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# BIOLOGICAL ASSESSMENT

OF

**Lex and Danielle Bayer  
35700 Highway One  
Big Sur, CA 93920  
APN 243-231-014**

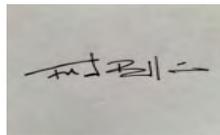
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July 7, 2025

## **I. INTRODUCTION**

This 19-page Biological Assessment has been authorized by the project owner Lex Bayer on April 17, 2025.

This biological assessment is prepared to evaluate potential impacts to plants, habitats, and wildlife that would be generated from a proposed residential redevelopment project for parcel APN 243-231-014 located at 35700 Highway One in Big Sur, CA 93920. The project consists of the demolition and replacement of an existing single family residence, detached garage, new septic system and associated site work within the 87,120 SF parcel that has an existing residential development.

This biological assessment identifies native plant communities and sensitive biotic resources throughout the proposed development area, includes recommendations to avoid or reduce potential project-related significant impacts to biological resources, and provides recommendations to restore habitat in the development area. Field surveys including a spring flowering survey of the parcel were conducted during two (2) site visits on March 25 and April 30 2025. A development site plan showing existing and proposed development footprints was provided for review prior to the field visits. No civil or landscape plans were provided for analysis.

## **II. SUMMARY**

The subject parcel supports several sensitive biological elements including populations of seacliff buckwheat (*Eriogonum parvifolium*), the host plant for the Federally-listed *endangered* Smith's blue butterfly (*Euphilotes enoptes smithi*), seaside paintbrush (*Castilleja latifolia*) a California Rare Plant Rank (CRPR) 4.3 limited distribution species, and the environmentally sensitive habitat Northern Coastal Bluff Scrub (DFW code 31.100.00\*). The potential for listed wildlife species noted to occur in the vicinity includes those associated with sea caves and marine resources such as black swift (*Cypseloides niger*), southern sea otter (*Enhydra lutris nereis*) and others that may utilize the rocky shores or tidal zones below the parcel.

While the proposed construction project is sited within existing development footprints, elements of the project situated near sensitive species and habitat have been minimized to allow for the long-term improvement and maintenance of those habitats (Ref. Big Sur Coast LUP Policies 3.3.2.4 and 3.3.2.7) through the use of invasive species eradication and habitat restoration recommendations included in this report. Additionally in accordance with the Big Sur Coast LUP + CIP policies, development shall be designed to minimize site disturbance within areas supporting natural plant communities. If the recommendations contained in this report are implemented, the impacts of the proposed project will be reduced to levels that sustain the biotic resources supported at the subject property and reduce ongoing invasive species impacts to below the current level. As such, the proposed development project presents the opportunity to improve baseline native habitat conditions across the parcel.

Findings are included in Section V and VI below describing natural communities and potential wildlife in the parcel. Impact assessments and recommendations are included below in Section IX for the development.

## **III. REGIONAL SETTING**

The subject property is located within the Coastal Zone administered by the California Coastal Commission and within an unincorporated area of Monterey County and within the Big Sur Coast coastal planning area in the Santa Lucia Mountains of Monterey County, California. The 87,120 SF coastal parcel at approximately 45' to 55' elevation, is located west of Highway 1, approximately seven (7) miles south of Carmel, CA at the south end of Garrapata Beach and north of Kasler Point. The development area is accessed through an existing gated, paved driveway (the only vehicular approach into the parcel) off Highway One. The project site is located within the United States Geological Survey Soberanes 7.5' Quadrangle (identified in the included Section XI. Project Location) and within the Big Sur Coast Land Use Plan Area. Dominant plant communities of the regional area include Northern Coastal Bluff Scrub, Coastal Scrub alliances, Central Maritime

Chaparral, Oak Woodland Forest, Riparian Alliances, Coastal Prairie Grasslands, Annual Grasslands and Redwood Forest.

#### **IV. METHODS**

Field methods included walking the entire parcel and proposed development area while surveying for sensitive elements, inventorying observed plant and animal species, and photographing existing vegetation zones and natural communities within and adjacent to the project area. Two (2) reconnaissance site visit including an early and later spring survey were conducted on March 25 and April 30, 2025, to observe plant communities present on the site and to determine if existing conditions were suitable habitat for any associated special-status plants or wildlife species. Weather conditions were sunny with full access to the site, which allowed for careful site and resource observations.

Local maps and consultations with personnel familiar with the project were utilized during the preparation of this Biological Assessment. The U.S. Fish and Wildlife Service Information for Planning and Consultation Database (IPaC), California Natural Diversity Data Base (CNDDDB) maintained by the State of California Department of Fish and Wildlife (CDFW) and the California Native Plant Society Inventory of Rare and Endangered Plants (website, 2025), were consulted for the identification of known populations of Federal and State listed rare, threatened and endangered plant and wildlife species on or in the vicinity of the Bayer project site. Survey methods included utilizing The Jepson Manual (Hickman 1993), Invasive Plants of California's Wildlands (Bossard, Randall, and Hoshovsky 2000), California Invasive Plant Council database (website, 2025), A Manual of California Vegetation (Sawyer, Keeler-Wolf, and Evens 2009), An Illustrated Field Key to the Flowering Plants of Monterey County (Matthews and Mitchell 2015), Big Sur Coast Land Use Plan (Monterey County and certified by the CA Coastal Commission 1986), The Natural History of Big Sur (Henson and Usner 1993), and Coastal Implementation Plan, Part 3 (Monterey County – Regulations for Development in the Big Sur Coast Land Use Plan 1988).

#### **V. LOCAL VEGETATION**

The California Department of Fish and Wildlife (CDFW) has developed a number of classification systems that describe vegetation in either quantitative, or qualitative terms. The descriptive names used in this Biological Assessment correspond to the standardized, hierarchical naming protocols developed by Robert Holland and expanded by Fish and Wildlife staff (CDFW 2010). These vegetation types are also described in Sawyer, et al., (2009). The vegetation descriptions used in this report have a numeric code that corresponds to the CDFW classification system. A star symbol (\*) is used by the Department to designate a high priority, rare ecosystem in the statewide hierarchical system. Numeric codes follow protocols in the CNDDDB 2010 list of natural communities prepared for the State of California by the Department of Fish and Wildlife, Natural Heritage Division.

