



### Initial Study – Environmental Checklist

## Smith Major Grading Permit (GRAD2025-00177 / ED25-0165)

**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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Dane Mueller	<i>Dane Mueller</i>	Planner II	5/21/26
Prepared by (Print)	Signature		Date
Eric Hughes		Current Planning Manager	
Reviewed by (Print)	Signature		Date

### A. Project

**DESCRIPTION:** A request by Jefferey Smith for a Major Grading Permit (GRAD2025-00177) to authorize the grading for the construction of a 1,399-square-foot single-family residence with an 504-square-foot attached garage, septic system and associated site improvements. The proposed project will disturb approximately 25,000 square-feet (0.57 acres) of the 2.02-acre parcel, including 580-cubic-yards of cut and fill. The proposed parcel is within the Agricultural land use category and is located at approximately 50 feet west of the corner of Play Doe Lane and Maverick Way (APN: 015-231-007), approximately 6.5 miles east of the city 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 2.02-acre parcel located approximately 6.5 miles east of the community of Paso Robles. Surrounding land uses consists of residential development on parcels in the Agriculture land use category. The nearest County maintained road is Geneseo Road, approximately 1.25 miles southwest of the site. The topography of the site is moderately sloping. There are no wetlands, riparian habitats or vernal pools on or near the site. The project would affect Non-native Grassland habitat with dense growth of non-native species and a small area of Coyote Brush shrubs. No oak trees are onsite or would be affected by the project.

ASSESSOR PARCEL NUMBER(S): 015-231-007

Latitude: 35° 37' 45.3" N      Longitude: 120° 31' 36.99" W      SUPERVISORIAL DISTRICT # 1

### B. Existing Setting

Plan Area: North County      Sub: El Pomar/Estrella      Comm: NA

Land Use Category: Agriculture

Combining Designation: N/A

Parcel Size: 2.02 Acres

Topography: Moderately Sloping

Vegetation: Grasses, Coyote Brush Scrub

Existing Uses: Undeveloped

Surrounding Land Use Categories and Uses:

North: Agriculture; single-family residence      East: Agriculture; single-family residence

South: Agriculture; Vacant      West: Agriculture; Vacant

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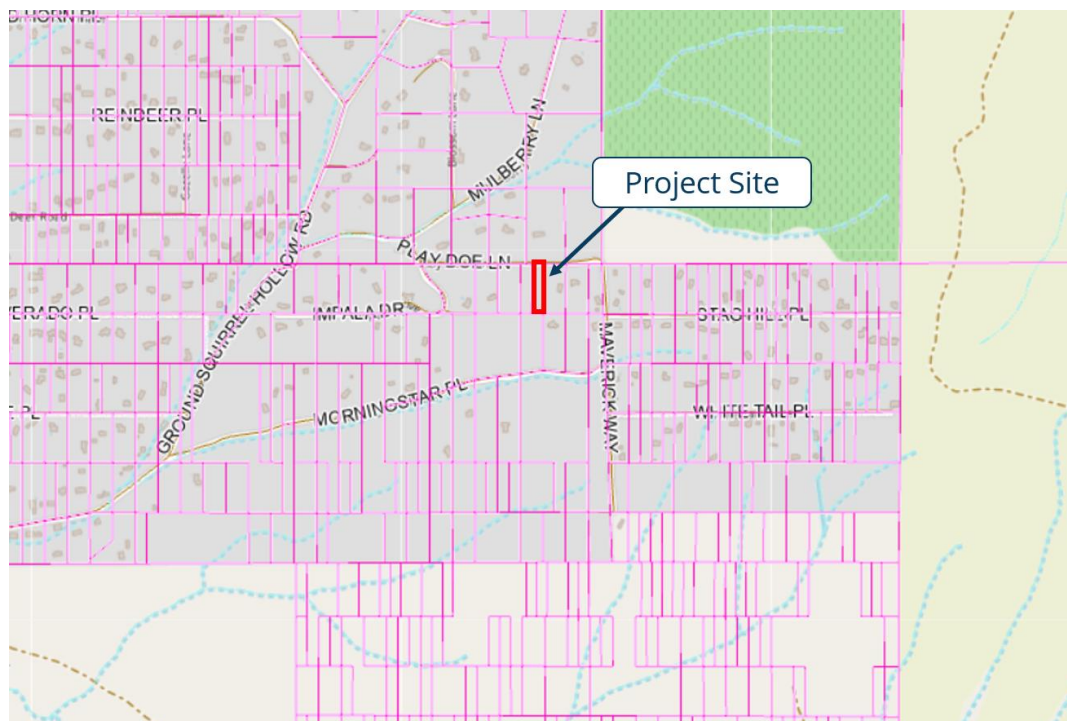


Figure 1 – Project Vicinity Map



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 the Biological Resources section of this report).

