



Initial Study – Environmental Checklist

Hubbard Major Grading Permit (GRAD2025-00168 & GRAD2025-00327 / ED26-0086)

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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Monserath Casillas-Rios



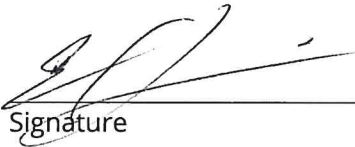
Planner

6/5/2026

Prepared by (Print)

Signature

Eric Hughes

Environmental Coordinator
Principal Environmental
Specialist

Date

6/6/20

Reviewed by (Print)

Signature

Date

A. Project

DESCRIPTION: A request by Cory Hubbard for Major Grading Permits (GRAD2025-00327 and GRAD2025-00168) to authorize the construction of an approximately 1,798 square-foot single-family residence with an approximately 582 square-foot attached garage, 528 square-foot porch, septic system, and support appurtenances (RBLD2025-00525), and the construction of an approximately 2,990 square-foot AG barn (RBLD2025-00296). The proposed project will disturb approximately 1.78 acres of the 20-acre parcel, including 2,378 cubic yards of cut and fill. The proposed parcel is within the Agricultural land use category and is located on North Ryan Road (APN: 043-093-017), approximately 9 miles east of the City of Atascadero. 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 20-acre parcel located 9 miles east of the City of Atascadero. Surrounding land uses consists of residential and agricultural development. The nearest County-maintained road is Ryan Road, that fronts the project site. The site is in a rural setting with vineyards set among rolling hills, and the topography of the site is hilly without generally sloping to any one direction. The property is undeveloped except for an apparent encroachment in its northeastern corner. A majority of the site had been disced in preparation for planting hay. Portions of the site including hillside areas, a swale, a rocky hilltop, and trees and shrubs, were outside of the disced area. The soils throughout the majority of the site are a fine sandy loam, and on the eastern edge there is a hill with shaly, channery loam and calcareous shale bedrock soils. There are no streams, riparian or wetland vegetation, jurisdictional areas, or vernal pools on or near the property.

ASSESSOR PARCEL NUMBER(S): 043-093-017

Latitude: 35.526546° N

Longitude: -120.484655° 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: 20 acres

Topography: Gently rolling

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Vegetation: Ruderal, Grasses, scattered oaks
Existing Uses: Undeveloped
Surrounding Land Use Categories and Uses:
North: Agriculture; single-family residence East: Agriculture; single-family residence
South: Agriculture; vacant West: Agriculture; single-family residence

