



Initial Study – Environmental Checklist

Torrente Major Grading Permit (GRAD2025-00040 / ED25-0133)

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED: The proposed project could have a "Potentially Significant Impact" for environmental factors checked below. Please refer to the attached pages for discussion on mitigation measures or project revisions to either reduce these impacts to less than significant levels or require further study.



<input type="checkbox"/> Aesthetics	<input type="checkbox"/> Greenhouse Gas Emissions	<input type="checkbox"/> Public Services
<input type="checkbox"/> Agriculture & Forestry Resources	<input type="checkbox"/> Hazards & Hazardous Materials	<input type="checkbox"/> Recreation
<input type="checkbox"/> Air Quality	<input type="checkbox"/> Hydrology & Water Quality	<input type="checkbox"/> Transportation
<input checked="" type="checkbox"/> Biological Resources	<input type="checkbox"/> Land Use & Planning	<input type="checkbox"/> Tribal Cultural Resources
<input type="checkbox"/> Cultural Resources	<input type="checkbox"/> Mineral Resources	<input type="checkbox"/> Utilities & Service Systems
<input type="checkbox"/> Energy	<input type="checkbox"/> Noise	<input type="checkbox"/> Wildfire
<input type="checkbox"/> Geology & Soils	<input type="checkbox"/> Population & Housing	<input type="checkbox"/> Mandatory Findings of Significance

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation, the Environmental Coordinator finds that:

- The proposed project is a housing development that qualifies for a CEQA exemption pursuant to a statutory or categorical exemption (Class 1-5, inclusive, 12, 15, 20, 27, 30 or 32) adopted prior to January 1, 2026, with the exception of a single condition as described within the sections of these listed classes or a condition described in Section 15300.2 (Exceptions to Categorical Exemptions). A FOCUSED INITIAL STUDY concentrating on the potential environmental effects caused by the single, unmet condition will be prepared pursuant to PRC 21080.1.
- The proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- Although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- The proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- The proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- Although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

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Prepared by (Print)	Signature		Date
Eric Hughes		Principal Environmental Specialist	08/21/2025
Reviewed by (Print)	Signature		Date

A. Project

DESCRIPTION: A request by Joe Torrente for a Major Grading Permit (GRAD2025-00040) to authorize the grading for the construction of a 1,894-square-foot single-family residence with a 528-square-foot attached garage, septic system and associated site improvements. The proposed project will disturb approximately 0.83 acres of the 2.32-acre parcel, including 561-cubic-yards of cut and fill. The proposed parcel is within the Agricultural land use category and is located at west end of Reindeer Place (APN: 015-144-001), approximately 5.5 miles east of the community of Paso Robles. The project site is in the El Pomar-Estrella Sub-area of the North County Planning Area.

Baseline Conditions

The project site consists of an approximately 2.32-acre parcel located 5.5 miles east of the community of Paso Robles. Surrounding land uses consists of residential development. The nearest County maintained road is Geneseo Road, approximately 0.75 miles south of the site. The topography of the site is mostly flat with a moderately sloping hillside to the north side of the parcel, near the site access. There are two unnamed NHD “blue line” drainages within 300 feet of the project site. Onsite vegetation consists mostly of ruderal grasses with a small area of Coyote Brush Scrub.

ASSESSOR PARCEL NUMBER(S): 015-144-001

Latitude: 35° 37' 59" N Longitude: 120° 32' 36" W SUPERVISORIAL DISTRICT # 5

B. Existing Setting

Plan Area:	North County	Sub:	El Pomar/Estrella	Comm:	NA
Land Use Category:	Agriculture				
Combining Designation:	N/A				
Parcel Size:	2.32 acres				
Topography:	Gently rolling				
Vegetation:	Ruderal, Grasses, Coyote Brush Scrub				
Existing Uses:	Undeveloped				

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Surrounding Land Use Categories and Uses:

North: Agriculture; vacant

East: Agriculture; single-family residence

South: Agriculture; vacant

West: Agriculture; single-family residence

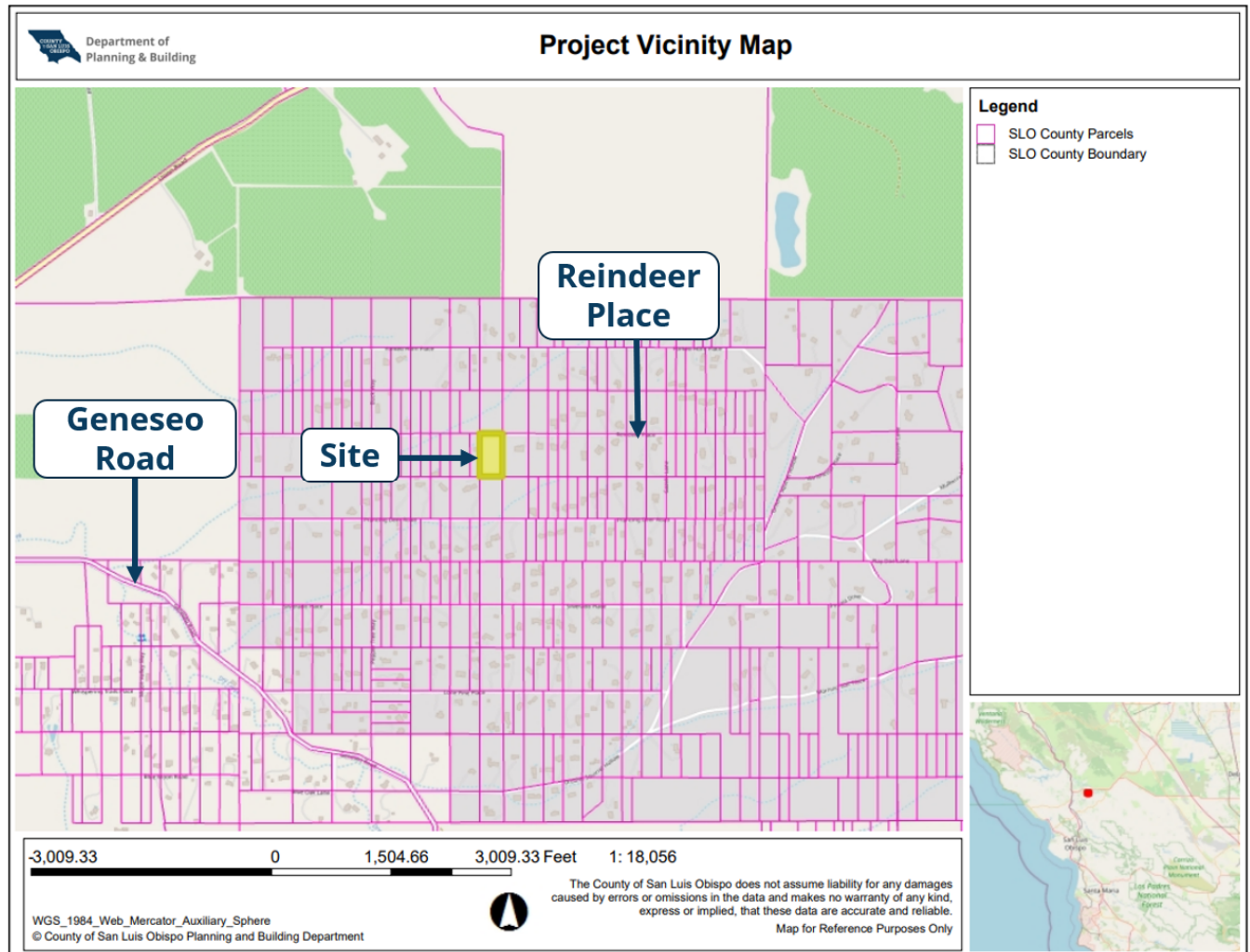


Figure 1 – Project Vicinity Map

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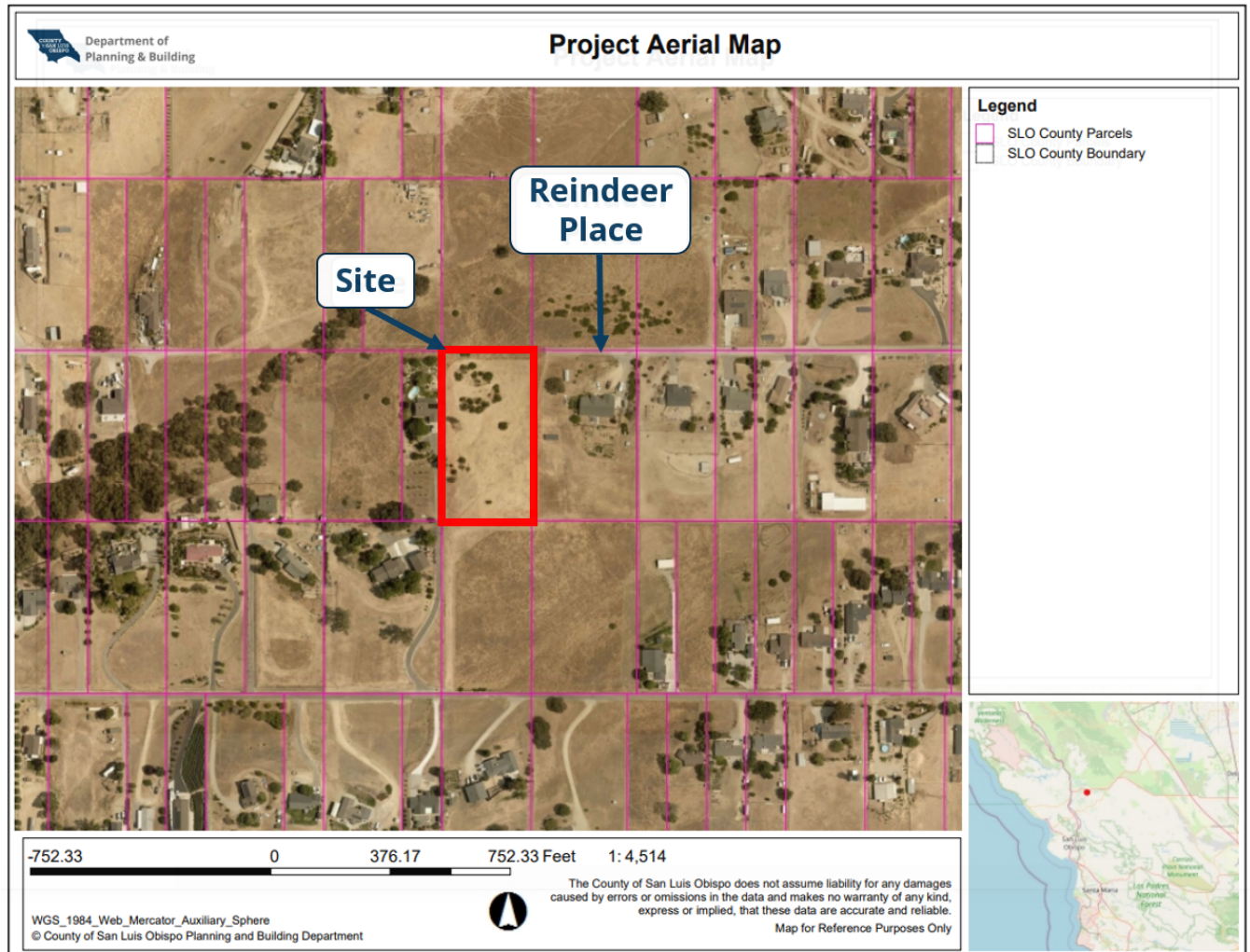


Figure 2 – Project Aerial Boundary Map

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C. Environmental Analysis

Regulatory Background

Senate Bill 131 (SB 131) was signed into law (PRC 21080.1) by Governor Newsom on June 30, 2025. PRC 21080.1 requires the lead agency to be responsible for determining if a project is exempt from the California Environmental Quality Act (CEQA) and that the determination is final unless challenged as provided by PRC 21167. PRC 21080.1 also states that if a proposed housing development would otherwise be exempt from CEQA pursuant to a statutory or categorical exemption Class 1-5, inclusive, 12, 15, 20, 27, 30 or 32 (adopted prior to January 1, 2026), except for a single condition as described within the sections of these listed classes or a condition described in Section 15300.2 (Exceptions to Categorical Exemptions), then the approval of the proposed housing development project shall be limited to effects upon the environment that are caused solely by that single condition, known as a “Near Miss Exemption”. Therefore, the level of environmental review consistent with a Near Miss Exemption is a Focused Initial Study that addresses the environmental impacts caused by the single, unmet condition.