#### 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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### BIOLOGICAL RESOURCES (CEQA Appendix G, Section IV)

	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 type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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	<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
(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 (CFGC) 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 CFGC to designate plants as rare or endangered.

### Lake and Streambed Alteration

Section 1602 of the CFGC 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 CFGC 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 1.5 miles south of Highway 46. Surrounding land uses include agriculture and rural residences. There are no wetlands, riparian habitats or vernal pools on or near the site. The project would affect Non-native Grassland habitat

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with dense growth of non-native species and a small area of Coyote Brush shrubs. No oak trees are onsite or would be affected by the project.

The evaluation of the background data coupled with a field survey determined that no special status plants have the potential to occur onsite due to lack of suitable habitat. The grassland onsite is highly degraded and contains a dense cover of non-native invasive species. No special-status animal species were observed during the reconnaissance-level survey. The habitat onsite provides low habitat value and few resources for wildlife species, and only a few small mammal burrows were seen during the survey that could provide a prey base for larger predators. Floral resources were also low, and the invasive plants present reduce the habitat value for native insects. The evaluation determined that the site could support special status bumble bees and nesting birds on a seasonal basis.

A San Joaquin kit fox (SJKF) habitat evaluation was also conducted to determine the appropriate mitigation ratio for the loss 0.57 acre of disturbed grassland in the historic SJKF habitat area. The County currently identifies the site within a 3:1 mitigation area, and the habitat evaluation generated a score of 56 out of 100, which corresponds to a 1:1 mitigation ratio. This is due to the degraded site conditions, proximity to existing development and lack of recent kit fox observations in the area. The SJKF was considered unlikely to occur on the property; however, measures to avoid impacts on SJKF should they be present, are required by the County. Mitigation measures described in this BRA to reduce project effects to bumble bees, nesting birds and the SJKF are provided to ensure no significant impacts to biological resources as defined under CEQA occur from project implementation" (KMA, 2025).

### 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. The property supports a predominance of weedy annual grassland species that form dense thatch, and does not provide suitable habitat for the rare plants known to occur in the region. In addition, the hills in this area were historically dry farmed and tilled, and have been impacted by humans for many years. Time-series aerial photography showed mowing and other areas of site disturbance onsite, which is consistent with the observations made in the field in regards to vegetation composition. 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" (KMA, 2025).

### Special Status Animals

"Based upon [a] background review of special-status species records, the animal species that were considered to have Potential to occur on the property and their expected site usage are summarized below in Table 2 [of the submitted biological resources assessment]. The listing status, habitat associations, distributional range, and evaluation of occurrence of the species recorded in the project vicinity are provided in Appendix D [of the submitted biological resources assessment], and a map of CNDDDB animal records within five miles of the study area is provided in Figure 5 [of the submitted biological resources assessment].

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No special-status animal species were observed during the reconnaissance-level survey. The open mowed grassland adjacent to existing development provides very little habitat resources for wildlife species. Some California ground squirrel (*Otospermophilus beecheyi*) activity was seen during the survey, along with evidence of rabbit (*Sylvilagus* sp.). Therefore, 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 a very low amount of floral resources (i.e., wildflowers) for insects or food for herbivores, especially considering the amount of yellow star thistle observed onsite and in the immediate area. Our analysis determined that only mobile wildlife, such as insects and 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 prey base reduces the potential that raptors would forage onsite. Some aerial foraging by bats could also occur, but the small rectangular acre site proposed for development is situated next to existing development, thereby reducing the habitat value for native wildlife known from the area” (KMA, 2025).

### Designated Critical Habitat

“The study area is not within or near the boundaries of designated critical habitat for any federally listed species (Figure 5). The study area is located outside of Unit 29C of vernal pool fairy shrimp critical habitat that is located on the east side of Paso Robles (USFWS, 2006). Critical habitat has not been designated for the SJKF, but the more hilly terrain is typically not a suitable condition for this more flatland species” (KMA, 2025).

### 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 could also support certain grassland nesting species. 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” (KMA, 2025).

