Initial Study – Environmental Checklist

Genco Major Grading Permit (GRAD2025-00176 / ED25-0172)

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.

Focused Initial Study – Environmental Checklist

Jeremy Freund and Blake Maule	Jeremy Freund Blake Maule	Planners	10/2/2026
Prepared by (Print)	Signature		Date
Kerry Brown	Kerry Brown	Supervising Planner	10/2/26
Reviewed by (Print)	Signature		Date

A. Project

DESCRIPTION: A request by Valeria Genco for a major grading permit (GRAD2025-00176) to allow for the construction of a new 793 square foot (sf) accessory dwelling unit, a 520 square foot deck and a new septic system, utility lines, drainage basin, and grading to extend a driveway. The proposed project will result in approximately 24,186 square feet (0.55 Acres) of site disturbance, 541 cubic yards of cut and 541 cubic yards of fill on the 5.00 gross acre parcel, with grading occurring on slopes of up to 20%. The parcel is within the Residential Rural land use category and is located at 1878 Circle B Road in the unincorporated area of Paso Robles, in the Salinas River Sub-area of the North County Planning Area.

Baseline Conditions

The parcel is located approximately 2.25 miles east (and north) of the city of Paso Robles and 0.8-mile north of Highway 46. The nearest cross street is Golden Hills Road located 0.13-mile east of the parcel. The Project area is accessible via an existing paved road (Circle B Road). An existing paved driveway will be extended approximately 200 linear feet and include a County Fire turn around. The Property slopes gently to the north toward a man-made reservoir located in the northern portion of the parcel. The parcel is partially developed in the southern portion with existing residential structures, paved and gravel driveways, a ground-mount solar array, irrigated landscaped areas, and other disturbed and developed areas.

Areas surrounding the parcel include similarly sized developed residential parcels, with areas of agriculture (i.e. vineyards) located in further away areas. Undeveloped areas (i.e. non-agriculture) are located in areas to the northeast, north, and northwest of the parcel, and there is an undeveloped connection of natural habitats between the project site and Huerhuero Creek located approximately 1700 feet north of the parcel. The areas around the existing residential areas of the parcel consists mainly of ornamental tree and shrub species, and with numerous blue oak trees (Quercus douglasii) scattered throughout the parcel. The Property is dominated by non-native annual grassland and blue oak woodland habitats, and disturbed (ruderal) and developed areas, with vegetation consisting of a mix of native and non-native species. The property is mowed annually for fire hazard abatement. Located within the northern portion of the parcel, there is a man-made reservoir that is associated with an unnamed ephemeral channel that flows into Huerhuero Creek approximately 1700 feet north of the parcel.

Focused Initial Study – Environmental Checklist

ASSESSOR PARCEL NUMBER(S): 020-011-044

Latitude: 35.65638° N Longitude: 120.66037° W SUPERVISORIAL DISTRICT # 1

B. Existing Setting

Plan Area: North County Sub: Salinas River Comm: NA

Land Use Category: Residential Rural

Combining Designation: Renewable Energy Overlay

Parcel Size: 5 acres

Topography: Gently sloping

Vegetation: Ruderal, Scattered Oaks

Existing Uses: Single-family residence(s)

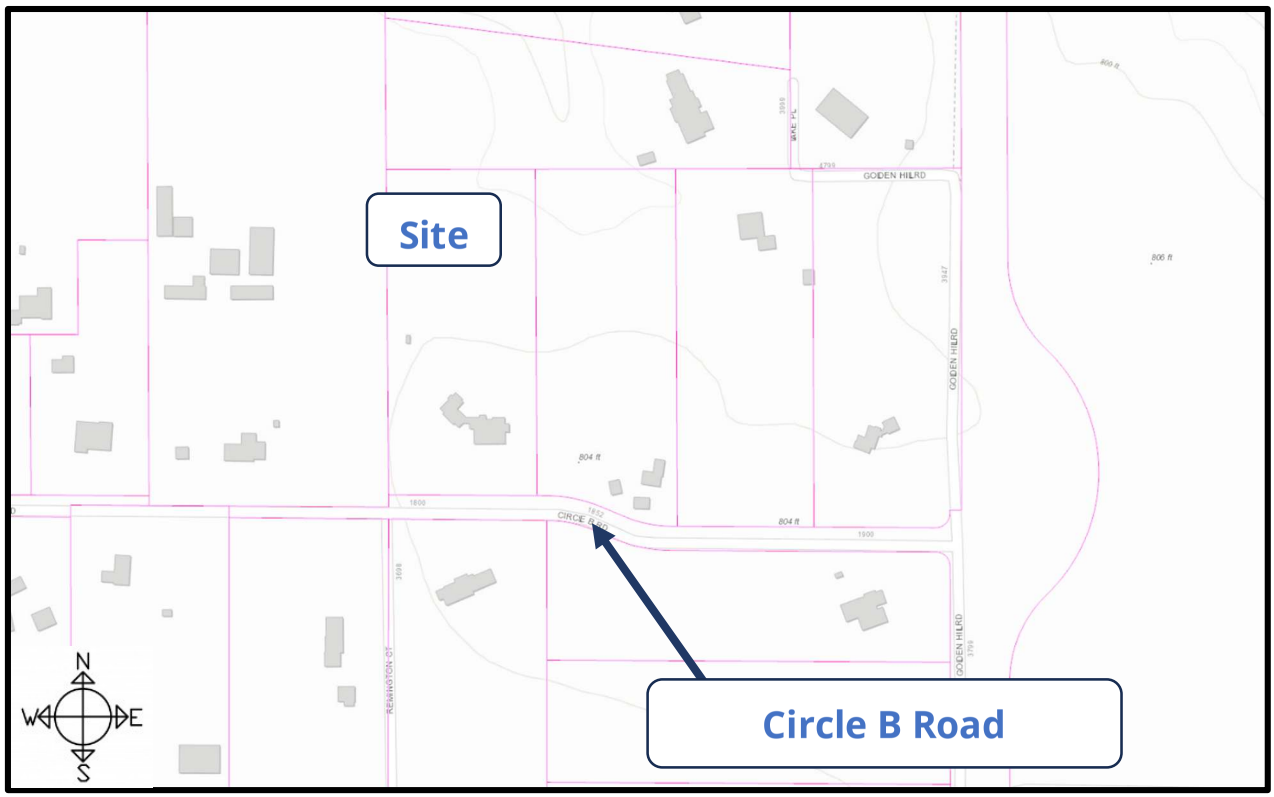
Surrounding Land Use Categories and Uses:

North: Single family residence(s) and Agricultural uses East: Single family residence(s)

South: Single family residence(s) and Agricultural uses West: Single family residence(s)

Focused Initial Study – Environmental Checklist

Figure 1 – Project Vicinity Map



Focused Initial Study – Environmental Checklist

Figure 2 – Project Aerial Boundary Map

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 an accessory dwelling unit. 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.

Focused Initial Study – Environmental Checklist

IV. BIOLOGICAL RESOURCES

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
(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?	☐	☒	☐	☐

		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.

"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

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 located at 1878 Circle B Road in the Paso Robles area of San Luis Obispo County, approximately 2.25 miles east (and north) of the City of Paso Robles and 0.8 mile north of Highway 46. The 5-acre parcel is situated within a semi-rural landscape characterized by residential and commercial development, agricultural lands, and undeveloped natural areas. The 2.95-acre Survey

Area gently slopes north toward a man-made reservoir, with elevations ranging from approximately 768 to 807 feet above sea level. Existing development is concentrated in the southern portion of the parcel and includes residential structures, paved and gravel driveways, a ground-mounted solar array, irrigated landscaping, and other disturbed areas. Vegetation consists primarily of California non-native annual grassland and scattered blue oak woodland, with additional ruderal and developed areas associated with existing uses and access roads. The parcel is routinely mowed for fire hazard abatement. Soils are predominantly Sesame sandy loam on 9 to 30 percent slopes, consisting of moderately deep, well-drained soils derived from weathered granitic material. No natural aquatic or wetland features occur within the Survey Area, however within the northern portion of the parcel, and outside of the Survey Area, there is a man-made reservoir that is associated with an unnamed ephemeral channel that flows into Huerhuero Creek approximately 0.37-mile north of the parcel. No impacts to the manmade reservoir will occur from the proposed residential project.

The surrounding undeveloped areas, particularly to the north, northeast, and northwest, provide habitat connectivity toward Huerhuero Creek, approximately 0.37 mile north of the site. Overall, the Survey Area consists of a previously disturbed, partially developed residential setting with annual grassland, blue oak woodland, ruderal, and developed land cover types. (EAM, 2026).

Special Status Plants

A biological survey of the project site was conducted in November 2025 by Ecological Assets Management, LLC (EAM) biologist Dwayne Oberhoff. Although the survey occurred outside the typical spring blooming period for many special-status plant species, a habitat-based assessment was conducted to evaluate the potential for such species to occur on the site. The survey identified 11 individual Blue oak (Quercus douglasii) on site, no additional native species or listed species were observed on site.

The habitat assessment considered existing habitat types, site conditions, and the known regional distribution of special-status plant species. Based on the results of the biological survey and habitat evaluation, no special-status plant species were observed or are expected to occur within the project area. Therefore, no additional botanical surveys are warranted, and no impacts to special-status plant species are anticipated.

Special Status Wildlife

Based on an analysis of known ecological requirements for the special-status wildlife species reported or known from the region (Appendix C), and the habitat conditions that were observed on the Property, it was determined that nine special status animal species have some potential to occur on the Property. Nine species have a potential to occur on the Property (Cooper's hawk, Burrowing owl, Crotch's bumble bee, White-tailed kite, California horned lark, Loggerhead shrike, Yellow-billed magpie, American badger, and San Joaquin kit fox). The following is a list of the species identified:

- Cooper's hawk (*Accipiter cooperii)*
- Crotch's bumble bee (*Bombus Crotchii)*
- White-tailed kite (*Elanus leucurus)*

- California horned lark (*Eremophila alpestris actia)*
- Loggerhead shrike (*Lanius ludovicianus)*
- Yellow-billed magpie *(Pica nuttalli)*
- Burrowing owl (*Athene cunicularia*)
- American Badger (*Taxidea taxus*)
- San Joaquin Kit Fox (*Vulpes macrotis mutica*)

American Badger *(Taxidea taxus)*

The American badger is a California Species of Special Concern that occurs throughout much of California, except in heavily forested regions. The species generally inhabits dry, open landscapes and requires friable soils suitable for excavating burrows for cover and reproduction. Its primary prey includes fossorial mammals such as California ground squirrels and pocket gophers.

