conservation area where habitat protection, restoration, and management are anticipated to maximize long-term benefits for the covered species. Isolated reserves within larger developed areas, as suggested by the comment, are more susceptible to edge effects from adjacent development and may not be able to support persisting populations over time. In contrast, investing conservation resources in the intact areas around the perimeter of the Plan Area will provide opportunities to buffer, restore, and manage existing protected lands, to promote protection of larger continuous areas of protected habitat that can promote population persistence.

Response 11.4

The commenter expresses concern that the potential development locations under Alternative 2, the Reduced Take Alternative, are not provided in the EIR or LOHCP, and concern that Alternative 2 would allow the “Morro Shores Mixed-Use Area,” which is more than 62 acres in size, to utilize the ITP under the LOHCP.

The precise locations of the 266 acres that would be developed under Alternative 2 are currently unknown because individual landowners within the Plan Area would determine if and when they wish to develop under this alternative.

The area known as the Morro Shores Mixed-Use Area is the same area to which the commenter refers in Comments 11.2 and 11.3. As shown in Figure 2-4 of the LOHCP, the area is currently designated Residential Single Family and Residential Multifamily under the adopted Estero Area Plan. Under the latest (2015) Los Osos Community Plan, the land use designation of the area would be revised to “Multi-Land Use Category” and specifically would allow Residential Single Family, Residential Multifamily, and Commercial Service within the area. Although the owner of this area could utilize the ITP under the proposed project or Alternative 2, as the Morro Shores Mixed-Use Area could meet the requirements to be considered a covered activity under the LOHCP, the project proponent would still be required to comply with applicable federal, state, and local development laws and regulations, including compliance

with CEQA. If the project proponent of the Morro Shores Mixed-Use Area files an application to develop the property, the County would determine the appropriate level of CEQA documentation for the project and require completion of the CEQA process prior to approval of the project. Implementation of CEQA for the Morro Shores Mixed-Use Area would ensure that the County identifies, and mitigates as necessary, potential significant impacts to air quality, biological resources other than the covered species under the LOHCP, cultural resources, geology and soils, water supply, noise, and transportation.

Response 11.5

The commenter states that the County has previously ignored public comments on Draft EIRs.

The County has previously and will continue to comply with the requirements of CEQA regarding responses to comments on Draft EIRs, as well as the other legal requirements for CEQA compliance.

Response 11.6

The commenter states that the Draft EIR does not discuss that Morro Bay Estuary is a “nationally designated area.”

This comment addresses the EIR; refer to the Final EIR for the response to this comment.

Response 11.7

The commenter states support for Alternative 1, the No Project Alternative. The commenter also requests a map showing development locations under Alternative 2, the Reduced Take Alternative.

Support for the No Project Alternative is noted and will be provided to the decision-makers. As noted in response to comment 11.4 above, the locations of the 266 acres that would be developed under Alternative 2 are currently unknown because individual landowners within the Plan Area would determine if and when they wish to develop under this alternative.

Response 11.8

The commenter states that the *CEQA Guidelines* require recirculation of a Draft EIR if significant new information is added to the EIR based on public comments.

This comment addresses the EIR; refer to the Final EIR for the response to this comment.

L.12 Letter 12

COMMENTER: Jeanne Howland, private citizen (first letter, addressed only to the County; commented on LOHCP and Draft EIR)

DATE: November 11, 2019

Response 12.1

The commenter provides a summary of the information presented on the County's webpage for the LOHCP ([https://www.slocounty.ca.gov/Departments/Planning-Building/Active-Major-Projects/Los-Osos-Habitat-Conservation-Plan-\(HCP\).aspx](https://www.slocounty.ca.gov/Departments/Planning-Building/Active-Major-Projects/Los-Osos-Habitat-Conservation-Plan-(HCP).aspx) [accessed December 2019]).

It is noted that the comment incorrectly defines take under the federal Endangered Species Act (ESA); this definition is not included on the County webpage for the LOHCP. The comment, instead, uses the California Endangered Species Act's (CESA) meaning of the term 'take.' Refer to pages 1, 30, and 34 of the Draft EIR for verbatim definitions of 'take' under ESA and CESA. As stated in the EIR:

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

Although two of the covered species in the LOHCP, Morro Bay kangaroo rat and Indian Knob mountainbalm are state-listed species in addition to being federally listed, the proposed project would avoid potential 'take' as defined by CESA for those species. Under CESA, the term 'take' means to "hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill" (Fish and Game Code [FGC] Section 86). Therefore, the LOHCP would not require issuance of a state ITP by the CDFW under FGC Section 2080.

Furthermore, it is noted that the comment does not quote the County's website verbatim, although the comment appears to infer such. Nonetheless, this comment generally copies the summary of the LOHCP and the proposed ITP.

Response 12.2

The commenter states that the LOHCP would allow hunting and other forms of killing of state and federally protected species in Los Osos for 25 years.

The LOHCP would not allow hunting of any species. Implementation of the LOHCP and issuance of an ITP under Section 10(a)(1)(B) of ESA from the USFWS to the County would allow take (as defined under ESA; refer to Response 12.1) of two federally listed animal species (the federally and state listed as endangered Morro Bay kangaroo rat and the federally listed as threatened Morro shoulderband snail), as well as impacts to two federally listed plant species (the federally and state listed as endangered Indian Knob mountainbalm and the federally listed as threatened Morro manzanita). The covered activities would avoid impacts to Morro Bay kangaroo rat individuals through incorporation of the AMMs included in Section 5.2.

Adoption of the LOHCP and issuance of an ITP by the USFWS would allow individual property owners/project proponents to implement a “covered activity” as outlined in Section 2.2 of the LOHCP. Covered activities include private and public developments, capital improvement projects, operation and maintenance of existing infrastructure such as roadways, drainage systems, water systems, parks, and open space, implementation of the CWPP, and implementation of the LOHCP conservation program (Section 2.2.8).

Participation in the implementation of the LOHCP and use of the ITP are voluntary. Individual project applicants that do not want to participate in implementation of the LOHCP can ensure compliance with federal, state, and local permitting requirements on a project-by-project basis. However, the purpose of the LOHCP is to streamline the permitting process, which would reduce the permitting timeline and costs to individual project applicants, while contributing to a more comprehensive conservation strategy for the covered species.

Expedited development under the LOHCP would have the potential to adversely affect special-status species and their habitats in the Plan Area. However, the LOHCP would also provide benefits to such species by protecting suitable habitat of appropriate size to support existing populations. The LOHCP would create opportunities to protect and improve habitats of greater quality and extent than the small-scale restoration efforts that are feasible for individual small development projects that would otherwise occur without implementation of the LOHCP. The larger size and contiguous nature of many of the lands proposed for inclusion in the LOHCP Preserve System would be superior to preservation of small noncontiguous parcels that would occur without the LOHCP. Protected lands would become part of the LOHCP Preserve System. Conservation of high-quality upland habitats, erosion control, and invasive species management in upland habitats would also provide benefits to species not covered by the LOHCP that occur in wetland and riparian habitats by reducing erosion, improving nutrient cycling, and limiting progress of invasive species recruitment into new areas. Furthermore, more contiguous habitat protection through the LOHCP Preserve System could result in greater gene flow, and thus, greater genetic diversity among populations of non-covered species.

As described in Section 5.2 of the LOHCP, the AMMs require pre-project surveys for covered species, as well as several other measures to minimize or avoid direct and indirect impacts to covered species and other special-status species. The negative impacts of covered activities on Morro shoulderband snail, Morro manzanita, and Indian Knob mountainbalm would be offset by the beneficial impacts of implementation of the LOHCP conservation program from efforts to protect, restore, and manage habitat within the LOHCP Preserve System. Additionally, the benefits of LOHCP conservation program to Morro Bay kangaroo rat habitat through habitat restoration and/or preservation would offset the adverse effects of covered activities on the Morro Bay kangaroo rat. Furthermore, take of individuals of Morro kangaroo rat, in any form, with the exception of habitat as part of specific restoration activities, will not be permitted under the LOHCP.

Response 12.3

The commenter summarizes the two alternatives included in the EIR and expresses concern that the potential development locations under Alternative 2, the Reduced Take Alternative, are not provided in the EIR, and concern that Alternative 2 would allow the “Morro Shores Mixed-Use Area,” which is more than 62 acres in size, to utilize the ITP under the LOHCP.

Response 11.4 addresses this comment.

Response 12.4

The commenter states that the County has previously ignored public comments on Draft EIRs.

The County has previously and will continue to comply with the requirements of CEQA regarding responses to comments on Draft EIRs, as well as the other legal requirements for CEQA compliance.

Response 12.5

The commenter states that the County is rushing to approve the LOHCP and that the Draft EIR lacks thorough research and documentation in the County's effort to save time and money.

The County respectfully disagrees with this comment. Section 1.4, *Environmental Review Process*, in the EIR provides a summary of the County's and USFWS's good-faith efforts to notify agencies and the public of the proposed LOHCP and to conduct public scoping meetings to allow public participation prior to the initiation of preparation of the Draft EIR since September 2013. Since issuance of the Notice of Preparation (NOP) for a Draft EIR for the LOHCP, the County has continued to work with applicable federal, state, regional, and local agencies, as well as organizations and private citizens. The Draft EIR and the Final EIR were prepared in concert with environmental planners, land use planners, biologists, air quality/greenhouse gas specialists, noise specialists, archaeologists, historians, hazardous materials specialists, geologists, and hydrologists. The commenter is referred to Section 7.1, *Bibliography*, of the EIR for a complete list of documents referenced in the EIR. All these documents are included in the administrative record for the EIR and project; all documents that are not considered confidential are available to the public by the County upon request.

In addition, the commenter is referred to Section 15151, *Standards for Adequacy of an EIR*, of the *CEQA Guidelines*, which states:

An EIR should be prepared with a sufficient degree of analysis to provide decision makers with information which enables them to make a decision which intelligently takes account of environmental consequences. An evaluation of the environmental effects of a proposed project need not be exhaustive, but the sufficiency of an EIR is to be reviewed in the light of what is reasonably feasible. Disagreement among experts does not make an EIR inadequate, but the EIR should summarize the main points of disagreement among the experts. The courts have looked not for perfection but for adequacy, completeness, and a good faith effort at full disclosure. (PRC Section 21083)

Response 12.6

The commenter states that the Draft EIR does not discuss that Morro Bay Estuary is a "nationally designated area."

This comment addresses the EIR; refer to the Final EIR for the response to this comment.

Response 12.7

The commenter states support for Alternative 1, the No Project Alternative. The commenter also requests a map showing development locations under Alternative 2, the Reduced Take Alternative.

Support for the No Project Alternative is noted and will be provided to the decision-makers. As outlined in response to comment 11.7, the precise locations of the 266 acres that would be developed under

Alternative 2 are currently unknown because individual landowners within the Plan Area would determine if and when they wish to develop under this alternative.