Vegetation on the parcel within the development envelope is void of any significant native habitat as the site has been anthropogenically altered long ago to the degree that nearly all native plant communities within the boundaries of the parcel have been altered and replaced with introduced landscape plantings, turf or ruderal vegetation with the exception of a strand of Northern Coastal Bluff Scrub habitat (DFW code \*31.100.00) located along the coastal bluff of the parcel.

Entering the parcel through the gated driveway from Highway One, the paved driveway extends approximately 100 meters westward before reaching the existing residential development area. The driveway is lined on both sides with mixed aged landscape-introduced Monterey cypress (*Hesperocyparis macrocarpa*). The Monterey cypress trees extend westward to the rocky shoreline with several of the larger trees likely on the parcel since the initial residential development decades ago. Young saplings from seed of the mature stand were observed in various areas on the bluff slope as the trees are reseeding and establishing in native scrub area. Though Monterey cypress are a California native species and protected in their two relic populations (Point Lobos and Crocker Grove) their presence in Big Sur is outside their native range and the trees are considered an invasive species due to their ability to reseed, pioneer into, and disrupt native plant communities. Recommendations are included in Section IX below to prevent cypress tree saplings from pioneering into the adjacent sensitive Northern Coastal Bluff Scrub plant community.



**Entry driveway (looking east toward Highway One).**

Understory constituents along the driveway are void with the ground covered in wood chip mulch. Cypress trees have recently been pruned up as freshly pruned cuts and cypress green waste chipped mulch piles were noted.

Continuing westward the driveway leads to the existing residence with an extensive ornamental landscape and large spans of exotic turf that cover the remainder of the development area.



**Existing development location with expansive kikuyu lawn.**

Exotic kikuyu (*Pennisetum clandestinum*) and tall fescue (*Festuca arundinacea*) turf surrounds the existing residence. Both turf grasses are listed invasive species by the California Invasive Plant Council (Cal-IPC) as having adverse ecological impacts to natural plant communities. In the coastal environment, these impacts are exacerbated with the cooler, moist conditions that contribute to the species expansion.

Ornamental landscaping is found adjacent all sides of the residence planted with mixed Mediterranean drought tolerant shrub and ground cover plants. Proposed redevelopment is sited to occur within the existing development footprint and extending into landscaped and turf areas.



East and north side of existing residence.



East and south side of existing residence.

In addition to the Monterey cypress, ornamental landscaping and exotic turf along the west side of the house, numerous hardscape elements including pathway, decks, retaining walls, decomposed granite and flagstone patios, and a coastal access stairway are sited along the coastal bluff and collectively the historical landscape elements have encroached into remnant Northern Coastal Bluff Scrub Habitat along the edge of the bluff and along the rocky cliff face.

Northern Coastal Bluff Scrub habitat is considered an Environmentally Sensitive Habitat Area by the California Coastal Commission, recognized as a threatened plant community by the California Department of Fish and Wildlife, and classified as a natural community “rare and worthy of consideration” by the CNDDDB. This habitat is a distinct association of (Northern) Coastal Scrub habitat and is characterized by its shorter stature, more succulent-like foliage and additional salt and wind tolerant species not commonly found on the adjacent uplands. The habitat supports sea cliff buckwheat (*Eriogonum parvifolium*), sea lettuce (*Dudleya caespitosa*), California beach aster (*Corethrogyne filaginifolia*), bent grass (*Agrostis pallens*), saltgrass (*Distichlis spicata*), seaside daisy (*Erigeron glaucus*), coastal lotus (*Acmispon maritimus*), bluff lettuce (*Dudleya farinosa*), lizard tail (*Eriophyllum staechadifolium*), blue-eyed grass (*Sisyrinchium bellum*) and other constituents including the California Native Plant Society listed sensitive, endemic species seaside paintbrush (*Castilleja latifolia*). Seacliff buckwheat is found scattered in discontinuous individual occurrences throughout the rocky bluff edge and cliff faces containing the Northern Coastal Bluff Scrub habitat.

Seacliff buckwheat is the obligate host plant, primary nectar source for adults and mating site for the federally-endangered Smith's blue butterfly (*Euphilotes enoptes smithii*). No butterfly sightings were observed during the field surveys though site observations were conducted prior to the typical adult emergence season of the butterfly (late Spring through early Summer). Historical sightings have been recorded in nearby coastal parcels and wildland canyons to the north, east and south, though typically such sightings are documented in upland habitat in dense stands of sea cliff buckwheat. The location of the subject buckwheat plants on the cliff faces, lack of high quality habitat, low density of buckwheat plants, and exposure to direct coastal salt spray and wind events make it a low quality site for the butterfly to utilize the area, though potential exists as the buckwheat are present.



Coastal bluff with Northern Coastal Bluff Scrub habitat.



Native Northern Coastal Bluff Scrub species including blue-eyed grass and seaside paintbrush (L), coastal lotus (M) and seacliff buckwheat with sea lettuce (R).

The remaining fragmented northern coastal bluff scrub habitat along the bluff is under threat of total displacement from several exotic species including Monterey cypress saplings and trees, expanded landscape plantings, naturalizing landscape species such as freeway daisy (*Osteospermum fruticosum*) and purple wallflower (*Erysimum 'Bowles Mauve'*), and the invasive iceplant (*Carpobrotus edulis*), a Cal-IPC listed species with a *high* rating for having severe impacts to native habitats. The iceplant encroachment is having severe detrimental effects on the native habitat as it

chokes out native habitat by forming dense mats that threatens to displace the listed habitat and sensitive species. Iceplant is shallow rooted and is isolated to the bluff, making manual controls feasible on the bluff. Collectively, all invasive species along the bluff should be managed to prevent further migration into the surrounding sensitive scrub community. The Big Sur Coast LUP Policy 3.3.3.10 encourages Big Sur residents to undertake restoration of natural environments by removal of exotic, invasive plants and Policy 3.3.2.7 states that land uses adjacent to environmentally sensitive habitats shall be compatible with the long term maintenance of the resource.



Exotic wallflower (L), freeway daisy (M) and invasive iceplant (R).