Near Miss Exemption Status/Findings

The project qualifies for a Near Miss Exemption pursuant to PRC 21080.1 because the project will result in the development of a single-family residence. The project meets all conditions for a Class 3 Exemption pursuant to CEQA Guidelines Sections 15303 (New Construction or Conversion of Small Structures), and all but one condition for the exemption criteria under Section 15300.2. The project does not meet Condition (c) Significant Effect under Section 15300.2 because it may result in a significant impact to biological resources due to an unusual circumstance. The project site is within a mitigation area for San Joaquin Kit Fox habitat. Pursuant to PRC 21080.1, the scope of environmental review is limited to potential impacts to biological resources, the non-compliant condition. Therefore, a Focused IS/MND has been prepared (see IV. Biological Resources).

Environmental Review Process

The County's environmental review process incorporates all of the requirements for completing the Focused Initial Study as required by the California Environmental Quality Act (CEQA) and the CEQA Guidelines. The Focused Initial Study includes staff's on-site inspection of the project site and surroundings and a detailed review of the information in the file for the project. In addition, available background information is reviewed for each project. Relevant information regarding soil types and characteristics, geologic information, significant vegetation and/or wildlife resources, water availability, wastewater disposal services, existing land uses and surrounding land use categories and other information relevant to the environmental review process are evaluated for each project. The County Planning Department uses the checklist to summarize the results of the research accomplished during the initial environmental review of the project.

Persons, agencies, or organizations interested in obtaining more information regarding the environmental review process for a project should contact the County of San Luis Obispo Planning Department, 976 Osos Street, Rm. 200, San Luis Obispo, CA, 93408-2040 or call (805) 781-5600.

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IV. BIOLOGICAL RESOURCES

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>Would the project:</i>				
(a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
(e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Regulatory Setting

Federal Laws and Regulations

Bald and Golden Eagle Protection Act

The Bald and Golden Eagle Protection Act (BGEPA) prohibits anyone without a permit issued by the Secretary of the Interior from taking (pursue, shoot, shoot at, poison, wound, kill, capture, trap, collect, molest or disturb) bald or golden eagles, including their parts, nests, or eggs. This includes substantially interfering with normal breeding, feeding, or sheltering behavior. Activities that may result in the take of a bald or golden eagle require permits; the three activities eligible for permits include to remove or relocate an eagle nest; to transport, exhibit, collect, or control eagles or eagle parts, and for incidental take of eagles.

Clean Water Act

The Clean Water Act (CWA) establishes the basic structure for regulating discharges of pollutants into the waters of the United States and regulating quality standards for surface waters. The purpose of the CWA is to restore and maintain the chemical, physical, and biological integrity of all waters of the U.S. Permitting is required for filling waters of the U.S. (including wetlands). Permits may be issued on an individual basis or may be covered under approved nationwide permits.

Endangered Species Act

The Federal Endangered Species Act (FESA) provides the legal framework for the listing and protection of species (and their habitats) identified as being endangered or threatened with extinction. "Critical Habitat" is a term within the FESA designed to guide actions by federal agencies and is defined as "an area occupied by a species listed as threatened or endangered within which are found physical or geographical features essential to the conservation of the species, or an area not currently occupied by the species which is itself essential to the conservation of the species." Actions that jeopardize endangered or threatened species and/or critical habitat are considered a 'take' under the FESA.

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“Take” under federal definition means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct.

Projects that would result in “take” of any federally listed threatened or endangered species, or critical habitats, are required to obtain permits from the USFWS through either Section 7 (interagency consultation with a federal nexus) or Section 10 (Habitat Conservation Plan) of FESA, depending on the involvement by the federal government in permitting and/or funding of the project. Through Section 10, it is required to prepare a Habitat Conservation Plan (HCP) to be approved by the United States Fish and Wildlife Service (USFWS), which results in the issuance of an Incidental Take Permit (ITP). Through Section 7, which can only occur when a separate federal nexus in a project exists (prompting interagency consultation), a consultation by the various federal agencies involved can take place to determine appropriate actions to mitigate negative effects on endangered and threatened species and their habitat.

Migratory Bird Treaty Act

All migratory, non-game bird species that are native to the U.S. or its territories are protected under the Federal Migratory Bird Treaty Act (MBTA) of 1918 (50 C.F.R. Section 10.13), as amended under the Migratory Bird Treaty Reform Act of 2004. MBTA makes it illegal to purposefully take (pursue, hunt, shoot, wound, kill, trap, capture, or collect) any migratory bird, or the parts, nests, or eggs of such a bird, except under the terms of a valid Federal permit. Migratory non-game native bird species are protected by international treaty under the Federal Migratory Bird Treaty Act (MBTA).

State Law and Regulations

California Endangered Species Act

The California Endangered Species Act (CESA), similar to FESA, contains a process for listing of species and regulating potential impacts to listed species. State threatened and endangered species include both plants and wildlife, but do not include invertebrates. The designation “rare species” applies only to California native plants. State threatened and endangered plant species are regulated largely under the Native Plant Preservation Act in conjunction with the CESA. State threatened and endangered animal species are legally protected against “take.” The CESA authorizes the California Department of Fish and Wildlife (CDFW) to enter into a memorandum of agreement for take of listed species to issue an incidental take permit for a state-listed threatened and endangered species only if specific criteria are met.

Section 2080 of the CESA prohibits the take of species listed as threatened or endangered pursuant to the Act. Section 2081 allows CDFW to authorize take prohibited under Section 2080 provided that: 1) the taking is incidental to an otherwise lawful activity; 2) the taking will be minimized and fully mitigated; 3) the applicant ensures adequate funding for minimization and mitigation; and 4) the authorization will not jeopardize the continued existence of the listed species.

California Environmental Quality Act (CEQA)

CEQA defines a “project” as any action undertaken from public or private entity that requires discretionary governmental review (a non-ministerial permittable action). All “projects” are required to undergo some level of environmental review pursuant to CEQA, unless an exemption applies. CEQA’s environmental review process includes an assessment of existing resources, broken up by

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categories (i.e., air quality, aesthetics, etc.), a catalog of potential impacts to those resources caused by the proposed project, and a quantifiable result determining the level of significance an impact would generate. The goal of environmental review under CEQA is to avoid or mitigate impacts that would lead to a “significant effect” on a given resource; section 15382 of the CEQA Guidelines defines a “significant effect” as *a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance. An economic or social change by itself shall not be considered a significant effect on the environment, but may be considered in determining whether the physical change is significant.*

California Native Plant Protection Act

Sections 1900-1913 of the California Fish and Game Code (CFGF) contain the regulations of the Native Plant Protection Act of 1977. The intent of this act is to help conserve and protect rare and endangered plants in the state. The act allowed the CFGF to designate plants as rare or endangered.