Response 12.8

The commenter noted that the *CEQA Guidelines* require recirculation of a Draft EIR if significant new information is added to the EIR based on public comments. The commenter also expresses belief that the LOHCP Draft EIR will need to be recirculated prior to certification of the Final EIR.

This comment addresses the EIR; refer to the Final EIR for the response to this comment.

L.13 Letter 13

COMMENTER: Jeanne Howland, private citizen (second letter, addressed only to the Service; commented on LOHCP and Draft EIR)

DATE: November 17, 2019

Response 13.1

The commenter provides a summary of the information presented on the County's webpage for the LOHCP ([https://www.slocounty.ca.gov/Departments/Planning-Building/Active-Major-Projects/Los-Osos-Habitat-Conservation-Plan-\(HCP\).aspx](https://www.slocounty.ca.gov/Departments/Planning-Building/Active-Major-Projects/Los-Osos-Habitat-Conservation-Plan-(HCP).aspx) [accessed December 2019]). This comment is the same as Comment 12.1; the commenter is referred to Response 12.1.

Response 13.2

The commenter states that the LOHCP would allow hunting and other forms of killing of state and federally protected species in Los Osos for 25 years. The commenter also states that the Draft EIR does not include a quoted sentence from the County's LOHCP webpage, which provides a brief summary of the LOHCP. This comment is the same as Comment 12.2; the commenter is referred to Response 12.2.

Response 13.3

The commenter summarizes the two alternatives included in the EIR and expresses concern that the potential development locations under Alternative 2, the Reduced Take Alternative, are not provided in the EIR, and concern that Alternative 2 would allow the "Morro Shores Mixed-Use Area," which is more than 62 acres in size, to utilize the ITP under the LOHCP. This comment is the same as Comment 12.3; the commenter is referred to Response 12.3.

Response 13.4

The commenter states that the County has previously ignored public comments on Draft EIRs. This comment is the same as Comment 12.4; the commenter is referred to Response 12.4.

Response 13.5

The commenter states that the County is rushing to approve the LOHCP and that the Draft EIR lacks thorough research and documentation in the County's effort to save time and money. This comment is the same as Comment 12.5; the commenter is referred to Response 12.5.

Response 13.6

The commenter states that the Draft EIR does not discuss that Morro Bay Estuary is a "nationally designated area." This comment is the same as Comment 12.6; the commenter is referred to Response 12.6.

Response 13.7

The commenter states support for Alternative 1, the No Project Alternative. The commenter also requests a map showing development locations under Alternative 2, the Reduced Take Alternative. This

comment is the same as Comment 12.7; the commenter is referred to Response 12.7. Additional analysis is not required under CEQA.

Response 13.8

The commenter that the *CEQA Guidelines* require recirculation of a Draft EIR if significant new information is added to the EIR based on public comments. The commenter also expresses belief that the LOHCP Draft EIR will need to be recirculated prior to certification of the Final EIR. This comment is the same as Comment 12.8; the commenter is referred to Response 12.8.

L.14 Letter 14

COMMENTER: Jeff Edwards, J. H. Edwards Company, private company (first letter, addressed only to the Service; commented on LOHCP and Draft EA)

DATE: November 18, 2019

Response 14.1

The commenter provides a summary of other previous conservation efforts for the Los Osos area, including approximately 950 acres of existing protected land in the area. The commenter also speculates Los Osos' future residential growth rate and discusses the outstanding monetary debt the community currently possesses due to the 2016 Los Osos Water Recycling Facility (LOWRF). These data are not presented in the LOHCP, the LOHCP Draft EIR, or the LOHCP Draft EA, and the County is unsure from where the commenter received such data.

The commenter also states the "preferred alternative" is Alternative 2, the Reduced Take Alternative. This comment is noted and will be provided to the decision-makers.

Response 14.2

The commenter states that development under the LOHCP is "overstated" in Table 2-9 of the LOHCP. The commenter speculates that each new single-family residence would disturb an average of 6,000 square feet. The commenter also states that the LOHCP's estimation of 155 acres of disturbance due to redevelopment is excessive, and that the public and private utility projects in Table 2-9 of the LOHCP include projects that likely will not occur.

The commenter is referred to Table 2-5, which shows the maximum disturbance envelope allowed for single-family residential development in Los Osos. As shown in the table, within the USL, property owners/project proponents can impact the entire residential parcel, regardless of parcel size, and outside the USL, the maximum disturbance envelope on single-family residential parcels is 30,000 square feet, regardless of parcel size. In addition, the County Planning and Building Department determined the anticipated number of parcels eligible for redevelopment, maximum disturbance footprints (average or range), and frequency (number of permits per year) for covered activities in Los Osos based on data from the community of Oceano, which never underwent the "discharge moratorium," as occurred in Los Osos.

The commenter is referred to Table 2-7 for the assumptions regarding redevelopment impact acreages under the LOHCP. As stated in the footnote of Table 2-7, estimated acreage of impacts by redevelopment of developed, privately held parcels are based on estimates projected by the County Planning and Building Department.

The commenter is referred to Table 2-8 for the assumptions regarding impact acreages related to anticipated public and private utility covered activities under the LOHCP. As stated in the footnotes of this table, although the County Parks has planned projects that could impact up to 65.6 acres, only about half of the projects are anticipated to be conducted during the term of the 25-year ITP. Table 2-9 uses the *anticipated* impacts (32.8 acres) from the County Parks' covered activities rather than the *planned* impacts (65.6 acres).

Regardless of how many square feet or acres each anticipated development or redevelopment project would disturb, the ITP issued by the Service to the County pursuant to the proposed LOHCP would expire when either the total amount of habitat disturbance authorized under the ITP is reached (532 acres), or 25 years have elapsed since issuance of the ITP, whichever occurs first, though the County can seek to extend the permit term, as outlined in Section 6.9.

Creation of the LOHCP Preserve System and active management of existing protected habitat for the benefit of covered species would be a net positive impact to sensitive species and/or their habitats (including covered species and non-covered species) where they co-occur with preserve areas, particularly those with similar habitat requirements. Implementation of the LOHCP would provide benefits to special-status plant and animal species and nesting birds by protecting habitat of suitable size to support existing populations of unique or special-status species. The LOHCP would create opportunities to protect and improve habitats of greater quality and extent than the small-scale restoration efforts that are feasible for individual small development projects. The larger size and contiguous nature of many of the lands proposed for inclusion in the Preserve System would be superior to preservation of small, disjunct parcels as would occur without the implementation of the programmatic LOHCP.

Response 14.3

The commenter provides suggested anticipated impact acreages under Alternative 2, the Reduced Take Alternative. The County is not aware of the nature of the analysis used to develop the estimate and will retain the acreages used in the LOHCP alternatives.

Response 14.4

The commenter states that the LOHCP “minimize[s] the efficacy and appropriateness of Alternative 2” and that arguments against Alternative 2 “lack substantive support.” The commenter also quotes text from the Draft EA that describes Alternative 2.

The County respectfully disagrees with the statements of the commenter and stands behind the analysis presented in Section 8.2. As outlined therein, the conservation program for the LOHCP will leverage the impacts to the covered species that will occur predominantly within the USL to protect, restore, and manage habitat that is of higher conservation value for the covered species outside the USL, with an emphasis on habitat in the priority conservation area. Because of the net benefit to the covered species associated within the conservation program, increased take associated with the Proposed Plan (Alternative 4 in the LOHCP) is anticipated to have greater benefits to the covered species than the reduced take alternative (Alternative 2), which would result in inferior project-by-project mitigation after the cap on take is reached and project proponents are required to develop their own piecemeal mitigation. Moreover, the economies of scale associated with managing and restoring a greater area of habitat as would be supported by the proposed project have been shown in a study by the Center for Natural Lands Management, which found that the per-acre habitat management costs are greater in smaller preserves than larger preserves. Management of invasive plants, fire, and recreation will be more effective if performed at a larger scale than in a smaller area as unmanaged areas will have indirect effects on managed areas.

Response 14.5

The commenter states the “preferred alternative” is Alternative 2, the Reduced Take Alternative. The commenter speculates the cost of implementing Alternative 2. The commenter also speculates the implementation of Alternative 2 would result in the delisting of the Morro shoulderband snail.

The commenter’s preference for Alternative 2 is noted and will be provided to the decision-makers. The anticipated cost of implementing Alternative 2 is not presented in the LOHCP, the LOHCP Draft EIR, or the LOHCP Draft EA. These documents also do not discuss the potential for Alternative 2 to result in the delisting of the Morro shoulderband snail. The County is unsure from where the commenter received such information.

Response 14.6

The commenter states that preconstruction surveys and other requirements for the Morro Bay kangaroo rat under the LOHCP should be confined to the Priority Conservation Area (PCA). The commenter also says the Figure 4-2, *Morro Manzanita Habitat*, in the LOHCP is inaccurate.

Because the Morro Bay kangaroo rat is a fully protected species and is critically endangered, pre-project surveys are necessary to avoid take of this species by implementation of covered activities in the LOHCP. The area for pre-project surveys incorporates all areas where the species has potential to occur, including larger parcels in the USL where the species may occur.

Covered activities would avoid impacts to Morro Bay kangaroo rat individuals through incorporation of the AMMs included in the LOHCP. Surveys would be conducted to evaluate presence of the Morro Bay kangaroo rat as described in Section 5.2.1, and to monitor the species as describe in Section 5.4. Prior to implementation of covered activities within potentially occupied habitat for the species, pre-project visual assessments and, if warranted, surveys would be conducted to evaluate whether the species is present as outlined in Section 5.2.1 and detailed in Section F.1. If the species is detected, all work would be required to stop immediately and the project proponents would need to contact the Service and CDFW to discuss project permitting. Take of individuals of Morro Bay kangaroo rat, in any form, with the exception of habitat as part of specific restoration activities, will not be permitted under the LOHCP.

The LOHCP includes AMM MBKR-1 which states, “Prior to ground-disturbing activities in habitat suitable for Morro Bay kangaroo rat (Figure 5-3), the project proponent will retain a CDFW- and USFWS-approved biologist to conduct a visual assessment of the site, which will be followed by a survey, as needed, to ensure the site is not occupied.” Section F.1 in Appendix F, *Covered Animal Avoidance and Minimization Surveys*, details the pre-project surveys that would be required to be conducted to minimize take of Morro Bay kangaroo rat.

The short-term, negative impacts of covered activities on Morro Bay kangaroo rat habitat would be offset by the long-term benefits resulting from protection, restoration, and management of suitable habitat for this species within the LOHCP Preserve System. Under the LOHCP, the LOHCP Preserve System would benefit 240 acres of coastal sage scrub, the preferred habitat of the Morro Bay kangaroo rat, and 110 acres of central maritime chaparral communities, which the Morro Bay kangaroo rat can utilize when in an early-successional state.