The American badger has been documented within approximately 1 mile of the project site. The Survey Area contains annual grassland and scattered blue oak woodland that could provide suitable foraging habitat, and numerous active California ground squirrel burrows were observed during the November 20, 2025, site survey. These burrows could potentially provide denning or refuge habitat for American badger. However, no badgers or diagnostic sign, including tracks, scat, or other evidence of occupancy, were observed during the survey. Existing residential development, regular mowing for fire hazard abatement, and ongoing site disturbance further reduce habitat suitability. Based on these conditions, the potential for American badger occurrence within the Survey Area is considered low; however, transient use cannot be ruled out, and avoidance and protection measures are recommended prior to and during construction.

Burrowing Owl (*Athene cunicularia)*

The burrowing owl is a California Species of Special Concern and was designated as a Candidate species under the California Endangered Species Act (CESA) in October 2024. This small, ground-nesting owl typically occupies open, dry grassland and scrub habitats and commonly nests and shelters in abandoned burrows, including those excavated by California ground squirrels (Otospermophilus beecheyi).

The Survey Area contains annual grassland and scattered blue oak woodland that could provide suitable foraging habitat for burrowing owl. Numerous active California ground squirrel burrows were observed during the November 20, 2025, site survey and could provide potential nesting or refuge habitat. However, the observed burrows were actively occupied by California ground squirrels, and no burrowing owls or diagnostic evidence of their presence, including tracks, feathers, pellets, or other sign, were observed. The Survey Area has also been subject to ongoing residential development and regular mowing for fire hazard abatement, which reduces habitat quality. Although burrowing owls are not currently known to occupy the Survey Area, the presence of potentially suitable burrows and annual grassland habitat indicates that transient or future use cannot be ruled out. Accordingly, the potential for occurrence is considered low, and avoidance and protection measures are recommended to prevent impacts should burrowing owls establish or occupy the site prior to construction.

California Horned Lark (*Eremophila alpestris actia*)

The California horned lark is a California Watch List species associated with open, sparsely vegetated habitats, including grasslands, agricultural areas, and disturbed landscapes. The annual grassland within the Survey Area provides potentially suitable foraging habitat and may provide nesting opportunities in areas with sufficiently low and open vegetation. However, regular mowing for fire hazard abatement and existing residential development reduce habitat suitability. No California horned larks or active nests were observed during the November 20, 2025 site survey. Based on the available habitat and existing disturbance, the potential for occurrence is considered low to moderate, primarily as a transient or foraging species. Avoidance and protection measures for nesting birds are recommended during project construction.

Cooper's Hawk *(Accipiter cooperii*)

The Cooper's hawk is a California Watch List species that generally inhabits wooded and semi-open habitats where it can nest in trees and forage on birds and small mammals. The blue oak woodland and scattered mature trees within the Survey Area provide potentially suitable nesting and foraging habitat. No Cooper's hawks or active nests were observed during the November 20, 2025 site survey. Although the existing residential development, regular mowing, and ongoing site disturbance reduce habitat quality, individual Cooper's hawks could forage or nest in the vicinity of the project. Therefore, the species has a low potential to occur within the Survey Area, primarily as a transient or foraging species. Avoidance measures for nesting birds and raptors are recommended if project activities occur during the nesting season.

Crotch's Bumble Bee (*Bombus crotchii*)

Crotch's bumble bee is a candidate for listing under the California Endangered Species Act (CESA) and is associated primarily with grassland and shrubland habitats in warm, dry environments. The species nests underground, including in abandoned rodent burrows, and relies on flowering plants for forage. Four documented occurrences are located within approximately 2.3 miles of the Survey Area, including three occurrences within 1 mile. The Survey Area contains annual grassland that could provide suitable foraging and nesting habitat, and numerous active California ground squirrel burrows were observed during the November 20, 2025 site survey. Although no Crotch's bumble bees were observed during the survey, the presence of suitable grassland and potential nesting cavities indicates that the species could occur on or adjacent to the project site. Accordingly, the potential for occurrence is considered moderate, and avoidance and protection measures are recommended to minimize potential impacts to the species and its habitat

Loggerhead Shrike (*Lanius ludovicianus*)

The loggerhead shrike is a California Species of Special Concern that generally occurs in open habitats, including grasslands, savannas, shrublands, and agricultural areas, where it forages for insects and small vertebrates. The annual grassland and scattered blue oak trees within and adjacent to the Survey Area provide potentially suitable foraging and nesting habitat. No loggerhead shrikes or active nests were observed during the November 20, 2025 site survey. The site's existing residential development, regular mowing, and ongoing disturbance reduce the overall quality of available habitat; however, suitable habitat remains present in portions of the Survey Area and

surrounding properties. The potential for occurrence is considered low to moderate, and avoidance measures are recommended to prevent disturbance to nesting birds during construction.

