Initial Study – Environmental Checklist

Project Title & No. Negranti Minor Use Permit / Coastal Development Permit ED20-124 (DRC2019-00233)

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 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.

Young Choi, Planner	Young Choi Digitally signed by Young Choi DN: C=US, E=ychoi@co.slo.ca.us, O=County of San Luis Obispo, OU=Department of Planning and Building, CN=Young Choi Date: 2020.07.27 09:12:12-07'00'		July 24, 2020
Prepared by (Print)	Signature		Date
Schani Siong, Senior Planner	Schani Siong Digitally signed by Schani Siong DN: C=US, E=ssiong@co.slo.ca.us, O=County of San Luis Obispo, OU=Planning & Building, CN=Schani Siong Date: 2020.07.24 14:17:12-07'00'		July 24, 2020
Reviewed by (Print)	Signature		Date

Initial Study – Environmental Checklist

Project Environmental Analysis

The County's environmental review process incorporates all of the requirements for completing the Initial Study as required by the California Environmental Quality Act (CEQA) and the CEQA Guidelines. The 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. Exhibit A includes the references used, as well as the agencies or groups that were contacted as a part of the Initial Study. 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.

A. Project

DESCRIPTION: A request by Negranti Green Valley Ranch for a Minor Use Permit/Coastal Development Permit (DRC2019-00233) to construct one high-density polyethylene (HDPE) lined agricultural reservoir at the Negranti Green Valley Ranch to provide frost protection and irrigation (project). The proposed reservoir will be supplied by existing irrigation waterlines and an existing onsite irrigation well located on the subject property. The project would result in the disturbance of 2.65 acres of a 776-acre site (comprised of three contiguous parcels). The project is within the Agriculture land use category and is located at 6425 Green Valley Road, approximately 6 miles from the community of Cambria. The project is in the North Coast Planning Area (coastal zone) of the site. The site is in both the Adelaida Sub Area of the North County Planning Area and the North Coast Planning Area.

Background:

The reservoir is located on the parcel (APN 046-012-001), approximately 3,200 feet to the south of Highway 46 and approximately 5.5 miles southeast of the community of Cambria. The reservoir would be approximately 25 feet deep with a maximum capacity of 21.8 acre-feet. This reservoir would encompass a total area of approximately 2.65 acres and would require approximately 49,812 cubic yards of cut. The cut material would be placed directly onto the fill surface, which means that most of the material would be moved only once before compaction; approximately 5% of the material would be moved/handled twice. The cut material would be compacted with a 30 to 40 percent compaction/shrinkage factor, which results in 11,211 cubic yards of fill, with materials balanced onsite, to be spread and stabilized on site. Existing stormwater sheet flows across the site at approximately 14 to 16% slopes. An earthen and vegetated swales would be constructed around the east side of the reservoir perimeter to keep any surface flows away from the toe of the berm slope; no surface flows would be allowed to enter the reservoir. The existing well would be utilized to supply groundwater to the reservoir; the well is located approximately 0.2 miles north of the proposed reservoir site.

A 5-foot-tall non-climb fence would be installed around the perimeter of the reservoir. A 6-inch PVC outlet pipe would be installed on the west side of the reservoir to provide water to the irrigation system, and an 18-inch PVC emergency overflow pipe would be installed on the south side of the reservoir to drain into a rip-rap

field near the southern edge of the site boundary. The reservoir would be served by existing electrical utilities; no utility extensions are proposed. Access to the project would be provided by existing farm roads and no new driveways or roads would be constructed.

Filling the reservoir using the existing irrigation well would occur over a continuous 99-days at 50 gallons per minute.

ASSESSOR PARCEL NUMBER(S): 046-012-001, 046-012-002, 014-181-030

Latitude: 35°32'01" N **Longitude:** 120°58'17" W **SUPERVISORIAL DISTRICT #** 2

B. Existing Setting

Plan Area: North County and North Coast **Sub:** Adelaida and Coastal Zone **Comm:** Rural

Land Use Category: Agriculture

Combining Designation: Geologic Study Area, Renewable Energy

Parcel Size: 614 (001), 55 (002), 97 (003) acres

Topography: Moderately sloping to steeply sloping

Vegetation: Grasses

Existing Uses: Avocado orchards and cattle grazing

Surrounding Land Use Categories and Uses:

North: Agriculture; agricultural uses ***East:*** Agriculture; agricultural uses

South: Agriculture; agricultural uses ***West:*** Agriculture; agricultural uses

C. Environmental Analysis

The Initial Study Checklist provides detailed information about the environmental impacts of the proposed project and mitigation measures to lessen the impacts.

Initial Study – Environmental Checklist

I. AESTHETICS

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Except as provided in Public Resources Code Section 21099, would the project:					
(a)	Have a substantial adverse effect on a scenic vista?	☐	☐	☒	☐
(b)	Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	☐	☐	☒	☐
(c)	In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	☐	☐	☒	☐
(d)	Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	☐	☐	☒	☐

Setting

The proposed reservoir is located approximately 3,200 feet to the south of Highway 46 and approximately 5.5 miles southeast of the community of Cambria. The project site is within a productive agricultural area. The visual setting includes agricultural views (predominantly grazing land), open hillsides, a few scattered avocado orchards, and other appurtenant agricultural infrastructure and development. There is approximately 1 existing agricultural reservoir within 1 mile of the project site. No nearby roadways have been officially designated as scenic corridors; however, Highway 46 has been identified as an eligible state scenic highway by the California Department of Transportation's (Caltrans) California Scenic Highway Mapping System. Highway 46 runs east-west southeast of Cambria.

Discussion

(a) Have a substantial adverse effect on a scenic vista?

The project site is located in a rural area accessed by agricultural farm roads off of Highway 46, which serves as the primary public viewing location for the project site. For the purposes of determining significance under CEQA, a scenic vista is defined as a viewpoint that provides expansive views of a highly valued landscape for the benefit of the general public.

While the project vicinity has high scenic value and an appealing rural and agricultural character, it is not officially or unofficially designated as a scenic vista. Therefore, the project would not result in a substantial adverse effect on a scenic vista, and impacts would be *less than significant.*

(b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

The most prominent scenic features of the project sites include the rolling hills and avocado orchards throughout the proposed development area. The project site would not be visible from Highway 46 due to distance, topography, the non-descript agricultural nature of the proposed development, and would therefore not be visible from a designated state scenic highway or eligible state scenic highway. Therefore, the project would not result in substantial damage to scenic resources within a state scenic highway, and impacts would be *less than significant.*

(c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?

The visual character of the project vicinity is dominated by agricultural land uses including orchards, agricultural reservoirs, agricultural accessory structures, and scattered rural residences. Although Highway 46 has no official scenic designation, the roadway offers high-value views of rural agricultural landscapes. The proposed reservoir would not be easily visible from Highway 46 due to intervening topography, active orchards and agricultural uses, and distance. The agricultural reservoir would also be consistent with the existing visual character and quality of the area and existing adjacent uses. Therefore, impacts to the visual character and quality of the area would be *less than significant.*

(d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

The project does not propose the installation of lighting. Sun during the day can reflect off the water and cause glare; however, due to the limited visibility of the reservoir site, glare would not adversely affect public views in the area. Therefore, impacts relating to nighttime lighting and glare would be *less than significant.*

Conclusion

The project would be visually consistent with existing uses in the project vicinity and would not adversely affect scenic resources, quality, or character. Therefore, potential impacts on aesthetic resources would be less than significant and no mitigation measures are necessary.

Mitigation

None required.

Sources

See Exhibit A.

II. AGRICULTURE AND FORESTRY RESOURCES

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:				
(a)	Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	☐	☐	☐	☒
(b)	Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☒
(c)	Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	☐	☐	☐	☒
(d)	Result in the loss of forest land or conversion of forest land to non-forest use?	☐	☐	☐	☒
(e)	Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	☐	☐	☐	☒

Setting

The following area-specific elements relate to the property's potential for agricultural production:

Initial Study – Environmental Checklist

Land Use Category: Agriculture

Historic/Existing Commercial Crops: Lemon, Orange, Avocado, Uncultivated Agriculture

State Classification: Not Prime Farmland

In Agricultural Preserve? Cambria AG Preserve Area

Under Williamson Act contract? Yes

Based on the California Department of Conservation Farmland Mapping and Monitoring Program (FMMP) and the San Luis Obispo County Important Farmland Map (FMMP 2018), the project sites contain Unique Farmland and Grazing Land. The soil type(s) and characteristics on the subject property include:

Diablo-Lodo complex (15 - 50 % slope).

Diablo. This moderately to steeply sloping clayey soil is considered very poorly drained. The soil has moderate erodibility and high shrink-swell characteristics, as well as having potential septic system constraints due to: steep slopes, slow percolation. The soil is considered Class VI without irrigation and Class is not rated when irrigated.

Lodo. This moderately to steeply sloping clayey soil is considered very poorly drained. The soil has moderate erodibility and moderate shrink-swell characteristics, as well as having potential septic system constraints due to: steep slopes, shallow depth to bedrock. The soil is considered Class VI without irrigation and Class is not rated when irrigated.

Los Osos-Lodo complex (30 - 75% slope).

Los Osos This steeply to very steeply sloping loamy claypan soil is considered not well drained. The soil has moderate erodibility and moderate shrink-swell characteristics, as well as having potential septic system constraints due to: steep slopes, shallow depth to bedrock, slow percolation. The soil is considered Class VII without irrigation and Class is not rated when irrigated.

Lodo This steeply to very steeply sloping loamy claypan soil is considered very poorly drained. The soil has moderate erodibility and moderate shrink-swell characteristics, as well as having potential septic system constraints due to: steep slopes, shallow depth to bedrock, slow percolation. The soil is considered Class VII without irrigation and Class is not rated when irrigated.

Discussion

(a) *Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?*

The project site is classified as "Not Prime Farmland" by the FMMP; the project site is classified as Grazing Land. Therefore, the project would result in the conversion of not prime farmland to reservoir uses, and the reservoir is proposed to support existing avocado orchards and is consistent with an agricultural use. Therefore, no Farmland would be converted to non-agricultural uses and *no potential impacts would occur*.

(b) *Conflict with existing zoning for agricultural use, or a Williamson Act contract?*

The subject property is within the Agriculture land use category and is currently under a Williamson Act contract. The proposed agricultural reservoirs are considered an agricultural use and would support the production of existing avocado orchards. Therefore, the project would support existing

agriculture and would not conflict with existing zoning for agricultural use or the existing Williamson Act Contract that the property is enrolled in. *Therefore, no potential impacts would occur*.

(c-d) *Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?*

Result in the loss of forest land or conversion of forest land to non-forest use?

There is no forest land, timberland, or timberland zoned Timberland Production or zoning for such uses in the project vicinity; *no impact would occur*.

(e) *Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?*

The project proposes the development of agricultural support facilities and would not involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to nonagricultural use or conversion of forestland to non-forest use. The project would be compatible with existing agricultural operations, would not adversely affect existing proximate agricultural uses, agricultural support services, or agricultural infrastructure or resources. Any increase in agricultural water demand would be required to be offset per the requirements of the Countywide Water Conservation Program and, therefore, would not adversely affect groundwater supplies for proximate agricultural uses. The proposed project would not result in the indirect conversion of existing farm or forestland to another use. Therefore, *no impacts would occur*.

