



Initial Study – Environmental Checklist

Avila Major Grading Permit (GRAD2025-00157 / ED25-0138)

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.

☐ Aesthetics	☐ Greenhouse Gas Emissions	☐ Public Services
☐ Agriculture & Forestry Resources	☐ Hazards & Hazardous Materials	☐ Recreation
☐ Air Quality	☐ Hydrology & Water Quality	☐ Transportation
☒ Biological Resources	☐ Land Use & Planning	☐ Tribal Cultural Resources
☐ Cultural Resources	☐ Mineral Resources	☐ Utilities & Service Systems
☐ Energy	☐ Noise	☐ Wildfire
☐ Geology & Soils	☐ Population & Housing	☐ 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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Planner			
Prepared by (Print)	Signature		Date
Eric Hughes		Principal Specialist	Environmental
Reviewed by (Print)	Signature		Date

A. Project

DESCRIPTION: A request by Samuel Avila for a Major Grading Permit (GRAD2025-00157) to authorize the grading for the construction of a 2,009-square-foot single-family residence, 604-square-foot attached garage, septic system and associated site improvements. The proposed project will result in approximately 29,000 square-feet of site disturbance, including 689 cubic yards (cy) of cut and 641 cy of fill on a 1.0-acre vacant parcel. The proposed project is within the Agricultural land use category and is located at the west end of Fork Horned Place (APN: 015-143-026), approximately 5.2 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 1.0-acre parcel located approximately 5.2 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 west of the site. The topography of the site is hilly. There is an unnamed NHD "blue line" drainage within 300 feet of the project site. Onsite vegetation consists primarily of non-native grasses.

ASSESSOR PARCEL NUMBER(S): 015-143-026

Latitude: 35° 38' 8" N Longitude: 120° 32' 55" 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: 1.0 acres