### San Joaquin Kit Fox Habitat Evaluation

“Completion of the SJKF Habitat Evaluation form resulted in a score of 56 out of 100 for the proposed project. This equates to a 1:1 mitigation ratio, which is considerably lower than the 3:1 mitigation ratio shown on the San Joaquin Kit Fox Standard Mitigation Ratio Areas map (County 2007). The total amount of SJKF habitat that would be affected is 0.57 acres. Because the project size is less than 40 acres, the applicant may utilize the in-lieu fee program with the Nature Conservancy or purchase credits from an approved conservation bank (see Mitigation Measure BIO-3 below).

Mitigation measures to avoid any potential effects on the SJKF are recommended because the site falls within the County's SJKF habitat area, and these avoidance and protection measures are detailed in Mitigation Measure BIO-3. This involves implementation of measures to avoid impacts on SJKF detailed in Kit Fox Conditions for Grading and Building Plans (County 2015a), Standardized Recommendations for Protection of the Endangered San Joaquin Kit Fox Prior to and During Ground Disturbance (USFWS 2011), and Guide to San Joaquin Kit Fox Mitigation Procedures under California

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Environmental Quality Act (CEQA) County (2025a). These measures would be sufficient to ensure that no take of SJKF occurs from project implementation pursuant to the FESA, CESA or CEQA" (KMA, 2025).

### *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 background review identified a number of special-status plant and animal species documented from the site vicinity that were evaluated for their potential to occur in the study area. Not all species with potential to occur onsite may be directly or indirectly affected by the project.

Evaluating whether impacts would be significant under CEQA involves an assessment of how each species would use the site relative to its life history, what features may be used, and when they would occur relative to when project activities take place.

The evaluation of the background review and a field survey determined that no rare or special status plants have potential to occur onsite given its disturbed condition (Appendix D of the submitted biological report). The dense growth of non-native grasses and layer of thatch is not suitable habitat for the rare plants known to occur in the region.

Several special-status animal species have potential to occur in the study area at some point in the year or in their life history (Appendix D of the submitted biological report). Our evaluation of the animal species considered to have Potential to occur further separates them into two categories: 1) those that would only use the site periodically while foraging or moving through the site, without using the area for breeding or other key life history traits, and for which there would be no effect or less than significant effects; or 2) those that could be present on a more permanent basis or individuals that are not mobile enough to be able to escape mortality or injury, and in which there may be potentially significant impacts.

Invertebrates and birds that use the site for foraging or on a transitory basis are expected to move away from any temporary disturbance during construction activities. Although disruption of normal activities would be a temporary "effect", the impact would be less than significant under CEQA as long as they are not injured or killed. If an active bird nest was destroyed during vegetation removal, then impacts on nesting birds would be out of compliance with the MBTA and significant under CEQA. There would be no impact on the foraging behavior of special-status bat species because construction activities will be conducted during the day and bats are nocturnal, and no roosting habitat is present onsite.

Our analysis determined that individuals of special-status animal species that could be present on a transitory basis and for which there would be no effect or less than significant effects are species such as the American peregrine falcon, prairie falcon, sharp-shinned hawk, pallid bat and western mastiff bat. The American badger (*Taxidea taxus*) is known to occur in the project area, but the site is located immediately adjacent to existing development and no significant prey base was observed. Therefore, it is unlikely that badgers would occur on the site and be affected by the project. There may be

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potentially significant impacts of the project on the American bumble bee, Crotch's bumble bee, California horned lark, loggerhead shrike, and other nesting birds. Aspects of the natural history of these species that are related to the chance of potential project impacts are as follows.

The **American bumble bee** (*Bombus pensylvanicus*) is considered sensitive within the CNDDDB but has no specific listing status. It inhabits grassland, farmland, and other open areas (NRCS 2021). It is a generalist forager on pollen and nectar from vetches, clovers, thistles, dogwood, dahlias, blazing stars, nightshades, sunflowers (Williams et al. 2014, CDFW 2025a), and other plant species especially in the pea family (Fabaceae). They form annual colonies initiated by the queen in late spring when the queen emerges from an overwintering site with sperm stored from the previous fall. The queen lays eggs on a mass of pollen mixed with nectar. Nests are on the ground surface in clumps of long grass, or occasionally underground within field and meadow margins. Nest sites are within one kilometer of productive foraging areas (NRCS 2021). Workers are produced in the summer, and males are produced from mid-summer to early autumn. New queens mate and feed heavily to build up reserves for overwintering while the rest of the colony dies. The queens overwinter in decaying logs (NRCS 2021). This species could forage or nest onsite, but there is no overwintering habitat. Although foraging bumble bees may be able to behaviorally avoid construction equipment, initial vegetation removal and grading could remove underground nests if those activities coincided with the nesting season.