Lake and Streambed Alteration

Section 1602 of the CFGF requires any person, state, or local governmental agency to provide advance written notification to CDFW prior to initiating any activity that would: 1) divert or obstruct the natural flow of, or substantially change or remove material from the bed, channel, or bank of any river, stream, or lake; or 2) result in the disposal or deposition of debris, waste, or other material into any river, stream, or lake. The state definition of “lakes, rivers, and streams” includes all rivers or streams that flow at least periodically or permanently through a well-defined bed or channel with banks that support fish or other aquatic life, and watercourses with surface or subsurface flows that support or have supported riparian vegetation.

Nesting Birds

Sections 3503, 3503.5 and 3513 of CFGF states that it is “unlawful to take, possess, or needlessly destroy the nest or eggs of any bird, except as otherwise provided by this code or any regulation made pursuant thereto,” and “unlawful to take, possess, or destroy any birds of prey or to take, possess, or destroy the nest or eggs of any such bird” unless authorized.

Regional Water Quality Control Board

The Regional Water Quality Control Board (RWQCB) not only regulates impacts to water quality in federal waters of the U.S. under Section 401 of the Clean Water Act, but also regulates any isolated waters that are impacted under the state Porter Cologne Act utilizing a Waste Discharge Requirement. Discharge of fill material into waters of the State not subject to the jurisdiction of the USACE pursuant to Section 401 of the Clean Water Act may require authorization pursuant to the Porter Cologne Act through application for waste discharge requirements or through waiver of waste discharge requirements.

Environmental Setting

The project site is undeveloped and located approximately 1.75 miles south of Highway 46. Surrounding land uses include agriculture and rural residences. The site is comprised primarily of mowed non-native grassland, with patches of coyote brush present on the steeper slopes in the

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northwest portion of the parcel. Evidence of Botta's pocket gopher (*Thomomys bottae*) burrows are present on site, however they are not a special status species (Sage Institute, 2025).

Special Status Plants

Based on searches of the CDFW California Natural Diversity Database (CNDDDB) and California Native Plant Society (CNPS) Inventory of Rare and Endangered Plants of California, the following special status plant species were identified within a 5-mile radius of the project site:

- Shining navarretia (*Navarretia nigelliformis ssp. Radians*)

The potential for the shining navarretia (*Navarretia nigelliformis ssp. radians*) has been identified about 2.6 miles southeast of the project site. This annual herb is found in cismontane woodland, valley and foothill grasslands and vernal pool areas between the 200 and 1000-meter elevations (650 to 3,280 feet). The typical blooming period is May-July. The shining navarretia is considered rare by CNPS (List 1B, RED 2-2-3).

Shining navarretia has low potential to occur on the project site since there is no suitable habitat available. This species is found near vernal pools or clay depressions, neither of which are present on the project site (Johnson, 2013). See the discussion on Vernal Pool Fairy Shrimp for more information on vernal pools. Additionally, this plant was not observed within 1 mile of the project site.

Special Status Wildlife

Based on the CNDDDB query, several special-status wildlife species were identified within a 5 mile radius of the project site. However, none of these species were observed within 1 mile of the project site. The following is a list of the species identified:

- Northern California Legless Lizard (*Anniella pulchra*)
- American Badger (*Taxidea taxus*)
- San Joaquin Kit Fox (*Vulpes macrotis mutica*)
- Swainson's Hawk (*Buteo Swainsoni*)
- Northern California legless lizard (*Anniella pulchra*)
- Western Spadefoot (*Spea hammondi*)
- Tricolored Blackbird (*Agelaius tricolor*)
- Vernal Pool Fairy Shrimp (*Branchinecta lynchi*)
- San Joaquin Antelope Squirrel (*Ammospermophilus nelson*)

NORTHERN CALIFORNIA LEGLESS LIZARD (*Anniella pulchra*)

According to the CNDDDB, silvery legless lizard (*Anniella pulchra pulchra*) has been identified about 4.85 miles to the west of the project site. The silvery legless lizard is a federal and California Species of Special Concern. The species inhabits sandy or loose loamy soils under sparse vegetation. The lizard prefers soils with high moisture content.

AMERICAN BADGER (*Taxidea taxus*)

According to the CNDDDB, American badger (*Taxidea taxus*) has been identified about 4 miles to the northeast of the project site. In California, Badgers range throughout the state except for the humid coastal forests of northwestern California (Del Norte and Humboldt Co). Badger populations have

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declined drastically in California within the last century (Grinnell et al., 1937; Longhurst, 1940), where they now survive only in low numbers in peripheral parts of the central valley and adjacent lowlands to the west in eastern Monterey, Mendocino, San Benito and San Luis Obispo counties. In California, Badgers occupy a diversity of habitats. The principal requirements seem to be sufficient food, friable soils, and relatively open, uncultivated ground. Grasslands, savannas, and mountain meadows near timberline are preferred. Badgers prey primarily on burrowing rodents such as Gophers (*Thomomys*), Ground Squirrels (*Spermophilus*, *Ammodontomys*), Marmots (*Marmota*), and Kangaroo Rats (*Dipodomys*). They are predatory specialists on these rodents, although they will eat a variety of other animals, including mice, Woodrats, reptiles, birds and their eggs, bees and other insects, etc.

Deliberate killing probably has been a major factor in the decline of Badger populations with many people regarding them as detrimental to their interests. Cultivation is adverse to Badgers, as they do not survive on cultivated land. Agricultural and urban developments have been the primary causes of decline and extirpation of populations of Badgers in California. Rodent and predator poisoning pose double threats through direct and secondary poisoning of Badgers and elimination of the food Badgers are dependent upon. Shooting and trapping of Badgers for animal "control" is another source of mortality.

SAN JOAQUIN KIT FOX (*Vulpes macrotis mutica*)

The San Joaquin Kit Fox (SJKF) is a wide-ranging grassland and open scrubland species where there are friable soils for burrowing and an abundant rodent prey base. The SJKF often use ground squirrel or other existing small mammal burrows for den sites. The proposed project site and surrounding areas are in SJKF regional movement corridor with recorded observations of SJKF identified by the CNDDDB and other sources. Per CNDDDB review, the nearest SJKF occurrence is approximately 2.5 miles northeast of the site in the Whitley Gardens area, which was observed in 2014.