Topography: Hilly

Vegetation: Ruderal, Non-native Annual Grassland

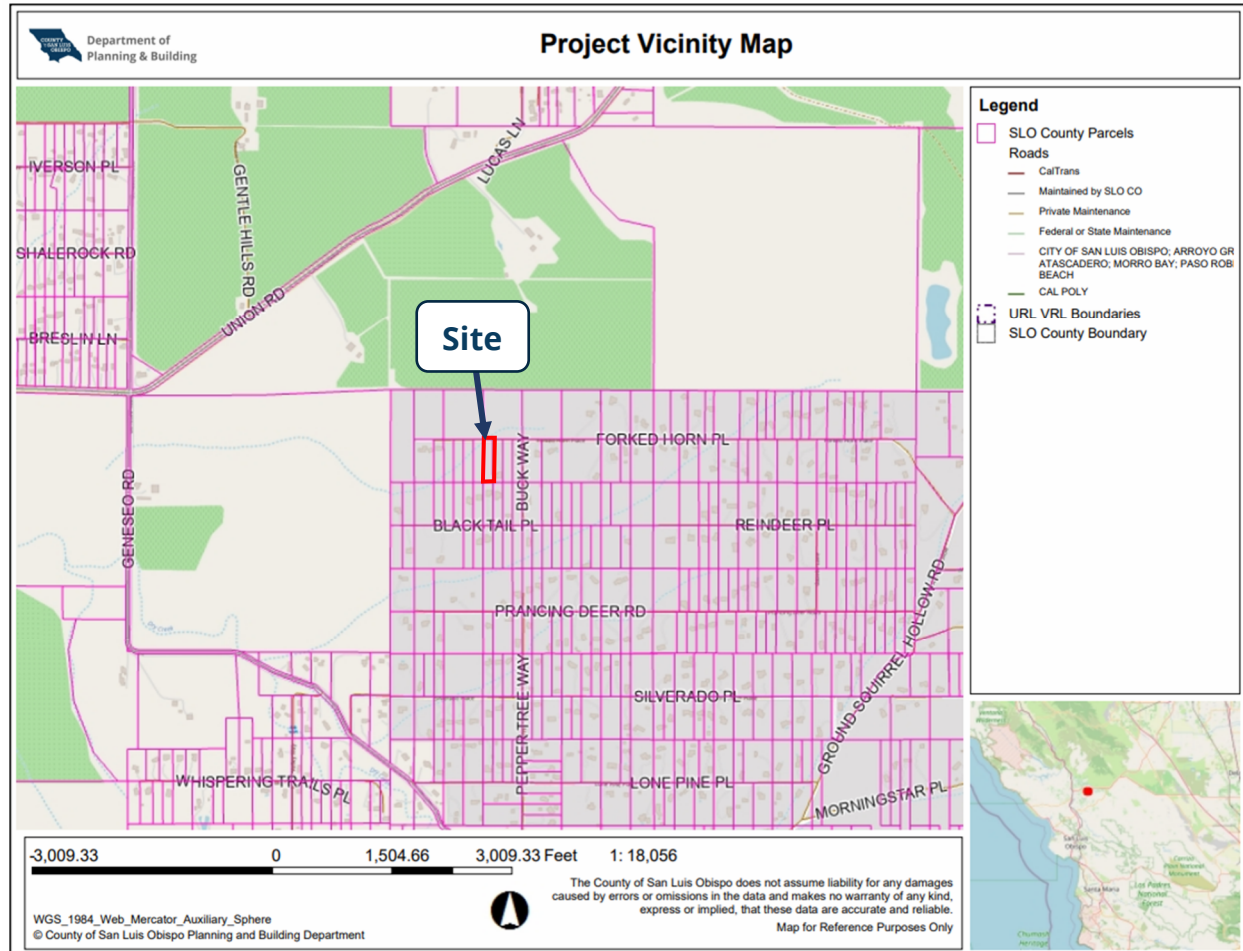
Existing Uses: Undeveloped

Surrounding Land Use Categories and Uses:

North: Agriculture; residence East: Agriculture; residence

South: Agriculture; residence West: Agriculture; vacant

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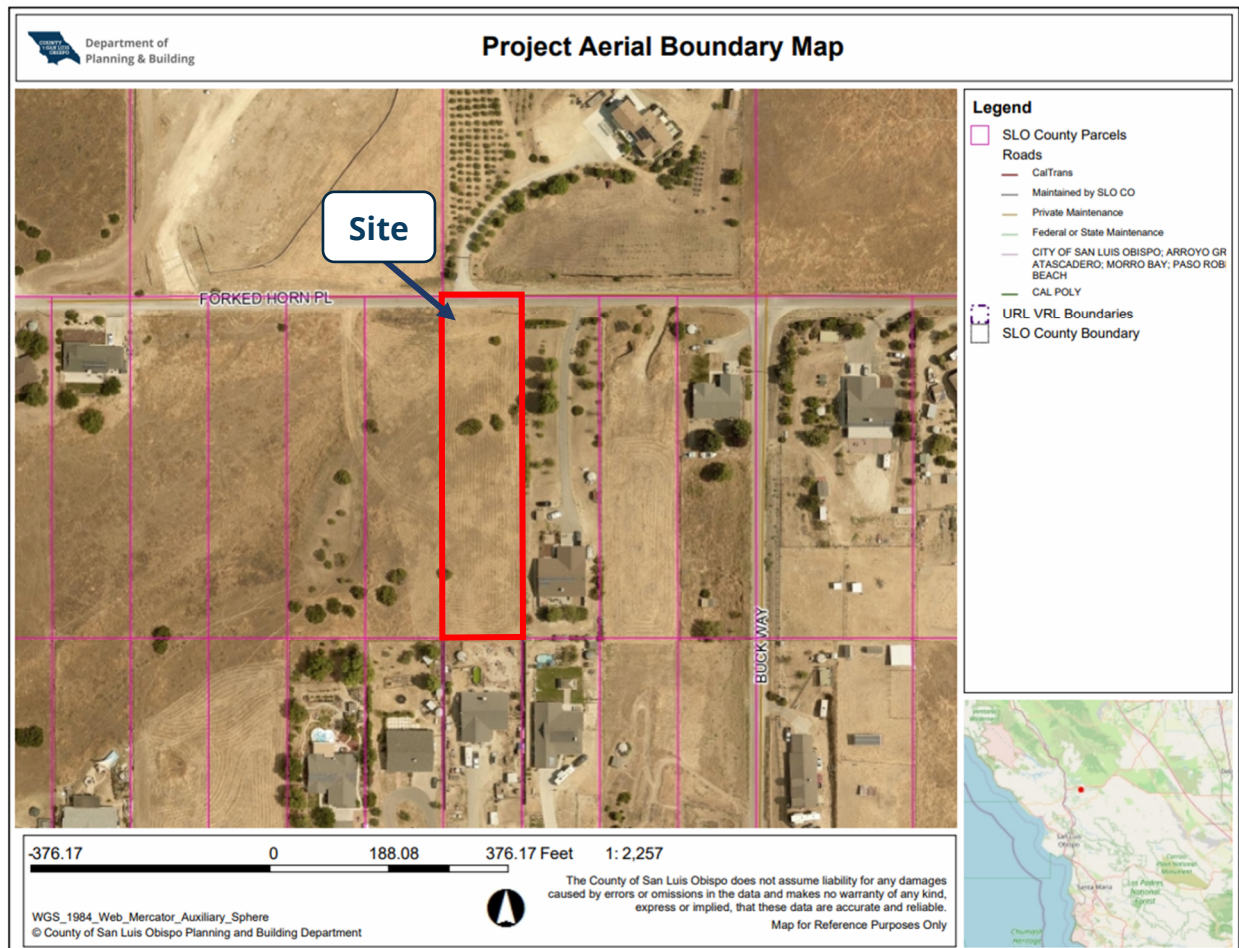


Figure 2 – Project Aerial Boundary Map

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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?	☐	☒	☐	☐
(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?	☐	☐	☒	☐
(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?	☐	☐	☐	☒
(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?	☐	☒	☐	☐

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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?	☐	☐	☐	☒
(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?	☐	☐	☐	☒

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 United States Fish and Wildlife Service (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 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 1.6 miles south of Highway 46. Surrounding land uses include agriculture and rural residences. The site is comprised primarily of non-native grassland that has been regularly mowed since at least 2011. An unnamed, ephemeral tributary of Dry Creek is shown on the National Wetland Inventory as passing through the

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northwestern portion of the site. Based on field analysis, this drainage feature is located offsite and consists of a culvert that runs under Forked Horn Place (KMA, 2025). There are no wetland, riparian, vernal pool or designated critical habitats on or near the site.

CNDDDB Query

The nine-quadrangle CNDDDB query produced a 191-page report identifying sources of special-status species, including 21 plant species and 31 animal species, with no sensitive natural community records. This is a relatively small number compared to other areas of the county and the Central Coast region in general. The scope of the nine-quadrangle query included mountainous areas of the Santa Lucia Range and Camp Roberts, where habitat types occur that are not present in the study area. Species recorded in these areas were excluded from the summary table (Appendix C of the BRA) unless there were records within five miles (see Figures 4 and 5 of the BRA). A number of species were associated with specific soil types (e.g., serpentine, rocky, or sandy) or plant communities (e.g., riparian woodland, chaparral, or oak woodland) that do not occur in the study area. Those species are included in the summary table along with an evaluation of habitat suitability pertaining to onsite conditions. Species that were determined to have Potential to occur in the study area based upon their known range and ecological information, and the existing conditions onsite, are described in further detail below.