The **Crotch's bumble bee** (= Crotch bumble bee; *Bombus crotchii*) is a state Candidate species for Endangered status under the CESA. It inhabits grasslands and scrub, particularly in hot and dry areas (The Xerces Society et al. 2018). They are generalist foragers, gathering pollen from a wide variety of flowering plants, and are important pollinators of many agricultural crops (The Xerces Society et al. 2018). The bumble bees have a short tongue and are best suited to foraging open flowers with short corollas, such as plants in the families Leguminaceae, Fabaceae, Apocynaceae, Asteraceae, Lamiaceae, Hydrophyllaceae, Asclepiadaceae and Boraginaceae (Thorpe et al. 1983, Williams et al. 2014, CDFW 2019). The flight period of the queens is from late-February to late- October (Thorpe et al. 1983). The queens create nests underground for their colonies at forest edges or unmowed areas, and they may use rodent burrows (CDFW 2023). Colonies are composed of workers that collect nectar and pollen (late-March to late-October) and males (late-May to early- September) (Thorpe et al. 1983). The queens become inactive during the winter using soft, disturbed soil or leaf litter (The Xerces Society et al. 2018). This species could forage, nest or overwinter onsite. Although foraging bumble bees may be able to behaviorally avoid construction equipment, initial vegetation removal and grading could remove underground nests if those activities coincided with the nesting season or overwintering queens if conducted during the winter.

The **California horned lark**, loggerhead shrike and other common bird species that are protected under the MBTA and California Fish and Game Code could nest on the ground in the Non-native Grassland or the Coyote Brush habitat in the project impact area. If initial site grading is conducted during the nesting season, bird nests could be destroyed or nesting behavior may be disrupted.

Additionally, protected birds and raptors may nest in trees offsite and be in close enough proximity that their behavior may be adversely affected by construction disturbance.

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Although the **San Joaquin kit fox** was considered Unlikely to occur in the study area, avoidance measures are required by the County and CDFW because the site falls within the historic SJKF habitat area (see Section 4.0). SJKF dens are primarily in areas with loose-textured soils, but they will also use areas with a high clay content by modifying burrows constructed by other animals (USFWS 2020). SJKF change dens often, such that numerous dens may be used throughout the year and actively used dens may not always show sign of use. Young are born in dens and are attended by the female while the male provides most of the food for her and the pups (Williams et al. 1998). A survey for SJKF dens and avoidance of any potential dens as well as other protective measures will be required as described below.

The project area is not located within or near designated critical habitat for any federally listed species; therefore, there would be no effect on critical habitat.

*Impact BIO-1. Construction activities could potentially impact special-status bumble bee species. This is a potentially significant but mitigable impact.*

Depending on the season that construction activities are initiated, nests of the American bumble bee and/or Crotch's bumble bee, as well as overwintering Crotch's bumble bees, could be underground within the project disturbance area. Individuals could be killed during vegetation removal and initial grading. As such a pre-activity or pre-construction survey is needed to ensure the project avoids impacts to special status bumble bees. If an active Crotch's bumble bee nest is found during the survey, project activities shall avoid the area until the nest is no longer in use.

Implementation of the mitigation measures detailed in the mitigation summary would avoid project related impacts to special status bumble bees.

*Impact BIO-2. Construction activities may impact nesting of special-status bird species as well as avian species protected under the Migratory Bird Treaty Act and California Fish and Game Code. Mitigation for nesting birds is also required by the County's (2015b) General Plan. These are potentially significant but mitigable impacts.*

If construction activities for any phase of the project are initiated during the nesting season (February 1st to August 31st), impacts on protected nesting birds could occur. Active nests containing eggs and/or young could be killed by construction equipment. Noise and physical disturbance could disrupt nesting behavior in areas adjacent to the project site, causing the adults to abandon the nest or disrupt their nesting behavior. A preconstruction survey and avoidance measures if any active nests are found are required if any phase of construction activities coincides with the nesting season.

Implementation of the mitigation measures detailed in the mitigation summary would avoid project related impacts to special status and common birds potentially nesting in the project area.