This CNDDDB SJKF corridor indicates that the SJKF is known within the region and could still use the surrounding lands for movement opportunities. SJKF could also use available potential den sites within the regional corridor for its various life history requirements including protection for shelter, escape, cover, and reproduction. Due to the highly disturbed grassland habitat and relatively developed nature of surrounding land uses (including presence of domestic pets), and lack of ground squirrel or other suitable burrows used within the project site, the site is not considered suitable for SJKF den usage. Focused field reconnaissance of the proposed project site indicated no potential SJKF dens are located within the parcel. The site is situated along a ridgeline and is bound by relatively steep topography and as such, is marginally suitable for SJKF movement opportunities (Sage Institute, 2025). Standard "no take" mitigation measures are sufficient to ensure that no injury or killing of SJKF occurs during project construction and to reduce the potential project effects on SJKF in the event they are moving through the area.

SWAINSON'S HAWK (*Buteo swainsoni*)

According to the CNDDDB, Swainson's hawk (*Buteo swainsoni*) has been identified about 4.3 miles to the northeast of the project site. The species is listed as threatened at the state level. While these hawks were once found throughout lowland California, today they are restricted to portions of the Central Valley and Great Basin regions. Swainson's hawks require large, open grasslands with abundant prey in association with suitable nest trees. Suitable foraging areas include native grasslands or lightly grazed pastures, alfalfa and other hay crops, and certain grain and row croplands. The majority of

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Swainson's hawk territories in the Central Valley are in riparian systems adjacent to suitable foraging habitats. Swainson's hawks often nest in proximity to riparian systems as well as utilizing lone trees or groves of trees in agricultural fields. The loss and conversion of native grasslands and agricultural lands to various residential and commercial developments is the primary threat to Swainson's hawk populations throughout California. Additional threats are habitat loss caused by riverbank protection projects; conversion from agricultural crops that provide abundant foraging opportunities to crops such as vineyards and orchards, which provide fewer foraging opportunities; shooting; pesticide poisoning of prey animals and hawks on foraging and wintering grounds; competition from other raptors; and human disturbance at nest sites.

WESTERN SPADEFOOT (*Spea hammondi*)

According to the CNDDDB, western spadefoot toad (*Spea hammondi*) has been identified about 4 miles to the southwest of the project site. The western spadefoot toad is a federal species of concern, and a California species of special concern. The species occurs primarily in grassland habitats but can be found in valley-foothill hardwood woodlands. Vernal pools are essential for breeding and egg-laying.

A site visit of the project site was made by staff to inspect the project site's topography for the potential to support vernal pool habitat (e.g. low-elevation areas, depressions, natural or man-made ponded areas, etc.). There was no evidence of vernal pools or potential areas for water to pond observed on the project site. The sloping topography and loamy soils in the project area are features that would prevent water from pooling in a manner consistent with the characteristics of vernal pools or seasonal wetlands. Therefore, there is no indication of habitat suitable for supporting Western Spadefoot, or sensitive aquatic animal or plant species associated with vernal pools.

TRICOLORED BLACKBIRD (*Agelaius tricolor*)

According to the CNDDDB, tricolored blackbird (*Agelaius tricolor*) has been identified about 4.3 miles to the south of the project site. The Tricolored Blackbird forages in flocks while walking on the ground, eating mostly insects and seeds. This species has highly social nesting and nests can be densely packed (only 1 or 2 feet apart). They form large colonies of about 50 pairs when they nest and breed throughout mid-April into late July. Tricolored Blackbird breed in emergent wetlands near freshwater within tall dense cattails or tules, and in thickets of willow, blackberry, wild rose and tall herbs- none of which found on or near the project site. Therefore, it is highly unlikely that this species will be impacted by this project.

SAN JOAQUIN ANTELOPE SQUIRREL (*Ammospermophilus nelson*)

The San Joaquin Antelope Squirrel (SJAS) is a small ground-dwelling squirrel that resides in arid grasslands, shrublands and alkali sink habitats of the San Joaquin valley and its adjacent foothills. The diet of SJAS vary depending on what food is available, which includes vegetation, fungi, seeds and more commonly, insects. According to the CNDDDB, the nearest occurrence of SJAS is approximately 3.5 miles away from the project site. Per the Kit Fox Habitat Evaluation, no ground squirrel colonies were found onsite (Sage Institute, 2025). In order to avoid impacts to this species, surveys would be performed prior to ground disturbing activities.

VERNAL POOL FAIRY SHRIMP (*Branchinecta lynchi*)

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According to the CNDDDB, vernal pool fairy shrimp has been identified approximately 4.3 miles northwest of the project site. A site visit of the project site was made by staff on August 14, 2025 to inspect the project site's topography for the potential to support vernal pool habitat (e.g. low-elevation areas, depressions, natural or man-made ponded areas, etc.). There was no evidence of vernal pools or potential areas for water to pond observed on the project site. The topography and loamy soils in the project area are features that would prevent water from pooling in a manner consistent with the characteristics of vernal pools or seasonal wetlands. Therefore, there is no indication of habitat suitable for supporting fairy shrimp, or sensitive aquatic animal or plant species associated with vernal pools.

Discussion

(a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?

The CNDDDB search found special-status plant species nearby, however it was determined that the species are not expected to occur onsite due to lack of habitat (e.g., vernal pools) as a result of the existing subdivision, vegetation maintenance (e.g., weed whacking), and anthropogenic disturbance. As a precaution, mitigations BR-1 through BR-15 have been added to require measures such as contractor training, pre-construction surveys, avoidance and relocation (relocation only for non-listed species), with the implementation of mitigation measures BR-1 through BR-15, impacts on listed species to less than significant with mitigation.

If construction activities are initiated within the nesting bird season, impacts to protected nesting bird could occur. While the project is not proposing any tree removals, there are shrubs onsite and the proximity of construction to offsite trees could affect the behavior of nesting birds. Possible impacts to nesting birds are addressed through mitigation BR-14.

American Badgers are transitory individuals that would likely avoid construction activities. However, due to the potential presence of American Badger, possible impacts are addressed in mitigation measure BR-13.

San Joaquin Kit Fox (SJKF) are unlikely to be present onsite due to the lack of suitable habitat and nearby occurrences. However, the project site is within the County's standard SJKF Mitigation Area, which requires all impacts to SJKF habitat be mitigated at a ratio of three acres conserved for each acre impacted (3:1). The project will result in the permanent disturbance of 0.84-acres of Kit Fox habitat based on the current grading plans being evaluated.

Possible impacts to SJKF habitat have been addressed with mitigation measures BR-1 through BR-12.

(b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?

The proposed project is not located in an area identified as a riparian habitat and is not expected to have a substantial adverse effect on any other sensitive natural community. However, the project is within 100 feet of a mapped blue line stream, and there is potential for sediment and erosion.