Special Status Plants

The evaluation of the background data gathered for this study, coupled with a field survey, determined that the site is not expected to support special-status plant species. The onsite grassland is dominated by weedy species on heavy clay loam soils. Even though the site was mowed at the time of the survey, the predominance of weedy annual grassland species on the property does not provide suitable habitat for the rare plants known to occur in the region. In addition, the development is sited in an area that was historically dry farmed and tilled, and has been impacted by humans for many years. Time-series aerial photography showed regular mowing dating back to at least 2011. While the survey was conducted outside the spring and summer blooming period for many of the rare annual species, the disturbed nature of the site would not provide suitable habitat for the rare plants identified in the background review.

Special Status Wildlife

Based upon background review of special-status species records, the animal species considered to have potential to occur on the property, along with their expected site usage, are detailed in the table provided in Appendix C of the BRA. The listing status, habitat associations, distributional range, and likelihood of occurrence for species recorded in the project vicinity were evaluated in relation to onsite habitat conditions. A map of CNDDDB animal records within five miles of the study area is provided in Figure 5 of the BRA. No special-status animal species were observed during the reconnaissance-level survey. The open, mowed grassland adjacent to existing development provides very limited habitat resources for wildlife species. No small mammal burrows or common grassland species, such as California ground squirrels (*Otospermophilus beecheyi*), were observed during the survey. As a result, there is a low prey base to support larger mammals, snakes, and raptors. In addition, the site is immediately adjacent to existing residential areas with a high level of human activity. The weedy grassland supports very few floral resources (i.e., wildflowers) for insects or food for herbivores, particularly given the prevalence of yellow star-thistle observed onsite and in the surrounding area.

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The BRA determined that only mobile wildlife, primarily birds, would be expected to occur onsite on a transitory basis. No suitable nesting habitat, such as trees or shrubs, was observed onsite, and the lack of a prey base further reduces the potential for raptors to forage in the area. Some aerial foraging by bats could occur; however, the small, rectangular site, which is situated adjacent to existing development is of low value for native wildlife known from the area.

Migratory Birds and Raptors

A few special-status and common bird species protected under the MBTA could occur onsite as transients while moving through the area. The grassland habitat is mowed regularly, which precludes certain grassland nesting species from using the site for breeding activities. Raptors protected under California Fish and Game Code as well as other birds could occur in the region and flyover the project site, but foraging habitat is marginal. Most of the raptor species known from the region are unlikely to occur onsite due to the lack of prey base, proximity to existing development and regular human presence.

San Joaquin Kit Fox

The San Joaquin kit fox (SJKF) is a federally Endangered and state Threatened species. The San Joaquin subspecies historically ranged from the San Joaquin Valley in Kern County north to Tracy, to the Merced River in the east, and west to the Panoche Valley, Salinas River watershed, Carrizo Plain, and upper Cuyama Valley. This species is associated with Valley Sink Scrub, Saltbrush Scrub, Upper Sonoran Subshrub Scrub, and Non-native (Annual) Grassland plant communities, where it favors sparse vegetation and relatively flat terrain. They can also use some types of agricultural lands when there is an adequate prey base, including vineyards and orchards. The prey of SJKF is mainly kangaroo rats, and they also consume rabbits, hares, ground squirrels, mice and insects. They use dens for temperature regulation, shelter, reproduction, and escape from predators. The Carrizo Plain population is the largest remaining, and is one of three existing “core” populations. A “satellite” population historically occurred in the Salinas Valley (i.e., Camp Roberts/Fort Hunter Liggett area), but appears to be extirpated. The USFWS considers the greater Paso Robles/Shandon area to be a corridor for movement between the Salinas Valley and Carrizo populations. Little is known about the movement between the Carrizo Plain and Salinas Valley populations, except that one individual was documented traveling between Camp Roberts and the Carrizo Plain in 1989, and there have been infrequent observations in the area east of Paso Robles. Considerable habitat has been lost in the Paso Robles corridor area as a result of urban and vineyard development, with associated fencing, which can be a barrier to SJKF movement.