Conclusion

The purpose of the proposed reservoir is to provide onsite frost protection and irrigation for existing avocado orchards and offsite transfer of reservoir water and/or other uses of the reservoir would be prohibited. Therefore, potential impacts on agricultural resources would be less than significant and no mitigation is necessary.

Mitigation

None required.

Sources

See Exhibit A.

III. AIR QUALITY

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations. Would the project:					
(a)	Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☒	☐
(b)	Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?	☐	☐	☒	☐
(c)	Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	☒	☐
(d)	Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	☐	☐	☒	☐

Setting

The project site is located in the South Central Coast Air Basin (SCCAB) under the jurisdiction of the San Luis Obispo County Air Pollution Control District (SLOAPCD). The SLOAPCD has developed and updated a CEQA Air Quality Handbook (2012) and clarification memorandum (2017) to evaluate project specific impacts and help determine if air quality mitigation measures are needed, or if potentially significant impacts could result. To evaluate long-term emissions, cumulative effects, and establish countywide programs to reach acceptable air quality levels, a Clean Air Plan has been adopted (prepared by SLOAPCD).

As proposed, the project would result in the disturbance of 2.65 acres. This would result in the creation of construction dust. According to the United States Department of Agriculture's Wind Erodibility Index, the wind erodibility of the soils which would be disturbed by the proposed project is "moderate".

Thresholds of Significance for Construction Activities. The APCD's CEQA Handbook establishes thresholds of significance for construction activities (Table 2). According to the handbook, a project with grading in excess of 4.0 acres and/or a project that will move 1,200 cubic yards of earth per day can exceed the construction threshold for respirable particulate matter (PM_{10}). In addition, a project with the potential to generate 137 lbs per day of ozone precursors (ROG + NOx) or diesel particulates in excess of 7 lbs per day can result in a significant impact.

Table 4 – Thresholds of Significance for Construction

Pollutant	Threshold[1]		
	Daily	Quarterly Tier 1	Quarterly Tier 2
ROG+NOx (combined)	137 lbs	2.5 tons	6.3 tons
Diesel Particulate Matter	7 lbs	0.13 tons	0.32 tons
Fugitive Particulate Matter (PM10), Dust2		2.5 tons	
Greenhouse Gases (CO2, CH4, N2O, HFC, CFC, F6S)	Amortized and Combined with Operational Emissions		

Source: SLO County APCD CEQA Air Quality Handbook, page 2-2.

Notes:

(a) Daily and quarterly emission thresholds are based on the California Health & Safety Code and the CARB Carl Moyer Guidelines.

(b) Any project with a grading area greater than 4.0 acres of worked area can exceed the 2.5 ton PM10 quarterly threshold.

Thresholds of Significance for Operations. Table 1-1 of the APCD's CEQA Handbook provides screening criteria based the size of different types of projects that would normally exceed the operational thresholds of significance for greenhouse gases and ozone precursors. However, operational impacts are focused primarily on the indirect emissions associated with motor vehicle trips associated with development. For example, a project consisting of 99 single family residences generating 970 average daily vehicle trips would be expected to exceed the 25 lbs/day operational threshold for ozone precursors.

The APCD has also estimated the number of vehicular round trips on an unpaved roadway necessary to exceed the 25 lbs/day threshold of significance for the emission of particulate matter (PM10). According to the APCD estimates, an unpaved roadway of one mile in length carrying 6.0 round trips would likely exceed the 25 lbs/day PM10 threshold.

Sensitive Receptors. Sensitive receptors are people that have an increased sensitivity to air pollution or environmental contaminants, such as the elderly, children, asthmatics, and others who are at a heightened risk of negative health outcomes due to exposure to air pollution. Some land uses are considered more sensitive to changes in air quality than others, due to the population that occupies the uses and the activities involved. Sensitive receptor locations include schools, parks and playgrounds, day care centers, nursing homes, hospitals, and residences.

The project would not be within close proximity to any serpentine rock outcrops and/or soil formations which may have the potential to contain naturally occurring asbestos. The nearest sensitive receptor to the site is a single-family residence located approximately 1,200 feet north of the proposed project site and within 50 feet from the project property line.

Discussion

(a) Conflict with or obstruct implementation of the applicable air quality plan?

The project is located within the coastal zone portion of the site governed by the North Coast Area Plan and is within the Agricultural land use category. Irrigation pond is an agricultural activity therefore allowed in the Agriculture land use category. The project is consistent with the general level of development anticipated and projected in 2001 Clean Air Plan. The project will not conflict with, or obstruct implementation of SCCAB air quality plans, *therefore no impact is anticipated*.

(b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?

Construction Activities: As noted above, the project would result in approximately 2.65 acres of ground disturbance, which is less than the SLOAPCD threshold. Given that construction related emissions would be below applicable thresholds and long-term operational emissions would be negligible, the project would have a less than cumulatively considerable effect on air quality.

Operational Activities: From an operational standpoint, based on Table 1-1 of the CEQA Air Quality Handbook (2012), the project would not exceed operational thresholds associated with emissions associated with motor vehicle trips, since the proposed agriculture reservoir is to support existing agriculture. *Therefore, cumulative project impacts would be* less than significant impact.

(c) Expose sensitive receptors to substantial pollutant concentrations?

The reservoir site is surrounded by agricultural land uses, including avocado orchards, and undeveloped hills used for grazing. There are no sensitive receptors within 1,000 feet of project site, however such sensitive receptor is only 50 feet from the property line. There are six residences offsite within 1 mile of the proposed reservoir site, and the closest residence is 0.26 miles from the project site. In addition, the project would be subject to standard mitigation measures for construction equipment and emissions. Therefore, CZLUO 23.05.050 (Construction Procedures) shall be implemented to ensure impacts to sensitive receptors will be *less than significant.*

(d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?

Construction could generate odors from heavy diesel machinery and materials used for excavation and construction of the project. The generation of odors during the construction period would be temporary, would be consistent with odors commonly associated with typical construction equipment and activities, and would dissipate within a short distance from the active work area. The project site is almost entirely surrounded by existing orchards and undeveloped hillsides and no significant long-term operational emissions or odors would be generated by the project. Therefore, impacts related to other emissions adversely affecting a substantial number of people would be *less than significant*.

Conclusion

The project is required to be in compliance with County Coastal Zone Land Use Ordinance requirements. Incorporation of CZLUO 23.05.050 (Construction Proccedures) relating to dust control would reduce project related impacts on air quality to a less than significant level pursuant to CEQA.

Mitigation

Incorporation of CZLUO 23.05.050 (Construction Proccedures) relating to dust control would reduce project related impacts on air quality to a less than significant level pursuant to CEQA.

Sources

See Exhibit A.

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

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
(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?	☐	☐	☐	☒

Setting

Sensitive Resource Area Designations

The County of San Luis Obispo Land Use Ordinance (LUO) Sensitive Resource Area (SRA) combining designation applies to areas of the county with special environmental qualities, or areas containing unique or sensitive endangered vegetation or habitat resources. The combining designation standards established in the LUO require that proposed uses be designed with consideration of the identified sensitive resources and the need for their protection.

Federal and State Endangered Species Acts

The Federal Endangered Species Act of 1973 (FESA) provides legislation to protect federally listed plant and animal species. The California Endangered Species Act of 1984 (CESA) ensures legal protection for plants listed as rare or endangered, and wildlife species formally listed as endangered or threatened, and also maintains a list of California Species of Special Concern (SSC). SSC status is assigned to species that have limited distribution, declining populations, diminishing habitat, or unusual scientific, recreational, or educational value. Under state law, the CDFW has the authority to review projects for their potential to impact special-status species and their habitats.

Migratory Bird Treaty Act

The Migratory Bird Treaty Act (MBTA) protects all migratory birds, including their eggs, nests, and feathers. The MBTA was originally drafted to put an end to the commercial trade in bird feathers, popular in the latter part of the 1800s. The MBTA is enforced by the U.S. Fish and Wildlife Service (USFWS), and potential impacts to species protected under the MBTA are evaluated by the USFWS in consultation with other federal agencies and are required to be evaluated under CEQA.

Clean Water Act and State Porter Cologne Water Quality Control Act

The U.S. Army Corps of Engineers (USACE) regulates discharges of dredged or fill material into waters of the United States. These waters include wetland and non-wetland water bodies that meet specific criteria. USACE jurisdiction regulates almost all work in, over, and under waters listed as "navigable waters of the U.S." that results in a discharge of dredged or fill material within USACE regulatory jurisdiction, pursuant to Section 404 of the Clean Water Act (CWA). Under Section 404, USACE regulates traditional navigable waters, wetlands adjacent to traditional navigable waters, relatively permanent non-navigable tributaries that have a continuous flow at least seasonally (typically 3 months), and wetlands that directly abut relatively permanent tributaries.

The State Water Resources Control Board (SWRCB) and nine Regional Water Quality Control Boards (RWQCBs) regulate discharges of fill and dredged material in California, under Section 401 of the CWA and the State

Porter-Cologne Water Quality Control Act, through the State Water Quality Certification Program. State Water Quality Certification is necessary for all projects that require a USACE permit, or fall under other federal jurisdiction, and have the potential to impact waters of the State. Based on the U.S. Fish and Wildlife Service National Wetlands Inventory, the project parcel does not support wetlands, riparian or deep-water habitats, though ephemeral drainage and wetland habitat was seen offsite on neighboring property, within a 100 foot buffer around the project limits of disturbance.

Conservation and Open Space Element

The intent of the goals, policies, and implementation strategies in the COSE is to identify and protect biological resources that are a critical component of the county's environmental, social, and economic well-being. Biological resources include major ecosystems; threatened, rare, and endangered species and their habitats; native trees and vegetation; creeks and riparian areas; wetlands; fisheries; and marine resources. Individual species, habitat areas, ecosystems and migration patterns must be considered together in order to sustain biological resources. The COSE identifies Critical Habitat areas for sensitive species including California condor, California red legged frog, vernal pool fairy shrimp, La Graciosa thistle, Morro Bay kangaroo rat, Morro shoulderband snail, tiger salamander, and western snowy plover. The COSE also identifies features of particular importance to wildlife for movement corridors such as riparian corridors, shorelines of the coast and bay, and ridgelines.

Site Setting

The proposed reservoir would be located in an area within a saddle of a minor ridgeline that currently consists of bare soils and non-native grasses and forbs surrounded on all sides by dry upland habitat and grazing lands. There are no trees at the reservoir site. An unnamed creek that connects to Green Valley Creek is located 1,000 feet north, Green Valley Creek is located 1,400 feet north, and Perry Creek is located within 100 feet south of the proposed reservoir site. The reservoir site has been historically disturbed from cattle grazing and is surrounded by grassland hills. Other than irrigated agriculture, dominant habitat types within a 100-foot radius of the reservoir site primarily consists of annual grassland, native perennial grassland, rock outcrops, ephemeral drainage, and wetland habitat downstream offsite at Perry Creek (Kevin Merk Associates, Inc. [KMA] 2019a). The proximitiy to the Perry Creek identified the site as Environmentally Sensitive Habitat Area, under County LCP.