Several of the existing exterior hardscape elements along the bluff including hand railings, decking, stairs and retaining walls are in an aged condition and may require rehabilitation to maintain personal safety along the bluff and long term protection of the marine resource. Any proposed hardscape repair or decommissioning work will likely cause disturbance impacts and potential erosion of the bluff, thus requiring replanting mitigations and erosion control measures in order to maintain compliance with the LUP Key Policy ensuring all practical efforts shall be made to maintain, restore, and if possible, enhance Big Sur's environmentally sensitive habitats. Recommendations are included Section IX below to eradicate invasive species and restore any proposed impacted areas with site appropriate Northern Coastal Bluff Scrub habitat including listed species at a 2:1 ratio and maintain restoration areas in a healthy weed-free environment.

Proposed construction plans (excluding review of Landscape, Civil and Septic Plans) indicate the development is sited within 100 feet of environmentally sensitive habitats (marine habitat and Northern Coastal Bluff Scrub). Per LUP and CIP policies, projects located within 100 feet of ESHA shall not be permitted to adversely impact the habitat's long-term maintenance (Ref. CIP ESHA General Development Standards 20.145.040.B.4 and LUP Policy 3.3.2.7). If the recommendations contained in this report are implemented, the incorporation of habitat protection measures, exotic species controls and northern coastal bluff scrub restoration collectively present an opportunity to improve baseline native habitat conditions along the bluff and reduce potential sediment erosion in the marine resource.

## **VI. WILDLIFE**

During the two site visits to the project location, many bird species were identified (see Observed Animal Species List) including non-resident migratory passerines observed utilizing the cypress tree canopy and adjacent areas containing shrub cover. Several raptor species, including red-shouldered hawk and turkey vulture were identified flying over the parcel on several occasions. Raptors and their nests are protected under the California Department of Fish and Wildlife (CDFW) Code. Nesting seasons of migratory species are overlapping with breeding residents in the Monterey Bay region typically occurring between February through the beginning of September. Various species of raptors including red-tailed hawk (*Buteo jamaicensis*), red-shouldered hawk (*Buteo lineatus*), Cooper's hawk (*Accipiter cooperii*), great horned owl (*Bubo virginianus*), barn owl (*Tyto alba*), turkey vulture (*Cathartes aura*) and others have a potential to nest within any of the large cypress trees present within and adjacent the parcel, and within the tall eucalyptus on the adjacent southern parcel.

Seabirds were noted utilizing the rocky shoreline and flying through the marine area, including brown pelican (*Pelecanus occidentalis*), western gull (*Larus occidentalis*), and many others offshore. There is the potential opportunity for black swift (*Cypseloides niger*) and ash storm petrel (*Oceanodroma homochroa*) to nest in the sea caves (and vertical cliffs) along the shoreline of the property. The U.S. Department of Fish and Wildlife Service list the black swift and ash storm petrel as California Species of Concern. Black swift are the largest swift species in North America and are summer residents along the Big Sur coast. Ash storm petrels spend the majority of their lives in open ocean waters but return to shore during breeding season to utilize rocky shores and sea caves for nesting. Nesting species that potentially exist along these shoreline areas could be disrupted by potential site runoff, slope erosion, construction noise or other construction related influences if proposed work occurs during the nesting cycle.

The Migratory Bird Treaty Act (16 USC 703) prohibits the taking, hunting, killing, selling, purchasing, etc. of migratory birds, parts of migratory birds, and their eggs and nests. As used in the act, the term “take” is defined as meaning, “to pursue, hunt, capture, collect, kill or attempt to pursue, unless the context otherwise requires.” Section 3503.5 of the California Fish and Wildlife Code also protects the nests and eggs of birds-of-prey (raptors) and essentially overlaps with the Migratory Bird Treaty Act. Recommendations are included to monitor with a nesting survey during nesting season prior to commencement of any development activities.

Monarch butterfly (*Danaus plexippus*) winters in large colonies along the coast from Northern California to Baja California. Overwintering roost sites are located in wind-protected tree groves, usually Eucalyptus ssp, Monterey Pine (*Pinus radiata*) or Monterey cypress. Nectar and water sources must be nearby to support the utilization of roosting sites. The Big Sur Coast Land Use Plan identifies overwintering sites as Environmentally Sensitive Habitat (Ref. Policy 3.3) to be protected with 100-foot setbacks. In addition, the California Department of Fish and Wildlife’s California Natural Diversity Database and the Xerces Society maps and tracks winter roosting locations due to the experienced declines in population size. The potential for overwintering at or adjacent the project site is considered moderate due the presence of large established cypress trees on and adjacent the parcel and stand of established eucalyptus on the adjacent parcel to the south. Additionally, overwintering Monarchs are documented occurring at Notley’s Landing (approximately 1.5 miles to the south) in a eucalyptus grove and personally observed overwintering less than a mile away in a cypress grove on a residential parcel north of Rocky Creek Bridge. To minimize impacts related to disturbance caused by construction noise or vibration impacts, overwintering seasonal monitoring protocols are included in the recommendations.

Off-site habitat to be considered with regard to any proposed re-development project, is the intertidal and subtidal zones within the Monterey Bay National Marine Sanctuary which provides habitat for the Federally-listed *threatened* Southern sea otter and the invertebrates it feeds upon. Marine resources that exist along these shoreline areas could be disrupted by potential site runoff, slope erosion, construction noise or other construction related influences.

No additional special status wildlife species were observed within the project site, however the habitat community within the parcel provides nesting sites and cover for a variety of mammals that are expected to occur near the project area, including common wildlife species California ground squirrel (*Spermophilus beecheyi*), California pocket mouse (*Chaetodipus californicus*) raccoon (*Procyon lotor*), bobcat (*Lynx rufus*), black-tailed deer (*Odocoileus hemionus columbianus*), coyote (*Canis latrans*) and others.

## **VII. RARE, THREATENED, AND ENDANGERED SPECIES AND HABITATS**

In addition to field observations, documented State and Federal occurrence data were consulted to evaluate the likelihood of special status species to occur within and immediately adjacent to the project area and surrounding USGS quadrangles. Data sources included the California Native Plant Society Inventory of Rare Plants, California Department of Fish and Wildlife (which supports the California Natural Diversity Data Base: CNNDDB), and the United States Fish and Wildlife Service (which supports the Information for Planning And Consultation: IPaC).