San Joaquin Kit Fox (*Vulpes macrotis mutica*)

The San Joaquin kit fox is a federally Endangered and state Threatened species. It occurs in grasslands, sparse shrublands, and some agricultural areas where there is flat terrain. The subject property is located within the limits of the historic range of the San Joaquin kit fox movement corridor and sits between the satellite populations in Cholame Valley and Camp Roberts. No potential dens or San Joaquin kit fox signs were seen during the site surveys, but the soils are friable and could be suitable for dens. The project site is surrounded by contiguous suitable habitat, but sparse residential development does occur in the area. Since suitable habitat exists on site, if a population occurs in the vicinity, the chance for transient individuals to occur on-site periodically cannot be ruled out.

Construction of the proposed project would have the potential to cause direct and indirect impacts to San Joaquin kit fox. Direct impacts to San Joaquin kit fox may occur as a result of construction-related activities, including take resulting from burial of kit fox dens in the project disturbance area that may be excavated and occupied prior to initiation of project activities, and potential project-associated vehicle strikes. Indirect impacts may occur to kit foxes potentially occupying the study area beyond the project disturbance area during long-term project activities, including increased light pollution and restriction of movement across the project site. Mitigation Measures BR-2 through BR-8 have been identified to require completion of a preconstruction survey for signs of San Joaquin kit fox and implementation of standard measures to avoid and minimize all potential impacts to San Joaquin kit fox during site disturbance and construction activities on-site.

Establishment of the proposed project would have the potential to result in direct impacts to San Joaquin kit fox. Mitigation Measures BR-9, BR-7 and BR-11 have been identified to require limited use of herbicides to avoid secondary poisoning of San Joaquin kit fox modification of permanent fencing to allow for kit fox passage, and location and design of permanent lighting to avoid illumination of habitat areas outside of the project area.

Implementation and operation of the proposed project would also result in conversion of approximately 0.27 acres of suitable San Joaquin kit fox habitat. Due to the project's location within the 2:1 County-designated San Joaquin kit fox habitat mitigation area, implementation of mitigation measures pursuant to the *County Guide to* San Joaquin kit fox *Mitigation Procedures under the California Environmental Quality Act (CEQA)* would be required. Therefore, the project would be required to implement compensatory mitigation for 0.54 acres (Mitigation Measures BR-1).

Mitigation for conversion of San Joaquin kit fox habitat must be fulfilled by contribution to the preservation of habitat through a conservation easement agreement, compensation to a predetermined mitigation bank, or payment of an in-lieu fee to the San Francisco office of The Nature Conservancy, as detailed below under Mitigation Measure BR-1. Lastly, Mitigation Measure BR-2 has been identified to conduct pre-activity surveys of the project site to ensure San Joaquin kit fox and other special-status small mammal species have not colonized the area and Mitigation Measure BR-11 has been identified to require any long-term perimeter fencing to be reviewed by the Planning Department. Upon implementation of the mitigation measures detailed below, potential impacts to San Joaquin kit fox would be reduced to less than significant.

White-tailed Kite (*Elanus leucurus*)

The white-tailed kite is designated as a Fully Protected species under the California Fish and Game Code. The species typically nests in trees and forages over open grasslands and other areas supporting small mammal prey. The Survey Area contains scattered blue oak trees that could provide suitable nesting habitat, while the annual grassland provides potentially suitable foraging habitat. No white-tailed kites or active nests were observed during the November 20, 2025 site survey. Given the availability of suitable nesting and foraging habitat, the species could occur in the general vicinity of the project site, although existing development and regular mowing reduce the quality and continuity of available habitat. The potential for occurrence within the Survey Area is considered low to moderate. Avoidance measures are recommended to protect nesting birds and prevent disturbance if project activities occur during the nesting season.

Yellow-billed Magpie (*Pica nuttalli*)

The yellow-billed magpie is a California Special Animal associated primarily with open oak woodland, savanna, agricultural areas, and other landscapes containing mature trees and adjacent open foraging areas. The scattered blue oak trees and annual grassland within the Survey Area provide potentially suitable nesting and foraging habitat. No yellow-billed magpies or active nests were observed during the November 20, 2025 site survey. The presence of mature blue oaks provides some habitat value; however, the parcel's existing residential development, regular mowing, and disturbed conditions limit habitat suitability. The potential for occurrence is considered low to moderate, and avoidance and protection measures are recommended to address the potential for nesting birds during construction.

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?

Special-status plant species are not expected to occur onsite due to the lack of suitable habitat, ongoing vegetation maintenance (e.g., weed whacking), and existing anthropogenic disturbance. As a precaution, mitigation measures BR-1 through BR-23 have been incorporated, requiring actions such as contractor training, pre-construction surveys, and avoidance and relocation measures (relocation limited to non-listed species). With implementation of mitigation measures BR-1 through BR-23, impacts to listed species would be *reduced to less than significant.*

If construction activities occur during the nesting bird season, impacts to protected nesting birds could occur. Although no tree removal is proposed, shrubs are present onsite and construction activities in proximity to offsite trees could affect nesting bird behavior. Potential impacts to nesting birds are addressed through mitigation measure BR-15.

