



COUNTY OF SAN LUIS OBISPO  
 DEPARTMENT OF PLANNING & BUILDING  
 Notice of Exemption

PLN-1123  
 3/22/2018

**Project Title and No.:** Black Lake Ecological Enhancement Minor Use Permit/Coastal Development Permit; C-DRC2021-00047; ED23-033

<p><b>Project Location</b>          1996 Sycamore Canyon Road, approximately 0.35 mile west of the city of San Luis Obispo, County of San Luis Obispo</p>	<p><b>Project Applicant/Phone No./Email:</b>          Applicant: The Land Conservancy of San Luis Obispo County; C/O Lindsey Roddick          805.544-9096; lindseyr@lcslo.org</p> <hr/> <p><b>Applicant Address (Street, City, State, Zip):</b>          P.O. Box 12206, San Luis Obispo, CA 93401</p>
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**Name of Public Agency Approving Project:** County of San Luis Obispo

**Description of Nature, Purpose and Beneficiaries of Project:**

A request by The Land Conservancy of San Luis Obispo County for a Minor Use Permit and Coastal Development Permit (C-DRC2021-00047) to allow for restoration activities at Black Lake through increasing the capacity of the lake and the surrounding wetlands. The restoration activities would take place on the eastern portion of the lake and when complete would reestablish the area’s natural hydrologic functions and provide habitat for rare, sensitive, and listed species. Major construction and wetland restoration at the East end of Black Lake would include two main components. A 1-acre area would create expanded open water habitat by re-contouring the slopes and depressions and lowering the finished elevation of the area by up to 5.8 feet. A 0.5-acre area would create marsh sandwort habitat through the installation of at least 350 plugs and lowering of the finished elevation of the area by up to 2.8 feet. This project will temporarily disturb 1.5 acres of coastal freshwater pond by removing approximately 10,715 cubic yards of sediment and vegetation to create additional open water habitat, and the disturbance of 1 acre of freshwater emergent and forested/shrub wetlands in order to create of La Graciosa thistle habitat on the 90-acre site. The project will also remove up to 1.5 acres of hedgerow eucalyptus, and 10 Arroyo Willow trees, to restore approximately 16 acres of coastal dune scrub habitat, including 13 acres adjacent to the established monarch overwintering grove, and 3 acres within the sediment disposal site. The project is located on the west side of California State Route 1 (SR 1), approximately 1,000 feet north of Callender Road, in the South County (Coastal) Planning Area and the California Coastal Zone.

**Exempt Status/Findings:** This project qualifies for statutory exemption from environmental review under the California Environmental Quality Act (CEQA), as it meets all the requirements for exemption under California Public Resources Code Section 21080.56, Statutory Exemption for Restoration Projects (SERP).

**Reasons why project is exempt:** The project consists of restoration of an existing freshwater lake to reestablish hydrologic functions and supportive habitat for rare, sensitive, and listed species. The purpose of the project is to assure the maintenance, restoration, enhancement, and protection of the lake. The project would be undertaken by the Land Conservancy of San Luis Obispo County, which is an organization that works to restore wildlife habitat.

The Land Conservancy of San Luis Obispo County has prepared a Biological Resource Assessment (BRA) to provide technical information for the NEPA and CEQA processes. The BRA found that the

proposed restoration would not have an adverse impact on marsh sandwort, Gambel's watercress, La Graciosa thistle or any other federally listed, candidate, or proposed plant species and that no take of federally listed, candidate, or proposed plant species is expected. The project would have a beneficial impact due to the creation of suitable habitat for marsh sandwort, which is not currently present in the project area.

The project would permanently impact 0.1 acres of CDFW jurisdictional wetlands through the removal of wetland and woody vegetation along the wetland shore. The purpose of the project is to remove this vegetation to create open water habitat that has been degraded by this vegetation and therefore the project would have a beneficial impact on the wetland and no mitigation was proposed.

The project would temporarily impact 2.0 acres of CDFW jurisdictional wetlands through the removal of wetland and woody vegetation along the wetland shore. The purpose of the project is to remove this vegetation, which will provide the necessary topographic complexity to plant marsh sandwort within the wetland as well as provide enhanced wetland habitat for a diversity of species including California red-legged frog and Western pond turtle. Therefore, the project would have a beneficial impact on the wetland and no mitigation was proposed.

The BRA identifies the need for a Programmatic Formal Endangered Species Act Consultation and Biological Opinion from the USFWS to identify and minimize impacts to California red legged frog. If California red legged frog are present onsite during construction, they may require relocation by a qualified biologist. However, long-term, the restoration activities would provide open water habitat and a diversification of vegetation, which would directly benefit California red legged frog. Overall, the project would provide a net-benefit for California red legged frog. The project would be required to comply with the recommendations of the USFWS related to California red legged frog.