The California Natural Diversity Database (CNDDB) was queried for sensitive species within 5 miles of the reservoir site. Two sensitive natural communities were observed in the study area: Valley Needlegrass Grassland dominated by purple needlegrass (*Stipa pulchra*) and Vernal Marsh offsite in Perry Creek. No special-status plant or animal species were observed onsite during the field biological survey, however sixteen special-status animal species and zero special-status plant species are considered to have the potential to occur on the property. Sixteen wildlife species were identified to have the potential to occur on the property including Monarch butterfly (*Danaus plexippus*), Blainville's horned lizard (*Phrynosoma blainvillii*), California red-legged frog (*Rana draytonii*), Southwestern pond turtle (*Actinemys pallida*), Two-striped gartner snake (*Thamnophis hammondii*), Bald eagle (*Haliaeetus leucocephalus*), Golden Eagle (*Aquila chrysaetos*), Grasshopper sparrow (*Ammodramus savannarum*), Great blue heron (*Ardea herodias*), Loggerhead shrike (*Lanius ludovicianus*), Northern harrier (*Circus cyaneus*), Prairie falcon (*Falco mexicanus*), tricolored blackbird (*Agelaius tricolor*), White-tailed kite (*Elanus leucurus*), American badger (*Taxidea taxus*), Pallid bat (*Antrozous pallidus*).

The project area falls within designated critical habitat for the California red-legged frog (CRLF). No aquatic habitat is present within the project area for CRLF, however suitable upland habitat for dispersal occurs (KMA, 2019a).

California Red-Legged Frog

The project is potentially within an area known to support the California red-legged frog (*Rana draytonii*). The California red-legged frog is listed as federally threatened, and considered a California Special Concern species by the CDFW (CDFW, 2002). They historically have ranged from Marin County southward to northern Baja California. Presently, Monterey, San Luis Obispo, and Santa Barbara counties support the largest remaining California red-legged frog populations within the state. The California red-legged frog is a large (85-138 millimeters) reddish-brown frog with variable red pigment on the ventral surfaces. Riparian habitat degradation, urbanization, predation by bullfrogs, and historic market harvesting have all reportedly contributed to population declines in this species.

The species occurs in varied habitats during its life cycle. Breeding areas include lagoons, streams and ponds, including siltation and irrigation ponds. California red-legged frogs typically breed from January to July, with peak breeding occurring in February. Juvenile frogs are found in open, shallow aquatic habitats containing dense emergent vegetation.

Adult California red-legged frogs prefer aquatic habitats with little or no flow, the presence of surface water to at least early June, surface water depths to at least 0.7 meter (2.3 feet), and the presence of fairly sturdy underwater supports such as cattails. The largest densities of California red-legged frogs are typically associated with dense stands of overhanging willows and an intermixed fringe of sturdy emergent vegetation. Although the species can inhabit ephemeral streams or ponds, populations probably cannot be maintained in ephemeral streams in which all surface water disappears. Adult California red-legged frogs are primarily nocturnal, although metamorphs and juveniles are known to be active during the day and night.

This species has been recorded in Green Valley Creek, approximately 0.5 mile from the proposed reservoir site and in the lower portions of Villa Creek. Potentially suitable habitat also occurs within the project parcel at the two existing agricultural reservoirs approximately 0.3 and 0.6 miles from the proposed reservoir site. Individuals could use the reservoir area as a stopover point when migrating between aquatic habitats. California red-legged frogs move through grasslands, agricultural fields, and grazed areas including areas with substantial slopes or elevational changes (KMA, 2019a).

Western Pond Turtle

The project is potentially within an area known to support the western pond turtle (Emys marmorata pallida OR *Actinemys pallida*). The western pond turtle is a federal and California Species of Special Concern. This is an aquatic turtle that uses upland habitat seasonally. They occur in ponds, streams, lakes, ditches, and marshes. The species prefers slow-water aquatic habitat with available basking sites nearby. Hatchlings require shallow water habitat with relatively dense submergent vegetation for foraging.

This species has been documented in Green Valley Creek on the project parcel in 2001, approximately 2,640 feet from the proposed reservoir site (KMA, 2019a). Highly suitable habitat can also be found at the existing agricultural reservoirs on the property. The CNDDB considers all of Perry Creek up to near the headwaters to be inhabited by the western pond turtle, approximately 120 feet from the proposed reservoir site. During the field biological survey, the biologist noted "the portion of Perry Creek in the study area appeard to lack sufficient aquatic habitat to support this species and it is not known definitively how far downstream they actually occur" (KMA, 2019a). Western pond turtles could move through the reservoir area when traveling between the suitable aquatic sites in the area.

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?*

No special-status plants were observed in the study area, therefore, no special-status plants are expected to occur on the project site. In addition, the existing agricultural ranch road is disturbed regularly through site maintenance and periodic grading. No special-status plants were observed while traversing the agricultural ranch road.

As noted above, there are two sensitive natural communities observed and sixteen special status wildlife species with the potential to occur in the vicinity of the proposed project. The reservoir site consists of predominantly bare soils and non-native grasses and forbs and are disturbed due to grazing and agricultural practices. Additionally, there are no trees in close proximity to the reservoir site, however, a nearby rock outcrop may provide suitable nesting habitat for sensitive bird and raptor species, including protected Eagle species. Rock outcrops are outside of project impact areas, and is not expected to be affected by construction activities. No trees would be removed or impacted from implementation of the project. To reduce potential impacts to nesting birds, Mitigation Measure BIO-5 shall be implemented to avoid nesting-birds.

American badgers are highly mobile and could move through the proposed reservoir area. No potential badger dens were observed during the field biological survey, however they may dig a new den each night. The surrounding area increases the likelihood that this species could occur in the area, however the CNDDB contained no records of American badgers within five miles of the proposed reservoir site. To reduce potential impacts to American badgers, Mitigation Measure BIO-2 shall be implemented prior to any site disturbance.

Individuals of special-status amphibian and reptile species could potentially occur in the study area and be directly impacted by construction activities, depending on the time of year work is conducted, and the seasonal timing. Blainville's horned lizard could be onsite throughout the year, but detectable only during warmer months. California red-legged frog would occur within the impact area only during the winter and following substantial rain events when the ground conditions are moist. Additional CRLF are nocturnal, and would undergo movements at nighttimes.CRLF is not expected to be present in the study area during dry period of the summer and fall due to Perry Creek lacking suitable breeding habitat for CRLF. Southwestern pond turtles may be able to move through impact area during late summer or fall during daytime. Two-striped gartersnake have potential to be present in the grassland habitat during winter times. Individual special-status amphibian and reptile may utilize rock outcrop as cover, however, rock outcrops are outside of project impact area, so animals utilizing rock outcrop as a cover would not be impacted by the construction activity. To reduce potential impacts to CRLF, Southwestern pond turtles and Blainville's horned lizard, Mitigation Measure BIO-3 and BIO-4 shall be implemented.

Timing the initiation of construction activities to minimize the chance of effects may not be feasible because there is no one season when all special-status species would be restricted to areas away from these habitats. Mitigation Measure BIO-1 shall limit the initiation of construction, involving vegetation removal and initial excavation of topsoil areas between May 1 and September 30 with additional protective measures to be taken, should the work be extended into the rain season. In addition,

Mitigation Measure BIO-7 shall be implemented immediately prior to the start of vegetation removal or initial grading to confirm the absence of special-status species.

Implementation of Mitigation Measures BIO-1 through BIO-7 would reduce potential impacts to the special-status wildlfife 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?*

(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?*

(b-c) Perry Creek likely has wetland habitat under the jurisdiction of USACE, RWQCB and CDFW, lies downslope to the south from the proposed project site. Perry Creek is located within 100 feet south of the proposed reservoir site, therefore is considered as Environmentally Sensitive Habitat Area. Perry Creek does not exhibit riparian habitat near the proposed reservoir site, as this is near the headwaters of the Perry Creek.

Proposed reservoir would involve excavation of approximately 48,800 cubic yards and fill of 11,211 cubic yards of soils. Excessive fill would be spread on top of Annual Grassland habitat to the west of the proposed reservoir as non-structural fill. These soils could erode into Perry Creek if they are not stabilized prior to significant rainfall. Mitigation Measure BIO-6 shall require Best Management Practices for erosion and sedimentation control (which includes revegetation with Native Erosion Control Seed Mix) would reduce potential impacts to the riparian habitat and state (CDFW/RWQCB/Coastal Commission) and Federal (USFWS) wetland habitat to *less than significant with mitigation.*

(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?*

Based on the California Essential Habitat Connectivity Project, the project site is located in an identified Essential Connectivity Area. The project site contains habitat features conducive to migratory wildlife species such as riparian corridors, shorelines, or ridgelines. The proposed project would not affect any movement of any migratory fish because all work will be conducted along upland grassland habitat, outside of the stream channels. In addition, the Perry Creek near the project site is ephemeral in nature to support any fish habitat. Mitigation Measure BIO-6 would ensure that no equipment or materials will enter, or be placed in the channel that could affect fish downstream. Wildlife moving through the area would be able to move unimpeded around the reservoir. The grassland habitat within the project site is not expected to be a wildlife nursery site for any species. Wildlife species that could breed in the area are limited to ground-nesting birds, small mammmals, and invertebrates. These species are dispercied throughout the abundant grassland habitat in the coastal area, and not focused in the study area for reproduction or other key life history stages.

The placement of the proposed reservoir may facilitate wildlife movement through the area by providing additional water source in the upland area, therefore the impacts related to interference with the movement of resident and migratory fish and wildlife species, wildlife corridors, or use of wildlife nursery site is *less than significant.*

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

The project does not propose the removal of any trees, and therefore is not subject to the County's Oak Woodland Ordinance. The project is not located in a Sensitive Resource Area (SRA) and there are no applicable planning area standards related to biological resource preservation. A sedimentation and erosion control plan would be required per CZLUO Section 23.05.042 to minimize potential impacts related to erosion and sedimentation, and includes requirements for specific erosion control materials, setbacks from creeks, and siltation. In addition, the project would be subject to Regional Water Quality Control Board (RWQCB) requirements for preparation of a Storm Water Pollution Prevention Plan (SWPPP) (CZLUO Section 23.05.044) which may include the preparation of a Storm Water Control Plan to further minimize onsite sedimentation and erosion. Therefore, the project would not conflict with any local policies or ordinances protecting biological resources and *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 located within an area covered by an adopted Habitat Conservation Plan, Natural Community Conservation plan, or other adopted habitat conservation plan. The project would be required to comply with the California Endangered Species Act, Federal Endangered Species Act, Bald and Golden Eagle Protection Act, Migratory Bird Treaty Act as well as California Fish and Game Code. Therefore, there would be *no impact.*

Conclusion

Mitigation measures have been identified to reduce impacts to special-status wildlife species, and Perry Creek. Upon implementation of the mitigation measures provided in Exhibit B – Mitigation Summary Table, potential impacts to biological resources would be less than significant.

Mitigation

BIO-1 **Construction Schedule - Conduct vegetation removal and excavation during the dry season, when special-status reptile species are unlikely to be underground within the impact area.** The construction schedule shall be planned to avoid the time of year when special-status reptile species may be underground, and thus undetectable during preconstruction visual surveys. The initiation of construction, involving vegetation removal and initial excavation of topsoil areas, should take place between May 1 and September 30. If work is required to extend into the rain season, then the biological monitoring shall also be required for construction activities occurring during the rain season to inspect the site periodically to ensure proper function of the wildlife exclusion fence and search for any special-status species, under equipment and along the fence. The biological monitor shall inspect the site before work is allowed following rain events once the ground is saturated or periods of heavy fog with wet conditions.