American badgers are considered transitory in the area and would likely avoid construction activities. However, due to the potential for occurrence, possible impacts are addressed through mitigation measure BR-13.

San Joaquin kit fox (SJKF) are unlikely to occur onsite due to the lack of suitable habitat and nearby occurrences. However, the project site is located within the County's standard SJKF Mitigation Area, which requires impacts to SJKF habitat to be mitigated at a ratio of two acres conserved for each acre impacted (2:1). The project would result in the permanent disturbance of approximately 0.54 acres of SJKF habitat based on the current grading plans. Potential impacts to SJKF habitat are addressed through mitigation measures BR-1 through BR-12.

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

The proposed project is not located in an area identified as a riparian habitat and is not expected to have a substantial adverse effect on any other sensitive natural community. The project is not within 100 feet of a mapped blue line stream, however there is a nearby manmade reservoir, and there is not potential for sediment and erosion. Compliance with existing County Code, including the need for a drainage plan, will minimize potential impacts. Therefore, impacts would be *less than significant*.

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

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

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

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

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

Eleven mature blue oak trees are located on the site and would be potentially impacted by the proposed construction. The project would be subject to the County's standard oak tree replacement and mitigation measures (BR-17 through BR-23), which are intended to address impacts to protected oak trees. With implementation of these standard County mitigation measures, the project would not conflict with applicable local policies or ordinances protecting biological resources, and impacts would be *less than significant with mitigation.*

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

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

Conclusion

Upon implementation of mitigation measures BR-1 through BR-23, impacts to biological resources would be less than significant.

Mitigation

San Joaquin Kit Fox Habitat Protection and Mitigation Measures

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

a. Provide for the protection in perpetuity, through acquisition of fee or a conservation easement of 0.54 acres (0.27 acres of kit fox habitat impacted, at a ratio of 2 acres 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 $1,350. This fee is calculated based on the current cost-per-unit of $2500 per acre of mitigation, which is scheduled to be adjusted to address the increasing cost of property in San Luis Obispo County; your actual cost may increase depending on the timing of payment. This fee must be paid after the Department provides written notification identifying your mitigation options but prior to County permit issuance and initiation of any ground disturbing activities.

c. Purchase 0.54 credits in a Department-approved conservation bank, which would provide for the protection in perpetuity of suitable habitat within the Kit Fox corridor

area and provide for a non-wasting endowment for management and monitoring of the property in perpetuity.

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

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

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, disking, excavation, stock piling of dirt or gravel, etc.) that proceed longer than 14 days, for the purpose of monitoring compliance with required Mitigation Measures BR-3 through BR-12. Site- disturbance activities lasting up to 14 days do not require weekly monitoring by the biologist unless observations of Kit Fox or their dens are made on-site, or the qualified biologist recommends monitoring for some other reason per BR-2-c3. When weekly monitoring is required, the biologist shall submit weekly monitoring reports to the County.

c. Prior to or during project activities, if any observations are made of San Joaquin Kit Fox, or any known or potential San Joaquin Kit Fox dens are discovered within the project limits, the qualified biologist shall re-assess the probability of incidental take (e.g. harm or death) to Kit Fox. At the time a den is discovered, the qualified biologist shall contact the U.S. Fish and Wildlife Service and the Department for guidance on possible additional Kit Fox protection measures to implement and whether or not a Federal and/or State incidental take permit is needed. If a potential den is encountered during construction, work shall stop until such time the U.S. Fish and Wildlife Service/Department determine it is appropriate to resume work.

If incidental take of Kit Fox during project activities is possible, before project activities commence, the applicant must consult with the U.S. Fish and Wildlife Service and the

Department (see contact information below). The results of this consultation may require the applicant to obtain a Federal and/or State permit for incidental take during project activities. The applicant should be aware that the presence of Kit Foxes or known or potential Kit Fox dens at the project site could result in further delays of project activities.

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

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

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

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

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

BR-4 **Environmental Awareness Training. Prior to the start of any project activities**, an environmental awareness training shall be presented to all personnel by a qualified biologist. The training shall include color photographs and a description of the ecology of all special-status species known or with potential to occur on-site, as well as other sensitive resources requiring avoidance near the project site. The training shall include a description of protection

measures required by discretionary permits, an overview of the Federal and State Endangered Species Acts, and implications of noncompliance with these regulations. The biologist shall provide an overview of the required avoidance, minimization, and mitigation measures. A sign-in sheet with the name and signature of the qualified biologist who presented the training and the names and signatures of the environmental awareness trainees shall be kept. A fact sheet conveying the information provided in the environmental awareness training shall be provided to all project personnel and anyone else who may enter the project site. If new personnel join the project after the initial training period, they shall receive the environmental awareness training from the qualified biologist or their designee before beginning work. A qualified biologist shall provide refresher trainings during site visits or other monitoring events.