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Compliance with existing County Code, including the need for a drainage plan, will minimize potential impacts. Therefore, impacts would be *less than significant*.

(c) *Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?*

The project site does not support state or federal wetlands or other jurisdictional areas. Therefore, the project would not result in an adverse effect on state or federally protected wetlands and *no impacts would occur*.

(d) *Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?*

The project would not result in disturbance to native resident or migratory fish habitat. The project has the potential to interfere with the movement of the San Joaquin Kit Fox, however, using the proposed mitigation measures (BR-1 through BR-12), this interference impacts would be *less than significant with mitigation*.

(e) *Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?*

No oak trees are located on site or adjacent to the parcel. Oak tree impacts and removal are not proposed for this project. Therefore, *no impacts would occur*.

(f) *Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?*

The project is not within or adjacent to a Habitat Conservation Plan area or the Natural Community Conservation Plan. Therefore, *no impacts would occur*.

Conclusion

Upon implementation of mitigation measures BR-1 through BR-15, impacts to biological resources would be less than significant.

Mitigation

San Joaquin Kit Fox Habitat Protection and Mitigation Measures

BR-1 Prior to issuance of grading and/or construction permits, the applicant shall submit evidence to the County of San Luis Obispo, Department of Planning and Building, Environmental and Resource Management Division (County) (see contact information below) which states that one or a combination of the following three San Joaquin Kit Fox mitigation measures has been implemented:

- a. Provide for the protection in perpetuity, through acquisition of fee or a conservation easement of 0.84 acres (0.84 acres of kit fox habitat impacted, at a ratio one acre conserved for each acre impacted) of suitable habitat in the Kit Fox corridor area (e.g. within the San Luis Obispo County Kit Fox habitat area, northwest of Highway 58), either on-site or off-site, and provide for a non-wasting endowment to provide for

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management and monitoring of the property in perpetuity. Lands to be conserved shall be subject to the review and approval of the California Department of Fish and Game (Department) (see contact information below) and the County.

This mitigation alternative (a.) requires that all aspects of this program must be in place before County permit issuance or initiation of any ground disturbing activities.

- b. Deposit funds into an approved in-lieu fee program, which would provide for the protection in perpetuity of suitable habitat in the Kit Fox corridor area located primarily within San Luis Obispo County and provide for a non-wasting endowment for management and monitoring of the property in perpetuity.

Mitigation alternative (b) above, can be completed by providing funds to The Nature Conservancy (TNC) pursuant to the Voluntary Fee-Based Compensatory Mitigation Program (Program). The Program was established in agreement between CDFW and TNC to preserve San Joaquin Kit Fox habitat, and to provide a voluntary mitigation alternative to project proponents who must mitigate the impacts of projects in accordance with the California Environmental Quality Act (CEQA). CDFW has determined that your fee, which is payable to TNC, would total \$2,100. This fee is calculated based on the current cost-per-unit of \$2500 per acre of mitigation, which is scheduled to be adjusted to address the increasing cost of property in San Luis Obispo County; your actual cost may increase depending on the timing of payment. This fee must be paid after the Department provides written notification identifying your mitigation options but prior to County permit issuance and initiation of any ground disturbing activities.

- c. Purchase 0.84 credits in a Department-approved conservation bank, which would provide for the protection in perpetuity of suitable habitat within the Kit Fox corridor area and provide for a non-wasting endowment for management and monitoring of the property in perpetuity.

Mitigation alternative (c) above, can be completed by purchasing credits from the Palo Prieto Conservation Bank, in the amount determined by the CDFW through the evaluation described above. The Palo Prieto Conservation Bank was established to preserve San Joaquin Kit Fox habitat, and to provide a voluntary mitigation alternative to project proponents who must mitigate the impacts of projects in accordance with CEQA. The cost for purchasing credits is payable to the owners of The Palo Prieto Conservation Bank. This fee is calculated based on the current cost-per-credit of \$2500 per acre of mitigation. The fee is established by the conservation bank owner and may change at any time. Your actual cost may increase depending on the timing of payment. Purchase of credits must be completed prior to County permit issuance and initiation of any ground disturbing activities.

BR-2 Prior to issuance of grading and/or construction permits, the applicant shall provide evidence that they have retained a qualified biologist acceptable to the County Division of Environmental and Resource Management. The retained biologist shall perform the following monitoring activities:

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- a. Prior to issuance of grading and/or construction permits and within 30 days prior to initiation of site disturbance and/or construction, the biologist shall conduct a pre-activity (i.e. pre-construction) survey for known or potential Kit Fox dens and submit a letter to the County reporting the date the survey was conducted, the survey protocol, survey results, and what measures were necessary (and completed), as applicable, to address any Kit Fox activity within the project limits.
- b. The qualified biologist shall conduct weekly site visits during site-disturbance activities (i.e. grading, diking, excavation, stock piling of dirt or gravel, etc.) that proceed longer than 14 days, for the purpose of monitoring compliance with required Mitigation Measures BR-3 through BR-12. Site-disturbance activities lasting up to 14 days do not require weekly monitoring by the biologist unless observations of Kit Fox or their dens are made on-site, or the qualified biologist recommends monitoring for some other reason per BR-2-c3. When weekly monitoring is required, the biologist shall submit weekly monitoring reports to the County.
- c. Prior to or during project activities, if any observations are made of San Joaquin Kit Fox, or any known or potential San Joaquin Kit Fox dens are discovered within the project limits, the qualified biologist shall re-assess the probability of incidental take (e.g. harm or death) to Kit Fox. At the time a den is discovered, the qualified biologist shall contact the U.S. Fish and Wildlife Service and the Department for guidance on possible additional Kit Fox protection measures to implement and whether or not a Federal and/or State incidental take permit is needed. If a potential den is encountered during construction, work shall stop until such time the U.S. Fish and Wildlife Service/Department determine it is appropriate to resume work.

If incidental take of Kit Fox during project activities is possible, before project activities commence, the applicant must consult with the U.S. Fish and Wildlife Service and the Department (see contact information below). The results of this consultation may require the applicant to obtain a Federal and/or State permit for incidental take during project activities. The applicant should be aware that the presence of Kit Foxes or known or potential Kit Fox dens at the project site could result in further delays of project activities.