Thirty-seven sensitive elements are listed in the CNDDDB database for the Soberanes Quadrangle with many others listed in adjacent quadrangles that have potential to exist along the Big Sur coast in the project vicinity.

Special status natural communities, plants and animals include habitats and species that have been identified as being biologically rare or noteworthy and thus, deserving of special protection under federal, state or local laws and policies. Special-status species known to occur or determined to have a moderate or high potential to occur within or immediately adjacent the project site have been discussed above in Sections V and VI. All other species are assumed unlikely to occur or have a low potential to occur based on the lack of supporting habitat or other species-specific related reasons, and are therefore unlikely to be impacted by the project, and are not further included in this discussion. Relevant literature and databases (CNDDDB and USFW IPaC) were also reviewed regarding the presence of special-status species in the area. Range maps, locality records and habitat associations were reviewed for all special-status wildlife species to assess their likelihood to inhabit the project site. The following 37 sensitive elements are listed by the CNDDDB for the Soberanes 7.5' quadrangle:

Scientific Name	Common Name	Federal Status	State Status	CDFW Status	CA Rare Plant Rank
<i>Batrachoseps luciae</i>	Santa Lucia slender salamander	None	None	-	-
<i>Rana boylei</i> pop. 6	foothill yellow-legged frog - south coast DPS	Endangered	Endangered	-	-
<i>Rana draytonii</i>	California red-legged frog	Threatened	None	SSC	-
<i>Hydrobates homochroa</i>	ashy storm-petrel	None	None	SSC	-
<i>Pelecanus occidentalis californicus</i>	California brown pelican	Delisted	Delisted	-	-
<i>Oncorhynchus mykiss irideus</i> pop. 9	steelhead - south-central California coast DPS	Threatened	None	SSC	-
<i>Euphilotes enoptes smithi</i>	Smiths blue butterfly	Endangered	None	-	-
<i>Danaus plexippus plexippus</i> pop. 1	monarch - California overwintering population	Proposed Threatened	None	-	-
<i>Dipodomys heermanni goldmani</i>	Salinas kangaroo rat	None	None	-	-
<i>Enhydra lutris nereis</i>	southern sea otter	Threatened	None	FP	-
<i>Eumetopias jubatus</i>	Steller sea lion	Delisted	None	-	-
<i>Corynorhinus townsendii</i>	Townsend's big-eared bat	None	None	SSC	-
<i>Haliotis cracherodii</i>	black abalone	Endangered	None	-	-
Central Maritime Chaparral	Central Maritime Chaparral	None	None	-	-
Monterey Pine Forest	Monterey Pine Forest	None	None	-	-
<i>Tortula californica</i>	California screw moss	None	None	-	1B.2
<i>Lomatium parvifolium</i>	small-leaved lomatium	None	None	-	4.2
<i>Erysimum ammphilum</i>	sand-loving wallflower	None	None	-	1B.2
<i>Arctostaphylos edmundsii</i>	Little Sur manzanita	None	None	-	1B.2
<i>Arctostaphylos hookeri</i> ssp. <i>hookeri</i>	Hookers manzanita	None	None	-	1B.2
<i>Astragalus nuttallii</i> var. <i>nuttallii</i>	ocean bluff milk-vetch	None	None	-	4.3
<i>Hosackia gracilis</i>	harlequin lotus	None	None	-	4.2
<i>Sidalcea malachroides</i>	maple-leaved checkerbloom	None	None	-	4.2
<i>Clarkia jolonensis</i>	Jolon clarkia	None	None	-	1B.2
<i>Clarkia lewisii</i>	Lewis clarkia	None	None	-	4.3
<i>Piperia michaelii</i>	Michaels rein orchid	None	None	-	4.2
<i>Piperia yadonii</i>	Yadons rein orchid	Endangered	None	-	1B.1
<i>Aphyllon robbinsii</i>	Robbins broomrape	None	None	-	1B.1
<i>Castilleja latifolia</i>	Monterey Coast paintbrush	None	None	-	4.3
<i>Cordylanthus rigidus</i> ssp. <i>littoralis</i>	seaside birds-beak	None	Endangered	-	1B.1
<i>Pinus radiata</i>	Monterey pine	None	None	-	1B.1
<i>Leptosiphon grandiflorus</i>	large-flowered leptosiphon	None	None	-	4.2
<i>Chorizanthe douglasii</i>	Douglas spinnelower	None	None	-	4.3
<i>Eriogonum nortonii</i>	Pinnacles buckwheat	None	None	-	1B.3
<i>Delphinium hutchinsoniae</i>	Hutchinsons larkspur	None	None	-	1B.2
<i>Ceanothus rigidus</i>	Monterey ceanothus	None	None	-	4.2
<i>Rosa pinetorum</i>	pine rose	None	None	-	1B.2

## **VIII. REGULATORY SETTING**

There are several conservation and management regulatory guidelines associated with the attributable constituents that inhabit or potentially occur on the parcel.

**Federal** regulations are provided under the Endangered Species Act (ESA) of 1973 (16 U.S. Code [USC § 1531 et seq.], managing federally site threatened or endangered plants and wildlife and their designated critical habitats. Section 7 of the ESA requires a permit to take a threatened or endangered species during lawful project activities, with permits and oversight administered by the United States Fish and Wildlife Service (USFWS). Section 9 of ESA prohibits the take of any fish or wildlife species listed under ESA as endangered or threatened. Take, as defined by ESA, is “to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or attempt to engage in any such conduct.” Harm is defined as “any act that kills or injures the fish or wildlife...including significant habitat modification or degradation that significantly impairs essential behavioral patterns of fish or wildlife.” Additionally, the National Oceanic and Atmospheric Administration Marine Fisheries Service (NMFS) is responsible for the protection of ESA-listed marine species and anadromous fish, whereas other listed species are under USFWS jurisdiction. The Migratory Bird Treaty Act (MBTA) (16 USC § 703 et seq.) implements various treaties and conventions providing protection for migratory birds. The MBTA makes it unlawful to take, kill, capture, collect, possess, buy, sell, trade, ship, import or export any migratory bird including feathers, parts, nests, or eggs. The MBTA applies to incidental take of migratory birds (e.g., the destruction of an active nest due to vegetation clearing); however, the MBTA does not protect the habitats of migratory birds in the absence of protected species.