The project would remove 0.1 acres of woody vegetation, primarily riparian woodland, which may provide some habitat for least Bell's vireo. The purpose of the project is to remove this vegetation to create open water habitat that has been degraded by this vegetation. The likelihood of permanent impacts to potential nesting habitat is very small and the overall health of the riparian habitat at Black Lake will not be affected. The open water habitat would provide increased foraging habitat for least Bell's vireo and other birds. Therefore, the project would have a beneficial impact on least Bell's vireo and other birds.

**Additional Information:** Additional information pertaining to this notice of exemption may be obtained by reviewing the second page of this document and/or by contacting the Environmental Coordinator, via phone at (805) 781-5600 or via email at [planning@co.slo.ca.us](mailto:planning@co.slo.ca.us).



State of California - Department of Fish and Wildlife  
**2023 ENVIRONMENTAL DOCUMENT FILING FEE**  
**CASH RECEIPT**  
 DFW 753.5a (REV. 01/01/23) Previously DFG 753.5a

RECEIPT NUMBER: 40-05192023-064
STATE CLEARINGHOUSE NUMBER (If applicable) 1002430652

SEE INSTRUCTIONS ON REVERSE. TYPE OR PRINT CLEARLY.

LEAD AGENCY DEPARTMENT OF PLANNING AND BUILDING	LEAD AGENCY EMAIL ssiong@co.slo.ca.us	DATE 05/19/2023
COUNTY/STATE AGENCY OF FILING COUNTY OF SAN LUIS OBISPO	DOCUMENT NUMBER	

PROJECT TITLE  
 BLACK LAKE ECOLOGICAL ENHANCEMENT MINOR USE PERMIT/COASTAL DEVELOPMENT PERMITC-DRC2021-

PROJECT APPLICANT NAME THE LAND CONSERVANCY OF SAN LUIS OBISPO	PROJECT APPLICANT EMAIL lindseyr@lcslo.org	PHONE NUMBER (805) 544-9096
PROJECT APPLICANT ADDRESS P.O. BOX 12206	CITY SAN LUIS OBISPO	STATE CA
		ZIP CODE 93401

PROJECT APPLICANT (Check appropriate box)

Local Public Agency     School District     Other Special District     State Agency     Private Entity

CHECK APPLICABLE FEES:

<input type="checkbox"/> Environmental Impact Report (EIR)	\$3,839.25	\$ _____
<input type="checkbox"/> Mitigated/Negative Declaration (MND)(ND)	\$2,764.00	\$ _____
<input type="checkbox"/> Certified Regulatory Program (CRP) document - payment due directly to CDFW	\$1,305.25	\$ _____
<input checked="" type="checkbox"/> Exempt from fee		
<input checked="" type="checkbox"/> Notice of Exemption (attach)		
<input type="checkbox"/> CDFW No Effect Determination (attach)		
<input type="checkbox"/> Fee previously paid (attach previously issued cash receipt copy)		
<input type="checkbox"/> Water Right Application or Petition Fee (State Water Resources Control Board only)	\$850.00	\$ _____
<input checked="" type="checkbox"/> County documentary handling fee		\$ 50.00
<input type="checkbox"/> Other		\$ _____

PAYMENT METHOD:

Cash     Credit     Check     Other

TOTAL RECEIVED    \$ 50.00

SIGNATURE <i>x Melissa Katz</i>	AGENCY OF FILING PRINTED NAME AND TITLE Melissa Katz, Deputy County Clerk-Recorder
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Filed in County Clerk's Office  
 Elaina Cano  
 San Luis Obispo - County Clerk-Recorder  
**40-05192023-064**  
 05/19/2023  
 FISH  
 Pages: 4  
 Fee: \$ 50.00



**Elaina Cano**  
**San Luis Obispo**  
**County Clerk-Recorder**  
Main Office: (805) 781-5080  
Atascadero: (805) 461-6041  
www.slovote.com

**Receipt: 23-13991**

<b>Product Name</b>	<b>Extended</b>
FISH FISH AND WILDLIFE FILING	\$50.00
# Pages	4
Document #	40-05192023-064
Document Info:	DEPARTMENT OF PLANNING AND BUILDING
Filing Type	NOE
<b>Total</b>	<b>\$50.00</b>
Tender (On Account)	\$50.00
Account#	CTY
Account Name	JE except TX & DSS
Balance	\$8,655.00
Comment	1002430652

PLEASE KEEP FOR REFERENCE

**5/19/23 11:52 AM mkatz**  
**San Luis Obispo**