In addition, the qualified biologist shall implement the following measures:

1. Within 30 days prior to initiation of site disturbance and/or construction, fenced exclusion zones shall be established around all known and potential Kit Fox dens. Exclusion zone fencing shall consist of either large, flagged stakes connected by rope or cord, or survey laths or wooden stakes prominently flagged with survey ribbon. Each exclusion zone shall be roughly circular in configuration with a radius of the following distance measured outward from the den or burrow entrances:
 - a. Potential Kit Fox den: 50 feet
 - b. Known or active Kit Fox den: 100 feet
 - c. Kit Fox pupping den: 150 feet

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2. All foot and vehicle traffic, as well as all construction activities, including storage of supplies and equipment, shall remain outside of exclusion zones. Exclusion zones shall be maintained until all project-related disturbances have been terminated, and then shall be removed.
3. If Kit Foxes or known or potential Kit Fox dens are found on site, daily monitoring during ground disturbing activities shall be required by a qualified biologist.

BR-3 Prior to issuance of grading and/or construction permits, the applicant shall put all San Joaquin Kit Fox protection measures required before construction (prior to any project activities) and during construction shall be included as a note on all project plans.

The applicant shall clearly delineate as a note on the project plans, that: "Speed signs of 25 mph (or lower) shall be posted for all construction traffic to minimize the probability of road mortality of the San Joaquin Kit Fox". Speed limit signs shall be installed on the project site within 30 days prior to initiation of site disturbance and/or construction.

In addition, prior to permit issuance and initiation of any ground disturbing activities, conditions BR-3 through BR-12 of the Developer's Statement/Conditions of Approval shall be clearly delineated on project plans.

BR-4 Environmental Awareness Training. Prior to the start of any project activities, an environmental awareness training shall be presented to all personnel by a qualified biologist. The training shall include color photographs and a description of the ecology of all special-status species known or with potential to occur on-site, as well as other sensitive resources requiring avoidance near the project site. The training shall include a description of protection measures required by discretionary permits, an overview of the Federal and State Endangered Species Acts, and implications of noncompliance with these regulations. The biologist shall provide an overview of the required avoidance, minimization, and mitigation measures. A sign-in sheet with the name and signature of the qualified biologist who presented the training and the names and signatures of the environmental awareness trainees shall be kept. A fact sheet conveying the information provided in the environmental awareness training shall be provided to all project personnel and anyone else who may enter the project site. If new personnel join the project after the initial training period, they shall receive the environmental awareness training from the qualified biologist or their designee before beginning work. A qualified biologist shall provide refresher trainings during site visits or other monitoring events.

BR-5 During the site disturbance and/or construction phase, grading and construction activities after dusk shall be prohibited unless coordinated through the County, during which additional Kit Fox mitigation measures may be required.

BR-6 During the site-disturbance and/or construction phase, to prevent entrapment of the San Joaquin Kit Fox, all excavation, steep-walled holes or trenches in excess of two feet in depth shall be covered at the close of each working day by plywood or similar materials or provided with one or more escape ramps constructed of earth fill or wooden planks. Trenches shall also be inspected for entrapped Kit Fox each morning prior to onset of field activities and

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immediately prior to covering with plywood at the end of each working day. Before such holes or trenches are filled, they shall be thoroughly inspected for entrapped Kit Fox. Any Kit Fox so discovered shall be allowed to escape before field activities resume or removed from the trench or hole by a qualified biologist and allowed to escape unimpeded.

- BR-7 During the site-disturbance and/or construction phase,** any pipes, culverts, or similar structures with a diameter of four inches or greater, stored overnight at the project site shall be thoroughly inspected for trapped San Joaquin Kit Foxes before the subject pipe is subsequently buried, capped, or otherwise used or moved in any way. If during the construction phase a Kit Fox is discovered inside a pipe, that section of pipe will not be moved, or if necessary, be moved only once to remove it from the path of activity, until the Kit Fox has escaped.
- BR-8 During the site-disturbance and/or construction phase,** all food-related trash items such as wrappers, cans, bottles, and food scraps generated shall be disposed of in closed/animal proof containers only and regularly removed from the site. Food items may attract San Joaquin Kit Foxes onto the project site, consequently exposing such animals to increased risk of injury or mortality. No deliberate feeding of wildlife shall be allowed.
- BR-9 Prior to, during and after the site-disturbance and/or construction phase,** use of pesticides or herbicides shall comply with all local, state and federal regulations. This is necessary to minimize the probability of primary or secondary poisoning of endangered species utilizing adjacent habitats, and the depletion of prey upon which San Joaquin Kit Foxes depend.
- BR-10 During the site-disturbance and/or construction phase,** any contractor or employee that inadvertently kills or injures a San Joaquin Kit Fox or who finds any such animal either dead, injured, or entrapped shall be required to report the incident immediately to the applicant and County. In the event that any observations are made of injured or dead Kit Fox, the applicant shall immediately notify the County and other responsible agencies (e.g., CDFW and USFWS). In addition, formal notification shall be provided in writing within three working days of the finding of any such animal(s). Notification shall include the date, time, location and circumstances of the incident.
- BR-11 Prior to final inspection, or occupancy, whichever comes first,** should any long internal or perimeter fencing be proposed or installed, the applicant shall do the following to provide for Kit Fox passage:
- a) If a wire strand/pole design is used, the lowest strand shall be no closer to the ground than 12".
 - b) If a more solid wire mesh fence is used, 8" x 12" openings near the ground shall be provided every 100 yards.
 - c) Other fencing as recommended by a County-qualified biologist and approved by the County.

Upon fence installation, the applicant shall notify the County to verify proper installation. Any fencing constructed after issuance of a final permit shall follow the above guidelines.

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BR-12 Throughout the life of the project,

- a) If a SJKF is discovered at any time to be occupying an area within the project boundaries, all work must stop. The County will be notified, and they will consult with other agencies as needed.
- b) To prevent entrapment of SJKF and other special-status wildlife, all excavations, steep-walled holes or trenches greater than two feet deep shall be completely covered at the end of each work day by plywood or similar materials, or one or more escape ramps constructed of earth fill or wooden planks shall be installed a minimum of every 200 feet. All escape ramps shall be angled such that wildlife can feasibly use it to climb out of an area. All excavations, holes, and trenches shall be inspected daily for SJKF or other special-status species and immediately prior to being covered or filled. If a SJKF is entrapped, CDFW, USFWS, and the County will be contacted immediately to document the incident and advise on removal of the entrapped SJKF.
- c) Water sources shall be managed to ensure no leaks occur or are fixed immediately upon discovery in order to prevent SJKF from being drawn to the project area to drink water.
- d) Materials or other stockpiles will be managed in a manner that will prevent SJKF from inhabiting them. Any materials or stockpiles that may have had SJKF take up residence shall be surveyed (consistent with pre-construction survey requirements) by a qualified biologist before they are moved.