Figure 4-2 of the LOHCP shows the locations of suitable habitat for Morro manzanita based on the vegetation communities identified as habitat for Morro manzanita in LOHCP Table 4-4. It is not intended to illustrate the species distribution.

L.15 Letter 15

COMMENTER: Jeff Edwards, J. H. Edwards Company, private company (second letter, addressed only to the County; commented on LOHCP and Draft EIR)

DATE: November 19, 2019

Response 15.1

The commenter states that the Draft EIR does not contain Alternatives 3 and 4 included in Section 8 of the LOHCP. The commenter also states that the Draft EIR does not adequately compare Alternative 2 to the proposed project.

This comment addresses the EIR; refer to the Final EIR for the response to this comment.

Response 15.2

The commenter expresses support for Alternative 2, the Reduced Take Alternative, and states that Alternative 2 is the environmentally superior alternative.

The commenter's support for Alternative 2 is noted and will be provided to the decision-makers. The County respectfully disagrees that Alternative 2 is the environmentally superior alternative.

L.16 Letter 16

COMMENTER: R.E. Kirk, private citizen (commented on LOHCP and Draft EA)

DATE: November 17, 2019

Response 16.1

The commenter states that the LOHCP and Draft EA have been “secretly” prepared over the past 10 years, and that the 45-day public review period for the Draft EA was not enough time for the public to provide comments.

The County respectfully disagrees with this comment. The commenter is referred to Section 1.4, *Environmental Review Process*, in the LOHCP EIR, which provides a summary of the County’s and Service’s good-faith efforts to notify agencies and the public of the proposed LOHCP and to conduct public scoping meetings to allow public participation prior to the initiation of preparation of the Draft EIR since September 2013. Since issuance of the Notice of Preparation (NOP) for a Draft EIR for the LOHCP, the County has continued to work with applicable federal, state, regional, and local agencies, as well as organizations and private citizens.

The County and the Service provided adequate public notices of completion and availability of the Draft EIR and Draft EA, respectively, and also each provided a 45-day public review period, which is typical for an EIR and an EA of this complexity and complies with the public review requirements under CEQA and NEPA. Accordingly, the County and the Service did not extend the public review periods of the Draft EIR and Draft EA, respectively.

Response 16.2

The commenter states that pre-project surveys for the Morro Bay kangaroo rat under the LOHCP should not be required for parcels currently surrounded by development.

Because the Morro Bay kangaroo rat is a fully protected species, for which take in the form of harm to individuals cannot be permitted, pre-project surveys are necessary to avoid take of this species by implementation of covered activities in the LOHCP. The area for pre-project surveys incorporates all areas where the species has potential to occur, including larger parcels in the USL where the species may occur.

Covered activities would avoid impacts to Morro Bay kangaroo rat individuals through incorporation of the AMMs included in the LOHCP. Take of individuals of Morro Bay kangaroo rat, in any form, with the exception of temporary impacts to habitat as part of specific restoration activities, will not be permitted under the LOHCP.

AMM MBKR-1 in the LOHCP states, “Prior to ground-disturbing activities in habitat suitable for Morro Bay kangaroo rat (Figure 5-3), the project proponent will retain a CDFW- and USFWS-approved biologist to conduct a visual assessment of the site, which will be followed by a survey, as needed, to ensure the site is not occupied.” Section F.1 in Appendix F, *Covered Animal Avoidance and Minimization Surveys*, describes the pre-project surveys that would be required to be conducted to minimize take of Morro Bay kangaroo rat.

Response 16.3

The commenter states that limiting the maximum disturbance envelope to 30,000 square feet on parcels outside the USL and just under five acres is “unjust” to property owners.

The County respectfully disagrees with this comment. The County believes the commenter is referring to privately-owned parcels designated as single-family residential and equal to or less than five acres. Participation in the implementation of the LOHCP and use of the ITP are voluntary. Individual project applicants that do not want to participate in implementation of the LOHCP can ensure compliance with federal, state, and local permitting requirements on a project-by-project basis. However, the purpose of the LOHCP is to streamline the permitting process, which would reduce the permitting timeline and costs to individual project applicants, while contributing to a more comprehensive conservation strategy for the covered species. Table 2-5 outlines the eligibility criteria for single-family residential development to be considered “covered activities.”

Response 16.4

The Commenter states that a parcel purchased in December 2016 was excluded from the comparables used to estimate land costs for mitigation under the LOHCP.

The analysis of mitigation costs for the LOHCP was completed prior to the sale noted by the commenter, such that it was not included in the comparables used to calculate mitigation costs. Section 7.4 outlines the process of adaptive financial management that the County will use to make adjustments to the mitigation fees so that they cover the actual mitigation costs.

Response 16.5

The commenter states that the LOHCP is punitive against owners of vacant parcels and would require mitigation regardless of whether an individual project would result in take of a covered species. The commenter also attaches a memorandum from the Service’s Principal Deputy Director dated April 26, 2018 that provides guidance on what actions would trigger the need for an ITP.

The County developed the LOHCP to streamline landowner compliance with ESA. The County’s plan was developed to meet ESA regulations as described in Section 10; the LOHCP does not provide mitigation that is above and beyond that required in Section 10.

L.17 Letter 17

COMMENTER: Roxanne Lee, private citizen (commented on LOHCP)

DATE: November 15, 2019

Response 17.1

The commenter states that the proposed land use and development identified in the LOHCP should maintain the rural character of Los Osos.

The LOHCP does not propose any changes in land use designations. In addition, adoption of the LOHCP would not directly result in development in Los Osos, but rather, would result in a “streamlining” of the covered activities in the Plan Area by reducing the length of time and costs associated with the ESA permitting process for covered activities. Implementation of this community-wide LOHCP, in contrast with the current project-by-project approach, would maximize the benefits of the conservation program and eliminate potentially expensive and time-consuming efforts associated with processing individual ITPs for each project in the Plan Area. However, individual project proponents can voluntarily choose to not participate in the LOHCP, and can process any required ITPs individually.

Response 17.2

The commenter requests changes to Figure 2-2, the land use map in the LOHCP.

As stated in Response 17.1, the LOHCP does not propose any changes in land use designations. Figure 2-2 in the LOHCP shows the current land use designations in the Plan Area, based on the currently adopted Estero Area Plan (EAP; last updated in 2009; County of San Luis Obispo 2009).

The commenter is referred to the Draft EIR of the Los Osos Community Plan, which was released for public review by the County on September 12, 2019. The latest (2015) Los Osos Community Plan (County of San Luis Obispo 2015) provides some changes to the land use designations in Los Osos. The Los Osos Community Plan notes that the community wishes to maintain its “small-town” atmosphere.

Response 17.3

The commenter states that an undeveloped area along Los Osos Valley Road between Palisades Avenue and Broderson Avenue shown in Figure 2-3 could be used for a future regional park.

The County acknowledges the commenter’s preference for more parks and open space in the center of town, which will be shared with decision makers. The LOHCP was developed to streamline permitting and coordinate mitigation from development under the LOCP, as well as other covered activities; it does not propose any changes in land use designations. The LOCP focuses development in the center of town to reduce the effects of habitat fragmentation associated with more diffuse land use. Likewise, the LOHCP conservation program, which is designed to coordinate and consolidate mitigation from the covered activities, emphasizes protection and management of relatively large, contiguous blocks of habitat, which can support larger populations of the covered species and be more effectively managed. As a result, it emphasizes protection and management of habitat in the priority conservation areas which are illustrated in Figure 5-1 and described in Section 5.3.1.2. This area occurs on the perimeter of

the LOHCP area where new habitat protection can buffer, expand, and connect existing protected lands and thus be more effective at achieving the biological goals and objectives of the LOHCP.

Response 17.4

The commenter states that a large regional park that includes an aquatic center and library should be developed along Los Osos Valley Road. The commenter refers to Table 4-1 in the LOHCP.

The County acknowledges the commenter's preference for more parks and open space in the center of town, which will be shared with decision makers. As outlined in response to comment 17.3 above, the LOHCP is designed to streamline permitting of the LOCP, which is designates land use including areas designated for parks versus other forms of land use.

Response 17.5

The commenter expresses a desire to have more bicycle lanes in the Plan Area. The commenter refers to Table 4-1 in the LOHCP.

The LOHCP covers capital improvement projects by the County Public Works Department as described in Section 2.2.5 of the LOHCP. Anticipated capital improvement projects by the County Public Works Department appear to focus more on creating bicycle lanes and improving drainage along existing roadways, as opposed to added additional travel lanes or roadways. Adoption of the LOHCP would not directly result in development in Los Osos, but rather, would streamline covered activities in the Plan Area by reducing the length of time and costs associated with the ESA permitting process for covered activities. Implementation of this community-wide LOHCP, in contrast with the current project-by-project approach, would maximize the benefits of the conservation program and eliminate potentially expensive and time-consuming efforts associated with processing individual ITPs for each project in the Plan Area.

L.18 Letter 18

COMMENTER: Patrick McGibney, Los Osos Sustainability Group, community organization (commented on LOHCP and Draft EIR)

DATE: December 3, 2019 (letter received after close of public review comment)

Response 18.1

The commenter states that this letter provides clarification to comments submitted by Patrick McGibney on November 18, 2019 (Letter 20).

The County acknowledges receipt of the additional comments from Mr. McGibney.

Response 18.2

The commenter states that the EIR must discuss cumulative impacts from three projects, including the Los Osos Water Recycling Facility (LOWRF), the Los Osos Groundwater Basin Plan, and the LOHCP (the proposed project).

This comment addresses the EIR; refer to the Final EIR for the response to this comment.

Response 18.3

The commenter states that the adopted EAP should be “kept in place,” assuming the current restrictions on building imposed by the California Coastal Commission (CCC) are kept in place, until the Los Osos Groundwater Basin can provide a sustainable water source for planned development under the No Project Alternative.

This comment addresses the EIR; refer to the Final EIR for the response to this comment.

L.19 Letter 19

COMMENTER: Rebecca McFarland, private citizen (commented on LOHCP and Draft EIR)

DATE: November 18, 2019

Response 19.1

The commenter expresses concern that the LOHCP lacks a plan to patrol and maintain the Morro Dunes Ecological Reserve to prevent adjacent homes from being more susceptible to wildfires.

The Morro Dunes Ecological Reserve (MDER) is managed by the California Department of Fish and Wildlife. In 2019, CDFW collaborated with the Community Fire Safe Council and CalFire to enable CalFire to reduce fuel loads in this area. As described in Section 2.2.7, the LOHCP will cover the take/impacts of the Community Wildfire Protection Plan, which calls for creation of a shaded fuel break along Highland Drive within the Bayview Unit of the MDER, as illustrated in Figure 2-7. Anticipated treatments include removal of downed, dead, and/or diseased vegetation.