The project site is located within the mapped County SJKF habitat area. SJKF was considered unlikely to occur onsite due to the hilly topography, no suitable prey base, unsuitable soils, no dens observed during the site survey, small and disturbed project parcel, human presence (including dogs), and surrounding residential development.

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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 BRA concluded that the project site does not provide suitable habitat for rare or special status plant species. Only mobile wildlife, primarily birds, would be expected to occur onsite on a transitory basis. A few special-status and common bird species protected under the MBTA could occur onsite as transients while moving through the area. Implementation of a preconstruction survey, if work activities are scheduled to start between February 1st and August 31st, and avoidance of active nests, if any are found, will avoid impacts to special status/MBTA protected/nesting bird species (BIO-1).

SJKF are unlikely to occur on site, however, the project will result in approximately 0.73 acres of site disturbance within the mapped County SJKF habitat. The SJKF habitat evaluation form completed by KMA resulted in a score of 56/100 for the project. Therefore, impacts to SJKF will be mitigated at a ratio of 1:1 (one acre conserved for every one acre impacted). Because the project size is less than 40 acres, the applicant may utilize the in-lieu fee program. Implementation of the standard SJKF protection measures (BIO-2) are required and therefore impacts to SJKF are *less than significant with mitigation*.

- (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 site does not contain any riparian habitat or any other sensitive natural community. 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. An unnamed, ephemeral tributary of Dry Creek is shown on the National Wetland Inventory as passing through the northwestern portion of the site. Based on field analysis, this drainage feature is located offsite and consists of a culvert that runs under Forked Horn Place (KMA, 2025). 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, implementation of the proposed mitigation measure (BIO-2), impacts would be *less than significant with mitigation*.

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(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 Natural Community Conservation Plan. Therefore, *no impacts* would occur.

Conclusion

Upon implementation of mitigation measures BIO-1 and BIO-2, impacts to biological resources would be less than significant.

Mitigation

Protected and Nesting Birds

BIO-1 If work activities are scheduled to begin between February 1 and August 31, a qualified biologist shall conduct a preconstruction survey for nesting birds within the project impact area and an appropriate 250-foot buffer, as accessible from public roads and the study area. The survey shall be completed within seven days prior to the initiation of construction activities. During the survey, the qualified biologist shall search for birds exhibiting nesting behavior, attempt to locate their nests, and inspect all potential nest substrates in the survey area. Any nests identified during the survey shall be monitored to determine whether they are active. If no active nests are found, construction activities may proceed. If an active nest is identified, a protective buffer shall be established around the nest (50 feet for common birds and 250 feet for raptors). The buffer area shall be clearly delineated with flagging, and no work activities shall occur within the buffer until the young have fledged and are no longer dependent on the nest, as determined by the qualified biologist. Once nesting has ceased and the young are no longer reliant on the nest, project activities can commence in the buffer zone.

San Joaquin Kit Fox Habitat Protection and Mitigation Measures

BIO-2a. Incorporate measures to avoid impacts on individual SJKF. The following measures summarize the requirements detailed in the County's (2015) *Kit Fox Conditions for Grading and Building Plans*. The full text of these measures shall be printed on all grading and building plans.

- a) The applicant shall retain a County-approved qualified biologist to implement required surveys and monitoring.
- b) The qualified biologist shall conduct a preconstruction den survey within 30 days prior to the initiation of site disturbance activities and shall provide a survey report.
- c) If any San Joaquin kit foxes (SJKF) or potential dens are identified within the project limits, all work shall cease and the U.S. Fish and Wildlife Service (USFWS) and California Department of Fish and Wildlife (CDFW) shall be contacted. The agencies shall provide guidance regarding