*Impact BIO-3. Project implementation could potentially impact the San Joaquin kit fox (SJKF), including direct impacts on individuals and through loss of potential habitat within the migration corridor. This is a potentially significant but mitigable impact.*

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The SJKF may occupy dens within or near project impact areas. If individuals are present in dens that are in the path of construction equipment, they may be killed or injured during the work. They could also occupy dens outside of the impact area, but in close enough proximity to the work that their behavior may be altered by the disturbance. In the event that SJKF have natal dens in the area and the work takes place during the pupping season, construction disturbance could affect the ability of the adults to care for the young. The project must incorporate measures to reduce the chance of impacts on individual SJKF, should they occur within areas affected by project construction.

Maintaining the movement corridor from the Carrizo Plain to Camp Roberts is an important component to the recovery strategy for SJKF, and project sites that fall within the historic geographic distribution of the species are subject to mitigation under CEQA. The County of San Luis Obispo has implemented a permit process for discretionary projects proposed within the SJKF habitat area, which involves measures to avoid impacts on individuals during construction projects, completing a protocol SJKF Habitat Evaluation (included in this BRA) and applying an appropriate mitigation ratio to compensate for the loss of SJKF habitat. These measures are discussed in detail below.

Implementation of Mitigation Measures BIO-1 through BIO-3 would reduce adverse effects on candidate, sensitive or special-status animal species to a less than significant level pursuant to CEQA” (KMA, 2025). Therefore, impacts 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?*

“There is no riparian habitat on or near the site. The Non-native Grassland habitat type that will be disturbed by the project is a semi-natural alliance and is not considered to be a sensitive natural community. The Coyote Brush Scrub alliance does not meet the threshold for being considered sensitive under CEQA. Therefore, there would be no adverse effects on riparian habitat or sensitive natural communities.

A culvert is planned to be installed for the driveway where it crosses a swale. The swale would not be considered to be a jurisdictional feature regulated by the USACE, RWQCB or CDFW because this feature is not relatively permanent, lacks riparian and wetland vegetation, and no defined bed or bank structure is present” (KMA, 2025). Therefore, impacts would be *no impacts would occur*.

*(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?*

“No wetland habitat is present on or near the site, and no vernal pools are present onsite. The site plans include an erosion control plan that would protect offsite aquatic resources. Therefore, *no impacts would occur* to any protected wetlands” (KMA, 2025).

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(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?*

“No fish habitat is present on or near the site. The project area is located adjacent to residential properties within a subdivision, and there is a low degree of connectivity with larger undeveloped parcels in the vicinity. The open grassland and blue oak savanna habitats in the surrounding area could be used for movement of some animal species. The Dry Canyon drainage could be used as a corridor for wildlife movement, but the drainage is highly ephemeral and is located 1.0 mile from the study area. There are no designated open space areas nearby that species would be moving between. The common habitat types onsite do not have any substantial resources to be used as a wildlife nursery area, particularly considering the proximity to adjacent residences in which there is a high degree of human activity” (KMA, 2025). Therefore, there would be *less than significant impacts* to the movement of native fish or wildlife, wildlife corridors and wildlife nursery sites.

(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?*

“No local, regional or state conservation plans, including adopted Habitat Conservation Plans or Natural Community Conservation Plans, have been prepared for the area in which the project is located (Data Basin 2025); therefore, no conflicts with local, regional or state conservation plans would occur from the proposed project” (KMA, 2025). Therefore, *no impacts would occur*.

### *Conclusion*

Upon implementation of BIO-1 through BIO-3 listed in the mitigation summary below, impacts to biological resources would be *less than significant with mitigation*.

### *Mitigation Summary – Biological Resources*

#### **Special Status Bumble Bee and San Joaquin Kit Fox Habitat Protection and Mitigation Measures**

**BIO-1 Conduct a preconstruction survey for bumble bees (1.A).** A qualified biologist shall survey the impact area plus a 50-foot buffer within the limits of the property within one month prior to ground disturbance. The spring is the best survey period when floral resources are at peak bloom. For the Crotch's bumble bee, the highest detection probability period is April to August (CDFW 2023) and this time frame covers the activity period of the American bumble bee. The survey shall be conducted at least one hour after sunrise and at least two hours before sunset, and ideally between 9:00 am and 1:00 pm on warm (65 - 90°F) days with low wind speed (less than 8 mph) (CDFW 2023). Survey effort shall be one person-hour for every three acres of

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suitable habitat impacted. The survey should follow current protocols described by CDFW (2023). A survey report shall be submitted to the County and CDFW as an addendum to this BRA (see Mitigation Measure BIO-8). The report shall include details on the methods of the surveys, photographs of bumble bees, maps of locations where they were found, project disturbance limits, and proposed measures to avoid take (see requirements in CDFW 2023). All sightings of special-status bumble bees shall be submitted to the CNDDDB.