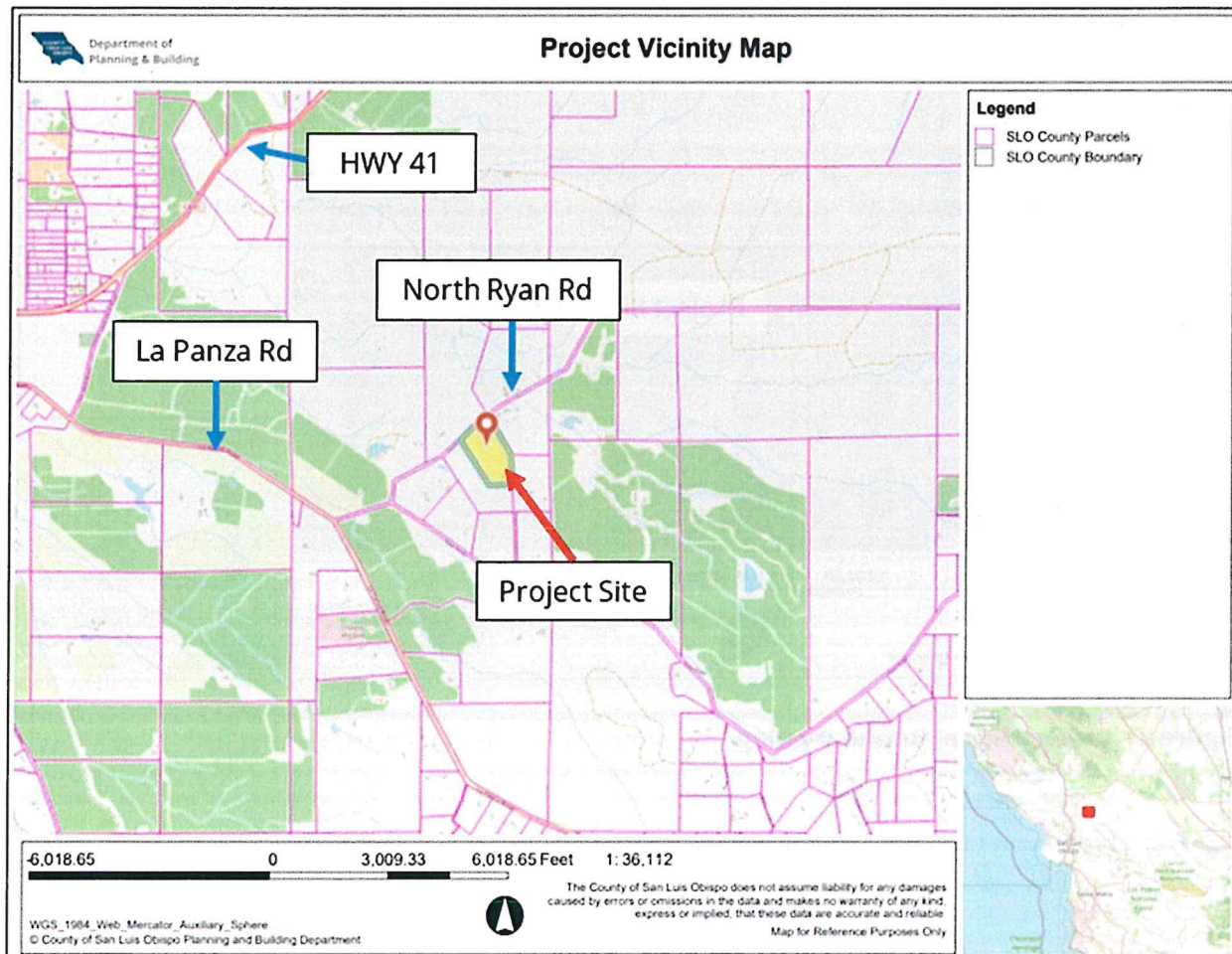


Figure 1 – Project Vicinity Map

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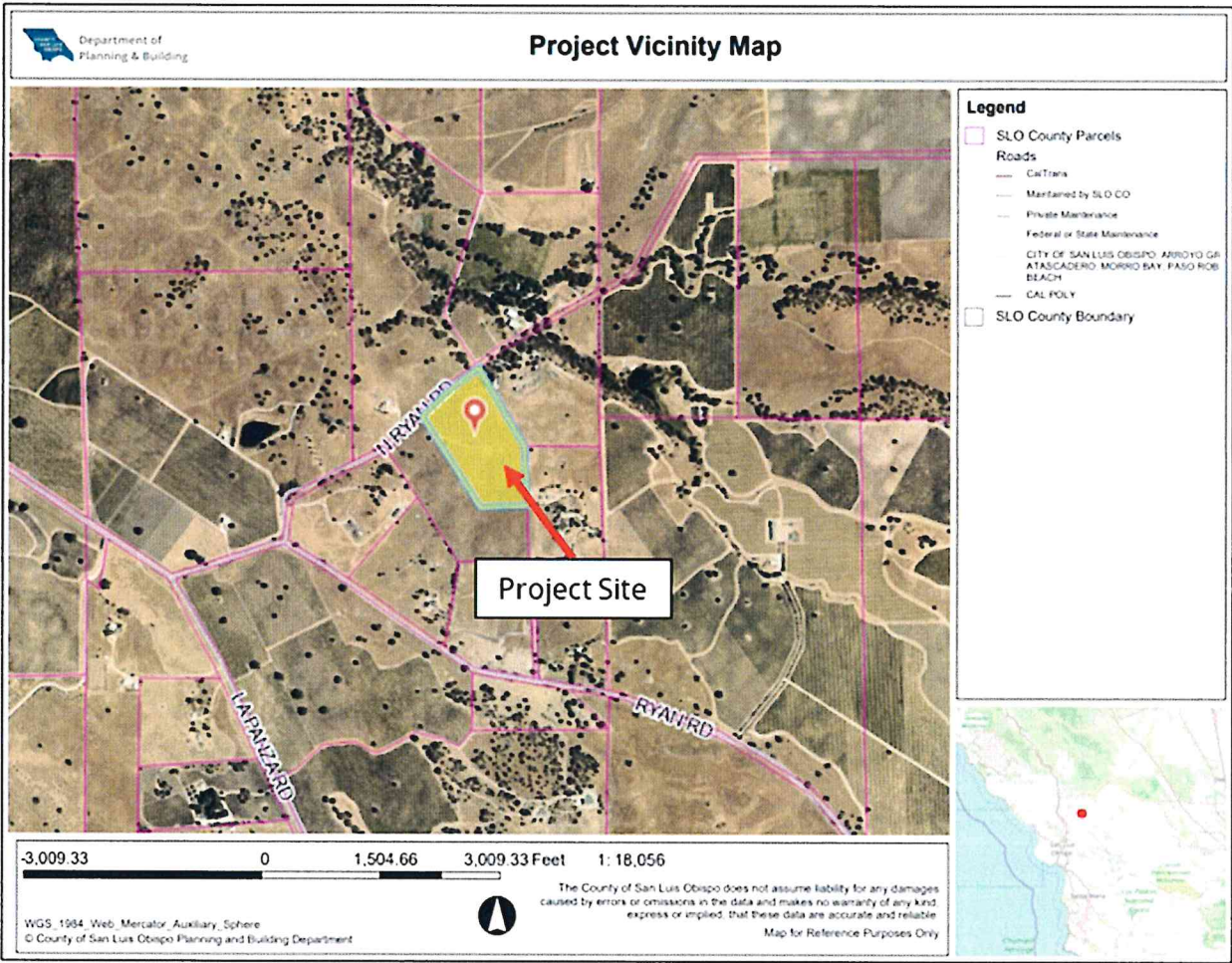