BIO-2 **American Badger - Pre-construction survey and avoidance measures.** To minimize project-related impacts to the American Badger, no more than one-week prior to the site disturbance, the Applicant shall retain a County- qualified biologist to conduct pre-construction surveys for American badger within suitable habitat on the project site. If present, occupied badger dens shall be flagged and ground-disturbing activities avoided within 50 feet of the occupied den. Maternity dens shall be avoided during pup-rearing season

(15 February through 1 July) and a minimum 200-foot buffer established. The extent of buffers shall be flagged in the field utilizing a method highly visible by construction crews. Buffers may be modified with the concurrence of the CDFW. Maternity dens shall be flagged for avoidance, identified on construction maps, and a biological monitor shall be present during construction to monitor for adequate protection of all identified dens and to ensure that all flagging is kept in good working order.

If avoidance of a non-maternity den (impacts to maternity dens is not allowed) is not feasible, badgers shall be relocated by slowly excavating the burrow (either by hand or mechanized equipment under the direct supervision of the biologist, removing no more than 4 inches at a time) before or after the rearing season (15 February through 1 July). Any passive relocation of badgers shall occur only after consultation with the CDFW and the biological monitor.

BIO-3 **California Red-legged Frog (CRLF)**. To minimize impacts to the California Red-legged Frog, the applicant shall retain a qualified herpetologist (biologist with demonstrable experience surveying for and finding CRLF) to conduct the field work and handling related to the CRLF. The applicant shall use this biologist to oversee the following measures to minimize impacts to the CRLF:

a. Project Limits. Prior to issuance of grading permit, or construction permit, the "project limits" shall be clearly delineated on all construction plans. In addition, sturdy, high-visibility fencing shall be installed in the field showing the "project limits" protecting riparian and wetland habitat not to be disturbed. No construction (including storage of materials) shall occur outside of the "project limits". This fencing shall remain in place during the entire construction period.

b. Pre-construction Survey. Prior to commencement of grading/ improvement activities, the biologist will conduct at least one pre-construction survey for CRLF immediately before the onset of work activities. If any life stage of the CRLF is found, the monitor/biologist shall immediately contact the project manager, where they will collaborate with the County, in consultation with USFWS, to determine the best course of action to minimize impacts and resolve the issue.

c. Work Scheduling. Prior to commencement of grading/ construction/ improvement activities, the applicant shall identify on construction drawings all efforts to schedule work activities for times of the year when impacts to the CRLF would be minimal, such as:

i. Avoid work during the rainy season (October through April). If work must occur in the rainy season, then the construction site shall be surrounded with a wildlife exclusion fence such as the ERTEC no climb exclusion fence, or similar fencing as approved by the Biologist in consultation with the County. The fencing shall be installed following the manufacturer's guidelines which require that the fence be trenched into the ground and no small holes or gaps are present where a red-legged frog could crawl under the fence and gain access to the site. The fencing shall also have the no climb lip at the top and be installed across the construction entrance on a nightly basis to prevent red-legged frogs from entering the site. In addition, biological monitoring shall also be required for construction activities occurring during the rain season to inspect the site periodically to ensure proper function of the fence and search for any red-legged frogs under equipment and along the fence.

The biological monitor shall inspect the site before work is allowed following rain events once the ground is saturated or periods of heavy fog with wet conditions.

ii. Avoid nighttime work. If nighttime work must occur, a qualified biologist shall be on site until it is determined that no potential impacts to CRLF could occur based on conditions and the work occurring. Avoid large pools that may support breeding during the breeding season (i.e., avoid work during November through May);

iii. Avoid isolated pools that are important to maintain CRLF through the driest portions of the year (late summer, early fall).

When such conditions exist, the applicant will work with the biologist to coordinate the construction schedule to minimize impacts to the CRLF.

d. During Construction, If a red-legged frog is observed in the construction area, all work within 100 feet of the frog shall stop and the animal allowed to leave the site on its own volition. If a red-legged frog is found injured or killed, all work shall cease and the County and U.S. Fish and Wildlife Service consulted to evaluate the work activities and ensure compliance with the federal Endangered Species Act.

BIO-4 **Western Pond Turtle, Blainville's Horned Lizards, and Two-striped Gartersnake - Pre-construction survey and monitoring measures –** A qualified biologist shall conduct a pre-activity survey within one week prior to the start of initial project activities to ensure special-status amphibians and reptiles are not present within proposed work areas, staging areas, and access routes. To minimize the potential for impacts to dispersing amphibians, work within 100 feet of drainages shall occur during dry conditions. In addition, a qualified biologist shall monitor all vegetation clearing and initial earth disturbance within 100 feet of suitable aquatic habitat areas on site. If western pond turtle and/or two-striped garter snakes are discovered in the work areas, they shall be allowed to leave the area on their own volition or be relocated by a qualified biologist to pre-determined suitable habitat areas located outside the immediate impact area with appropriate authorization from CDFW.

BIO-5 **Nesting Birds - Conduct a preconstruction nesting bird survey.** A qualified biologist shall conduct a preconstruction survey for nesting birds within 500 feet of project impact areas, within two weeks before the initiation of construction. During this survey, the qualified biologist shall inspect the impact and buffer areas, and any nests identified will be monitored to determine if they are active. If no active nests are found, construction may proceed. If an active nest is found within 50 feet (500 feet for raptors) of the construction area, the biologist, in consultation with the County and CDFW as needed, shall determine the extent of an appropriate avoidance buffer to be established around the nest. The buffer will be delineated with flagging, and no work shall take place within the buffer area until the young have the left the nest, as determined by the qualified biologist. Since golden eagles have been observed in the area, the survey shall assess offsite nesting habitat, to determine if project activities could affect this species' nesting activities.

BIO-6 **Sensitive Habitat Protection – Avoidance & Minimization Measure**. Install appropriate erosion and sediment controls and revegetate graded areas. The following erosion and sedimentation control methods are required to implemented:

a. If possible, the potential for erosion and sedimentation shall be minimized by scheduling construction from May 1 through September 30 consistent with Mitigation Measure BIO-1 to avoid impacts to special status wildlife.

b. To minimize site disturbance, all construction related equipment shall be restricted to established roads, construction areas, and other designated staging areas.

c. A Sediment and Erosion Control Plan beyond what is shown on project plans may be required by the County. As proposed, the use of silt fence, straw wattles and other appropriate techniques will be employed to protect the drainage features on and off the property. All sediment and erosion control measures shall be installed per the engineer's requirements.

d. Spill kits shall be maintained on the site, and a Spill Response Plan shall be in place.

e. No vehicles or equipment shall be refueled within 50 feet of wetland areas and/or drainage features unless a bermed and lined refueling area is constructed. No vehivles or construction equipment shall be stored overnight within 100 feet of these areas unless drip pans or ground covers are used. All equipment and vehicles should be checked and maintained on a daily basis to ensure proper operation and to avoid potential leaks or spills. Construction staging areas should attain zero discharge of stormwater runoff into these habitats.

f. No concrete washout shall be conducted on the site outside of an appropriate containment system. Washing of equipment, tools, etc. should not be allowed in any location where the tainted water could enter onsite drainages.

g. The use of chemicals, fuels, lubricants, or biocides shall be in compliance with all local,s tate, and federal regulations. All uses of such compounds shall observe label and other restrictions mandated by the U.S. Environmental Protection Agency, California Department of Food and Agriculture, and other state and federal legislation.

h. All project-related spills of hazardous materials within or adjacent to the project site should be cleaned up immediately.

i. All areas with soil disturbance shall have appropriate erosion controls and other stormwater protection BMPs installed to prevent erosion potential. Silt fencing, erosion control blankets, straw bales, sand bags, fiber rolls and/or other types of materials prescribed on the plan shall be implemented to prevent erosion and sedimentation. Biotechnical approaches using native vegetation shall be used feasible.

j. Areas with disturbed soils shall be restored under the direction of the project engineer in consultation with a qualified restoration ecologist as needed. Methods may include recontouring graded areas to blend in with existing natural contours, covering the areas with salvaged topsoil containing native seedbank from the site, and/or applying the native seed mix shown on the project plans supplemented with species in table below. Native seed mix shall be applied to the graded areas through either direct hand seeding or hydroseeding methods. Seeding with the native erosion control seed mix should be provided on all disturbed soil areas prior to the onset of the rainy season (by October 15).

Additional Species for Native Erosion Control Seed Mix

Species	Application Rate (lbs./acre)
Bromus carinatus (California brome)	5
Stipa pulchra (purple needlegrass)	10
Trifolium wildenovii (tomcat clover)	5
Vulpia microstachys (six weeks fescue)	5
Total	**25**

BIO-7 **Additional Pre-Construction Survey – immediately prior to the start of vegetation removal or grubbing,** a qualified biologist shall survey impact areas for special-status wildlife species, focused on the amphibian and reptile species detailed above. Construction activities can commence once it has been determined that there are no special-status wildlife species within impact areas. If any special-status wildlife species are found within the impact area or would otherwise be at risk during construction, work activities shall be delayed in that particular area and the animal allowed to leave the work zone on its volition, unless determined by specific mitigation measure included in Biological Resources section. If any CRLF or other federally listed species are found, the monitor/biologist shall immediately contact the project manager and USFWS, where they will collaborate with the County, in consultation with USFWS, to determine the best course of action to minimize impacts and resolve the issue.

Sources

See Exhibit A.

V. CULTURAL RESOURCES

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
(a)	Cause a substantial adverse change in the significance of a historical resource pursuant to § 15064.5?	☐	☐	☐	☒

Initial Study – Environmental Checklist

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
(b)	Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?	☐	☐	☒	☐
(c)	Disturb any human remains, including those interred outside of dedicated cemeteries?	☐	☐	☒	☐

Setting

The project is located in an area historically occupied by the Obispeño Chumash and Salinan. These Native Americans established a sophisticated system of horticulture, using seed scattering, harrowing, selective harvesting, coppicing, and spot burning to produce crops of acorns, grass, and wildflower seeds. They also hunted wildlife and foraged for juncus, willow, redbud, and elderberry for basket making. The founding of Mission Asistencia at Santa Margarita in the 1780s and Mission San Miguel Arcángel in 1797 led to the gradual depopulation of native communities in this area. The Highway 41/46 corridor has historically served as a traveling route between the coastal areas and the Central Valley. These same routes were previously used by Native Americans for the movement of people and goods as well.

A Phase 1 Archaeological Survey was prepared by LSA in July 2019, which included a records search at the Central Coast Information Center (CCIC) at the University of California, Santa Barbara and a pedestrian surface survey. The survey and records search concluded that known prehistoric or historic cultural resources were not present within the proposed project area. A literature search and records search further confirmed the absence of known archaeological sites near the study area.

For AB52 consultation with local tribal cultural group, please see Section XVIII. Tribal Cultural Resources.

Discussion

(a) Cause a substantial adverse change in the significance of a historical resource pursuant to § 15064.5?

The CCIC records search data confirmed that the project sites do not contain, nor are located near, any historic resources identified in the National Register of Historic Places or California Register of Historic Resources. The proposed project will not cause a substantial adverse change in the significance of a historical resource. Therefore, *no impacts* will occur.

