



MARIN COUNTY COMMUNITY DEVELOPMENT AGENCY

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PREPARATION OF BIOLOGICAL SITE ASSESSMENTS

I. INTRODUCTION

In accordance with the policy requirements of the Marin Countywide Plan¹ and the planning application submittal guide, a biological site assessment (BSA) may be required when a project is proposed adjacent to or within an area that may contain sensitive biological resources. The need for a BSA is most often identified in a “notice of project status” letter, which is issued a month after the application is submitted, but a BSA can also be recommended during a Pre-application or General Consultation with planning staff. A “notice of project status” letter will normally provide a preliminary indication of any particular issues the BSA should address.

The general objectives of a BSA are to (1) determine whether there are any sensitive biological resources such as wetlands, streams, or habitats for special status species in proximity to a proposed project; (2) to accurately map any biological constraints on a site plan for the project; and (3) to determine whether a project would result in potentially significant adverse biological impacts, pursuant to the California Environmental Quality Act (CEQA). Sensitive biological resources include the following:

- A. Plants or animals that are listed as rare, threatened, or endangered or as a species of special concern, pursuant to Federal or State law, and habitat essential to special status species of wildlife;
- B. Natural communities indicated as rare or threatened by the California Natural Diversity Data Base of the California Department of Fish and Game;
- C. Within the Coastal Zone, beaches and sand dunes, wetlands, streams shown on USGS maps and the riparian vegetation surrounding them, or natural vegetation designated by the local coastal program as significant natural habitat; and
- D. Natural communities and associated buffers protected under the Marin Countywide Plan, including Wetland Conservation Areas (WCAs) and Stream Conservation Areas (SCAs).

BSAs do not include measures intended to mitigate or reduce impacts to sensitive biological resources.

II. CONDUCTING THE ASSESSMENT

The scope of the BSA should be limited to evaluating those areas that are within or near the proposed project and may reasonably be expected to be affected by any aspect of the project (i.e. new roads, construction areas and immediate surroundings, site grading, vegetation management, tree removal). The scope of the study should depend on the particular characteristics of the project and the area, and will often include an inventory of all plant communities on the site as well as a discussion of geological and hydrological features that are particularly relevant to biological resources. The consulting biologist should contact the planner assigned to the project to discuss the scope of the study prior to initiating any investigations. At a minimum, the scope of the study should include the following:

¹ See CWP programs BIO-2.a, BIO-3.c, and BIO-4.g

1. Review the “notice of project status” letter and any biological information provided by the Planning Division.
2. Review relevant biological protection policies contained in the Countywide Plan, as well as the biological protection policies of a local Community Plan or the Local Coastal program if applicable.
3. Conduct a records search of the California Natural Diversity Data Base (CNDDDB) for the site and surrounding area as habitat conditions and regional species distributions dictate.
4. Review the Local Coastal Program Natural Resources Maps for projects located in the Coastal Zone.
5. Review the book “Marin Flora” published by the California Academy of Sciences and California Native Plant Society (Howell et. al., 2007) for information on the location of special status plant species.
6. Review any biological assessments, arborist’s reports, vegetation management plans, geotechnical reports, and hydrological reports recently prepared and available for the project, the site, and the surrounding area.
7. Visit the site to identify, evaluate, and map any sensitive biological resources that may be affected by the project.
8. Conduct a wetland delineation if wetland indicators are found within the study area. The wetland delineation should follow the Army Corps of Engineer’s guidance outside of the Coastal Zone and should follow the California Coastal Commission’s guidance in the Coastal Zone.
9. Map the top of bank of any stream and the upland extent of any riparian vegetation surrounding streams found in the study area.
10. Map ecological buffers that apply to the site, as defined in the Stream Conservation Area and Wetland Conservation Area policies of the Countywide Plan and the stream buffer and wetland buffer policies of the Local Coastal Program.
11. Determine whether any other biological studies should be conducted evaluating the potential impacts of the project.
12. Prepare a report, with attached photographs, field reports and maps as appropriate, describing the methods and findings of the BSA. The findings of the report should be coordinated with all other technical studies and reports being prepared for the project.
13. Integrate maps of any sensitive biological resources that are found in the study area into project site plans that show other development constraints, landscaping and vegetation management, grading and erosion control, drainage and storm water control, site improvements and building construction.

III. PREPARING THE REPORT

In preparing the BSA report, the biologist should describe the methods used for the study and all sensitive biological resources that have been identified within the study area. In determining potential impacts, relevant policy documents and regulations should be consulted, including the CEQA Guidelines, Appendix G, Section IV. Biological Resources, which provides a list of sample questions that are intended to encourage thoughtful assessment of impacts in determining significance. In

addition, per the Marin County EIR Guidelines, Appendix N, Criteria For Significance, the following questions regarding the determination of significance of impacts should be answered:

1. Would the project substantially reduce the number or restrict the range of a rare, endangered or threatened plant or animal?
2. Would the project cause a fish or wildlife population to drop below self-sustaining levels?
3. Would the project adversely affect significant riparian lands, wetlands, marshes, and other significant wildlife habitats?

Based on the evidence collected and analyzed, the BSA shall clearly recommend one of the following two conclusions regarding the project:

“The project will not result in any potentially significant adverse biological impacts to the environment.”

“The project could result in potentially significant adverse biological impacts to the environment.”

Even if the biologist concludes that there are potentially significant impacts, the BSA shall not identify any impact mitigation or reduction measures. There is no such thing as a mitigated categorical exemption from CEQA, and any mitigation measures recommended in the BSA serve as an indication that an environmental review is required for the project. However, CEQA is intended to help avoid any unintended environmental consequences of development and the Planning Division encourages incorporating elements that safeguard biological resources into the initial design of the project. For example, if a property owner hires a biologist to map a Stream Conservation Area before preparing plans, it will be easier to design the project to avoid the sensitive area before submitting a formal development application that could require a BSA. This type of preliminary biological research can reduce both the costs and the time associated with the planning process.

If the BSA recommends that the project could result in a potentially significant biological impact, then the Planning Division will require a peer review of the BSA and/or a full biological assessment that identifies measures to mitigate the impacts of the project. The Planning Division will hire a qualified biologist to undertake the additional study, at the applicant's expense, unless this requirement is waived by the Director.