Figure 2 – Project Aerial Boundary Map

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C. Environmental Analysis

Regulatory Background

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

Near Miss Exemption Status/Findings

The project qualifies for a Near Miss Exemption pursuant to PRC 21080.1 because the project will result in the development of a single-family residence and residential accessory structures. 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 USFWS through either Section 7 (interagency consultation with a federal nexus) or Section 10 (Habitat Conservation Plan) of FESA, depending on the involvement by the federal government in permitting and/or funding of the project. Through Section 10, it is required to prepare a Habitat Conservation Plan (HCP) to be approved by the United States Fish and Wildlife Service (USFWS), which results in the issuance of an Incidental Take Permit (ITP). Through Section 7, which can only occur when a separate federal nexus in a project exists (prompting interagency consultation), a consultation by the various federal agencies involved can take place to determine appropriate actions to mitigate negative effects on endangered and threatened species and their habitat.

Migratory Bird Treaty Act

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

State Law and Regulations

California Endangered Species Act

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

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

California Environmental Quality Act (CEQA)

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

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

California Native Plant Protection Act

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

Lake and Streambed Alteration

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

Nesting Birds

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

Regional Water Quality Control Board

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

Environmental Setting

The project area is in a rural setting with blocks of vineyards and single-family residences on large parcels set among rolling hills. Habitat types in the surrounding area are blue/valley oak savanna, blue oak woodland, grassland, and agriculture. The abutting properties to the northwest, north, northeast and southeast are rural residential with a large proportion of undeveloped grassland within the

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parcels. The abutting property to the west and south is under the same ownership as the project area and was mostly barren ground at the time of the survey as it had been disced for planting hay (S.V. Christopher Biological Consulting, 2025).

Special Status Plants

Although a vast majority of the project area had been disced or was substantially disturbed, which precludes the chance of special-status plant species from occurring in those areas, the grassland, woodland and scrub habitats onsite were determined to have the potential to support several rare plant species. The footprint of the barn and residence are located entirely in ruderal or agricultural areas, and no effects on special-status plants are expected from these project elements.

The area where the well, water tank, and electrical power panel are located is a shaly hill vegetated by Non-native Grassland with a relatively higher proportion of native species and bare ground. These conditions are suitable for several of the special-status plant species listed in Table 1.

- Douglas' fiddleneck (*Amsinckia douglasiana*)
- Dwarf calycadenia (*Calycadenia villosa*)
- Elegant wild buckwheat (*Eriogonum elegans*)
- La Panza mariposa-lily (*Calochortus simulans*)
- Lemmon's jewelflower (*Caulanthus lemmonii*)
- Salinas milk-vetch (*Astragalus macrodon*)
- Salinas Valley goldfields (*Lasthenia leptalea*)
- Stinkbells (*Fritillaria agrestis*)
- Straight-awned spineflower (*Chorizanthe rectispina*)
- Yellow-flowered eriastrum (*Eriastrum luteum*)

Additionally, Non-native Grassland and a small amount of Coastal Scrub habitat would be lost during access road improvements to the barn and driveway construction to the residence, and these areas could support special-status plant species. If special-status plant species are present onsite, their populations could be adversely affected by the project. This evaluation determined that in-season, focused botanical surveys are needed to determine whether any special-status plant species may occur in project impact areas and would be directly affected, or may be near the project limits and could be indirectly affected.

Special Status Wildlife

Several special-status animal species have potential to occur in the study area at some point in the year or in their life history (Table 2). The evaluation of the animal species considered to have potential to occur further separates them into two categories: 1) those that would only use the project site periodically while foraging or moving through the area without using the site 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.

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- American bumble bee (*Bombus pensylvanicus*)
- Crotch's bumble bee (*Bombus crotchii*)
- Monarch - California overwintering pop. 1 (*Danaus plexippus Plexippus*)
- Northern California legless lizard (*Anniella pulchra*)
- Bald eagle (*Haliaeetus leucocephalus*)
- California horned lark (*Eremophila alpestris actia*)
- Cooper's hawk (*Accipiter cooperii*)
- Ferruginous hawk (*Buteo regalis*)
- Golden eagle (*Aquila chrysaetos*)
- Great blue heron (*Ardea Herodias*)
- Great egret (*Ardea alba*)
- Lawrence's goldfinch (*Carduelis lawrencei*)
- Lewis's woodpecker (*Melanerpes lewis*)
- Loggerhead shrike (*Lanius ludovicianus*)
- Merlin (*Falco columbarius*)
- Northern harrier (*Circus cyaneus*)
- Nuttall's woodpecker (*Dryobates nuttallii*)
- Oak titmouse (*Baeolophus inornatus*)
- Prairie falcon (*Falco mexicanus*)
- Sharp-shinned hawk (*Accipiter striatus*)
- Swainson's hawk (*Buteo swainsoni*)
- Tricolored blackbird (*Agelaius tricolor*)
- White-tailed kite (*Elanus leucurus*)
- Yellow-billed magpie (*Pica nuttalli*)
- American badger (*Taxidea taxus*)
- Fringed myotis (*Myotis thysanodes*)
- Hoary bat (*Lasiurus cinereus*)
- Pallid bat (*Antrozous pallidus*)
- San Joaquin kit fox (*Vulpes macrotis mutica*)
- Western mastiff bat (*Eumops perotis californicus*)
- Western red bat (*Lasiurus frantzii*)
- Yuma myotis (*Myotis yumanensis*)