The LOHCP envisions that the MDER will be enrolled as part of the LOHCP Preserve System, as outlined in Table 5-5. In doing so, the LOHCP will enhance management for endangered species and their habitat within the CDFW MDER by funding enhanced management, restoration, and long-term monitoring activities on the reserve, including fencing, signage, and trails management. Although the LOHCP is not intended to address camping and other law enforcement issues on the MDER, installing and maintaining signage and fencing on the MDER and related activities to detect and close unauthorized trails are anticipated to help reduce other unlawful activities.

The Interim Adaptive Management and Monitoring Plan for the LOHCP Preserve System (McGraw 2020) outlines recommendations for fuels reduction as part of the CWPP within the Bayview Unit of the Morro Dunes Ecological Reserve, which is the first preserve planned for inclusion in the LOHCP Preserve System during initial implementation. The fuels management recommendations in the IAMMP are designed to facilitate implementation of the fuel break in a way that will maximally benefit the covered species and protect other natural resources, while achieving the fuel reduction and associated fire safety objectives.

Response 19.2

The commenter states that the LOHCP should address the growth of homelessness in Los Osos.

This comment is beyond the purview of the LOHCP.

Response 19.3

The commenter states that wildfire is a concern of the citizens of Los Osos. The commenter states that there is not enough firefighting staff or equipment to contain a large wildfire in the Los Osos area.

This comment is similar to Comment 19.1; the commenter is referred to Response 19.1.

Response 19.4

The commenter states that Figure 16 in the Draft EIR shows a new road from Travis in Cabrillo Estates to Bayview Heights. In addition, Figure 16 shows a segment of Highland Drive that does not currently exist.

This comment addresses the EIR; refer to the Final EIR for the response to this comment.

Response 19.5

The commenter expresses concern that there will not be enough water to support buildout of the community plan.

The County believes this comment is not on the LOHCP; nonetheless, the LOHCP EIR provides a response to this comment.

L.20 Letter 20

COMMENTER: Patrick McGibney, private citizen (commented on LOHCP and Draft EIR)

DATE: November 18, 2019

Response 20.1

The commenter states that streamlining the permitting process would be “detrimental to habitat, species, the Los Osos Groundwater Basin, and the community of Los Osos.” The commenter also states that the LOHCP “does not provide a program for protection and enhancement,” and the Los Osos Groundwater Basin has been in overdraft for decades, causing “an irreversible flow of seawater intrusion.”

The County respectfully disagrees with this comment. Adoption of the LOHCP would not directly result in development in Los Osos, but rather, would offer a streamlined permitting process for covered activities, including public projects, capital improvement projects, facilities operations and maintenance activities, and conservation program implementation. The ITP, in combination with adoption of the latest (2015) Los Osos Community Plan and implementation of the Updated Basin Management Plan for the Los Osos Groundwater Basin, would result in a “streamlining” of development in the Plan Area by reducing the length of time and costs associated with the ESA permitting process for covered activities. Implementation of this community-wide LOHCP, in contrast with the current project-by-project approach, would maximize the benefits of the conservation program and eliminate potentially expensive and time-consuming efforts associated with processing individual ITPs for each project in the Plan Area, while contributing to a more comprehensive conservation strategy for the covered species.

As discussed throughout the LOHCP, the covered activities under the LOHCP include implementation of a conservation program which is described in Section 5 of the LOHCP. The LOHCP conservation program is intended to restore and manage habitat with the LOHCP Preserve System, which would be comprised of a network of protected lands that would be managed and monitored in perpetuity to mitigate the impacts of covered activities on covered species. The LOHCP Preserve System would be actively managed to maintain and enhance the natural structure and species composition of the vegetation communities and the size and persistence of covered species populations. Habitat management and restoration would be designed to address factors that are negatively impacting species populations and vegetation communities, including management of vegetation using manual and mechanical techniques and/or fire, eradication and control of exotic plants and non-native animals, erosion control in unnaturally denuded areas, demolition and removal of structures and other infrastructure, and removal of debris and hazardous material. In addition, the LOHCP would include general land stewardship management. The general activities that would be required to maintain the LOHCP Preserve System include maintenance of existing facilities (e.g., fences, gates, roads, trails, irrigation systems); installation and maintenance of trails; development and maintenance of interpretive facilities (e.g., signs, kiosks, wildlife observation platforms); and creation and maintenance of parking lots, staging areas, picnic areas, and restrooms. Maintenance of parks and open space would also be considered a covered activity under the LOHCP. Therefore, the LOHCP provides a robust program for protection and enhancement of biological resources.

The commenter’s concern of overdraft of the Los Osos Groundwater Basin and seawater intrusion are address in the response to comments in the LOHCP EIR.

Response 20.2

The commenter states the Los Osos Groundwater Basin is in overdraft, is the sole water source for Los Osos, and may not be sufficient to meet future demand, similar to Comment 20.1. The LOHCP EIR addresses this and other comments regarding the groundwater basin and seawater intrusion, which are beyond the purview of the LOHCP.

Response 20.3

The commenter states that the LOHCP does not account for climate change and droughts, and that habitats and species are dependent on surface water, which indirectly relates to groundwater recharge.

The County respectfully disagrees with this comment. Adoption of the LOHCP would not directly result in development in Los Osos, but rather, would offer a streamlined permitting process for covered activities, including public projects, capital improvement projects, facilities operations and maintenance activities, and conservation program implementation. The ITP, in combination with adoption of the latest (2015) Los Osos Community Plan and implementation of the Updated Basin Management Plan for the Los Osos Groundwater Basin, would result in a “streamlining” of development in the Plan Area by reducing the length of time and costs associated with the ESA permitting process for covered activities. Implementation of this community-wide LOHCP, in contrast with the current project-by-project approach, would maximize the benefits of the conservation program and eliminate potentially expensive and time-consuming efforts associated with processing individual ITPs for each project in the Plan Area, while contributing to a more comprehensive conservation strategy for the covered species.

Global climate change is discussed and analyzed in detail in Section 6.5.3 of the LOHCP, which identifies anticipated direct and indirect effects of climate change on the covered species and their habitats, and outlines how impacts of climate change will be addressed during plan implementation.

The LOHCP EIR response to comments addresses the comments as they relate to groundwater and greenhouse gas emissions, which are beyond the purview of the LOHCP.

Response 20.4

The commenter states that there are no new impoundments for recharging groundwater basins for the County to consider as alternative water sources, as stated on page 197 of the Draft EIR.

This comment addresses the EIR; refer to the Final EIR for the response to this comment.

Response 20.5

The commenter reiterates previous concerns that the Los Osos Groundwater Basin is in overdraft, and the LOHCP could accelerate development in the Plan Area, resulting in the displacement of habitat and species.

This comment is similar to Comments 20.1 and 20.2 and is also addressed in the response to comments within the Final EIR.

Response 20.6

The commenter states the LOHCP is part of the Los Osos Community Plan, which includes three alternatives related to development of the community with a sustainable water supply.

The pending Los Osos Community Plan takes into account the Updated Basin Plan for the Los Osos Groundwater Basin (County et al. 2015). Accordingly, the cumulative impact analyses in Section 4 of the LOHCP EIR include the Updated Basin Plan for the Los Osos Groundwater Basin, in addition to other cumulative projects and the proposed project (i.e., the LOHCP). Additional response to this comment is provided in the response to comments in the Final EIR.

Response 20.7

The commenter states Alternatives 3 and 4 in the Draft EIR for the Los Osos Community Plan should be combined and then adopted as the preferred alternative to the Los Osos Community Plan prior to adoption of the LOHCP. The commenter also recommends that Alternative 1 in the LOHCP EIR be adopted as the preferred alternative for the LOHCP.

Support for Alternative 1, the No Project Alternative, in the LOHCP Draft EIR is noted and will be provided to the decision-makers. Additional response to this comment is provided in the response to comments in the Final EIR.

Response 20.8

The commenter states that the EIR must discuss cumulative impacts to the Los Osos Groundwater Basin from the Los Osos Water Recycling Facility (LOWRF).

This comment addresses the EIR; refer to the Final EIR for the response to this comment.

L.21 Letter 21

COMMENTER: Emily Miggins, private citizen (commented on LOHCP)

DATE: November 17, 2019

Response 21.1

The commenter states that CAL FIRE recommends a 300-foot brush clearance around residences and structures.

The County is unsure from where the commenter obtained this information. As described in the LOHCP, the CWPP states that a minimum 30-foot brush clearance is needed, except in steep or hilly areas, where a 50- to 300-foot brush clearance is required. In addition, PRC 4291 requires 100 feet of defensible space clearance around homes and structures up to the property line; however, it does not require or allow clearing beyond the property line.

Response 21.2

The commenter questions what agencies will do to improve fire hazard safety in the wildland-urban intermix. The commenter also states that the CDFW is not maintaining its lands regarding brush management, and that the agencies are ignoring Los Osos citizens, the San Luis Obispo County Community Fire Safe Council, and CAL FIRE regarding fuel breaks.

The LOHCP covered activities include fire hazard abatement in the Plan Area, in addition to private development, capital projects, facilities operations and maintenance, and conservation program implementation. Covered activities specifically include “defensible space” around private and public development structures. “Defensible space is an area of reduced vegetation, which, in turn, would slow the spread of fire and enable firefighters to safely access structures. Defensible space should extend 100 feet from structures or to the property line, whichever is nearer. The first 30 feet from a structure should not contain flammable vegetation or woodpiles. Within the remaining 70 feet (or to the property line), vegetation should be reduced/minimized and spaced to reduce the speed and/or intensity of any fires (CAL FIRE 2020).”

The LOHCP covered activities also include vegetation management and related fire hazard abatement work implemented as part of the CWPP. The CWPP identifies areas that could be subject to a range of fuel reduction and fire hazard abatement treatments in and adjacent to Los Osos (Figure 2-7; SLOCCFSC 2009). Anticipated treatments include removal of downed, dead, and/or diseased vegetation; creation of shaded fuel breaks; and mowing of non-native grassland. The CWPP would involve wildfire protection measures on 89.4 acres of the Plan Area in the wildland-urban interface as described in Section 2.2.7. Such activities would result in long-term risk reduction associated with wildfire for the Plan Area.

The Interim Adaptive Management and Monitoring Plan for the LOHCP Preserve System (McGraw 2020) outlines recommendations for fuels reduction as part of the CWPP within the Bayview Unit of the Morro Dunes Ecological Reserve, which is the first preserve planned for inclusion in the LOHCP Preserve System during initial implementation. The fuels management recommendations in the IAMMP are designed to facilitate implementation of the fuel break in a way that will maximally benefit the covered species and protect other natural resources, while achieving the fuel reduction and associated fire safety objectives.

The USFWS and CDFW worked with CAL FIRE to develop AMMs for the CWPP (Table 5-4). Fire suppression, fuel reduction, and fire planning efforts would continue to be implemented by CAL FIRE in areas where there would not cause take of federally or state-listed species. Individual projects covered under the LOHCP would be reviewed in an independent permitting process on a case-by-case basis that would ensure consistency with all applicable standards, including fire prevention and protection.