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

BR-6 **During the site-disturbance and/or construction phase**, to prevent entrapment of the San Joaquin Kit Fox, all excavation, steep-walled holes or trenches in excess of two feet in depth shall be covered at the close of each working day by plywood or similar materials or provided with one or more escape ramps constructed of earth fill or wooden planks. Trenches shall also be inspected for entrapped Kit Fox each morning prior to onset of field activities and 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-7 **During the site-disturbance and/or construction phase**, any pipes, culverts, or similar structures with a diameter of four inches or greater, stored overnight at the project site shall be thoroughly inspected for trapped San Joaquin Kit Foxes before the subject pipe is subsequently buried, capped, or otherwise used or moved in any way. If during the construction phase a Kit Fox is discovered inside a pipe, that section of pipe will not be moved, or if necessary, be moved only once to remove it from the path of activity, until the Kit Fox has escaped.

BR-8 **During the site-disturbance and/or construction phase**, all food-related trash items such as wrappers, cans, bottles, and food scraps generated shall be disposed of in closed/animal proof containers only and regularly removed from the site. Food items may attract San Joaquin Kit Foxes onto the project site, consequently exposing such animals to increased risk of injury or mortality. No deliberate feeding of wildlife shall be allowed.

BR-9 **Prior to, during and after the site-disturbance and/or construction phase**, use of pesticides or herbicides shall comply with all local, state and federal regulations. This is necessary to minimize the probability of primary or secondary poisoning of endangered species utilizing adjacent habitats, and the depletion of prey upon which San Joaquin Kit Foxes depend.

BR-10 **During the site-disturbance and/or construction phase**, any contractor or employee that inadvertently kills or injures a San Joaquin Kit Fox or who finds any such animal either dead,

injured, or entrapped shall be required to report the incident immediately to the applicant and County. In the event that any observations are made of injured or dead Kit Fox, the applicant shall immediately notify the County and other responsible agencies (e.g., CDFW and USFWS). In addition, formal notification shall be provided in writing within three working days of the finding of any such animal(s). Notification shall include the date, time, location and circumstances of the incident.

BR-11 **Prior to final inspection, or occupancy, whichever comes first**, should any long internal or perimeter fencing be proposed or installed, the applicant shall do the following to provide for Kit Fox passage:

a) If a wire strand/pole design is used, the lowest strand shall be no closer to the ground than 12".

b) If a more solid wire mesh fence is used, 8" x 12" openings near the ground shall be provided every 100 yards.

c) Other fencing as recommended by a County-qualified biologist and approved by the County. Upon fence installation, the applicant shall notify the County to verify proper installation. Any fencing constructed after issuance of a final permit shall follow the above guidelines.

BR-12 **Throughout the life of the project,**

a) If a SJKF is discovered at any time to be occupying an area within the project boundaries, all work must stop. The County will be notified, and they will consult with other agencies as needed.

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

c) Water sources shall be managed to ensure no leaks occur or are fixed immediately upon discovery in order to prevent SJKF from being drawn to the project area to drink water.

d) Materials or other stockpiles will be managed in a manner that will prevent SJKF from inhabiting them. Any materials or stockpiles that may have had SJKF take up residence shall be surveyed (consistent with pre-construction survey requirements) by a qualified biologist before they are moved.

American Badger (*Taxidea taxus*) Protection Measures

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

a) If a potential den is discovered, it shall be inspected to determine whether they are occupied. The survey shall cover the entire property and shall examine both old and new dens. The den will be monitored for 3 consecutive nights with an infra-red, motion-triggered camera, prior to any project activities, to determine if the den is being used by an American badger. If potential badger dens are too long to completely inspect from the entrance, a fiber optic scope shall be used to examine the den to the end. Inactive dens may be excavated by hand with a shovel to prevent re-use of dens during construction.

b) If an active badger den is found, an exclusion zone shall be established around the den. A minimum of a 50-foot exclusion zone shall be established during the non-reproductive season (July 1 to January 31) and a minimum 100-foot exclusion zone during the reproductive season (February 1 to June 30). Each exclusion zone shall encircle the den and have a radius of 50 feet (non-reproductive season) or 100 feet (reproductive season, nursing young may be present), measured outward from the burrow entrance. To avoid disturbance and the possibility of direct take of adults and nursing young, and to prevent badgers from becoming trapped in burrows during construction activity, no grading shall occur within 100 feet of active badger dens between February and July. All project activities, including foot and vehicle traffic and storage of supplies and equipment, are prohibited inside exclusion zones. Exclusion zones shall be maintained until all project-related disturbances have been terminated, or it has been determined by a qualified biologist that the den is no longer in use. If avoidance is not possible during project construction or continued operation, the County shall be contacted. The County will coordinate with appropriate resource agencies for guidance.