INSECTS

The Crotch's bumble bee and American bumble bee are state Candidate species for Endangered status under the CESA. This species inhabits grasslands and scrub, particularly in hot and dry areas (The Xerces Society et al. 2018). 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). 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 when overwintering queens are underground. Therefore, preconstruction surveys and possible impacts are addressed in mitigation measure BR-3.

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The project is potentially within an area known to support the Monarch butterfly. This species is considered a “threatened phenomenon” by the State and “rare” under CEQA Guidelines Section 15380 because of declining availability of winter roosting habitat. Monarchs from west of the Rocky Mountains spend the winter along the California coast. Overwintering sites typically occur in dense, wind-protected tree groves with eucalyptus (*Eucalyptus* spp.), Monterey pine (*Pinus radiata*), and/or Monterey cypress (*Cupressus macrocarpa*) near the coast from northern Mendocino to Baja California (CNDDDB, 2004).

REPTILES

The Northern California silvery legless lizard is a federal and California Species of Special Concern. The species inhabits sandy or loose loamy soils under sparse vegetation. The lizard prefers soils with high moisture content.

BIRDS

The bald eagle, golden eagle, , Cooper’s hawk, Ferruginous hawk, merlin, prairie falcon, sharp-shinned hawk, Swainson’s hawk, white-tailed kite, and other protected raptors could nest in the oak trees outside of the project area and be in close enough proximity that construction disturbance could affect nesting activity, resulting in nest abandonment.

Terrestrial birds, such as the California horned lark, Lawrence’s goldfinch, Lewis’s woodpecker, Nuttall’s woodpecker, oak titmouse, loggerhead shrike, yellow-billed magpie, and other terrestrial bird species could nest within the project’s surrounding habitats, including open grasslands, oak savanna, blue oak and coast live oak woodland, chaparral, and agricultural fields.

Riparian and passerine birds, such as the great blue heron, great egret, tricolored blackbird, and other riparian bird species, could nest within the project’s surrounding habitats, including dense willow thickets, mixed riparian woodland, freshwater marsh edges, and emergent vegetation along perennial and seasonal waterways. Possible impacts are addressed in mitigation measure BR-4.

MAMMALS

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

This CNDDDB SJKF corridor indicates that the SJKF is known within the region and could still use the surrounding lands for movement opportunities. SJKF could also use available potential den sites within the regional corridor for its various life history requirements including protection for shelter, escape, cover, and reproduction. Due to the highly disturbed grassland habitat and relatively developed nature of surrounding land uses (including presence of domestic pets), and lack of ground squirrel or other suitable burrows used within the project site, the site is not considered suitable for SJKF den usage. Focused field reconnaissance of the proposed project site indicated no potential SJKF dens are located within the parcel. The site is situated along a ridgeline and is bound by relatively steep topography and as such, is marginally suitable for SJKF movement opportunities. Standard “no

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take” mitigation measures are sufficient to ensure that no injury or killing of SJKF occurs during project construction and to reduce the potential project effects on SJKF in the event they are moving through the area. Possible impacts are addressed in mitigation measures BR-7 through BR-18.

According to the CNDDB, American badger (*Taxidea taxus*) has been identified about 4 miles to the northeast of the project site. In California, Badgers range throughout the state except for the humid coastal forests of northwestern California (Del Norte and Humboldt Co). Badger populations have declined drastically in California within the last century (Grinnell et al., 1937; Longhurst, 1940), where they now survive only in low numbers in peripheral parts of the central valley and adjacent lowlands to the west in eastern Monterey, Mendocino, San Benito and San Luis Obispo counties. In California, Badgers occupy a diversity of habitats. The principal requirements seem to be sufficient food, friable soils, and relatively open, uncultivated ground. Grasslands, savannas, and mountain meadows near timberline are preferred. Badgers prey primarily on burrowing rodents such as Gophers (*Thomomys*), Ground Squirrels (*Spermophilus*, *Ammospermophilus*), Marmots (*Marmota*), and Kangaroo Rats (*Dipodomys*). They are predatory specialists on these rodents, although they will eat a variety of other animals, including mice, Woodrats, reptiles, birds and their eggs, bees and other insects, etc.