American Badger (*Taxidea taxus*) Protection Measures

BR-13 Pre-construction Survey for American Badger. A qualified biologist shall complete a pre construction survey for badgers no less than 14 days and no more than 30 days prior to the start of initial project activities to determine if badgers are present within proposed work areas, in addition to a 200-foot buffer around work areas. The results of the survey shall be provided to the County prior to initial project activities.

- a) If a potential den is discovered, it shall be inspected to determine whether they are occupied. The survey shall cover the entire property and shall examine both old and new dens. The den will be monitored for 3 consecutive nights with an infra-red, motion-triggered camera, prior to any project activities, to determine if the den is being used by an American badger. If potential badger dens are too long to completely inspect from the entrance, a fiber optic scope shall be used to examine the den to the end. Inactive dens may be excavated by hand with a shovel to prevent re-use of dens during construction.
- b) If an active badger den is found, an exclusion zone shall be established around the den. A minimum of a 50-foot exclusion zone shall be established during the non-reproductive season (July 1 to January 31) and a minimum 100-foot exclusion zone during the reproductive season (February 1 to June 30). Each exclusion zone shall encircle the den and have a radius of 50 feet (non-reproductive season) or 100 feet (reproductive season, nursing young may be present), measured outward from the

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burrow entrance. To avoid disturbance and the possibility of direct take of adults and nursing young, and to prevent badgers from becoming trapped in burrows during construction activity, no grading shall occur within 100 feet of active badger dens between February and July. All project activities, including foot and vehicle traffic and storage of supplies and equipment, are prohibited inside exclusion zones. Exclusion zones shall be maintained until all project-related disturbances have been terminated, or it has been determined by a qualified biologist that the den is no longer in use. If avoidance is not possible during project construction or continued operation, the County shall be contacted. The County will coordinate with appropriate resource agencies for guidance.

- c) If more than 30 days pass between construction phases (e.g., vegetation trimming and the start of grading), during which no or minimal work activity occurs, the badger survey shall be repeated.

Nesting Birds Protection Measures

BR-14 Pre-construction Survey for Sensitive and Nesting Birds. If work is planned to occur between February 1 and September 15, a qualified biologist shall survey the area for nesting birds within one week prior to initial project activity beginning, including ground disturbance and/or vegetation removal/trimming. This includes nests of all common bird species (under the MBTA), as well as special status birds and raptor nests. If nesting birds are located on or near the proposed project site, they shall be avoided until they have successfully fledged, or the nest is no longer deemed active.

- a) A 250-foot exclusion zone shall be placed around non-listed, passerine species, and a 500-foot exclusion zone will be implemented for raptor species. Each exclusion zone shall encircle the nest and have a radius of 250 feet (non-listed passerine species) or 500 feet (raptor species). All project activities, including foot and vehicle traffic and storage of supplies and equipment, are prohibited inside exclusion zones. Exclusion zones shall be maintained until all project-related disturbances have been terminated, or it has been determined by a qualified biologist that the young have fledged or that proposed project activities would not cause adverse impacts to the nest, adults, eggs, or young.
- b) If special status avian species (aside from the burrowing owl) are identified and nesting within the work area, no work will begin until an appropriate exclusion zone is determined in consultation with the County and any relevant resource agencies.
- c) The results of the survey shall be provided to the County prior to initial project activities. The results shall detail appropriate fencing or flagging of exclusion zones and include recommendations for additional monitoring requirements. A map of the project site and nest locations shall be included with the results. The qualified biologist conducting the nesting survey shall have the authority to reduce or increase the recommended exclusion zone depending on site conditions and species (if non-listed).

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- d) If two weeks lapse between different phases of project activities (e.g., vegetation trimming and the start of grading), during which no or minimal work activity occurs, the nesting bird survey shall be repeated.

Special-status Small Mammals Protection Measures.

BR-15 Preconstruction Survey for Special-status Small Mammals. Prior to issuance of grading and/or construction permits and within 14 days prior to initiation of site disturbance and/or construction, a qualified biologist shall complete a preconstruction survey for special-status small mammal species (e.g. giant kangaroo rat and Tulare grasshopper mouse) no more than 14 days prior to the start of initial project activities to ensure special-status small mammal species are not present within proposed works areas. The survey will include mapping of all potentially active special-status mammal burrows within the proposed work areas, access routes, and staging areas plus a 50-foot buffer. All potentially active burrows will be mapped and flagged. If avoidance of the burrows is not feasible, the appropriate resource agency shall be contacted for further guidance.

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References

Project Specific Studies

Phase I Cultural Resource Inventory prepared by Albion, dated June 10, 2025

San Joaquin Kit Fox Habitat Evaluation prepared by Sage Institute, dated May 23, 2025

Other County References

Johnson, L. A. 2013. *Navarretia nigelliformis* subsp. *radians*, in Jepson Flora Project (eds.) Jepson eFlora, Revision 1, https://ucjeps.berkeley.edu/eflora/eflora_display.php?tid=51677, accessed on April 14, 2023.

Other Exempt Environmental Factors

Besides a single condition for potentially significant impacts to biological resources, the project meets all other conditions of CEQA Guidelines Sections 15300.2 and 15303 to qualify for a Class 3 Exemption (New Structures). The project will result in the development of a 1,894-square-foot single-family residence with a 528-square-foot attached garage, septic system and associated site improvements in a generally residential area with similarly developed lots. The proposed project does not impact any scenic resources for any officially designated scenic highways. The location of the proposed project is not within any hazardous waste site compiled pursuant to Gov. Code § 65962.5. The proposed project does not involve a substantial adverse change in the significance of a historical resource. A Phase I Cultural Resources Inventory was prepared for the project site, which resulted in no findings of cultural resources (Albion, 2025).

Potential impacts to biological resources were analyzed in the previous section, pursuant to PRC 21080.1. Potential impacts to biological resources are *less than significant with mitigation incorporated*. Other relevant environmental factors listed on the Initial Study checklist have no potential for impacts. The project complies with all applicable County Land Use Ordinance (LUO) standards. No requirements beyond LUO standards need to be applied to this project to reduce impacts to other environmental factors to a less than significant level. Therefore, the project qualifies for a Class 3 Exemption from CEQA (New Structures) for all other environmental factors, pursuant to Section 15303.

Additional Information: Additional information pertaining to this notice of Near Miss Exemption may be found on the next page of this document and by contacting the Planning and Building Department, 976 Osos St., Rm 200, San Luis Obispo, CA 93408 (805) 781-5600.