Response 21.3

The commenter states that CAL FIRE recommends a 300-foot brush clearance around residences and commercial structures, similar to Comment 21.1. Refer to Response 21.1.

Response 21.4

The commenter questions how the CDFW will maintain and fund the wildland-urban interface with the Morro Dunes Ecological Reserve to prevent adjacent homes from being more susceptible to wildfires. This comment is similar to Comment 21.2; refer to Response 21.2.

Response 21.5

The commenter suggests all agencies publish publicly accessible plans to discuss how the agencies will manage and mitigate for fire risk.

Covered activities under the LOHCP include vegetation management and related fire hazard abatement work implemented as part of the CWPP. The most recently adopted version of the Los Osos CWPP is dated November 2009 and is limited mainly to fuel reduction projects and public education (SLOCCFSC 2009). The latest version of the CWPP for the Los Osos area (CAL FIRE/San Luis Obispo County Fire 2013) remains in draft form, covers San Luis Obispo County (not just Los Osos), and has yet to be adopted. The 2013 Draft CWPP provides a more comprehensive plan than the 2009 Final CWPP in that the former provides a mechanism for collaboration and coordination with multiple fire protection agencies; assesses wildfire risk in areas throughout the county; pre-fire resource/fuel management, strategies, education, and community planning; applicable statutes and regulations; and fire prevention, including maintenance of defensible space around buildings. The commenter is also referred to Response 21.2.

Response 21.6

The commenter questions how public agencies will enforce fuel reduction requirements, how fuel reduction activities will be funded and accomplished annually in public lands and parks, if a schedule of fuel reduction/maintenance activities will be made available to the public, if agencies will pay for new signage to prohibit fires and smoking in public lands, and if agencies will patrol public land to enforce rules.

This comment is similar to Comments 21.2 through 21.5; refer to Responses 21.2 through 21.5.

L.22 Letter 22

COMMENTER: Babak Naficy, private citizen (commented on LOHCP and Draft EIR)

DATE: November 18, 2019

Response 22.1

The commenter states that the public review period should be extended.

The County provided adequate public notices of completion and availability of the Draft LOHCP, and also provided a 45-day public review period for the Draft EIR, which is typical. Accordingly, the County did not extend the public review period of the beyond November 20, 2019 (or November 18, 2019, for the LOHCP).

Response 22.2

The commenter states that the LOHCP AMMs violate CEQA because none of the AMMs are mandatory or enforceable.

To receive take coverage under the LOHCP, individual project proponents who elect to participate in the LOHCP would be required to implement the applicable AMMs (LOHCP Tables 5-2 through 5-4) identified by the Implementing Entity during the application review process. This means that if individual project proponents want to utilize the LOHCP and its associated ITP, the project proponents must implement applicable AMMs specific to individual project sites and projects.

Response 22.3

The commenter states it is unclear if avoidance of pesticides and herbicides is mandatory.

This comment is similar to Comment 22.2; refer to Response 22.2. The LOHCP includes AMM C3, which states, "Avoid use of herbicide and pesticides; where necessary, apply biocides as part of integrated pest management strategies, and following all local, state, and federal regulations." If individual project proponents want to utilize the LOHCP and its associated ITP, the project proponents must implement applicable AMMs specific to individual project sites and projects.

Response 22.4

The commenter states the use of the phrase "whenever possible" in a mitigation measure is inadequate.

The County respectfully disagrees with this comment. The phrase "whenever possible" in this mitigation measure is realistic and adequate as certain measures are only implementable in certain circumstances. The County will work with the Implementing Entity to ensure that the appropriate and relevant measures are implemented as part of each project permitted under the LOHCP.

Response 22.5

The commenter states the use of the phrase "maximum extent practical" in an AMM for Morro shoulderband snail is unlawful.

The County respectfully disagrees with this comment. AMM MSS-1 in the LOHCP is the only AMM that include the phrase “maximum extent practical.” AMM MSS-1 states, “Avoid and minimize the impacts to Morro shoulderband snail to the maximum extent practical by locating projects away from known or likely occupied habitat, as well as suitable but unoccupied habitat.” The phrase “maximum extent practical” in this AMM is completely realistic and lawful. Specifically, if individual project parcels are located in areas known or likely to have occupied Morro shoulderband snail habitat, project proponents would be required to locate the proposed disturbance envelope as far away from such habitat to the “maximum extent practical,” based on existing topography, vegetation communities/land cover types, drainages, etc. on individual parcels.

In addition, as stated in Response 22.2 and the LOHCP, to receive take coverage under the LOHCP, individual project proponents who elect to participate in the LOHCP would be required to implement the applicable AMMs (LOHCP Tables 5-2 through 5-4) identified by the County during the application review process. This means that if individual project proponents want to utilize the LOHCP and its associated ITP, the project proponents must implement applicable AMMs specific to individual project sites and projects. If individual project proponents do not want to implement applicable AMMs, the project proponents would be required to draft and process individual HCPs and compliance documents, including compliance with CEQA, as needed.

Response 22.6

The commenter states that there is no analysis of potential impacts from the loss of occupied Morro shoulderband snail habitat.

Section 4.2.1 of the LOHCP analyzes anticipated the impacts of the covered activities to Morro shoulderband snail habitat and individuals and assess the net effects of the LOHCP on the species based on the anticipated benefits of the LOHCP conservation program for the covered species. The LOHCP concluded that protecting, restoring, and managing an equivalent of 139 acres of habitat in the LOHCP Preserve System for the species will more than compensate, for the anticipated loss of 189 acres of habitat for the species due to the covered activities. The LOHCP EIR also analyzes the effects of the LOHCP on Morro shoulderband snail, which it concluded would be less than significant with incorporation of mitigation.

Habitat that would be temporarily impacted by covered activities would be restored to the pre-project or better habitat condition as part of the measures to minimize impacts to the covered species. The project would be subject to compensatory mitigation for temporary and permanent impacts to sensitive vegetation communities, as detailed in Section 5.3. As stated in Section 5.7 in the LOHCP, the mitigation provided through the LOHCP conservation program is expected to more than offset the anticipated impacts of covered activities, thus exceeding the ITP issuance criterion that the mitigation be commensurate with the impacts.

Impacts could occur to individual Morro shoulderband snails that are located in the footprints of covered activities, where vegetation removal and soil disturbance can cause individuals to be trampled, crushed, buried, or otherwise injured or killed. These impacts would be reduced or eliminated through implementation of AMMs included in Table 5-2. The AMMs require pre-project surveys to capture and relocate individuals out of harm’s way.

In addition, some Morro shoulderband snails could potentially be killed, injured, or otherwise harmed during monitoring protocols included as part of the LOHCP. Long-term monitoring to examine the

effectiveness of the LOHCP conservation program would include Morro shoulderband snail surveys to evaluate their distribution and abundance within the LOHCP Preserve System. Although monitoring protocols would be conducted by highly qualified, Service-approved biologists following procedures designed to avoid impacts to this species, a small number of individuals could likely be taken in the form of harming, harassing, and/or killing as part of necessary monitoring.

As concluded in the LOHCP, the negative impacts of covered activities on the Morro shoulderband snail are expected to be offset by the beneficial impacts that would result from efforts to protect, restore, and manage habitat within the LOHCP Preserve System. Therefore, implementation of the LOHCP is anticipated to have an overall beneficial impact on the Morro shoulderband snail.

Response 22.7

The commenter states that the EIR defers mitigation in the form of preparation and implementation of the LOHCP Preserve System Adaptive Management and Monitoring Plan (AMMP), and that this violates CEQA.

The County respectfully disagrees with this comment. The LOHCP Preserve System AMMP is not a mitigation measure in the LOHCP EIR. As discussed in Section 5.3.3.2 and Section 6.2.3.2, the AMMP would be prepared by the Implementing Entity (IE) within the first three years of implementation of the LOHCP. The AMMP would be subject to approval by the USFWS and CDFW. The AMMP would include restoration, management, and monitoring activities necessary to achieve the goals and objectives of the LOHCP. Accordingly, the AMMP is considered to be a part of the proposed project (i.e., implementation of the LOHCP); the AMMP is not a mitigation measure under CEQA. It is typical for regional HCPs to prepare and implement management plans for a proposed preserve system during plan implementation.

An Interim Adaptive Management and Monitoring Plan (IAMMP) has been developed to guide management until the AMMP is developed (McGraw 2020). The IAMMP provides for the restoration of habitat within the Bayview Unit of the Morro Dunes Ecological Reserve through two main activities: 1) control of veldt grass and co-occurring invasive plant species within 23 acres, and 2) restoring an estimated 4.3 acres of habitat degraded by *de facto* trails that have been created by recreational users. It also describes how monitoring will be used to evaluate the effectiveness of the restoration on habitat for the covered species.

Response 22.8

The commenter states that the LOHCP EIR's conclusion that implementation of the LOHCP would result in an overall beneficial impact on Morro shoulderband snail is not supported by substantial evidence.

The County respectfully disagrees with this comment. The commenter is referred to Response 22.6. The LOHCP EIR provides additional responses to this comment.

Response 22.9

The commenter states that a "visual assessment" within Morro Bay kangaroo rat habitat would ensure no impacts to such habitat. The commenter states that a visual assessment is not an adequate substitute for Morro Bay kangaroo rat protocol surveys.

Because the Morro Bay kangaroo rat is a fully protected species and is critically endangered, pre-project surveys are necessary to avoid take of this species by implementation of covered activities in the LOHCP. Covered activities would avoid impacts to Morro Bay kangaroo rat individuals through incorporation of the AMMs included in the LOHCP. Surveys would be conducted to evaluate presence of the Morro Bay kangaroo rat (Section 5.2.1) and to monitor the species (Section 5.4). Prior to implementation of covered activities within potentially occupied habitat for the species, pre-project visual assessments and, if warranted, surveys would be conducted to evaluate whether the species is present (Section 5.2.1). If the species is detected, all work would be required to stop immediately and the project proponents would need to contact the Service and CDFW to discuss project permitting. Take of individuals of Morro Bay kangaroo rat, in any form, with the exception of habitat as part of specific restoration activities, will not be permitted under the LOHCP.

AMM MBKR-1 in the LOHCP states, “Prior to ground-disturbing activities in habitat suitable for Morro Bay kangaroo rat (Figure 5-3), the project proponent will retain a CDFW- and USFWS-approved biologist to conduct a visual assessment of the site, which will be followed by a survey, as needed, to ensure the site is not occupied.” Section F.1 in Appendix F, *Covered Animal Avoidance and Minimization Surveys*, provides a more detailed description of the pre-project surveys that would be required to be conducted to minimize take of Morro Bay kangaroo rat.