Deliberate killing probably has been a major factor in the decline of Badger populations with many people regarding them as detrimental to their interests. Cultivation is adverse to Badgers, as they do not survive on cultivated land. Agricultural and urban developments have been the primary causes of decline and extirpation of populations of Badgers in California. Rodent and predator poisoning pose double threats through direct and secondary poisoning of Badgers and elimination of the food Badgers are dependent upon. Shooting and trapping of Badgers for animal "control" is another source of mortality. Possible impacts are addressed in mitigation measure BR-6.

The project is potentially within an area known to support the Fringed and Yuma myotis. They are common and widespread over all of California except for the southern deserts. Optimal habitats are open forests and woodlands with sources of water over which to feed. They roost in buildings, mines, caves, or crevices and can be found in maternity groups of thousands.

Additionally, the project is potentially within an area known to support the hoary bat, pallid bat, Western mastiff bat, and Western red bat. These species roosts colonially in caves, mines, crevices, abandoned buildings, grasslands, shrublands, croplands, or streams.

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?

If construction activities are initiated within the nesting bird and bat season, impacts to protected nesting bird and bat species could occur. While the project is not proposing any tree removals, the proximity of construction to offsite trees could affect the behavior of nesting birds. Possible impacts to nesting birds and bats are addressed through mitigation BR-4.

American Badgers are transitory individuals that would likely avoid construction activities. However, due to the potential presence of American Badger, possible impacts are addressed in mitigation measure BR-6.

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San Joaquin Kit Fox (SJKF) are unlikely to be present onsite due to the lack of suitable habitat and nearby occurrences. However, the project site is within the County's standard SJKF Mitigation Area, which requires all impacts to SJKF habitat be mitigated at a ratio of one acre conserved for each acre impacted (1:1). The project will result in the permanent disturbance of 1.78 acres of Kit Fox habitat based on the current grading plans being evaluated.

Possible impacts to SJKF habitat have been addressed with mitigation measures BR-7 through BR-18.

As a precaution, mitigations BR-1 through BR-18 have been added to require measures such as contractor training, pre-construction surveys, avoidance and relocation (relocation only for non-listed species), with the implementation of mitigation measures BR-1 through BR-18 impacts on listed species to *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 is not located in an area identified as a riparian habitat and is not expected to have a substantial adverse effect on any other sensitive natural community. Therefore, impacts would be *less than significant*.

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

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

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

The project would not result in disturbance to native resident or migratory fish habitat. The project has the potential to interfere with the movement of the San Joaquin Kit Fox, however, using the proposed mitigation measures (BR-7 through BR-18), this interference impacts would be *less than significant with mitigation*.

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

No Oak tree impacts and removal are proposed for this project. Therefore, *no impacts* would occur.

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

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

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Conclusion

Upon implementation of mitigation measures BR-1 through BR-18, impacts to biological resources would be less than significant.

Mitigation

Special-Status Plant Species Preconstruction Surveys and Avoidance

BR-1 Prior to start of any project activities, a County-approved, qualified botanist should conduct surveys of the proposed impact area, including all permanent and temporary disturbance areas for the residence and barn, plus a 100-foot buffer. The access road shall also be surveyed plus a 25-foot buffer. The surveys shall take place during the growing season prior to construction and be timed during the blooming periods (February to November) of the species determined to have Potential to occur (Douglas fiddleneck, Dwarf calycadenia, Elegant wild buckwheat, La Panza mariposa-lily, Salinas milk-vetch, Salinas Valley goldfields, Stinkbells, Straight-awned spineflower, Yellow-flowered eriastru). The surveys shall follow the protocols described in Guidelines for Conducting and Reporting Botanical Inventories for Federally Listed, Proposed, and Candidate Plants (USFWS 2000) and Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities (CDFW 2018). At least three site visits should be conducted in order to adequately cover the blooming period of each of the target species. Rainfall conditions during the survey year must be appropriate for normal growth and flowering. The botanist should visit nearby reference populations to confirm that these species are in flower and identifiable at the time of the surveys. The surveys shall be floristic in nature and identify all plant species encountered to a level to determine rarity. Populations of special-status plants species onsite shall be mapped and numbers of individual plants recorded. Any rare plant occurrences within 50 feet of the project impact area (except Rank 4 species) shall be flagged for avoidance and the rare plant avoidance area shall be shown on construction plans. Observations of special-status plant species shall be submitted to the CNDDDB. If construction activities cannot avoid the rare plant occurrences, Measure BR-2 shall be required.