(b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?

No known archaeological resources are present on the project site. As noted above, the Cultural Resources Survey identified no known archaeological sites within vicinity of the reservoir and the pedestrian survey was also negative for resources. In the unlikely event resources are uncovered during grading activities, implementation of LUO Section 22.10.040 (Archaeological Resources) would be required, which states:

> In the event archeological resources are unearthed or discovered during any construction activities, the following standards apply:

A. Construction activities shall cease, and the Department shall be notified so that the extent and location of discovered materials may be recorded by a qualified archaeologist, and disposition of artifacts may be accomplished in accordance with state and federal law.

B. In the event archeological resources are found to include human remains, or in any other case when human remains are discovered during construction, the County Coroner shall be notified in addition to the Department so proper disposition may be accomplished.

Based on the low known sensitivity of the project site, and with implementation of LUO Section 22.10.040, impacts to archaeological resources would be *less than significant.*

(c) Disturb any human remains, including those interred outside of dedicated cemeteries?

The nearest dedicated cemetery is the Cambria Cemetery, located approximately 7.5 miles to the northwest. The record and literature search of the project area did not identify any known burial sites within the vicinity of the reservoirs. Additionally, consultation with the Native American tribes did not result in identification of known burials. (See Section XVIII. Tribal Cultural Resources.) However, project excavations have the potential to encounter previously unidentified human remains in the form of burials or isolated bones and bone fragments. If human remains are exposed during construction, construction shall halt around the discovery of human remains, the area shall be protected, and consultation and treatment shall occur as prescribed by State law. The County's Coroner and Sheriff Department shall be notified immediately to comply with State Health and Safety Code Section 7050.5, which states that no further disturbance shall occur until the County Coroner has been notified and can make the necessary findings as to origin and disposition of the remains. If the remains are determined to be Native American, the Coroner will notify the NAHC and the remains will be treated in accordance with Public Resources Code Section 5097.98. With adherence to State Health and Safety Code Section 7050.5 and Public Resources Code Section 5097.98, impacts related to the disturbance of human remains would be reduced to *less than significant.*

Conclusion

Based on the results of a Phase 1 Archaeological Report and pedestrian survey of the site, there are no known historic or archaeological resources within or near the project site, and the probability of discovering unknown human remains is very low. No significant impacts on cultural resources is anticipated. In the event of an unanticipated discovery of archaeological resources during earth-moving activities, compliance with the LUO would ensure potential impacts to cultural resources would be reduced to *less than significant*.

Mitigation

None required.

Sources

See Exhibit A.

VI. ENERGY

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
(d)	Result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	☐	☐	☒	☐
(e)	Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	☐	☐	☐	☒

Setting

Pacific Gas & Electric Company (PG&E) is the primary electricity provider for urban and rural communities within the County of San Luis Obispo. Approximately 33% of electricity provided by PG&E is sourced from renewable resources and an additional 45% is sourced from greenhouse gas-free resources (PG&E 2019).

The County has adopted a Conservation and Open Space Element (COSE) that establishes goals and policies that aim to reduce vehicle miles traveled, conserve water, increase energy efficiency and the use of renewable energy, and reduce greenhouse gas emissions. This element provides the basis and direction for the development of the County's EnergyWise Plan (EWP), which outlines in greater detail the County's strategy to reduce government and community-wide greenhouse gas emissions through a number of goals, measures, and actions, including energy efficiency and development and use of renewable energy resources.

The EWP established the goal to reduce community-wide greenhouse gas emissions to 15% below 2006 baseline levels by 2020. Two of the six community-wide goals identified to accomplish this were to "address future energy needs through increased conservation and efficiency in all sectors" and "increase the production of renewable energy from small-scale and commercial-scale renewable energy installations to account for 10% of local energy use by 2020." In addition, the County has published an EnergyWise Plan 2016 Update to summarize progress toward implementing measures established in the EWP and outline overall trends in energy use and emissions since the baseline year of the EWP inventory (2006).

The California Building Code (CBC) contains standards that regulate the method of use, properties, performance, or types of materials used in the construction, alteration, improvement, repair, or rehabilitation of a building or other improvement to real property. The CBC includes mandatory green building standards for residential and nonresidential structures, the most recent version of which are referred to as the 2019 Building Energy Efficiency Standards. These standards focus on four key areas: smart residential photovoltaic systems, updated thermal envelope standards (preventing heat transfer from the interior to the exterior and vice versa), residential and nonresidential ventilation requirements, and non-residential lighting requirements.

Initial Study – Environmental Checklist

The County LUO includes a Renewable Energy Area combining designation to encourage and support the development of local renewable energy resources, conserving energy resources and decreasing reliance on environmentally costly energy sources. This designation is intended to identify areas of the county where renewable energy production is favorable and establish procedures to streamline the environmental review and processing of land use permits for solar electric facilities (SEFs). The LUO establishes criteria for project eligibility, required application content for SEFs proposed within this designation, permit requirements, and development standards (LUO 22.14.100).

Discussion

(a) *Result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?*

The proposed project is for a irrigation reservoir to serve an existing orchards on site. The project would not result in cumulatively considerable energy demand, generation of substantial new traffic, or significant intensification of land use that would generate substantial additional mobile or stationary emissions. The proposed project would be consistent with energy use of the other agricultural reservoirs in the area. The majority of energy usage would be during construction and the initial filling period of the reservoir, at which point the pump will be running at full capacity and filling the agricultural reservoir at a rate of approximately 50 gallons per minute (gpm) over the course of a minimum 99-day period. After the initial filling is completed, the pump will continue to use electricity but at a significantly reduced rate as the long-term use would be limited to maintaining the reservoir water level as opposed to running at full capacity to fill the reservoir. This energy use during operation is consistent with the historical energy use for irrigation of the orchards and would not be out of character with this type of project or similar uses in the area. As a result, the implementation of the proposed reservoirs would cause a *less than significant* impact in relation to the consumption of energy resources.

(b) *Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?*

The project would be located outside of the County's Renewable Energy Area combining designation, which is an area identified as favorable for renewable energy production but does not preclude the development of the site for other uses. The project's proposed use would be consistent with site's underlying land use designation and is consistent with the anticipated development for the area. As such, the project does not propose a use or activity that would otherwise conflict with or obstruct a state or local plan for renewable energy or energy efficiency. Therefore, *no impacts would occur*.

Conclusion

The project would utilize approximately the same amount of energy as has historically been used to irrigate the existing vineyards and is consistent with the energy demand of other irrigation reservoirs. Therefore, potential impacts on energy resources would be less than significant.

Mitigation

None required.

Sources

See Exhibit A.

VII. GEOLOGY AND SOILS

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
(a)	Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:	☐	☐	☒	☐
	(i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	☐	☐	☒	☐
	(ii) Strong seismic ground shaking?	☐	☐	☒	☐
	(iii) Seismic-related ground failure, including liquefaction?	☐	☐	☒	☐
	(iv) Landslides?	☐	☐	☒	☐
(b)	Result in substantial soil erosion or the loss of topsoil?	☐	☐	☒	☐
(c)	Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	☐	☐	☒	☐
(d)	Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?	☐	☐	☒	☐
(e)	Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	☐	☐	☐	☒

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
(f)	Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☐	☒	☐

Setting

The Alquist-Priolo Earthquake Fault Zoning Act (Act) is a California state law that was developed to regulate development near active faults and mitigate the surface fault rupture potential and other hazards. The Act identifies active earthquake fault zones and restricts the construction of habitable structures over known active or potentially active faults. San Luis Obispo County is located in a geologically complex and seismically active region. The Safety Element of the County of San Luis Obispo General Plan identifies three active faults that traverse through the County and that are currently zoned under the State of California Alquist-Priolo Fault Zoning Act: the San Andreas, the Hosgri-San Simeon, and the Los Osos. The San Andreas Fault zone is located along the eastern border of San Luis Obispo County and has a length of over 600 miles. The Hosgri-San Simeon fault system generally consists of two fault zones: the Hosgri fault zone that is mapped off of the San Luis Obispo County coast; and the San Simeon fault zone, which appears to be associated with the Hosgri, and comes onshore near the pier at San Simeon Point. Lastly, the Los Osos Fault zone has been mapped generally in an east/west orientation along the northern flank of the Irish Hills.

The County's Safety Element also identifies 17 other faults that are considered potentially active or have uncertain fault activity in the County. The Safety Element establishes policies that require new development to be located away from active and potentially active faults. The element also requires that the County enforce applicable building codes relating to seismic design of structures and require design professionals to evaluate the potential for liquefaction or seismic settlement to impact structures in accordance with the Uniform Building Code.

Groundshaking refers to the motion that occurs in response to local and regional earthquakes. Groundshaking can endanger life and safety due to damage or collapse of structures or lifeline facilities. The California Building Code (CBC) currently requires structures to be designed to resist a minimum seismic force resulting from ground motion.

Liquefaction is the sudden loss of soil strength due to a rapid increase in soil pore water pressures resulting from groundshaking during an earthquake. Liquefaction potential increases with earthquake magnitude and groundshaking duration. Low-lying areas adjacent to creeks, rivers, beaches, and estuaries underlain by unconsolidated alluvial soil are most likely to be vulnerable to liquefaction. The CBC requires the assessment of liquefaction in the design of all structures. The project is located in an area with low potential for liquefaction. However, the November 2018 Soils Engineering Report created for the applicant by GeoSolutions, Inc. states that "as the sub-surface material encountered at the Site is rock rather than soil, there is no potential for liquefaction, seismically induced settlement or differential settlement. Rock material differs from soil in that it cannot be saturated, cohesion is considered infinite and relative density is not applicable. Assuming the rock material encountered at the Site accurately represents these conditions, liquefaction potential does not apply" (GeoSolutions, Inc. [GS], 2018).

Landslides and slope instability can occur as a result of wet weather, weak soils, improper grading, improper drainage, steep slopes, adverse geologic structure, earthquakes, or a combination of these factors. Despite

current codes and policies that discourage development in areas of known landslide activity or high risk of landslide, there is a considerable amount of development that is being impacted by landslide activity in the County each year. The County Safety Element identifies several policies to reduce risk from landslides and slope instability. These policies include the requirement for slope stability evaluations for development in areas of moderate or high landslide risk, and restrictions on new development in areas of known landslide activity unless development plans indicate that the hazard can be reduced to a less than significant level prior to beginning development. The project is located in an area with moderate potential for landslides.

Shrink/swell potential is the extent to which the soil shrinks as it dries out or swells when it gets wet. Extent of shrinking and swelling is influenced by the amount and kind of clay in the soil. Shrinking and swelling of soils can cause damage to building foundations, roads and other structures. A high shrink/swell potential indicates a hazard to maintenance of structures built in, on, or with material having this rating. Moderate and low ratings lessen the hazard accordingly. According the NRCS, Diablo Lodo complex (15 - 50 % slope) and Los Osos Lodo complex (30 - 75% slope) underlying the site is characterized as having a moderate erodibility and moderate-to-high shrink-swell characteristics, as well as having potential septic system constraints due to steep slopes, shallow depth to bedrock, slow percolation.