**State** regulations are governed by the California Fish and Game Code and the Native Plant Protection Act, that provide specific protection and listing for several biological resources including; Fully Protected Species, significant natural areas, designated ecological reserves, and streams, rivers, sloughs, and channels. Fully protected species are listed in the Fish and Game Code Section 3511 (Fully Protected birds), Section 4700 (Fully Protected mammals), Section 5050 (Fully Protected reptiles and amphibians), and Section 5515 (Fully Protected fishes). The Code prohibits the taking of species designated as Fully Protected. Additionally, species may qualify for formal protection under the California Environmental Quality Act (CEQA) including wildlife or plants presumed to be rare or endangered. Species may, under certain circumstances, be protected by CEQA statutes, even if they are not registered under Federal or state programs. These include the majority of plants on the CNPS CRPR 1B as well as others that are identified as rare, threatened, or endangered, regardless of recognition by the USFWS, CDFW, or CNPS. The California Coastal Commission may designate areas of rare or unique biological value, such as wetland and riparian habitat and habitats for special-status species, as ESHA. Section 30107.5 of the CCA defines an “environmentally sensitive area” as any area in which plant or animal life or their habitat are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments. Development is restricted within the coastal zone and prohibited within designated ESHA, unless the development is coastal dependent and does not have a significant effect on the resources. Section 30240 of the CCA states that “environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.” This section also states that “development in areas adjacent to environmentally sensitive habitat areas shall be sited and designed to prevent impacts which would significantly degrade those areas and shall be compatible with the continuance of those habitat and recreation areas.”

**Local** policies and regulations are included in several governing documents including the Big Sur Coast Land Use Plan and the Monterey County Coastal Implementation Plan Part 3 Regulations for Development in the Big Sur Coast Land Use Plan.

## **IX. IMPACTS (Recommendations)**

The proposed residential development is sited exclusively within an existing development footprint with portions extending into landscaped areas (Ref. Conceptual Site Plans, Field Architecture, April 2, 2025). Proposed Infrastructure elements, Civil Engineering and Landscape impacts have not

been analyzed as plans have not been presented for assessment to biological resources. There are sensitive elements that exist in close proximity of the proposed development along the coastal bluff. With the adoption of the below recommendations, the proposed project is consistent with regulations for the development adjacent to environmentally sensitive habitats (Ref. CIP Section 20.145.040) and should have a less than significant impact on special natural communities, plants, and wildlife protected by local, state, or federal regulations. By implementing the listed protection measures, erosion control measures, restoration practices, and biological monitoring, the project should enhance the sensitive natural community found on the parcel through long-term management and invasive species control.

### **Impact 1: Black Swift, Ashy Storm Petrel and Nesting Survey**

The black swift and ashy storm petrel are listed (CDFW) California species of concern and noted to occur in the Big Sur coastal region to utilize the rocky shore for nesting sites. These species have been observed nesting in sea caves and cliff faces in the Big Sur region during nesting season occurring between May and August. Sea caves are present northwest, west and southwest of the along the rocky shoreline adjacent the existing development area.

Nesting raptors and other protected avian species, including bats, owls, and migratory passerines have the potential to occur within and adjacent to the project site as large cypress and eucalyptus trees are found within the vicinity of the development location. Additionally, if nesting birds protected by state and federal regulations are present during construction activities (including during periods of demolition, site preparation, tree work, and vegetation management) the proposed project could potentially result in direct mortality of individuals, disturbance of nests, nest abandonment, and loss of habitat that may result in loss of fertile eggs or nestlings. This is a potentially significant impact that can be reduced to a less-than-significant level with implementation of the measures recommended below.

### **Mitigation 1**

- To avoid potential impacts to nesting raptors and other nesting avian species, construction activities should be timed to avoid the nesting season period from February 1 to September 1. Alternatively, if avoidance of the nesting period is not feasible, a qualified biologist shall be retained to conduct pre-construction surveys for nesting raptors and other protected avian species within 300 feet of proposed construction activities if construction (including site prep and demolition) is initiated during the nesting period. Pre-construction surveys will be conducted no more than 7 days prior to the start of construction activities.
- Bird species nesting is variable through the season with some breeding multiple times in a season. If there is more than a one-week delay of construction activities during the nesting season, additional surveys for nesting birds may be required to continue during construction to address new arrivals or secondary nesting. The necessity and timing of these continued surveys will be determined by the qualified biologist based on the proposed construction scheduling.
- If an active bird nest of a native species is detected during the survey, then a plan for bird nest avoidance shall be prepared by the qualified biologist to determine and delineate an appropriately sized, temporary protective buffer area around each active nest, depending on the nesting bird species, existing site conditions, and type of proposed disturbance or construction activities. Protective buffer areas around an active bird nest ranges from 75-300 feet, determined at the discretion of the qualified biologist. To ensure that no inadvertent impacts to an active bird nest will occur, no disturbance and/or construction activities shall occur within the protective buffer area(s) until the juvenile birds have fledged, and there is no evidence of reliance upon the nest or parental care for survival or a second attempt at nesting, as determined by the qualified biologist.
- A document summarizing the results of the nesting bird survey shall be submitted to the Monterey County Housing and Community Development – Project Planner for approval prior to commencement of construction activities (including grading and landscape vegetation removal).

### **Impact 2: Monarch Butterfly**

The Monarch butterfly (*Danaus plexippus*) is noted to occur in nearby coastal groves of eucalyptus, Monterey cypress, and Monterey pine trees. Butterfly overwintering roosting sites are recognized as Environmentally Sensitive Habitat Areas in the Big Sur Coast LUP. Any disturbance to roosting trees

or loud activities near roosting sites can disrupt the overwintering butterflies. The Monterey cypress trees on the parcel and adjacent parcels with cypress and eucalyptus may provide potential overwintering roots for the sensitive Monarch butterfly. Surveys were not conducted for the development of this report due to off season timing. Overwintering habitat is determined to be of moderate potential on and adjacent the subject parcel. If proposed construction is proposed during nesting season, surveys should be conducted during observations times (mid-October - February) to determine their presence or lack thereof. If overwintering populations are observed, construction buffer zones may be developed to limit unwarranted construction impacts from potentially impacting the butterflies.