BR-2 Prior to start of any project activities, if project activities cannot avoid rare plant occurrences, a County-approved, qualified botanist shall develop a plan to salvage plants, cuttings and/or collect seed from the disturbance area to be planted into mitigation site(s), or other appropriate habitat outside of the project impact area and any anticipated future uses. During the appropriate season prior to ground disturbance in the project site, individuals of perennial species shall be dug up. If the replanting site is prepared to receive the transplants, they can be planted immediately. Otherwise, the salvaged plants or cuttings can be transferred to containers to be maintained in a horticultural setting. Seed collection is the appropriate method for annual species. Seed shall be collected, cleaned and stored until the replanting site has been prepared or used to revegetate temporarily disturbed areas. Seed can be incorporated into the erosion control native seed mix described in the site plans or grown in containers for transplanting into the mitigation site. Salvaged plants and collected seed shall be planted in similar habitat within a designated mitigation site on the property that

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will be protected in perpetuity. The area of the mitigation site and number of propagules to be planted shall be determined by the County and CDFW and will be based upon the species' rarity ranking, but at minimum shall be 2:1 (mitigation area to impacted habitat area; County 2015a). The qualified biologist shall prepare a compensatory mitigation report to be submitted to the County that details the methods used to collect rare plant propagules, a map of the replanting site(s), site preparation methods, number and area that replanting was conducted, irrigation, maintenance methods during establishment, and appropriate monitoring and final reporting to ensure that mitigation goals have been accomplished.

Crotch's Bumble Bee Preconstruction Surveys and Avoidance

BR-3 Prior to the start of project activities and if work is planned to occur during the flight period of April 1 to September 1, a qualified biologist shall survey for Crotch's bumble bee within the work area 2 weeks prior to the start of initial ground disturbance. If a Crotch's bumble bee nest is observed, no work shall occur within 25 feet of the nest until it is no longer active. If an exclusion buffer is not feasible, the County of San Luis Obispo (County) shall coordinate with the qualified biologist and appropriate resource agencies as applicable for further guidance. If Crotch's bumble bee is found during the active spring and summer period (April 1–September 1), or presence is unknown (e.g., if a survey during the active period was not completed) and work is planned between October 1 and March 31, potential overwintering habitat shall be identified by the qualified biologist and avoided by a minimum of 50 feet. If potential overwintering habitat cannot be avoided, the County shall coordinate with the qualified biologist and appropriate resource agencies as applicable for further guidance. The applicant shall coordinate with appropriate resource agencies for guidance to implement project activities and avoid take of the species or proceed with an Incidental Take Permit. The results of the surveys shall be provided to the appropriate resource agencies prior to initial project activities.

Nesting Birds Preconstruction Surveys and Avoidance

BR-4 If work is planned to occur between February 1 and September 15, a qualified biologist shall survey the area for nesting birds within 1 week prior to activity beginning on-site. If nesting birds are located on or near the proposed project site, they shall be avoided until they have successfully fledged, or the nest is no longer deemed active. A non-disturbance buffer of 50 feet shall be placed around non-listed, passerine species, and a 250-foot buffer will be implemented for raptor species. All activity will remain outside of that buffer until a qualified biologist has determined that the young have fledged or that proposed construction activities would not cause adverse impacts to the nest, adults, eggs, or young. If special-status avian species are identified, no work will begin until an appropriate buffer is determined in consultation with the local CDFW biologist, and/or the USFWS.

Yellow-billed Magpie Preconstruction Surveys and Avoidance

BR-5 A qualified biologist shall conduct a preconstruction survey within 30 days prior to the start of initial project activities. A qualified biologist shall survey the area within a 250-foot buffer from the project site for communal roosts of the yellow-billed magpie. If any are found and roosting behavior may be affected by construction disturbance, the biologist shall consult

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with CDFW on measures to avoid project effects.

Preconstruction Surveys and Avoidance for American Badger

BR-6 A qualified biologist shall conduct a preconstruction survey within 30 days prior to the start of initial project activities, to ensure American badger are not present within proposed work areas. If the qualified biologist determines that a den present on-site may be active, a no-entry exclusion buffer shall be established within 50 feet of the den and the appropriate resource agencies shall be contacted for further guidance. If active dens are found during the breeding and rearing season, no activity shall occur within 200 feet (American badger) of the den without agency guidance and approval. Exclusion buffers shall be prominently flagged and encircle the den. If an exclusion buffer is not feasible, the applicant will contact the County for further guidance prior to initial project activities. The results of the survey shall be provided to the County prior to initial project activities. If construction lapses beyond 30 days from the survey, an additional survey will be required.

San Joaquin Kit Fox Habitat Protection and Mitigation Measures

BR-7 Prior to issuance of grading and/or construction permits, the applicant shall submit evidence to the County of San Luis Obispo, Department of Planning and Building, Environmental and Resource Management Division (County) (see contact information below) which states that one or a combination of the following three San Joaquin Kit Fox mitigation measures has been implemented:

- a. Provide for the protection in perpetuity, through acquisition of fee or a conservation easement of 1.78 acres (1.78 acres of kit fox habitat impacted, at a ratio of 1 acre conserved for each acre impacted) of suitable habitat in the Kit Fox corridor area (e.g. within the San Luis Obispo County Kit Fox habitat area, northwest of Highway 58), either on-site or off-site, and provide for a non-wasting endowment to provide for management and monitoring of the property in perpetuity. Lands to be conserved shall be subject to the review and approval of the California Department of Fish and Game (Department) (see contact information below) and the County.