The short-term, negative impacts of covered activities on Morro Bay kangaroo rat habitat would be offset by the long-term benefits resulting from protection, restoration, and management of suitable habitat for this species within the LOHCP Preserve System. Under the LOHCP, the LOHCP Preserve System would benefit 240 acres of coastal sage scrub, the preferred habitat of the Morro Bay kangaroo rat, and 110 acres of central maritime chaparral communities, which the Morro Bay kangaroo rat can utilize when in an early-successional state.

Response 22.10

The commenter states that the phrase “work with” in the following sentence from the LOHCP EIR is vague and unenforceable: “Moreover, as part of the compensatory mitigation component of the LOHCP conservation program, the IE would work with individual landowners to protect remaining private land with suitable habitat for the Morro Bay kangaroo rat as part of the LOHCP Preserve System.” This sentence is also included in the LOHCP.

The County respectfully disagrees with this comment. As described in Section 6 of the LOHCP, the County anticipates it would select an IE that would contract with the County to implement most components of the LOHCP including land protection. All land protection projects will be conducted with willing sellers. The intent of the phrase ‘work with’ is to reflect the voluntary nature of the land protection element of the LOHCP conservation program.

Response 22.11

The commenter states that mitigation measure MM BIO-1(a) in the LOHCP EIR is “unworkable” and violates CEQA.

Mitigation measure MM BIO-1(a) is a component of the LOHCP EIR; therefore, the responses to this comment is provided in the Final LOHCP EIR.

Response 22.12

The commenter questions if the “biologist” included in mitigation measure MM BIO-1(c) in the LOHCP EIR would be a “County expert” biologist.

Mitigation measure MM BIO-1(c) is a component of the LOHCP EIR; therefore, the responses to this comment is provided in the Final LOHCP EIR.

Response 22.13

The commenter states that the EIR does not analyze an “adequate range of alternatives.”

This comment addresses the EIR; refer to the Final EIR for the response to this comment.

L.23 Letter 23

COMMENTER: Ellen Nelson, private citizen (commented on LOHCP)

DATE: not dated

Response 23.1

The commenter expresses concern that data regarding climate change in the LOHCP are at least nine years old and thus out of date.

The LOHCP used the best available science when the plan was being drafted to prepare the analysis of climate change which is outlined in Section 6.5.3. Scientific information is continually developed, making it impossible to ensure that a plan of this size and breadth in terms of scientific topics, integrates all of the most recent information. Recognizing that the scientific information used to develop the plan will almost certainly be out of date when the plan is finalized, the LOHCP includes an adaptive management framework that enables it to be adapted based on new information, as outlined in Section 5.5.

Response 23.2

The commenter states that a large area in the center of town, shown on Figure 4-1 of the LOHCP as primary habitat for Morro shoulderband snail just south of the area labeled “Sweet Springs,” should be mapped on LOHCP Figure 5-1 as “Priority Conservation Area” under the LOHCP. The commenter also states that conservation of this area would be beneficial to biological resources, as well as humans living in Los Osos.

As discussed in Section 5.3.1 of the LOHCP, land protection will be prioritized in the priority conservation area, illustrated in Figure 5-1, where additional habitat protection can:

protect relatively large areas of habitat, including by buffering and expanding existing protected habitat areas, in order to safeguard large areas that feature reduced perimeter-to-area ratios that are therefore more resistant to edge effects and can be effectively managed using techniques designed to promote diversity and long-term population persistence, including prescribed fire of fire surrogates; and

maintain and restore critical landscape linkages between significant habitat areas, including protected lands and other large areas of relatively intact habitat. Connecting habitat that might otherwise become isolated will facilitate gene flow (exchange of genetic material) between individuals in otherwise isolated habitat, and recolonization of sites where populations are extirpated.

Nonetheless, the LOHCP provides protection for threatened and endangered species outside of the priority conservation areas. The location which the commenter suggests should be mapped as “Priority Conservation Area” is proposed to be a Morro shoulderband snail Minimization Area, as illustrated in Figure 5-2. As stated in Table 5-11, implementation of the LOHCP Conservation Program would require project proponents of covered activities in Morro shoulderband snail Minimization Measure Areas to implement AMM MSS-2, which requires a biologist approved by the Service to capture and move all Morro shoulderband snails to suitable habitat away from potential impact areas prior to and during all ground-disturbing activities in designated parcels. In addition, AMM E1 and AMMs C1 through C5 would help minimize short-term negative impacts of the LOHCP Conservation Program on Morro shoulderband snail.

The LOHCP Preserve System would include 219.6 acres of habitat and potential habitat for the Morro shoulderband snail. Specifically, the LOHCP is anticipated to protect, restore, and/or manage in perpetuity approximately 54.7 acres of Morro shoulderband snail habitat and potential habitat that is currently unprotected, and thus, is subject to development and other land uses that could degrade such habitat. Of the 54.7 acres, approximately 5.5 acres of habitat would be restored; such restoration would include repair of areas that have been severely degraded by erosion or dense exotic plant infestations). The LOHCP Preserve System would also include protection, restoration, and/or management in perpetuity of 164.9 acres of Morro shoulderband snail habitat and potential habitat within existing protected lands. Such existing protected lands feature some of the largest areas of remaining habitat, where additional restoration and management can promote species population sizes and viability. For these reasons, implementation of the LOHCP is anticipated to have an overall beneficial impact on the Morro shoulderband snail.

Response 23.3

The commenter states that the large area mapped as Morro manzanita habitat in the southern portion of the Plan Area shown on Figure 4-2 of the LOHCP, *Morro Manzanita Habitat*, should be designated in the LOHCP as Protected Lands because the steeply-sloped area contains a substantial number of large stands of Morro manzanita and habitat would be fragmented if it is not protected.

The LOHCP does not map the distribution of Morro manzanita, which has not been comprehensively mapped. Figure 4-2 of the LOHCP shows the locations of suitable habitat for Morro manzanita based on the vegetation communities identified as habitat for Morro manzanita in LOHCP Table 4-4. The table and map identify areas where the species has potential to occur based on suitable habitat conditions including the physiognomy (structure) of existing vegetation. As part of work to develop the Adaptive Management and Monitoring Plan for the LOHCP Preserve System, surveys will be conducted to further evaluate Morro manzanita and other covered species habitat and occurrences in the preserves and track their changes over time, as detailed in Section E.3 of the LOHCP.

Areas proposed to be designated as Protected Lands under the LOHCP would include parcels that would be protected from development in perpetuity. The parcels to which the commenter refers are privately owned, and as such cannot be designated as Protected Lands by the County or the Service.

L.24 Letter 24

COMMENTER: Jean Public, private citizen (commented on LOHCP)

DATE: October 2, 2019

Response 24.1

The commenter expresses opposition to killing covered species and loss of their habitat due to increased human population.

This comment is noted and will be provided to the decision-makers. However, it is noted that this comment is beyond the purview of the LOHCP. Adoption of the LOHCP would not directly result in development in Los Osos; rather, it would offer a streamlined permitting process for covered activities, including capital improvement projects and facilities operations and maintenance activities. The ITP, in combination with adoption of the latest (2015) Los Osos Community Plan and implementation of the Updated Basin Management Plan for the Los Osos Groundwater Basin would result in a “streamlining” of development in the Plan Area by reducing the length of time and costs associated with the ESA permitting process for covered activities. Implementation of this community-wide LOHCP, in contrast with the current project-by-project approach, would maximize the benefits of the conservation program and eliminate potentially expensive and time-consuming efforts associated with processing individual ITPs for each project in the Plan Area.

L.25 Letter 25

COMMENTER: Joey Racano, private citizen (commented on LOHCP)

DATE: October 3, 2019

Response 25.1

The commenter expresses opposition of take of the LOHCP’s covered animal species, as well as other species, for any reason.

This comment is noted and will be provided to the decision-makers. However, it is noted that this comment is beyond the purview of the LOHCP. The community-wide permit process and regional conservation strategy of the LOHCP are designed to provide superior protection to and great conservation benefits for the covered species by coordinating and consolidating mitigation and tracking of cumulative impacts.

Adoption of the LOHCP would not directly result in development in Los Osos; rather, it would offer a streamlined permitting process for covered activities, including capital improvement projects and facilities operations and maintenance activities. The ITP, in combination with adoption of the latest (2015) Los Osos Community Plan and implementation of the Updated Basin Management Plan for the Los Osos Groundwater Basin, would result in a “streamlining” of development in the Plan Area by reducing the length of time and costs associated with the ESA permitting process for covered activities. Implementation of this community-wide LOHCP, in contrast with the current project-by-project approach, would maximize the benefits of the conservation program and eliminate potentially expensive and time-consuming efforts associated with processing individual ITPs for each project in the Plan Area.

L.26 Letter 26

COMMENTER: Stephanie Raphael, private citizen (commented on LOHCP)

DATE: November 18, 2019

Response 26.1

The commenter expresses opposition for “the proposed housing/multi apartment complexes” in Los Osos.

The County is unsure of the proposed complexes to which the commenter is referring. Nonetheless, this comment is beyond the purview of the LOHCP. Adoption of the LOHCP would not directly result in development in Los Osos, but rather, would offer a streamlined permitting process for covered activities, including capital improvement projects and facilities operations and maintenance activities. The ITP, in combination with adoption of the latest (2015) Los Osos Community Plan and implementation of the Updated Basin Management Plan for the Los Osos Groundwater Basin, would result in a “streamlining” of development in the Plan Area by reducing the length of time and costs associated with the ESA permitting process for covered activities. Implementation of this community-wide LOHCP, in contrast with the current project-by-project approach, would maximize the benefits of the conservation program and eliminate potentially expensive and time-consuming efforts associated with processing individual ITPs for each project in the Plan Area. The community-wide permit process and regional conservation strategy of the LOHCP are designed to provide superior protection to and great conservation benefits for the covered species by coordinating and consolidating mitigation and tracking of cumulative impacts.

Response 26.2

The commenter expresses concern that there will not be sufficient water supply for additional population growth in the community.

This comment addresses the EIR; refer to the Final EIR for the response to this comment.

Response 26.3

The commenter expresses concern for the ecology in Los Osos and states that a “massive amount of construction” would strain biological resources in the area.

Section 4 of the LOHCP analyzes the net effects of the LOHCP covered activities and conservation program, and concludes that the benefits of the latter will offset the impacts of the former for all four covered species. This is because the negative effects associated with the covered activities, which will occur primarily within degraded habitat within the Urban Services Line (USL) will be more than offset by the land protection, restoration, and enhanced management that will occur within the LOHCP Preserve System, which will occur within more intact habitat located in the priority conservation area located on the perimeter of the LOHCP area, largely outside of the LOHCP.

Section 4.2, *Biological Resources*, of the LOHCP EIR, provides an extensive analysis of potential impacts to biological resources, including special-status species other than the four covered species included under the LOHCP. Section 4.2 of the EIR includes AMMs from the LOHCP that relate to biological

resources, as well as significance thresholds developed in collaboration with federal and state resource agencies, the County, and Appendix G of the CEQA Guidelines.