#### **Mitigation 2:**

- A. The existing grove of Monterey cypress trees should be preserved and protection fencing be installed to avert unwarranted construction impacts to the tree trunks, roots, and limbs.
- B. Butterfly monitoring should occur prior to construction activities to determine the presence or absence of the butterflies potentially utilizing the trees for roosting habitat. If their presence exists within 300-feet of the development zone, the biologist will develop protocols for avoidance and safeguarding the populations. Monitoring results and, if required, avoidance safeguards will be submitted to the Monterey County Housing and Community Development – Project Planner for review and approval prior to commencement of construction activities.

#### **Impact 3: Habitat Protection**

To protect the marine resources and sensitive Northern Coastal Bluff Scrub native habitat values along the coastal bluff adjacent the existing development area, the bluff should be fenced with habitat protection fencing combined with silt fencing to prevent unwarranted construction impacts and sedimentation erosion during the construction period. Fencing should be continuous in wrapping around the west and south west development perimeter to capture the entire bluff/shoreline.

#### **Recommendation 3:**

- Prior to issuance of demolition, grading or construction permits for the residential development and infrastructure elements, habitat protection fencing and silt fencing should be installed along the coastal bluff perimeter of the development envelope, including infrastructure elements, to the minimum edge necessary to implement construction, staging and parking. The project biologist shall oversee the mapping and installation of the fencing to avoid sensitive elements (seacliff buckwheat, seaside paintbrush and Northern Coastal Bluff Scrub) and shall submit a report with photographic evidence demonstrating compliance to the County of Monterey Housing and Community Development – Project Planner.
- Protection Fencing and Silt Fencing shall remain in place in good functioning working order during the entire construction period until Final inspection has been approved.

#### **Impact 4: Invasive Species Eradication**

Northern Coastal Bluff Scrub is a rare or otherwise sensitive plant community currently adversely affected by the expansion of landscape plants and migration of invasive plant species that along the bluff; specifically iceplant, freeway daisy, purple wallflower and Monterey cypress. Monterey cypress are found on the property and encroach in the Northern Coastal Bluff Scrub (NCBS) habitat. Monterey cypress are listed by the California Native Plant Society as a List 1B.2 species (rare, threatened or endangered in CA and elsewhere) in their two relic populations, however on the subject parcel they are out of the natural range for the species and the parcel's specimens are introduced landscape plantings. This species is also listed by the California Invasive Plant Council (Cal-IPC) and classified as having potential *limited* impacts on native ecosystems. Offspring (seedlings) of this species are adversely impacting the sensitive *Northern Coastal Bluff Scrub* habitat through pioneering saplings that are encroaching within the habitat along the bluff of the parcel. Management of germinating saplings should occur within these sensitive habitat areas. Existing NCBS habitat along the bluff supports listed taxa and is threatened by the spread of invasive plants on site, most notably iceplant. If the spread of invasive species remain unchecked, this habitat will undergo extensive, and in some instances complete conversion. Adoption of exotic species

eradication described below will reduce existing impacts associated with encroachment of exotic and invasive plants upon the NCBS (ESHA) plant community that occurs on the bluff.

Invasive weed controls will be consistent with several LUP policies regarding environmentally sensitive habitats that are present near the site including:

- Policy 3.3.2.7., “*Land uses adjacent to environmentally sensitive habitats shall be compatible with the long-term maintenance of the resource.*” Exclusionary habitat protection + silt fencing and comprehensive eradication of invasive plants within the project area (and restoration of these habitats) will allow project compatibility with these habitats, and will reduce long-term impacts there, which (if left unmitigated) would continue to degrade the resource.
- Policy 3.3.3.A.10., “*Monterey County encourages residents and public agencies to undertake restoration of Big Sur’s natural environment by removal of exotic plants such as Scotch and French Broom, Eucalyptus, Kikuyu grass, Vinca, Pampas grass, Gorse, and other non-native invasive species providing such removal does not increase potential erosion problems.*”

#### **Recommendation 4:**

- Include protocols in the Landscape Plan that prescribe procedures to eradicate invasive, exotic species (including Monterey cypress saplings) from encroaching into the environmentally sensitive habitat (Northern Coastal Bluff Scrub) that occurs on the parcel bluff.
- Protocols shall specify eradication procedures for each invasive species, timing, material handling and general management for the various targeted invasive species that are present.
- To prevent erosion in areas treated for eradication, exposed areas not stabilized with existing native plants must be revegetated with site appropriate native species endemic to the Northern Coastal Bluff Scrub community in which the exotics were removed. Typically along coastal environs, this can be accomplished by natural regeneration and utilizing site-specific seeding, requiring no imported plantings and aggressively managing invasive species as they appear before the exotic species set seed or become established, thereby creating favorable site conditions and eliminating fast-growing competitive invasive species that can shade out newly germinating, naturally recruiting native species. Planting of site specific NCBS species may be incorporated per the guidance of the project biologist if needed to infill.
- All disturbed soil generated during any site construction activities shall be kept free of exotic species, which if left unattended, could cause inadvertent spread of the species and degradation of the native habitat communities on the site.
- Photo documentation and briefing summary shall be completed bi-annually for a three-year monitoring period with biannual site inspections by the biologist. Bi-annual reporting to document the status of the eradication plan and recommendations shall be submitted to the Monterey County Housing and Community Development – Project Planner for approval.

#### **Impact 5: Northern Coastal Bluff Scrub Restoration**

No natural vegetation impacts are proposed for the project, however potential trenching activities resulting from proposed infrastructure elements (plans not reviewed or analyzed for this report), removal or repair of aged hand railings, decking, stairs and retaining walls, invasive species eradication or other work associated with the construction project could result in ground disturbance impacts within ESHA and potential reduction of the habitat along the bluff. All disturbed areas along the bluff including bare soils resulting from invasive and exotic species removals shall be restored with appropriate Northern Coastal Bluff Scrub habitat constituents.