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

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

Mitigation alternative (b) above, can be completed by providing funds to The Nature Conservancy (TNC) pursuant to the Voluntary Fee-Based Compensatory Mitigation Program (Program). The Program was established in agreement between CDFW and TNC to preserve San Joaquin Kit Fox habitat, and to provide a voluntary mitigation alternative to project proponents who must mitigate the impacts of projects in accordance with the California Environmental Quality Act (CEQA). CDFW has determined that your fee, which is payable to TNC, would total \$4,450. This fee is calculated based on the current cost-per-unit of \$2,500 per acre of mitigation, which

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is scheduled to be adjusted to address the increasing cost of property in San Luis Obispo County; your actual cost may increase depending on the timing of payment. This fee must be paid after the Department provides written notification identifying your mitigation options but prior to County permit issuance and initiation of any ground disturbing activities.

- c. Purchase 1.78 credits in a Department-approved conservation bank, which would provide for the protection in perpetuity of suitable habitat within the Kit Fox corridor area and provide for a non-wasting endowment for management and monitoring of the property in perpetuity.

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

BR-8 Prior to issuance of grading and/or construction permits, the applicant shall provide evidence that they have retained a qualified biologist acceptable to the County Division of Environmental and Resource Management. The retained biologist shall perform the following monitoring activities:

- a. Prior to issuance of grading and/or construction permits and within 30 days prior to initiation of site disturbance and/or construction, the biologist shall conduct a pre-activity (i.e. pre-construction) survey for known or potential Kit Fox dens and submit a letter to the County reporting the date the survey was conducted, the survey protocol, survey results, and what measures were necessary (and completed), as applicable, to address any Kit Fox activity within the project limits.
- b. The qualified biologist shall conduct weekly site visits during site-disturbance activities (i.e. grading, diking, excavation, stock piling of dirt or gravel, etc.) that proceed longer than 14 days, for the purpose of monitoring compliance with required Mitigation Measures BR-9 through BR-18. Site-disturbance activities lasting up to 14 days do not require weekly monitoring by the biologist unless observations of Kit Fox or their dens are made on-site, or the qualified biologist recommends monitoring for some other reason per BR-8c3. When weekly monitoring is required, the biologist shall submit weekly monitoring reports to the County.
- c. Prior to or during project activities, if any observations are made of San Joaquin Kit Fox, or any known or potential San Joaquin Kit Fox dens are discovered within the project limits, the qualified biologist shall re-assess the probability of incidental take

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(e.g. harm or death) to Kit Fox. At the time a den is discovered, the qualified biologist shall contact the U.S. Fish and Wildlife Service and the Department for guidance on possible additional Kit Fox protection measures to implement and whether or not a Federal and/or State incidental take permit is needed. If a potential den is encountered during construction, work shall stop until such time the U.S. Fish and Wildlife Service/Department determine it is appropriate to resume work.

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

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

1. Within 30 days prior to initiation of site disturbance and/or construction, fenced exclusion zones shall be established around all known and potential Kit Fox dens. Exclusion zone fencing shall consist of either large, flagged stakes connected by rope or cord, or survey laths or wooden stakes prominently flagged with survey ribbon. Each exclusion zone shall be roughly circular in configuration with a radius of the following distance measured outward from the den or burrow entrances:
 - a. Potential Kit Fox den: 50 feet
 - b. Known or active Kit Fox den: 100 feet
 - c. Kit Fox pupping den: 150 feet
2. All foot and vehicle traffic, as well as all construction activities, including storage of supplies and equipment, shall remain outside of exclusion zones. Exclusion zones shall be maintained until all project-related disturbances have been terminated, and then shall be removed.
3. If Kit Foxes or known or potential Kit Fox dens are found on site, daily monitoring during ground disturbing activities shall be required by a qualified biologist.

BR-9 Prior to issuance of grading and/or construction permits, the applicant shall put all San Joaquin Kit Fox protection measures required before construction (prior to any project activities) and during construction shall be included as a note on all project plans.

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

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In addition, prior to permit issuance and initiation of any ground disturbing activities, conditions BR-9 through BR-18 of the Developer's Statement/Conditions of Approval shall be clearly delineated on project plans.