The AMMs under the LOHCP and the mitigation measures in the EIR would require pre-project surveys for covered species, as well as several other measures to minimize or avoid direct and indirect impacts to covered species and other special-status species. The negative impacts of covered activities on Morro shoulderband snail, Morro manzanita, and Indian Knob mountainbalm would be offset by the beneficial impacts of implementation of the LOHCP conservation program from efforts to protect, restore, and manage habitat within the LOHCP Preserve System. Additionally, the benefits of LOHCP conservation program to Morro Bay kangaroo rat habitat through habitat restoration and/or preservation would offset the adverse effects of covered activities on the Morro Bay kangaroo rat. Furthermore, take of individuals of Morro kangaroo rat, in any form, with the exception of habitat as part of specific restoration activities, will not be permitted under the LOHCP.

Implementation of the LOHCP would provide benefits to special-status plant and animal species and nesting birds by protecting habitat of suitable size to support existing populations of unique or special-status species. The LOHCP would create opportunities to protect and improve habitats of greater quality and extent than the small-scale restoration efforts that are feasible for individual small development projects. The larger size and contiguous nature of many of the lands proposed for inclusion in the Preserve System would be superior to preservation of small, noncontiguous parcels as would occur without the implementation of the programmatic LOHCP.

Regardless, adoption of the LOHCP would not directly result in development in Los Osos, but rather, would offer a streamlined permitting process for covered activities, including capital improvement projects and facilities operations and maintenance activities. The ITP, in combination with the adoption of the latest (2015) Los Osos Community Plan and implementation of the Updated Basin Management Plan for the Los Osos Groundwater Basin, would result in a “streamlining” of development in the Plan Area by reducing the length of time and costs associated with the ESA permitting process for covered activities. Implementation of this community-wide LOHCP, in contrast with the current project-by-project approach, would maximize the benefits of the conservation program and eliminate potentially expensive and time-consuming efforts associated with processing individual ITPs for each project in the Plan Area. The community-wide permit process and regional conservation strategy of the LOHCP are designed to provide superior protection to and great conservation benefits for the covered species by coordinating and consolidating mitigation and tracking of cumulative impacts.

Response 26.4

The commenter expresses concern that future development would affect the health of existing residences in Los Osos, particularly with regard to air quality/fugitive dust.

This comment addresses the EIR; refer to the Final EIR for the response to this comment.

Response 26.5

The commenter states that they understand growth must occur; however, growth should be limited to a few small buildings at a time in Los Osos.

Adoption of the LOHCP would not directly result in development in Los Osos nor will it affect the pace of development. Rather, the LOHCP provides a streamlined permitting process for covered activities,

including capital improvement projects and facilities operations and maintenance activities. The ITP, in combination with the adoption of the latest (2015) Los Osos Community Plan and implementation of the Updated Basin Management Plan for the Los Osos Groundwater Basin, would result in a “streamlining” of development in the Plan Area by reducing the length of time and costs associated with the ESA permitting process for covered activities. Implementation of this community-wide LOHCP, in contrast with the current project-by-project approach, would maximize the benefits of the conservation program and eliminate potentially expensive and time-consuming efforts associated with processing individual ITPs for each project in the Plan Area. The community-wide permit process and regional conservation strategy of the LOHCP are designed to provide superior protection to and great conservation benefits for the covered species by coordinating and consolidating mitigation and tracking of cumulative impacts.

L.28 Letter 27

COMMENTER: Deborah Ross and Robbie Conal, private citizens (commented on LOHCP and Draft EIR)

DATE: November 16, 2019

Response 27.1

The commenter states that water supply will not be sustainable based on the projected population growth in Los Osos. The commenter also states that climate change and saltwater intrusion have severely altered water supply sustainability.

The LOHCP would not cause further seawater intrusion into the groundwater basin and the Updated Basin Plan would need to be successfully implemented before development could occur. The LOHCP EIR acknowledges a development constraint within Los Osos is the availability of resources including water. The Final EIR provides a detailed response to this comment.

Response 27.2

The commenter states concern for the lack of proper fire prevention and protection in Los Osos.

The LOHCP includes creation of defensible space and implementation of the Los Osos Community Wildfire Protection Plan as covered activities.

Defensible space is an area of reduced vegetation, which, in turn, would slow the spread of fire and enable firefighters to safely access structures. Defensible space should extend 100 feet from structures or to the property line, whichever is nearer. The first 30 feet from a structure should not contain flammable vegetation or woodpiles. Within the remaining 70 feet (or to the property line), vegetation should be reduced/minimized and spaced to reduce the speed and/or intensity of any fires (CAL FIRE 2020).

The current CWPP identifies areas that could be subject to a range of fuel reduction and fire hazard abatement treatments in and adjacent to Los Osos (Figure 2-7; SLOCCFSC 2009). Anticipated treatments include removal of downed, dead, and/or diseased vegetation; creation of shaded fuel breaks; and mowing of non-native grassland. The CWPP would involve wildfire protection measures on 89.4 acres of the Plan Area in the wildland-urban interface as described in Section 2.2.7. Such activities would result in long-term risk reduction associated with wildfire for the Plan Area.

The Interim Adaptive Management and Monitoring Plan for the LOHCP Preserve System (McGraw 2020) outlines recommendations for fuels reduction as part of the CWPP within the Bayview Unit of the Morro Dunes Ecological Reserve, which is the first preserve planned for inclusion in the LOHCP Preserve System during initial implementation. The fuels management recommendations in the IAMMP are designed to facilitate implementation of the fuel break in a way that will maximally benefit the covered species and protect other natural resources, while achieving the fuel reduction and associated fire safety objectives.

L.29 Letter 28

COMMENTER: Andrew Christie, Santa Lucia Chapter of the Sierra Club, and Keith Wimer, Los Osos Sustainability Group, community organizations (commented on LOHCP and Draft EIR)

DATE: November 18, 2019

Response 28.1

The commenter states support for Alternative 1, the No Project Alternative.

Support for the No Project Alternative is noted and will be provided to the decision-makers.

Response 28.2

The commenter states that the LOHCP Draft EIR cannot rely on the Draft EIR for the Los Osos Community Plan as a “set of mitigation measures for impacts contemplated” in the LOHCP.

This comment addresses the EIR; refer to the Final EIR for the response to this comment.

Response 28.3

The commenter states that the LOHCP relies on “vague and unenforceable mitigation measures that make it impossible to analyze the extent to which target species would be protected.”

The commenter is incorrect. The LOHCP does not include mitigation measures, although the LOHCP EIR includes mitigation measures under CEQA. However, the LOHCP includes Avoidance and Minimization Measures (AMMs).

To receive take coverage under the LOHCP, individual project proponents who elect to participate in the LOHCP would be required to implement the applicable AMMs (Tables 5-2 through 5-4) identified by the County during the application review process. This means that if individual project proponents want to utilize the LOHCP and its associated ITP, the project proponents must implement applicable AMMs specific to individual project sites and projects.

Response 28.4

The commenter states that the LOHCP EIR does not adequately analyze cumulative impacts.

This comment addresses the EIR; refer to the Final EIR for the response to this comment.

Response 28.5

The commenter states that the adopted EAP should be kept “in place” until the Los Osos Groundwater Basin can provide a sustainable water source for planned development under the No Project Alternative.

The LOHCP does not determine land use designations which instead are determined by the Los Osos Community Plan. The LOHCP and ITP, in combination with the adoption of the latest (2015) Los Osos Community Plan and implementation of the Updated Basin Management Plan for the Los Osos Groundwater Basin, would result in a “streamlining” of development in the Plan Area by reducing the

length of time and costs associated with the ESA permitting process for covered activities. Implementation of this community-wide LOHCP, in contrast with the current project-by-project approach, would maximize the benefits of the conservation program and eliminate potentially expensive and time-consuming efforts associated with processing individual ITPs for each project in the Plan Area while contributing to a more comprehensive conservation strategy for the covered species.

The demand for water under the LOHCP would be based on the land uses allowed under the approved EAP or the pending Los Osos Community Plan, if adopted, and would not be altered by the LOHCP. Furthermore, future development in Los Osos cannot occur until successful implementation of the Updated Basin Management Plan for the Los Osos Groundwater Basin, which includes demand management and supply-side improvements to ensure adequate water supplies meet demand under future buildout of the Basin. The County would not issue building permits for individual projects that do not have a will-serve letter from the applicable water supplier.

Response 28.6

The commenter states that the LOHCP EIR proposes to move water wells away from the ocean but the does not analyze impacts associated with such activities.

Covered activities under the LOHCP would include new water wells by the Los Osos Community Services District and Golden State Water Company. The purpose of the LOHCP is to streamline the permitting process, which would reduce the permitting timeline and costs to individual project applicants, and contribute to a more comprehensive conservation strategy for the covered species. Individual projects covered under the LOHCP would be reviewed in an independent permitting process on a case-by-case basis that would ensure consistency with all applicable standards, including surface water and groundwater supplies.

Response 28.7

The commenter states that the LOHCP, in combination with the pending Los Osos Community Plan (if approved), would result in unsustainable development that would adversely affect the community, particularly with regard impacts to the Los Osos Groundwater Basin.

This comment is similar to Comment 28.2 and is also addressed in the response to comments in the Final EIR for the LOHCP.

Response 28.8

The commenter states that seawater intrusion into the Los Osos Groundwater Basin will affect the sustainability of water from the Basin.

The LOHCP would not cause further seawater intrusion into the groundwater basin and the Updated Basin Plan would need to be successfully implemented before development could occur. The LOHCP EIR further addresses this comment, which addresses the environmental impacts of the LOHCP.

Response 28.9

The commenter states that they will provide their comments on the Los Osos Groundwater Basin Plan. Comment noted; however, it is noted that these other comments from the commenter were not provided.

Response 28.10

The commenter reiterates concerns raised in Comments 28.1 through 28.9; refer to Responses 28.1 through 28.9 and associated responses to comments in the LOHCP EIR.

Response 28.11

The commenter states that the public review period should be extended.

The County provided adequate public notices of completion of the LOHCP and the LOHCP EIR and availability of the Draft EIR, and also provided a 45-day public review period for the LOHCP and the Draft EIR, which are typical for documents of this complexity and complies with the public review requirements under CEQA. Accordingly, the County did not extend the public review period of the Draft EIR beyond November 20, 2019 (or November 18, 2019 for the LOHCP).

Response 28.12

The commenter states that until the Los Osos Community Plan is amended to address the commenters concerns presented in Comments 28.1 through 28.11, the LOHCP and the LOHCP EIR should be amended to delay implementation of the LOHCP until seawater intrusion no longer occurs within the Los Osos Groundwater Basin.