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

Burrowing Owl *(Speotyto cunicularia)* Protection Measures

BR-14 Pre-construction Survey for Burrowing owl. If work is planned to occur within 150 meters (approximately 492 feet) of burrowing owl habitat, a qualified biologist shall conduct a pre-construction survey for the species within 14 days prior to initial project activities. This applies year-round (i.e., within the breeding (February 1 to August 31) or non-breeding (September 1

to January 31) seasons. Habitat for burrowing owl includes areas with generally short, sparse vegetation and few shrubs, level to gentle topography and well-drained soils including grasslands, shrub steppe, desert, some agricultural areas, ruderal grassy fields, vacant lots, and pastures. A second survey shall be completed immediately prior to initial project activities (i.e., within the preceding 24 hours). The surveys shall be consistent with the methods outlined in Appendix D of the CDFW 2012 Staff Report on burrowing owl Mitigation, which specifies that 7- to 20-meter transects shall be walked, such that the entire project area is visible. These surveys may be completed concurrently with SJKF, American badger, or other special-status species surveys. If occupied burrowing owl burrows are identified the following exclusion zones shall be observed during project activities, unless otherwise authorized by CDFW:

Location	Time of Year	Level of Disturbance		
		Low	Medium	High
Nesting Sites	April 1 – Aug 15	656 feet	1,640 feet	1,640 feet
Nesting Sites	Aug 16 – Oct 15	656 feet	656 feet	1,640 feet
Any Occupied Burrow	Oct 16 – Mar 31	164 feet	328 feet	1,640 feet

Each exclusion zone shall encircle the burrow and have a radius as specified in the table above. All foot and vehicle traffic, as well as all project 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, or it has been determined by a qualified biologist that the burrow is no longer in use.

If two weeks lapse between construction phases (e.g., vegetation trimming and the start of grading), during which no or minimal work activity occurs, the burrowing owl survey shall be repeated.

Nesting Birds Protection Measures

BR-15 **Pre-construction Survey for Sensitive and Nesting Birds.** If work is planned to occur between February 1 and September 15, a qualified biologist shall survey the area for nesting birds within one week prior to initial project activity beginning, including ground disturbance and/or vegetation removal/trimming. The survey shall encompass a 0.5-mile survey around the property, where access is available, to determine if special status raptors are nesting. This includes nests of all common bird species (under the MBTA), as well as special status birds and raptor nests. If nesting birds are located on or near the proposed project site, they shall be avoided until they have successfully fledged, or the nest is no longer deemed active.

a) A 250-foot exclusion zone shall be placed around non-listed, passerine species, and a 500-foot exclusion zone will be implemented for raptor species. Each exclusion zone shall encircle the nest and have a radius of 250 feet (non-listed passerine species) or 500 feet (raptor species). If nests of non-listed raptors are present, a 500-foot no-disturbance buffer shall be implemented. If active nests of golden eagle or

white-tailed kite are present, a 0.5-mile no disturbance buffer shall be implemented and the Applicant shall consult with CDFW. All project activities, including foot and vehicle traffic and storage of supplies and equipment, are prohibited inside exclusion zones. Exclusion zones shall be maintained until all project-related disturbances have been terminated, or it has been determined by a qualified biologist that the young have fledged or that proposed project activities would not cause adverse impacts to the nest, adults, eggs, or young.

b) If special status avian species (aside from the burrowing owl) are identified and nesting within the work area, no work will begin until an appropriate exclusion zone is determined in consultation with the County and any relevant resource agencies.

c) The results of the survey shall be provided to the County prior to initial project activities. The results shall detail appropriate fencing or flagging of exclusion zones and include recommendations for additional monitoring requirements. A map of the project site and nest locations shall be included with the results. The qualified biologist conducting the nesting survey shall have the authority to reduce or increase the recommended exclusion zone depending on site conditions and species (if non-listed).

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

Special-status Invertebrate Protection Measures.

BR-16 Preconstruction Surveys and Avoidance for Crotch's Bumble Bee. 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.

Native Tree Protection

BR-17 **Prior to issuance of construction and/or grading permits,** the applicant shall clearly show all oak trees within 50 feet of grading activities on the grading plans. In addition to showing the limits of grading, the grading plans shall also designate which oak trees are to be removed and which oak trees will be impacted by grading activities occurring within the root zone (one and one half times the dripline). Oak trees within 50 feet of grading activities, which are not designated for removal, shall be fenced and flagged for protection prior to permit issuance. Fencing shall be clearly shown on the grading plans to be located at the root zone for trees not designated for removal. For impacted trees, where grading activities will occur within the root zone, fencing may be placed at the limits of grading activities.

A. The applicant shall prepare a tree protection map and plan with accurate and complete tree locations, tag numbers, Critical Root Zones, edge of canopy, and tree protection measures. The project engineers shall work with the biological consultants to develop a tree protection plan sheet that indicates all tagged trees, with corresponding tag numbers, edge of canopy and CRZ's within 50 feet of disturbance. Tree protection measures such as construction fencing shall be show on the map. All trees shall to be fully protected shall be clearly shown on the grading and drainage plans.

B. Any tree removal associated with CDF/County Fire vegetative clearance/modification requirements shall also be considered on the plans.

Tree Replacement and Monitoring Plan

BR-18 **Prior to issuance of construction and/or grading permit,** the applicant shall provide a tree replacement plan for review and approval by the Environmental Coordinator. The replacement plan shall demonstrate compliance with the following measures:

A. Number of Trees – The tree replacement plan shall provide for the replacement, in kind, of removed oak trees at a 4:1 ratio. Additionally, the tree replacement plan shall provide for the planting, in kind, at a 2:1 ratio for oak trees designated for impact but not removal.

i. An environmental monitor shall keep the running tally of the total number of trees impacted and removed as in the example below. A final mitigation obligation determination shall be provided to the Project Manager and the County Planning Department.