The County LUO identifies a Geologic Study Area (GSA) combining designation for areas where geologic and soil conditions could present new developments and their users with potential hazards to life and property. All land use permit applicants located within a GSA are required to include a report prepared by a certified engineering geologist and/or registered civil/soils engineer as appropriate. This report is then required to be evaluated by a geologist retained by the County. In addition, all uses within a GSA are subject to special standards regarding grading and distance from an active fault trace within an Earthquake Fault Zone (LUO 22.14.070). The proposed reservoir is located within a Geologic Study Area combining designation, and a Soils Engineering Report has been created for the applicant in November 2018 by GeoSolutions, Inc. In addition, Soils Engineering Report has been peer reviewed by the County geologist (LandSet Engineers, Inc, April 15, 2020), who concurred with the Soils Engineering Report (GeoSolution, 2018).

The County Conservation and Open Space Element (COSE) identifies a policy for the protection of paleontological resources from the effects of development by avoiding disturbance where feasible. Paleontological sensitivity is defined as the potential for a geologic unit to produce scientifically significant fossils.

The reservoir site has moderate slopes. Landslide and liquefaction potential are considered moderate and the soils have moderate-to-high shrink/swell (expansive) potential. The nearest known fault line is a potentially capable fault located approximately 1.7 miles northeast of the proposed reservoir site. There are known serpentine or ultramafic rocks/soils within the project parcel but outside of the proposed reservoir area.

The soil type(s) and characteristics on the subject property include:

Diablo-Lodo complex (15 - 50 % slope).

> Diablo. This moderately to steeply sloping clayey soil is considered very poorly drained. The soil has moderate erodibility and high shrink-swell characteristics, as well as having potential septic system constraints due to: steep slopes, slow percolation. The soil is considered Class VI without irrigation and Class is not rated when irrigated.
>
> Lodo. This moderately to steeply sloping clayey soil is considered very poorly drained. The soil has moderate erodibility and moderate shrink-swell characteristics, as well as having potential septic system

constraints due to: steep slopes, shallow depth to bedrock. The soil is considered Class VI without irrigation and Class is not rated when irrigated.

Los Osos-Lodo complex (30 - 75% slope).

Los Osos This steeply to very steeply sloping loamy claypan soil is considered not well drained. The soil has moderate erodibility and moderate shrink-swell characteristics, as well as having potential septic system constraints due to: steep slopes, shallow depth to bedrock, slow percolation. The soil is considered Class VII without irrigation and Class is not rated when irrigated.

Lodo This steeply to very steeply sloping loamy claypan soil is considered very poorly drained. The soil has moderate erodibility and moderate shrink-swell characteristics, as well as having potential septic system constraints due to: steep slopes, shallow depth to bedrock, slow percolation. The soil is considered Class VII without irrigation and Class is not rated when irrigated.

Discussion

(a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:

(a-i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.

The project sites are not located within an Alquist-Priolo Fault Hazard Zone, and there are no mapped active faults crossing or adjacent to the sites (DOC 2018). The closest known fault is approximately 1.7 miles northeast of the proposed reservoir site. A Soils Engineering Report and Engineering Geology Report was prepared for the reservoir site by GeoSolutions, Inc. (GeoSolutions, Inc. November 13, 2018) and provided recommendations for the site preparation, grading, and foundation. In addition, the proposed project would be subject to professional engineering and construction standards to ensure the reservoir is constructed in a stable manner. Therefore, the potential for impacts related to surface ground rupture to occur at the reservoir site is low, and potential impacts would be *less than significant*.

(a-ii) Strong seismic ground shaking?

The project would be required to comply with the California Building Code (CBC) to ensure the effects of a potential seismic event would be minimized to the greatest extent feasible. The project would not be open to the public and would be unmanned except for occasional maintenance operations. Therefore impacts related to the production of strong seismic ground shaking would be *less than significant.*

(aiii-aiv)Seismic-related ground failure, including liquefaction?

Landslides?

Based on the County Safety Element Liquefaction Hazards Map and the County Safety Element Landslides Hazards Map, the reservoir sites are located in areas with low potential for liquefaction and moderate potential for landslides. The geotechnical report prepared for the site determined that due to the the presence sub-surface rock material rather than soil, the potential for liquefaction to

occur does not apply. Additionally, since there will be no structures built at the reservoir site and employees will rarely be on site, the likelihood of a landslide or liquefaction resulting in loss, injury, or death is considered low. The geotechnical reports, reviewed by the County Geologist provide recommendations for the site preparation, grading, and foundation. Incorporation of the preliminary geotechnical recommendations as well as professional engineering standards and CBC requirements would ensure the project is designed to adequately address potential liquefaction and landslide related impacts. Therefore, potential *impacts would be less than significant*.

(b) Result in substantial soil erosion or the loss of topsoil?

The reservoir would result in a total disturbance of approximately 2.65 acres, including approximately 49,812 cubic yards of cut and 11,211 cubic yards of fill, balanced on site. (The cut material will be spread and stabilized on site has a 30 to 40% compaction/shrinkage factor.) The greatest potential for onsite erosion to occur would be during the initial site preparation and grading during construction. A sedimentation and erosion control plan is required for all construction and grading projects (LUO Section 22.52.120) to minimize potential impacts related to erosion and sedimentation, and includes requirements for specific erosion control materials, setbacks from creeks, and siltation. In addition, the project would be subject to Regional Water Quality Control Board (RWQCB) requirements for preparation of a Storm Water Pollution Prevention Plan (SWPPP) (LUO Section 22.52.130) which may include the preparation of a Storm Water Control Plan to further minimize onsite sedimentation and erosion. The geotechnical engineering report prepared for the project recommends that unprotected slopes be covered with plastic sheeting to prevent saturation, and the contractor should install check-dams, de-silting basins, sand bags, or other devices or methods necessary to control erosion. The plan set recommends sediment and erosion control methods such as straw wattle or fiber rolls, soil stabilization, and site revegetation. Implementation of the geotechnical engineering report's recommendations has been included as project conditions of approval to reduce geologic impacts. Upon implementation of the above control measures impacts related to soil erosion and loss of topsoil would be *less than significant with mitigation.*

(c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?

Landslides typically occur in areas with steep slopes or in areas containing escarpments. Based on the Landslide Hazards Map provided in the County Safety Element, the project site is located in an area with moderate potential for local failure or landslide.

The project would be required to comply with CBC seismic requirements to address potential seismic-related ground failure including lateral spread. Based on the County Safety Element and USGS data, the project is not located in an area of historical or current land subsidence (USGS 2019). Based on the County Safety Element Liquefaction Hazards Map, the project site is located in an area with low potential for liquefaction risk, moderate potential for landslide risk, and the project is within the GSA combining designation. Therefore, impacts related to on- or off-site landslides, lateral spreading, subsidence, liquefaction or collapse would be *less than significant.*

(d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?

Based on the Soil Survey of San Luis Obispo County and Web Soil Survey, the project site is located within an area known to contain expansive soils as defined in the Uniform Building Code, however

structures are not proposed in this project. Therefore, impacts to life or property related to expansive soils would be *less than significant.*

(e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?

The project does not propose the installation or use of septic tanks or waste water disposal systems. Therefore, there would be *no impact.*

(f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

There are no known unique paleontological resources or unique geological features located within the project sites. Therefore, no impacts would be occur.

Conclusion

Based on compliance with existing regulations and recommendations in the. Soils Engineering Report and Engineering Geology Report by GeoSolutions, Inc. (GeoSolutions, Inc. November 13, 2018) as required by the project conditions of approval. Implementation of the sedimentation and erosion control measures as specified in project plans, and compliance with the measures outlined in the County's CZLUO and codes, impacts to geologic and soil resources would be less than significant.

Mitigation

None required.

Sources

See Exhibit A.

VIII. GREENHOUSE GAS EMISSIONS

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
(a)	Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	☐	☐	☒	☐
(b)	Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	☐	☐	☒	☐

Setting

As noted in Section 3 Air Quality, the project sites are located in the South Central Coast Air Basin (SCCAB) under the jurisdiction of the San Luis Obispo County Air Pollution Control District (SLOAPCD). The SLOAPCD

has developed and updated a CEQA Air Quality Handbook (2012) and clarification memorandum (2017) to evaluate project specific impacts and help determine if air quality mitigation measures are needed, or if potentially significant impacts could result. To evaluate long-term emissions, cumulative effects, and establish countywide programs to reach acceptable air quality levels, a Clean Air Plan has been adopted (prepared by APCD).

Greenhouse Gas (GHG) Emissions have been found to result in an increase in the earth's average surface temperature by exacerbating the naturally occurring "greenhouse effect" in the earth's atmosphere. The rise in global temperature is has been projected to lead to long-term changes in precipitation, sea level, temperatures, wind patterns, and other elements of the earth's climate system. This phenomenon is commonly referred to as global climate change. These changes are broadly attributed to GHG emissions, particularly those emissions that result from human production and use of fossil fuels.

The passage of AB32, the California Global Warming Solutions Act (2006), recognized the need to reduce GHG emissions and set the greenhouse gas emissions reduction goal for the State of California into law. The law required that by 2020, State emissions must be reduced to 1990 levels. This is to be accomplished by reducing greenhouse gas emissions from significant sources via regulation, market mechanisms, and other actions. Subsequent legislation (e.g., SB97-Greenhouse Gas Emissions bill) directed the California Air Resources Board (CARB) to develop statewide thresholds.

In March 2012, the San Luis Obispo County Air Pollution Control District (APCD) approved thresholds for GHG emission impacts, and these thresholds have been incorporated the APCD's CEQA Air Quality Handbook. APCD determined that a tiered process for residential / commercial land use projects was the most appropriate and effective approach for assessing the GHG emission impacts. The tiered approach includes three methods, any of which can be used for any given project:

1. Qualitative GHG Reduction Strategies (e.g. Climate Action Plans): A qualitative threshold that is consistent with AB 32 Scoping Plan measures and goals; or,
2. Bright-Line Threshold: Numerical value to determine the significance of a project's annual GHG emissions; or,
3. Efficiency-Based Threshold: Assesses the GHG impacts of a project on an emissions per capita basis.

For most projects, the Bright-Line Threshold of 1,150 metric tons of carbon dioxide per year (MT CO_2e/year) will be the most applicable threshold. In addition to the residential/commercial threshold options proposed above, a bright-line numerical value threshold of 10,000 MT CO_2e/yr was adopted for stationary source (industrial) projects.

It should be noted that projects that generate less than the above-mentioned thresholds will also participate in emission reductions because air emissions, including GHGs, are under the purview of the CARB (or other regulatory agencies) and will be "regulated" either by CARB, the federal government, or other entities. For example, new vehicles will be subject to increased fuel economy standards and emission reductions, large and small appliances will be subject to more strict emissions standards, and energy delivered to consumers will increasingly come from renewable sources. Other programs that are intended to reduce the overall GHG emissions include Low Carbon Fuel Standards, Renewable Portfolio Standards, and the Clean Car Standards. As a result, even the emissions that result from projects that produce fewer emissions than the threshold will be subject to emission reductions.

Under CEQA, an individual project's GHG emissions will generally not result in direct significant impacts. This is because the climate change issue is global in nature. However, an individual project could be found to

contribute to a potentially significant cumulative impact. Projects that have GHG emissions above the noted thresholds may be considered cumulatively considerable and require mitigation.