Implementing native habitat restoration along the bluff will comply with several LUP ESHA policies including:

- Key Policy 3.3.1: “*All practical efforts shall be made to maintain, restore, and if possible, enhance Big Sur’s environmentally sensitive habitats. The development of all categories of land use, both public and private, should be subordinate to the protection of these critical areas.*”
- Policy 3.3.2.7., “*Land uses adjacent to environmentally sensitive habitats shall be compatible with the long-term maintenance of the resource.*” Exclusionary habitat protection fencing and comprehensive eradication of invasive plants adjacent to environmentally sensitive habitats (and restoration of these habitats) will allow project compatibility with these habitats, and will reduce

long-term impacts there, which (if left unmitigated) would continue to degrade the sensitive bluff habitat resource.

- Policy 3.3.3.A.10., in which exotic species eradication is encouraged (provided that erosion control has been implemented).
- All bluff restoration areas shall use species selections chosen on the basis of compatibility with the surrounding native coastal bluff scrub habitat conditions. The use of such material will reduce water consumption; a further benefit will result from the diminished proliferation of exotic and invasive species into surrounding native habitat areas.

#### **Recommendation 5:**

- Prior to issuance of building permits, develop and submit a Northern Coastal Bluff Scrub Restoration Plan integrated as a part of the project Landscape Plan to the Monterey County Housing and Community Development – Project Planner for approval. All disturbed soils within NCBS habitat resulting from exotic species controls, repair work or removal of hand railings, decking, stairs, and wood retaining walls, removal of ornamental landscape plantings, and/or any proposed construction elements (drain lines, etc.) shall be mitigated for restoration with site appropriate Northern Coastal Bluff Scrub habitat. Prior to any proposed impacts along the bluff, the project biologist shall assess the work areas and survey for listed species, including sea cliff buckwheat, seaside paintbrush and potentially ocean milk vetch. If any listed species are determined to be impacted, the project would be required to mitigate with replanting at a recommended 2:1 ratio for all listed species impacted. All proposed mitigation replanting resulting from construction impacts (including from impacts resulting from exotic species removals) shall be monitored biannually for a three year period with biannual reporting submitted to the Monterey County Housing and Community Development – Project Planner for approval.
- Subject plan shall include prescriptions and protocols for restoration of the bluff scrub habitat including but not limited to invasive species removal (see Impact/Recommendation 4) and long term control methodology, erosion control measures, site specific species restoration for NCBS species and/or site specific seed planted in appropriate micro-habitats, temporary irrigation, and establish conditions for natural species recruitment.
- Surrounding cypress trees or tree limbs along the bluff shall be assessed by the project arborist to review potential hazardous limb removal for the safety of the occupants and reduce risk of harm or fire laddering.
- Final submittal of Northern Coastal Bluff Scrub Restoration Plan, specifically the planting list, to be reviewed and approved by the project biologist to ensure species list conforms to the habitat on site and that no potentially invasive, non-native species, or native species cultivars that may cross pollinate with on site species are proposed for use.
- Any proposed plant materials should be installed in the Fall months to coincide with seasonal rains and natural plant phenology characteristics.
- Any proposed temporary irrigation should be decommissioned and removed after a two-year period following native seeding and/or planting.

#### **Impact 6: General**

##### **Marine Resource Protections**

The Southern sea otter occupies the marine environment offshore from the bluff parcel. Pupping season is noted to occur between December and March though the construction project lies a minimum 200+ feet away from the edge of potential otter habitat. Heavy equipment will likely be required for deconstruction and construction efforts, though less than significant disruptive impacts are anticipated to occur to sea otter breeding or pupping activity due to the distance from the habitat. Other marine or shoreline biological resources may also exist in the area (Ref. Impact 1).

To comply with BSC LUP Policy 3.3.3.B.1, stating “development on the parcel adjacent to the intertidal habitat area should be sited and designed to *prevent percolation of septic runoff and deposition of sediment*”, storm water runoff should be managed in a manner that prevents concentrated flows away from erosive cliff-face or bluff soils and reduces potential sedimentation from entering the aquatic environment. Utilizing a dedicated flat area along the existing driveway should be used to temporarily stockpile staged cut or fill materials. Appropriate containment of loose soil materials should include a straw wattle perimeter to encircle the stockpile. Additional

recommendations are included below to bolster protection for sensitive off-site resources and manage potential impacts to a less than significant level.

**Recommendation 6a:**

- The project biologist shall approve the final drainage plan prepared by the project Civil Engineer to confirm that potential drainage impacts to the existing environmentally sensitive marine resource habitat implements best management practices to establish drainage exit points that outflow onto bedrock areas not cliff-side erosive soils.
- All disturbed soils must be stabilized prior to rainfall events and grading activities should avoid deposition of any excavated material or overburden beyond the edge dedicated staging areas and potentially migrating offsite into the marine environment. Silt fencing, wattles or other devices should be engineered into the Civil erosion control plan to eliminate erosion from entering the marine habitat.
- Permeable hard-scape paving materials will reduce storm water runoff and should be used in place of non-permeable materials.
- Install habitat protection and silt fencing to protect aquatic resources (Ref. Impact 2).
- To reduce impacts resulting from excavated or trenching materials, no overburden may be deposited beyond the approved staging locations and dedicated ingress and egress area should be maintained from the existing driveway.
- No disturbed soil, caused by the construction may be allowed to become infested with exotic plant species.

**Septic/Civil/Landscape Plans**

Septic, Civil and Landscape plans were not reviewed prior to this report development, though the septic and drainfield locations were plotted on the provided site plan. The locations of the septic and drainfield have been sited in pre-existing turf and landscape locations that avoids sensitive habitat impacts. Potential site drainage lines or other infrastructure trenching requirements have not been assessed to determine if any impacts are proposed to the Northern Coastal Bluff Scrub habitat.

**Recommendation 6b:**

Prior to issuance of demolition, grading, or construction permits, the project biologist shall review Civil, Septic and Landscape plans to assess if proposed impacts could directly or indirectly disturb the sensitive coastal bluff habitat, listed elements or marine resources. Upon plan(s) review the project biologist shall report to the Project Planner confirming no development is proposed that would adversely impact sensitive resources on the bluff and marine habitats or if revisions or additional recommendations or mitigations are required to address potential impacts.