This comment is beyond the purview of the LOHCP. This comment is similar to Comments 28.2, 28.4, 28.5, and 28.8; refer to Responses 28.2, 28.4, 28.5, and 28.8 including those comments in the LOHCP EIR.

L.30 Letter 29

COMMENTER: Julie Tacker, private citizen (commented on LOHCP)

DATE: November 18, 2019

Response 29.1

The commenter states that the LOHCP does not fully depict the extent to which the Morro shoulderband snail is “threatened.”

The LOHCP provides information about Morro shoulderband snail, which is federally listed as threatened, in Section 3.2.2.1 and Section B.1.

Response 29.2

The commenter questioned how the Service spends the fees collected from previously processed HCPs and ITPs. This comment is beyond the purview of the LOHCP; however, the County coordinated with the USFWS which offered the following response.

The fees were used to mitigate project effects to the Morro shoulderband snail by funding activities that would contribute to the recovery of the snail. The majority of the fees, approximately \$14, 500, were used to fund a study to address various recovery tasks through the collection of data about Morro shoulderband snail populations, habitat associations, and current habitat conditions on conserved lands within the range of the species. Nine conserved parcels located in and around the community of Los Osos, San Luis Obispo County, California were chosen for the study. These conserved lands included parcels located within two of the four Conservation Planning Areas (CPAs) and two of the three Critical Habitat Units (CPUs) designated for the Morro shoulderband snail. Parcels in possible restoration corridors and outside of the CPAs and CHUs were surveyed as well. The nine parcels surveyed during the study included six contiguous parcels in the northeastern region of Los Osos, two parcels in the western region of Los Osos, and one centrally located parcel. The parcels are owned by The Land Conservancy of San Luis Obispo County, the U.S. Bureau of Land Management, and the California Department of Parks and Recreation. Parcel size varied from just under 5 acres to around 42 acres with a combined total of approximately 152 acres of conserved habitat.

Response 29.3

The commenter states that the LOHCP does not fully explain why the Morro shoulderband snail is federally listed as endangered. The commenter also states that the species should be downlisted or delisted.

This comment is beyond the purview of the LOHCP, which was developed to facilitate permitting under Section 10(a)(1)(b) of ESA. It is not the role of the County in preparing an HCP to evaluate the endangerment status or delisting of covered species, which instead is the purview of the USFWS. The commenter is referred to the USFWS listing decision for more information about the listing status (USFWS 1994).

L.31 Letter 30

COMMENTER: Marc Weber, private citizen (commented on LOHCP and Draft EIR)

DATE: November 17, 2019

Response 30.1

The commenter states that the LOHCP EIR needs additional analysis on impacts to ecology of the Morro Bay Estuary.

This comment addresses the EIR; refer to the Final EIR for the response to this comment. Notably, the LOHCP and proposed ITP would not be used to cover impacts/take to wetland or other non-covered species that would result from projects that would impact or have the potential to impact wetland or riparian communities and/or wetland species. As described in Section 2.3 of the LOHCP, if the proponent of a project along the coastline or other waterways wishes to conduct projects that would cause take/impacts to non-covered listed species, that project proponent would need to obtain separate permits to cover those impacts, in order to be eligible for coverage of their impacts to the LOHCP covered species through the LOHCP.

Response 30.2

The commenter states that Los Osos is included in Morro Bay National Estuary, so the LOHCP would impact the Morro Bay Estuary.

The County believes the commenter may be confused by what the National Estuary Program is and what legal standing, if any, is given to estuaries in this program. This comment is similar to Comment 11.6; the commenter is referred to Response 11.6 for citations applicable to this response.

The National Estuary Program, which was established in 1987 by amendments to the federal Clean Water Act, is overseen and managed by the United States Environmental Protection Agency (U.S. EPA). The U.S. EPA also provides annual funding, national guidance, and technical assistance to the currently 28 estuaries accepted into the National Estuary Program. In 1995, Morro Bay was accepted into the National Estuary Program. The Morro Bay National Estuary Program is a collaborative, non-regulatory, non-profit organization that brings citizens, local governments, non-profit organizations, state and federal agencies, and landowners together to support a healthy environment and vibrant local communities. The Clean Water Act requires each National Estuary Program to develop and implement a Comprehensive Conservation and Management Plan. The primary purpose of the plan is to identify priority issues that threaten the ecological and economic resources of the estuary and watershed, and to define various action plans to effectively reduce those problems. The County of San Luis Obispo is one of the numerous agency partners committed to help achieve the four main watershed goals of the Comprehensive Conservation and Management Plan for the Morro Bay National Estuary Program, including (1) water quality protection and enhancement; (2) ecosystem restoration and conservation; (3) public education, outreach, and stewardship; and (4) fostering collaboration.

Implementation of the LOHCP would not hinder the Morro Bay National Estuary Program or its partners from implementing the action plans in the Comprehensive Conservation and Management Plan to reduce and minimize priority issues of Morro Bay and/or Morro Bay Estuary.

Response 30.3

The commenter states that a narrow, viable “nature corridor” should be created within “multi-family and commercial development,” so all species located in the Plan Area will not go extinct.

The County is unsure as to what “multi-family and commercial development” the commenter is referring. Nonetheless, as discussed in Section 5.3.1, land protection will be prioritized in the priority conservation area, illustrated in Figure 5-1, where additional habitat protection can:

protect relatively large areas of habitat, including by buffering and expanding existing protected habitat areas, in order to safeguard large areas that feature reduced perimeter-to-area ratios that are therefore more resistant to edge effects and can be effectively managed using techniques designed to promote diversity and long-term population persistence, including prescribed fire or fire surrogates; and

maintain and restore critical landscape linkages between significant habitat areas, including protected lands and other large areas of relatively intact habitat. Connecting habitat that might otherwise become isolated will facilitate gene flow (exchange of genetic material) between individuals in otherwise isolated habitat, and recolonization of sites where populations are extirpated.

As discussed in Section 4.2, *Biological Resources*, of the EIR, small conserved areas within larger developed areas do not provide suitable movement opportunities for larger wildlife; areas suitable for protection of small numbers of covered species may not be sufficiently sized to support larger wildlife, thus the larger Preserve System provides benefits to wildlife movement corridors and overall ecosystems. The LOHCP would provide opportunities for coordinated management of existing protected lands, which would promote protection of larger continuous areas of protected habitat rather than small isolated patches as are frequently conserved under small-scale individual project ITPs.

Response 30.4

The commenter expresses support for Alternative 2, the Reduced Take Alternative.

The commenter’s support for Alternative 2 is noted and will be provided to the decision-makers.

Response 30.5

The commenter states that some open space should be designated in the center of the community near Sweet Springs.

This comment is similar to Comment 30.3; refer to Response 30.3.

L.32 Letter 31

COMMENTER: Amber Wiehl, private citizen (commented on LOHCP)

DATE: November 18, 2019

Response 31.1

The commenter expresses support for implementation of the LOHCP. The commenter also expresses the community's need for a Community Wildfire Protection Plan (CWPP).

Support for the proposed project is noted and will be provided to the decision-makers.

The LOHCP includes implementation of the Los Osos Community Wildfire Protection Plan, as well as creation of defensible space, as covered activities.

The current CWPP identifies areas that could be subject to a range of fuel reduction and fire hazard abatement treatments in and adjacent to Los Osos (Figure 2-7; SLOCCFSC 2009). Anticipated treatments include removal of downed, dead, and/or diseased vegetation; creation of shaded fuel breaks; and mowing of non-native grassland. The CWPP would involve wildfire protection measures on 89.4 acres of the Plan Area in the wildland-urban interface as described in Section 2.2.7. Such activities would result in long-term risk reduction associated with wildfire for the Plan Area. The latest version of the CWPP for the Los Osos area remains in draft form, covers San Luis Obispo County (not just Los Osos), and has yet to be adopted. The 2013 Draft CWPP provides a more comprehensive plan than the 2009 Final CWPP in that the former provides a mechanism for collaboration and coordination with multiple fire protection agencies; assesses wildfire risk in areas throughout the county; pre-fire resource/fuel management, strategies, education, and community planning; applicable statutes and regulations; and fire prevention, including maintenance of defensible space around buildings.

The Interim Adaptive Management and Monitoring Plan for the LOHCP Preserve System (McGraw 2020) outlines recommendations for fuels reduction as part of the CWPP within the Bayview Unit of the Morro Dunes Ecological Reserve, which is the first preserve planned for inclusion in the LOHCP Preserve System during initial implementation. The fuels management recommendations in the IAMMP are designed to facilitate implementation of the fuel break in a way that will maximally benefit the covered species and protect other natural resources, while achieving the fuel reduction and associated fire safety objectives.

L.33 Letter 32

COMMENTER: Susan Wiest, private citizen (commented on LOHCP)

DATE: November 11, 2019

Response 32.1

The commenter expresses opposition to the LOHCP, stating that the LOHCP will result in 8,000 additional residents and “destroy highly valued open space.”

The County respectfully disagrees with this comment. Adoption of the LOHCP would not directly result in development in Los Osos, but rather, would offer a streamlined permitting process for covered activities, including public projects, capital improvement projects, facilities operations and maintenance activities, and conservation program implementation. The ITP, in combination with the adoption of the latest (2015) Los Osos Community Plan and implementation of the Updated Basin Management Plan for the Los Osos Groundwater Basin The ITP, in combination with, would result in a “streamlining” of development in the Plan Area by reducing the length of time and costs associated with the ESA permitting process for covered activities. Implementation of this community-wide LOHCP, in contrast with the current project-by-project approach, would maximize the benefits of the conservation program and eliminate potentially expensive and time-consuming efforts associated with processing individual ITPs for each project in the Plan Area, while contributing to a more comprehensive conservation strategy for the covered species.

Response 32.2

The commenter states the LOHCP will adversely affect the community’s currently strained water supply.

This comment addresses the EIR; refer to the Final EIR for the response to this comment.

Response 32.3

The commenter requests that the Service deny the LOHCP ITP application.

Support for the LOHCP EIR’s No Project Alternative is noted and will be provided to the decision-makers.

L.34 Letter 33

COMMENTER: Laurie Wright, private citizen (commented on LOHCP)

DATE: November 14, 2019

Response 33.1

The commenter requests additional opportunities to provide public input on the LOHCP prior to the plan's approval.

The County provided adequate public notices of completion and availability of the LOHCP and Draft LOHCP EIR, and also provided a 45-day public review period for the documents, which is typical for documents of this complexity and complies with the public review requirements under CEQA. Accordingly, the County did not extend the public review period beyond November 20, 2019 (or November 18, 2019, for the LOHCP).

The public will have the additional opportunity to review the Final LOHCP and Final LOHCP EIR prior to the public hearing to determine whether to certify the Final EIR and approve the LOHCP. The County will hear public comments on the LOHCP and Final EIR at the County Planning Commission and the County Board of Supervisors public hearings.