Discussion

(a) *Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?*

Based on the size of the proposed project and the comparable general light industry land use category, the project is expected to generate less than the SLOAPCD's Bright-Line Threshold of 10,000 MT CO_2e/yr of GHG emissions due to the negligible long-term operational emissions. Therefore, the project's potential direct and cumulative GHG emissions would be less than significant and less than a cumulatively considerable contribution to GHG emissions. Section 15064(h)(2) of the CEQA Guidelines provides guidance on how to evaluate cumulative impacts. If it is shown that an incremental contribution to a cumulative impact, such as global climate change, is not "cumulatively considerable," no mitigation is required. Because this project's emissions fall under the threshold, impacts related to GHGs would be *less than significant*.

(b) *Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?*

The proposed project would not generate significant additional long-term vehicle trips or mobile-source emissions. The project would not conflict with the control measures identified in the CAP or other state and local regulations related to GHG emissions and renewable energy. The project would result in *less than significant* impacts associated with conflicts with plans and policies adopted for the purpose of reducing GHG emissions.

Conclusion

No potentially significant impacts to greenhouse gases were identified and therefore no mitigation is required.

Mitigation

None required.

Sources

See Exhibit A.

Initial Study – Environmental Checklist

IX. HAZARDS AND HAZARDOUS MATERIALS

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
(a)	Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☐	☒
(b)	Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	☐	☐	☒	☐
(c)	Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☐	☒
(d)	Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	☐	☐	☐	☒
(e)	For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?	☐	☐	☐	☒
(f)	Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☒	☐
(g)	Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?	☐	☐	☒	☐

Initial Study – Environmental Checklist

Setting

The project is not located in an area of known hazardous material contamination and is not on a site listed on the "Cortese List" (which is a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5) (SWRCB 2018; California Department of Toxic Substance Control [DTSC] 2018). The project is located within a moderate fire hazard severity zone and based on the County's response time map, it will take approximately 10 to 20 minutes to respond to a call regarding fire or life safety. The project is not located within an Airport Review Area and the closest active landing strip, Oak Country Airport, a private landing strip, is located approximately 10 miles east from the proposed reservoir.

Discussion

(a) *Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?*

The project does not propose the routine use, transport, or disposal of hazardous materials. Therefore, there would be *no impact.*

(b) *Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?*

During construction the proposed project would utilize limited quantities of hazardous substances such as gasoline, diesel fuel, hydraulic fluid, solvents, oils, paints, etc. Handling of these materials has the potential to result in an accidental release. Construction contractors would be required to comply with applicable federal and state environmental and workplace safety laws. Additionally, the construction contractor would be required to implement BMPs for the storage, use, and transportation of hazardous materials during all construction activities. Therefore, impacts would be *less than significant*.

(c) *Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?*

The nearest school is Cambria Grammar School, located approximately 5.8 miles to the west. There are no schools within a quarter mile of the proposed project. Therefore, there would be *no impact*.

(d) *Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?*

The project is not located in an area of known hazardous material contamination and is not on a site listed on the "Cortese List" pursuant to Government Code Section 65962.5. Therefore, there would be *no impact.*

(e) *For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?*

The project site is not located within an airport land use plan, and is not located within two miles of a public use airport. Therefore, there would be *no impact*.

(f) *Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?*

The project would not conflict with any regional emergency response or evacuation plan as the existing access roads would be wide enough to accommodate emergency vehicles and the project footprint is small. Construction and operation of the project would not require road closure, and the project would not physically block the onsite residents from evacuating during an emergency. No structures or other obstacles are proposed that would hinder evacuation or emergency response. Therefore, impacts would be *less than significant.*

(g) *Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?*

According to Cal Fire, the project site is located in a moderate fire hazard severity zone within a State Responsibility Area. With the exception of the construction period, the proposed project would not regularly have employees onsite. Construction would be temporary and would last approximately four to seven weeks. Once construction is completed, employees would be onsite for periodic maintenance. The project would not be accessible to the public and no structures are proposed. Therefore, impacts related to risk of loss, injury or death involving wildland fires would be *less than significant.*

Conclusion

No significant impacts related to hazards or hazardous materials would occur.

Mitigation

None required.

Sources

See Exhibit A.

X. HYDROLOGY AND WATER QUALITY

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
(a)	Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	☐	☐	☒	☐

Initial Study – Environmental Checklist

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
(b)	Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	☐	☐	☒	☐
(c)	Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:				
	(i) Result in substantial erosion or siltation on- or off-site;	☐	☐	☒	☐
	(ii) Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site;	☐	☐	☒	☐
	(iii) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or	☐	☐	☐	☒
	(iv) Impede or redirect flood flows?	☐	☐	☒	☐
(d)	In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	☐	☐	☒	☐
(e)	Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	☐	☐	☒	☐

Setting

The project proposes to utilize an existing well within the subject property to fill the reservoir. An unnamed creek that connects to Green Valley Creek is located 1,000 feet north, Green Valley Creek is located 1,400 feet north, and Perry Creek is located within 100 feet south of the proposed reservoir site. The project site is not within a defined groundwater basin, and is within the Upper Green Valley Creek and Lower Green Valley Creek Watersheds. The project is not within a 100-year Flood Hazard designation.

The Countywide Water Conservation Program and Water-Related General Plan and County Code Amendments

On October 27, 2015, the County Board of Supervisors adopted the Countywide Water Conservation Program to address ongoing water scarcity concerns. The objectives of the Countywide Water Conservation Program are to halt increase in groundwater extraction in areas that have been certified LOS III; provide a mechanism to allow new development and new or altered irrigated agriculture to proceed in certified Level of Severity III areas, subject to the requirements of the County General Plan and County Code, in a manner that fully offsets projected water use; and to reduce the wasteful use of water in the county. The amendments were effective on November 26, 2015, and affect the following:

- Countywide:
    - Water waste prevention measures apply to all unincorporated areas where a similar program is not already operated by a water purveyor. (Health and Sanitation Ordinance)
    - Agricultural best management practices are encouraged in all unincorporated areas (the County CZLUO)

The adopted Countywide Water Conservation Program and ordinances included amendments to the County Health and Sanitation Ordinance, Building and Construction Ordinance, County CZLUO, and County Fee Schedule.

Drainage Characteristics

The topography of the reservoir site is moderately rolling, with slopes ranging from approximately 14 to 16%. Surface drainage follows the topography north and southwest. The closest drainages from the proposed reservoir are Perry Creek located within 100 feet south of the proposed reservoir site, an unnamed creek that connects to Green Valley Creek located 1,000 feet north of the proposed reservoir site, and Green Valley Creek located 1,400 feet north of the proposed reservoir site. A drainage gully is located west of the proposed reservoir in the location of the access road. According to the Engineering Geology Report by GeoSolutions, Inc.: "surface draininage should be directed away from existing and proposed slopes (especially the existing steep northern slope)." (GeoSolutions, Inc., 2018a). As described in the NRCS Soil Survey, the soil is considered very poorly drained.

Projects involving more than 1 acre of disturbance are typically required to prepare a SWPPP to minimize onsite sedimentation and erosion; however, SWPPP requirements do not apply to agricultural reservoirs. The County's LUO requires that temporary erosion and sedimentation measures are installed during construction of all grading projects.

For areas where drainage is identified as a potential issue, the CZLUO (Section 23.05.040) includes a provision to prepare a drainage plan to minimize potential drainage impacts. When required, this plan would need to address measures such as constructing onsite retention or detention basins or installing surface water flow dissipaters. This plan would also need to show that the increased surface runoff would have no more impacts than that caused by historic flows.

Soil type, area of disturbance, and slopes are key aspects to analyzing potential sedimentation and erosion issues. The project's soil types and descriptions are listed in the Setting discussion of Section 2, Agricultural Resources. As described in the NRCS Soil Survey, the soil erodibility of the reservoir sites is moderate. A sedimentation and erosion control plan is required for all construction and grading projects (LUO Section 23.05.042) to minimize these impacts. When required, the plan is

prepared by a civil engineer to address both temporary and long-term sedimentation and erosion impacts.

Discussion

(a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?

The proposed reservoir would be constructed on moderately rolling topography. The project would be located within 100 feet from Perry Creek. The underlying soils of the reservoir site have moderate erodibility. The applicant has proposed erosion control measures to be implemented during construction, including a permanent erosion control blanket to reduce surficial erosion of the reservoir slopes and to allow for vegetation growth on the slopes.

With regards to project impacts on water quality the following conditions apply:

- Approximately 2.65 acres of combined site disturbance is proposed and the movement of approximately 49,812 cubic yards of cut and 11,211 cubic yards of fill, balanced on site; (the cut material will be used as fill for the earthen berms, and has a 30% to 40% shrinkage factor);
- The project will be subject to standard County requirements for drainage, sedimentation, and erosion control for construction and permanent use;
- Stockpiles will be properly managed during construction to avoid material loss due to erosion; and
- All hazardous materials and/or wastes will be properly stored onsite, which include secondary containment should spills or leaks occur.

To provide protection from downward migration of stored water within the reservoir, the proposed earthen irrigation reservoir would be lined with 40 mil high density polyethylene (HDPE) plastic. This HDPE liner would provide protection from leakage into the subsurface; therefore, water quality related associated with subsurface leakage to groundwater would be less than significant.

The proposed project would not result in any wastewater discharge. Stormwater would be diverted around the reservoir and implementation of the project would not substantially change the volume or velocity of runoff leaving any point of the site or result in a significant increase in impervious surface area. Therefore, potential impacts would be *less than significant.*

(b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?

Water used to fill the reservoir would be sourced from an existing well onsite. The purpose of the proposed reservoir is to provide onsite frost protection and irrigation for existing avocado orchards. The proposed reservoir would therefore increase water-use efficiency by enabling better water management during frost events. However, it would also result in water loss through evaporation from the water surface to the atmosphere and increased pumping from the well to compensate for reservoir evaporation.

The annual Net Evaporative Loss for the proposed reservoir is 3.31 acre-feet per year (afy). The annual water demand above historical usage would be approximately equivalent to the net evaporative losses associated the proposed reservoir (3.31 afy). This is because instead of pumping directly from the well over the course of the year, the water is pumped at one time and then used as necessary.

The proposed reservoir would have a maximum storage capacity of 21.8 acre-feet. A hydrogeologic analysis was prepared for the reservoir (Monsoon Consultants 2019b) to analyze the potential impacts of onsite pumping on adjacent wells in close proximity to the project. Initial filling of the reservoir to full capacity (21.8 acre-feet) is proposed to take place over 99-days. The short-term impacts relating to neighboring wells calculate a drawdown of 2.38 to 7.93 feet in surrounding offsite wells and would be expected to recover within a few days after the initial reservoir filling period. The long-term impacts (over a 5-year period) calculate a drawdown of 0.39 to 0.65 feet from Net Evaporative Losses. Filling of the proposed reservoir would require a rate of 50 gallons per minute (gpm) over a continuous 99-day period. This initial filling of the reservoir is a one-time event and the groundwater levels of the affected offsite wells would be expected to recover within a few days. The hydrogeologic analysis concluded that the proposed project will result in additional groundwater use when compared to historical usage, from the initial filling of the reservoirs and the net evaporative losses from the exposed water surfaces of the reservoirs (Monsoon Consultants 2019b).

During operation, the proposed reservoir would not increase water demand at the site. The initial-filling of the pond is a one-time event, therefore the impacts to groundwater supplies are temporary, and are expected to recover within a few days. The long-term well impacts are determined to be *less than significant*, as overall water usage will remain the same.