**Trash Management**

The coastal project site is prone to high winds that variably occur yearlong. Construction debris or site trash could enter the aquatic resource and cause impacts to the constituents that utilize the marine habitat.

**Recommendation 6c:**

Construction materials shall be secured, tied down, and tarped on a daily basis to prevent loss of materials or construction debris from entering surrounding habitats or the marine environment. Trash enclosures shall have lids and tie-downs to prevent trash from blowing into surrounding natural communities. Trash enclosures shall be sited on the inland side of the parcel in order to reduce potential for wind blown debris to enter the marine resource.

**Landscaping**

The current state of the landscaping includes several exotic and native cultivar species that extends into the bluff scrub habitat and poses threats to encroach and alter the vegetation structure of the sensitive plant community on the bluff. New proposed landscaping should comply with the LUP ESHA General Policies 3.3.2.9 requiring the County shall require the use of appropriate native species in proposed landscaping. Implementing native site-appropriate landscaping adjacent the sensitive bluff habitat will also ensure compliance with LUP Policy 3.3.2.7 requiring land uses adjacent to environmentally sensitive habitats shall be compatible with the long-term maintenance of

the resource.

**Recommendation 6d:**

Recommendations are to significantly reduce or remove the exotic turf and ornamental landscape areas along the west side of the residence and restore the site with site appropriate Northern Coastal Bluff Scrub habitat. Other areas of the parcel containing turf and ornamental plantings are recommended for removal and restoration with site appropriate coastal bluff scrub vegetation. A reduced portion of the turf area along the east side of the house shall remain for recreational use.

**Conservation and Scenic Easement**

Analysis of the conceptual site plans that were provided for review show the proposed development avoids sensitive bluff scrub habitat though existing landscape and hardscape development (pathways, retaining walls, patios, decks, etc.) encroach within the Northern Coastal Bluff Scrub habitat. LUP ESHA General Policy 3.3.2.3 requires that “where development has already occurred in areas supporting sensitive habitat, property owners should be encouraged to voluntarily establish conservation easements or deed restrictions”. Additionally, the CIP ESHA Policy (Ref. 20.145.040.B.2) requires “deed restrictions or conservation easement dedications over environmentally sensitive habitat areas shall be required as a condition of approval for any development proposed on parcels containing environmentally sensitive habitats. Where the proposed project is to occur on an already-developed parcel, restrictions or easement dedications shall still be required. Easements and deed restrictions shall be required according to the provisions of section 20.142.130”.

**Recommendation 6e:**

The Big Sur Coast LUP and CIP require the protection of environmentally sensitive habitat areas (Northern Coastal Bluff Scrub along the west side of the residence) to be provided through deed restrictions or permanent open space conservation and scenic easements.

**X. LIST OF SPECIES ENCOUNTERED**

\* indicates exotic species

∞ indicates landscaped introduced species

**Tree Species**

Acacia longifolia *	golden wattle
Hesperocyparis macrocarpa ∞	Monterey cypress
Myopoum laetum ∞	Ngaio
Pittosporum undulatum ∞	Victorian box

**Shrub Species**

Ceanothus thyrsiflorus ∞	blue blossom
Ligustrum japonicum texanum ∞	waxleaf privet
Rubus ursinus	California blackberry
Toxicodendron diversilobum	poison oak

**Herbaceous/Forb Species**

Achillea millefolium	yarrow
Acmispon maritima	coast lotus
Armeria maritima	sea thrift
Artemisia californica	California sagebrush
Calystegia macrostegia ssp. cyclostegia	coast morning glory
Carpobrotus edulis *	iceplant
Castilleja latifolia	seaside paintbrush
Corethrogyne filaginifolia	beach aster
Cortaderia selloana *	pampas grass
Distichlis spicata	salt grass
Dudleya caespitosa	bluff lettuce
Dudleya farinosa	sea lettuce
Elymus condensatus	giant wild rye
Elymus glaucus	blue wildrye

Ehrharta erecta \*  
Erigeron glaucus  
Eriophyllum staechadifolium  
Eriogonum parvifolium  
Erysimum sp. \*  
Festuca arundinacea \*  
Festuca perennis \*  
Iris douglasiana  
Juncus bufonius  
Lotus corniculatus \*  
Lupinus arboreus  
Lysimachia arvensis \*  
Medicago polymorpha \*  
Osteospermum fruticosum \*  
Oxalis pes-caprae \*  
Pennisetum clandestinum \*  
Plantago maritima  
Pseudognaphalium californicum  
Sanicula crassicaulis  
Sonchus asper \*  
Sisyrinchium bellum  
Stachys bullata  
Tetragonia tetragonoides \*

veldt grass  
seaside daisy  
lizard tail  
seacliff buckwheat  
purple wallflower  
tall fescue (turf)  
Italian ryegrass (turf)  
Douglas iris  
toad rush  
bird's foot trefoil  
bush lupine  
scarlet pimpernel  
bur clover  
freeway daisy  
sourgrass  
kikuyu grass (turf)  
coast plantain  
California everlasting  
gamleweed  
prickly sow thistle  
blue-eyed grass  
California hedgenettle  
New Zealand spinach

### **Wildlife Species**

Apis mellifera  
Apodemus sp.  
Callipepla californica  
Calypte anna  
Cathartes aura  
Chamaea fasciata  
Corvus brachyrhynchos  
Cyanocitta stelleri  
Haemorphous mexicanus  
Haemorphous purpureus  
Hirundo rustica  
Junco hyemalis  
Melospiza melodia  
Melozone crissalis  
Pelecanus occidentalis  
Pipilo maculatus  
Sayornis nigricans  
Sceloporus occidentalis  
Spizella passerina  
Sylvilagus bachmani  
Thomomys bottae  
Thryomanes bewickii  
Vireo cassinii  
Vireo huttoni

honey bee  
field mouse  
California quail  
Anna's hummingbird  
turkey vulture  
wren  
American crow  
Steller's jay  
house finch  
purple finch  
barn swallow  
dark-eyed junco  
song sparrow  
California towhee  
brown pelican  
spotted towhee  
black phoebe  
western fence lizard  
chipping sparrow  
brush rabbit  
Botta's pocket gopher  
Bewick's wren  
Cassin's vireo  
Hutton's vireo





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