

Notice of Exemption

To:
Office of Planning and Research
U.S. Mail
P.O. Box 3044
Sacramento, CA 95812-3044

From:
California Department of Fish and Wildlife
Central Region
1234 East Shaw Avenue
Fresno, CA 93710



Street Address:
1400 Tenth Street
Sacramento CA 95814

Project Title: Native Plant Protection Act Incidental Take Permit No. 2081-2024-002-04 for the Triple R Ranch Erosion Control and Stabilization Project (Project)

Project Location: The Triple R Ranch Erosion Control and Stabilization Project (Project) is located within an approximately 156.15-acre parcel, at 1007 Old Oak Park Road, Pismo Beach, 93449 (Assessor's Parcel Number (APN) 079-261-011), San Luis Obispo County, California. The Project is located approximately 1 miles north/northeast of the intersection of U.S. Highway 101 and North Oak Park Boulevard, at approximately latitude 35.144054°, longitude -120.601053° and within the United States Geological Survey (USGS) Arroyo Grande 7.5-minute quadrangle, Section 13, Township 3 North, Range 15 East MDB&M.

Project Description: The California Department of Fish and Wildlife (CDFW) has issued a Native Plant Protection Act (NPPA; Fish & G. Code, § 1900 et seq.) Incidental Take Permit (ITP) No. 2081-2024-002-04 authorizing Darin and Carolyn Kruse to incidentally take Pismo clarkia (*Clarkia speciosa* ssp. *immaculata*) which is designated as a state rare species under NPPA, respectively (Fish & G. Code § 1900 et seq.; see Cal. Code Regs., tit. 14, § 670.2, subd. (c)(16)(A), respectively).

The Project will include erosion control activities necessary to repair erosion, rill erosion, and sedimentation that occurred on the property during the 2022 and 2023 atmospheric river storms and associated flooding events, including repair of slope and removal of earth stockpiles; installation of erosion control devices; broadcast and hydroseeding with native seed mix; installation of biodegradable coir mats; and installation of temporary exclusionary fencing. The existing erosive channels adjacent to the roadway will also be repaired.

The Project erosion control activities is expected to result in the permanent loss of 1.09 acres of Pismo clarkia habitat. Maintenance activities are not expected to result in any additional impacts to Pismo clarkia habitat since this work will occur within the areas previously disturbed by the Project erosion control activities.

Public Agency Approving Project: CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

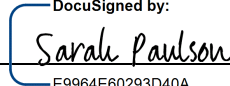
Persons or Public Agency Carrying Out Project: Darin and Cayolyn Kruse, P.O. Box 3506, Pismo Beach, California 93449

Exempt Status:

- Statutory Exemption. California Code of Regulations, Title 14, section 15269, subdivision (b); Public Resources Code, section 21080, subdivision (b)(4).
- Categorical Exemption.

Reasons why project is exempt: See Attachment

CDFW Contact Person: Heather Rodriguez (Senior Environmental Scientist (Specialist)), heather.rodriguez@wildlife.ca.gov

DocuSigned by:
 Signature:  Date: 5/16/2024
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 for Julie A. Vance
 Regional Manager, Central Region

Date received for filing at OPR: _____

Attachment to Notice of Exemption

Native Plant Protection Act Incidental Take Permit No. 2081-2024-002-04 Triple R Ranch Erosion Control and Site Stabilization Project

Approval of this Project is subject to the statutory exemption for “Specific actions necessary to prevent or mitigate an emergency” (Emergency Project; Pub. Resources Code, §21080, subd. (b)(4)) under the California Environmental Quality Act (CEQA; Pub. Resources Code, §21000 et seq.). “Emergency” is defined as “A sudden, unexpected occurrence, involving a clear and imminent danger, demanding immediate action to prevent or mitigate loss of, or damage to, life, health, property, or essential public services” (Pub. Resources Code, §21060.3).

The purpose of the Project is to repair erosion, rill erosion, and sedimentation that occurred at six Work Areas (1, 2, 3-A, 3-B, 3-D (Channel), and 3-D (Slope)) on the property during the 2022 and 2023 atmospheric river storms and associated flooding events. The Project will include the installation of erosion control measures that will include the construction of Best Management Practices Adjacent to Roadway (BMP-AR); construction of Best Management Practices along the Roadway Interior (BMP-RI); installation of erosion control devices and materials; installation of erosion control mats; broadcast and hydroseeding; installation of orange exclusionary/protection fencing; and maintenance of erosion control measures. The project applicants provided the following information regarding the urgent nature of this Project:

- Erosion repairs are needed to prevent further loss of property and impacts to both surrounding properties and water quality. The heavy storms of the 2022/2023 rain season resulted in major erosion and sedimentation runoff from the property. This included a significant amount of material that temporarily blocked Old Oak Park Road. The County of San Luis Obispo Public Works Department was so overwhelmed with erosion and sedimentation impacts that they were not able to respond to this specific area in a timely manner; thus, the Kruse family cleared the road during the storm. Each of the repair areas contribute to the downslope flow of water exiting the property at Old Oak Park Road. Wallace Group engineers have designed the critical repairs needed to prevent further damage, including loss of property and threat to life, such as the blocked public roadway preventing emergency vehicles and first responders from reach residents on and above Old Oak Park Road. Additional heavy storms have occurred in 2024 and are forecast to continue; thus, the threat of further damage is imminent unless repaired.

The Project is expected to cause the permanent loss of 1.09 acres of Covered Species habitat. Maintenance activities are expected to only result in temporary disturbance to small amounts of Covered Species habitat within areas previously disturbed by Construction Covered Activities.

Impacts will be minimized and fully mitigated through the implementation of measures required by Incidental Take Permit No. 2081-2024-002-04. Measures include: 1) worker education; 2) establishment of avoidance zones; 3) monitoring during construction and maintenance; 4) monthly compliance reporting; and 5) permanent habitat protection.