- BR-10 Environmental Awareness Training.** Prior to the start of any project activities, an environmental awareness training shall be presented to all personnel by a qualified biologist. The training shall include color photographs and a description of the ecology of all special-status species known or with potential to occur on-site, as well as other sensitive resources requiring avoidance near the project site. The training shall include a description of protection measures required by discretionary permits, an overview of the Federal and State Endangered Species Acts, and implications of noncompliance with these regulations. The biologist shall provide an overview of the required avoidance, minimization, and mitigation measures. A sign-in sheet with the name and signature of the qualified biologist who presented the training and the names and signatures of the environmental awareness trainees shall be kept. A fact sheet conveying the information provided in the environmental awareness training shall be provided to all project personnel and anyone else who may enter the project site. If new personnel join the project after the initial training period, they shall receive the environmental awareness training from the qualified biologist or their designee before beginning work. A qualified biologist shall provide refresher trainings during site visits or other monitoring events.
- BR-11 During the site disturbance and/or construction phase,** grading and construction activities after dusk shall be prohibited unless coordinated through the County, during which additional Kit Fox mitigation measures may be required.
- BR-12 During the site-disturbance and/or construction phase,** to prevent entrapment of the San Joaquin Kit Fox, all excavation, steep-walled holes or trenches in excess of two feet in depth shall be covered at the close of each working day by plywood or similar materials or provided with one or more escape ramps constructed of earth fill or wooden planks. Trenches shall also be inspected for entrapped Kit Fox each morning prior to onset of field activities and immediately prior to covering with plywood at the end of each working day. Before such holes or trenches are filled, they shall be thoroughly inspected for entrapped Kit Fox. Any Kit Fox discovered shall be allowed to escape before field activities resume or removed from the trench or hole by a qualified biologist and allowed to escape unimpeded.
- BR-13 During the site-disturbance and/or construction phase,** any pipes, culverts, or similar structures with a diameter of four inches or greater, stored overnight at the project site shall be thoroughly inspected for trapped San Joaquin Kit Foxes before the subject pipe is subsequently buried, capped, or otherwise used or moved in any way. If during the construction phase a Kit Fox is discovered inside a pipe, that section of pipe will not be moved, or if necessary, be moved only once to remove it from the path of activity, until the Kit Fox has escaped.
- BR-14 During the site-disturbance and/or construction phase,** all food-related trash items such as wrappers, cans, bottles, and food scraps generated shall be disposed of in closed/animal proof containers only and regularly removed from the site. Food items may attract San Joaquin

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Kit Foxes onto the project site, consequently exposing such animals to increased risk of injury or mortality. No deliberate feeding of wildlife shall be allowed.

BR-15 Prior to, during and after the site-disturbance and/or construction phase, use of pesticides or herbicides shall comply with all local, state and federal regulations. This is necessary to minimize the probability of primary or secondary poisoning of endangered species utilizing adjacent habitats, and the depletion of prey upon which San Joaquin Kit Foxes depend.

BR-16 During the site-disturbance and/or construction phase, any contractor or employee that inadvertently kills or injures a San Joaquin Kit Fox or who finds any such animal either dead, injured, or entrapped shall be required to report the incident immediately to the applicant and County. In the event that any observations are made of injured or dead Kit Fox, the applicant shall immediately notify the County and other responsible agencies (e.g., CDFW and USFWS). In addition, formal notification shall be provided in writing within three working days of the finding of any such animal(s). Notification shall include the date, time, location and circumstances of the incident.

BR-17 Prior to final inspection, or occupancy, whichever comes first, should any long internal or perimeter fencing be proposed or installed, the applicant shall do the following to provide for Kit Fox passage:

- a) If a wire strand/pole design is used, the lowest strand shall be no closer to the ground than 12".
- b) If a more solid wire mesh fence is used, 8" x 12" openings near the ground shall be provided every 100 yards.
- c) Other fencing as recommended by a County-qualified biologist and approved by the County. Upon fence installation, the applicant shall notify the County to verify proper installation. Any fencing constructed after issuance of a final permit shall follow the above guidelines.

BR-18 Throughout the life of the project,

- a) If a SJKF is discovered at any time to be occupying an area within the project boundaries, all work must stop. The County will be notified, and they will consult with other agencies as needed.
- b) To prevent entrapment of SJKF and other special-status wildlife, all excavations, steep-walled holes or trenches greater than two feet deep shall be completely covered at the end of each work day by plywood or similar materials, or one or more escape ramps constructed of earth fill or wooden planks shall be installed a minimum of every 200 feet. All escape ramps shall be angled such that wildlife can feasibly use it to climb out of an area. All excavations, holes, and trenches shall be inspected daily for SJKF or other special-status species and immediately prior to being covered or filled. If a SJKF is entrapped, CDFW, USFWS, and the County will be contacted immediately to document the incident and advise on removal of the entrapped SJKF.

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- c) Water sources shall be managed to ensure no leaks occur or are fixed immediately upon discovery in order to prevent SJKF from being drawn to the project area to drink water.
- d) Materials or other stockpiles will be managed in a manner that will prevent SJKF from inhabiting them. Any materials or stockpiles that may have had SJKF take up residence shall be surveyed (consistent with pre-construction survey requirements) by a qualified biologist before they are moved.

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References

Project Specific Studies

Phase I Archaeological Inventory Survey prepared by Cultural Resource Management Services, dated February 2026

Biological Resources Assessment and San Joaquin Kit Fox Habitat Evaluation prepared by Susan V. Christoper, Ph.D., dated January 5, 2026.

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 construction of an approximately 1,798 square-foot single-family residence with an approximately 582 square-foot attached garage, 528 square-foot porch, septic system, and support appurtenances (RBLD2025-00525), and the construction of an approximately 2,990 square-foot AG barn (RBLD2025-00296). 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 (Cultural Resource Management Services, 2026).

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.