Tree Type	# Removed (4:1 replacement)	# Impacted (2:1 replacement)	Replacement Total Required
Oak (Blue Oak)	0(0)		
Oak (Blue Oak)		11(22)	
			22

B. Location/Density – The location shall be clearly shown on the plans. Trees shall be planted at no greater a density than the average density in the existing oak woodland area on the site. Location of newly planted trees should adhere to the following, whenever possible: on the north side of and at the canopy/dripline edge of existing mature native trees; on north-facing slopes; within drainage swales (except when riparian habitat present); where topsoil is present; and away from continuously wet areas (e.g. lawns, leach lines).

C. Species – Trees shall be of the same species of the trees proposed for impact or removal. The species shall be clearly specified on the plans.

D. Size – Replacement oak trees shall be from either vertical tubes or deep, one-gallon container sizes.

E. Planting – Replanting shall be completed as soon as it is feasible (e.g. irrigation water is available, grading done in replant area). Replant areas shall be either in native topsoil or areas where native topsoil has been reapplied. If the latter, top soil shall be carefully removed and stockpiled for spreading over graded areas to be replanted (set aside enough for 6-12" layer). If possible, planting during the warmest, driest months (June through September) shall be avoided. In addition, standard planting procedures (e.g., planting tablets, initial deep watering) shall be used.

F. Maintenance – Newly planted trees shall be maintained until successfully established. This shall include protection (e.g. tree shelters, caging) from animals (e.g., deer, rodents), regular weeding of at least a three foot radius out from the planting, and adequate watering (e.g., drip-irrigation system). Hand removal of weeds shall be kept up on a regular basis at least once in late spring (April) and once in early winter (December).

G. Irrigation/Watering – Irrigation details shall be clearly shown on the plans. Watering should be controlled so only enough is used to initially establish the tree, and reducing to zero over a three year period.

BR-19 **As applicable, once trees have been planted**, the applicant shall retain a qualified individual (e.g., landscape contractor, arborist, nurseryman, botanist) to prepare a letter stating how and when the above planting and protection measures have been completed. This letter shall be submitted to the Department of Planning and Building.

BR-20 **Prior to final inspections or occupancy**, whichever occurs first, replacement trees shall be installed or bonded for in compliance with the approved tree replacement plan. If bonded for, installation shall be completed within 60 days of bonding.

BR-21 To guarantee the success of the new trees, the applicant shall retain a qualified individual (e.g., arborist, landscape architect/ contractor, nurseryman) to monitor the new trees' survivability and vigor until the trees are successfully established, and prepare monitoring reports, on an annual basis, for no less than seven years. Based on the submittal of the initial planting letter,

the first report shall be submitted to the County Environmental Coordinator one year after the initial planting and thereafter on an annual basis until the monitor, in consultation with the County, has determined that the initially-required vegetation is successfully established. Additional monitoring will be necessary if initially-required vegetation is not considered successfully established. The applicant, and successors-in-interest, agrees to complete any necessary remedial measures identified in the report(s) to maintain the population of initially planted vegetation and approved by the Environmental Coordinator.

BR-22 All oak trees identified to remain shall not be removed. Unless previously approved by the county, the following activities are not allowed within the root zone of existing or newly planted oak trees: year-round irrigation (no summer watering, unless "establishing" new tree or native compatible plant(s) for up to 3 years); grading (includes cutting and filling of material); compaction (e.g., regular use of vehicles); placement of impermeable surfaces (e.g., pavement); disturbance of soil that impacts roots (e.g., tilling).

BR-23 Grading, utility trenching, compaction of soil, or placement of fill shall be avoided within the fenced areas. If grading in the root zone cannot be avoided, retaining walls shall be constructed to minimize cut and fill impacts. Care shall be taken to avoid surface roots within the top 18 inches of soil. If any roots must be removed or exposed, they shall be cleanly cut and not left exposed above the ground surface.

References

Project Specific Studies

Biological Resources Assessment prepared by Ecological Assets Management, LLC (EAM) dated April 2026.

Cultural Resources Survey of the Fat Barrel ADU Project, prepared by Terry Joslin Azevedo dated November 2025.

Other Exempt Environmental Factors

Besides a single condition for potentially significant impacts to biological resources, the project meets all other conditions of CEQA Guidelines Sections 15300.2 and 15303 to qualify for a Class 3 Exemption (New Structures). The project will result in the development of a 793-square-foot single-accessory dwelling unit with septic system and associated site improvements in a generally rural 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. In accordance with AB52, outreach to four Native American tribes was conducted (Northern Salinan, Xolon Salinan, Yak Tityu Northern Chumash, and the Northern Chumash Tribal Council). We received a response from the Xolon Salian Tribe requesting a Phase I Archaeological Survey. The report was provided to the Tribe.

Focused Initial Study – Environmental Checklist

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.