If an active nest is found, the site and a 50 foot buffer should be avoided during construction. The nest site shall be protected until the biologist determines that the nest is inactive. After the nest has been vacated, vegetation can be cleared and the project activities in that area may proceed. Due to the presence of suitable nesting habitat, a biological monitor shall be onsite during vegetation and ground-disturbing activities that take place from February through October (CDFW 2023), as described below. This is also consistent with the SJKF requirements detailed in Mitigation Measure BIO-3.

**Conduct biological monitoring during initial ground disturbance (1.B).** A qualified biologist shall be onsite daily during vegetation removal, grubbing, and initial grading activities that take place from February through October. The monitor shall walk through vegetated areas prior to disturbance and search for bumble bees. If any bumble bee nest is found, project activities shall avoid that area until the biologist has determined the nest is no longer in use. Foraging bumble bees should be observed and ushered away from hazardous work activities.

**BIO-2 Conduct a preconstruction survey for nesting birds and avoid active nests.** If work activities are scheduled to start between February 1<sup>st</sup> and August 31<sup>st</sup>, a qualified biologist shall survey the project impact area plus a 250-foot buffer, as appropriate from public roads and the study area. The survey shall be conducted within seven days before the initiation of construction. 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 shall be monitored to determine if they are active. If no active nests are found, construction may proceed. If an active nest is found, a buffer shall be established around the nest (50 feet for birds and 250 feet for raptors). The buffer shall be delineated with flagging, and no work shall take place within the buffer area until the young have left 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.

**BIO-3 Mitigation Measure BIO-3a: Incorporate measures to avoid impacts on individual SJKF.** The following is a summary of measures that are detailed in the County's (2015a) Kit Fox Conditions for Grading and Building Plans. The full text of the measures specified in that document shall be printed on grading and building plans.

- a) Applicant shall retain a County-approved qualified biologist to implement surveys and monitoring.
- b) The qualified biologist shall conduct a preconstruction den survey within 30 days prior to the initiation of site disturbance and provide a survey report.

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- c) If any SJKF or potential dens are found within the project limits, work shall be halted and the USFWS and CDFW contacted. The agencies shall provide guidance on protective measures to be implemented and whether take authorizations will be needed. Thereafter, the qualified biologist shall conduct daily monitoring during ground disturbing activities.
- d) If any potential dens are found during the preconstruction survey, no-work exclusion zones shall be established around the den(s).
- e) The qualified biologist shall prepare a Worker Environmental Awareness Program that will be presented to all project personnel. This 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) In 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 and 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 2025a) shall also be implemented as follows:

- o) Vehicles shall be restricted to established access routes and roadways.

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- p) No pets are permitted on the work site.
- q) Sightings of SJKF shall be reported to the CNDDDB.

**Mitigation Measure BIO-3b: 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 project's total area of permanent disturbance, which has been estimated at 0.57 acre. The SJKF Habitat Evaluation determined a score of 56 points out of 100 (Appendix D), 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 site onsite mitigation would not be possible, and mitigation shall be through payment into the in-lieu fee program administered by The Nature Conservancy in the amount of \$1,425 (e.g., 0.57 acre of impact x \$2,500/acre =

\$1,425) or, by purchasing 0.57 credits in an approved conservation bank in San Luis Obispo County (County 2025a).

Mitigation Measure BIO-3b will require coordination with the California Department of Fish & Wildlife prior to issuance of any construction permit associated with this approval.

**Mitigation Measure BIO-3c: Reporting to the County.** The biologist shall submit a report to the County detailing the methods and results of the preconstruction survey and monitoring described above. The report shall detail any sensitive species found and the measures taken for their avoidance. Observations of special-status species shall be submitted to the CNDDDB and completed copies of field survey forms attached as an appendix to the report.

### D. References

#### Project Specific Studies

- Phase I Cultural Resource Inventory prepared by Albion Environmental, INC, dated December, 2025;
- Biological Resources Assessment with San Joaquin Kit Fox Habitat Evaluation prepared by Kevin Merk, and Associates dated December 17, 2025;
- Peer Review of submitted Kit Fox Habitat Evaluation by California Department of Fish & Wildlife dated February 20, 2026.

#### 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](https://ucjeps.berkeley.edu/eflora/eflora_display.php?tid=51677), accessed on March 20, 2026.

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### E. 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 grading for the construction of a 1,399-square-foot single-family residence with an 504-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, December 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.