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- protective measures and determine whether take authorizations are required. Thereafter, the qualified biologist shall conduct daily monitoring during all ground-disturbing activities.
- d) If any potential dens are identified during the preconstruction survey, no-work exclusion zones shall be established around the den(s).
 - e) The qualified biologist shall prepare and present a Worker Environmental Awareness Program (WEAP) to all project personnel. The program shall detail measures to avoid and minimize impacts on sensitive biological resources, including the SJKF. It should include a description of special-status species potentially occurring on the project site and their natural history; the status of the species under environmental laws and regulations; and, measures being undertaken during the project to avoid and reduce impacts.
 - f) If no potential dens are found during the preconstruction survey and if ground disturbance activities are conducted for more than 14 days, the qualified biologist shall conduct weekly site visits to provide monitoring reports.
 - g) Construction site speed limit shall be posted as 25 mph or lower.
 - h) Project activities shall be limited to daytime hours, and all construction activities must cease at dusk.
 - i) All excavations deeper than two feet deep shall be covered at the end of each workday by plywood or similar materials, or contain earthen escape ramps. Before excavations are filled, they shall be thoroughly inspected for trapped animals.
 - j) All construction materials that SJKF may enter or become trapped in shall be thoroughly inspected before moving or burying, if stored onsite for one or more overnight periods. These materials include pipes, culverts, or similar structures with a diameter of at least 4 inches.
 - k) All food-related trash shall be stored in animal-proof closed containers and removed regularly from the project site.
 - l) If pesticides or herbicides are used, they must be used according to local, state, and federal regulations to prevent secondary poisoning of SJKF.
 - m) If any contractor or employee inadvertently kills or injures a SJKF, or finds a SJKF that is dead, injured or entrapped, the incident shall be reported to the qualified biologist or appointed representative, who will notify the USFWS and County.
 - n) Perimeter fencing shall allow passage of dispersing SJKF.

Additional measures specified in the *Standardized Recommendations for Protection of the Endangered San Joaquin Kit Fox Prior to and During Ground Disturbance* (USFWS, 2011) and *Standard Kit Fox CEQA Mitigation Measures* (County, 2025) shall also be implemented as follows:

- o) Vehicles shall be restricted to established access routes and roadways.
- p) No pets are permitted on the work site.
- q) Sightings of SJKF shall be reported to the CNDDB.

The County may provide additional measures with the Developer's Statement that shall be implemented during the project.

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BIO-2b. Provide mitigation for the loss of SJKF Habitat. Mitigation is required for the loss of potential SJKF habitat, and is calculated as a function of the projects total area of permanent disturbance, which has been estimated at 0.73 acre. The SJKF Habitat Evaluation determined a score of 56 out of 100 (Appendix D of the BRA), equating to a 1:1 mitigation ratio. The CDFW typically reviews the Habitat Evaluation at the County's request to confirm that they are in agreement with the final mitigation ratio. Due to the small size of the property, onsite mitigation would not be possible, and mitigation shall be through payment into the in-lieu program administered by The Nature Conservancy in the amount of \$1,825 (e.g. 0.73 acre of impact x \$2,500/acre = \$1,825) or, by purchasing 0.73 credit in an approved conservation bank in San Luis Obispo County.

BIO-2c. Reporting to the County. The biologist shall submit a report to the County detailing the methods and results of the preconstruction survey and monitoring. The report shall detail any sensitive species found and the measures taken for their avoidance. Observations of special-status of special status species shall be submitted to the CNDDDB and completed copies of field survey forms attached as an appendix to the report.

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References

Project Specific Studies

Phase I Cultural Resource Inventory prepared by Albion, dated October, 2025

Biological Resources Assessment prepared by KMA, dated December 12, 2025

Other County References

County of San Luis Obispo (County). 2015. Kit Fox Conditions for Grading and Building Plans.
Department of Planning and Building

County of San Luis Obispo (County). 2025. County Guide to San Joaquin Kit Fox Mitigation
Procedures under California Environmental Quality Act (CEQA). Department of Planning and
Building.

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 2,009-square-foot single-family residence, 604-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.