(c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:

(c-i) Result in substantial erosion or siltation on- or off-site?

The proposed reservoir would result in a total disturbance of approximately 2.65 acres, including approximately 49,812 cubic yards of cut and 11,211 cubic yards of fill, balanced on site. (The cut material will be used as fill for the earthen berms and has a 30 to 40% compaction/shrinkage factor.) The greatest potential for erosion and siltation to occur would be during the initial site preparation and grading during construction. A sedimentation and erosion control plan is required for all construction and grading projects (LUO Section 22.52.120) to minimize potential impacts related to erosion and sedimentation, and includes requirements for specific erosion control materials, setbacks from creeks, and siltation. In addition, the project would be subject to Regional Water Quality Control Board (RWQCB) requirements for preparation of a Storm Water Pollution Prevention Plan (SWPPP) (LUO Section 22.52.130) which may include the preparation of a Storm Water Control Plan to further minimize onsite sedimentation and erosion. The plan sets prepared for the project recommends that all fill slopes should be covered with a permanent erosion control blanket to reduce surficial erosion of the slopes and to allow for revegetation. Implementation of the geotechnical engineering report's recommendations has been included as project condition of approval to reduce impacts resulting from erosion and siltation. Therefore, impacts would be *less than significant with mitigation*.

(c-ii) Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?

The project would not substantially increase the amount of impervious surface area or the rate and volume of surface runoff in a manner that could result in flooding on- or off-site. Based on the nature and size of the project, changes in surface hydrology would be negligible. Therefore, potential impacts related to increased surface runoff resulting in flooding would be *less than significant.*

(c-iii) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?

The project would not utilize a stormwater system and therefore there would be *no impact* to stormwater or drainage systems.

(c-iv) Impede or redirect flood flows?

Based on the County Flood Hazard Map, the proposed reservoir is not located within a 100-year flood zone. The project would be subject to standard County requirements for drainage, sedimentation, and erosion control for construction and operation. Therefore, impacts would be *less than significant.*

(d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?

Based on the San Luis Obispo County Tsunami Inundation Maps, the project site is not located in an area with potential for inundation by a tsunami (DOC 2019). The project site is not located within close proximity to a standing body of water with the potential for a seiche to occur. Therefore, impacts related to flood hazards, tsunami, or seiche would be *less than significant*.

(e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

The proposed project is not within an area of groundwater extraction that has been certified Level Of Severity III, and the project will not conflict or obstruct the implementation of a water quality control plan or sustainable groundwater management plan. Therefore, the impacts would be *less than significant*.

Conclusion

Compliance with existing regulations and/or required plans would adequately address the potential for surface water quality impacts during construction and permanent use of the project. No change in groundwater quality would occur.

The initial filling of the reservoir would result in a drawdown at adjacent wells of 2.38 to 7.93 feet. The initial filling of the reservoir to full capacity (21.8 acre-feet) is proposed to take place over 99-days. This initial filling of the reservoir is a one-time event, and groundwater levels of the affected wells are expected to recover within a few days. Potential impacts related to water level drawdown would be less than significant.

During operation, the project would not increase the demand or use of groundwater. The project would not require connection to any existing water or stormwater facilities and would not affect or exceed the capacity of existing facilities or community water service provider. The project is not within the 100-year flood zone and would not increase the risk of flooding or inundation. Therefore, potential impacts related to water service providers and flooding would be less than significant.

Mitigation

None required.

Sources

See Exhibit A.

XI. LAND USE AND PLANNING

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
(a)	Physically divide an established community?	☐	☐	☐	☒
(b)	Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	☒	☐

Setting

The proposed agricultural reservoir is located in an area zoned as Agriculture by the County of San Luis Obispo. The project site is surrounded by agricultural land uses, including avocado orchards and undeveloped hills used for grazing. Several agricultural reservoirs exist in the immediately surrounding areas. The proposed project was reviewed for consistency with policy and/or regulatory documents relating to the environment and appropriate land use (e.g., County Land Use Ordinance, North County Area Plan, etc.). Referrals were sent to outside agencies to review for policy consistencies (e.g., County Fire/CAL FIRE for Fire Code, APCD for Clean Air Plan, etc.).

Discussion

(a) Physically divide an established community?

The proposed project is located on an existing parcel and would not involve any components that would physically divide the rural community. The project would utilize the existing circulation system and onsite roads for access and would not require the construction of offsite infrastructure. Therefore, there would be *no impact*.

(b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?

The project site is located in an area surrounded by agricultural operations (avocado orchards and cattle grazing) and there are other agricultural reservoirs in the area. The project sites are zoned as Agriculture by the County of San Luis Obispo and no zoning changes are proposed. Agricultural reservoirs are a compatible use for the agriculture designation since they aid in agricultural operations. The project was found to be consistent with standards and policies set forth in the County General Plan, the North County Area Plan, the SLOAPCD Clean Air Plan, and other land use policies for this area. The project would be required to be consistent with standards set forth by County Fire/CAL FIRE and the Public Works Department. Therefore, impacts related to inconsistency with land use and policies adopted to address environmental effects would be *less than significant.*

Conclusion

No significant land use or planning impacts would occur.

Mitigation

None required.

Sources

See Exhibit A.

XII. MINERAL RESOURCES

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
(a)	Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	☐	☐	☒	☐
(b)	Result in the loss of availability of a locally- important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	☐	☐	☒	☐

Setting

The County Land Use Ordinance provides regulations for development in delineated Energy and Extractive Resource Areas (EX) and Extractive Resource Areas (EX1). The proposed project is not located within an EX or EX1 designation. Based on the California Geological Survey (CGS) Information Warehouse for Mineral Land Classification, the project site is located within an Aggregate Materials study area which covers the majority of the county. The proposed project is located within a Geologic Study Area combining designation. There are no active mining operations onsite.

Discussion

(a-b) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?

Result in the loss of availability of a locally- important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?

There are no known mineral resources on the project site. Based on the California Geological Survey (CGS) Information Warehouse for Mineral Land Classification, the project site is not located within any study areas that have identified mineral resources and are not located in close proximity to an active mine (CGS 2015). The closest mine is located off-site approximately 2.40 miles northwest of

the proposed reservoir. In addition, based on Chapter 6 of the County of San Luis Obispo General Plan Conservation and Open Space Element – Mineral Resources, the project site is not located within an extractive resource area or an energy and extractive resource area. Therefore, impacts related to preclusion of future extraction of valuable mineral resources would be *less than significant.*

Conclusion

Due to the lack of valuable minerals in the area, and the lack of a mineral resource recovery designation, the proposed project would not significantly hinder future extraction or availability of valuable mineral resources. Therefore, impacts would be *less than significant.*

Mitigation

None required.

Sources

See Exhibit A.

XIII. NOISE

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project result in:					
(a)	Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☐	☐	☒	☐
(b)	Generation of excessive groundborne vibration or groundborne noise levels?	☐	☐	☒	☐
(c)	For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒

Setting

The existing ambient noise environment is characterized by light traffic on Highway 46, as well as agricultural equipment from surrounding properties. Noise-sensitive land uses typically include residences, schools, nursing homes, and parks. The nearest existing noise-sensitive offsite land use is a residence located approximately 1,300 feet northwest of the proposed reservoir. The project would not be located within an

Airport Review Area and the closest active landing strip, Oak Country Airport, a private landing strip, is located approximately 10 miles east from the proposed reservoir.

Discussion

(a) *Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?*

The proposed project would not introduce noise-generating equipment for operation of the proposed project and therefore would not generate a permanent increase in ambient noise levels. However, project construction activities would generate short-term construction noise. These activities would be limited to the daytime hours of 7:00 a.m. to 9:00 p.m. Monday through Friday, and 8:00 a.m. to 5:00 p.m. on Saturday or Sunday, in accordance with County construction noise standards (CZLUO Section 23.06.040) and would be located approximately 1,300 feet from any offsite receptor. Construction-related noise would not be substantially different than existing farm equipment uses and would attenuate considerably before reaching offsite receptors. Therefore, impacts related to increases in ambient noise levels would be *less than significant*.

(b) *Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?*

Operation of the proposed project would not result in groundborne vibration. No construction equipment or methods are proposed that would generate substantial ground vibration (blasting, pile driving, demolition, etc.). Therefore, impacts related to temporary or permanent groundborne vibration would be *less than significant*.

(c) *For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?*

The project site is not located within an airport land use plan and is not located within two miles of a public use airport. Therefore, there would be *no impact.*

Conclusion

No significant long-term change in noise levels would occur. Short-term construction related noise would be limited in nature and duration and would only occur during appropriate daytime hours. Therefore, potential noise impacts would be *less than significant*.

Mitigation

None required.

Sources

See Exhibit A.

XIV. POPULATION AND HOUSING

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
(a)	Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	☐	☐	☐	☒
(b)	Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒

Setting

In its efforts to provide for affordable housing, the County currently administers the Home Investment Partnerships Program (HOME) and the Community Development Block Grant (CDBG) Program, which provides limited financing to projects relating to affordable housing throughout the county. The County's Inclusionary Housing Ordinance requires provision of new affordable housing in conjunction with both residential and nonresidential development and subdivisions.

Discussion

(a-b) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?

Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?

The proposed project proposes construction of an agricultural reservoir to store water to serve existing agricultural uses. The proposed project does not include any residential uses or structures for human habitation. The project would not require additional employees beyond the existing amount used for the existing agricultural operation. The project would not result in a need for new housing and would not displace existing housing. The project does not propose new roads or infrastructure to undeveloped or underdeveloped areas that would indirectly result in population growth. Therefore, there would be *no impacts.*

Conclusion

No population and housing impacts would occur.

Mitigation

None required.

Sources

See Exhibit A.

XV. PUBLIC SERVICES

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
(a)	Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:	☐	☐	☒	☐
	Fire protection?	☐	☐	☒	☐
	Police protection?	☐	☐	☒	☐
	Schools?	☐	☐	☐	☒
	Parks?	☐	☐	☐	☒
	Other public facilities?	☐	☐	☒	☐

Setting

The project area is served by the following public services/facilities:

Police: County Sheriff Location: Templeton (Approximately six miles to the west)

Fire: Cal Fire (formerly CDF) Hazard Severity: Moderate Response Time: 15 to 20 minutes

Location: #10 Cambria Station Approximately 8 miles to the northwest

School District: Coast Unified School District.

Initial Study – Environmental Checklist

Discussion

(a) *Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:*

Fire protection?

Police protection?

The proposed project proposes construction of an agricultural reservoir to serve existing agricultural uses and would not generate substantial long-term increases in demand for fire or police protection. The proposed project, along with other projects in the area, would result in a cumulative effect on police and fire protection services. The project's direct and cumulative impacts would be within the general assumptions of allowed use for the subject property that was used to estimate the public facility fees in place. Therefore, impacts would be *less than significant.*

Schools?

Parks?

The proposed project would not result in the need for new housing and would not result in population growth. Therefore, there would be *no impacts* related to school or park facilities.

Other public facilities?
The proposed project would not generate a substantial long-term increase in demand for roads, solid waste, or other public services or utilities. Electrical demands of the project would be negligible and electrical service is available immediately adjacent to the project sites. The proposed project sites would be accessed by existing local and farm roads and would not generate substantial long-term operational trips. Cut and fill material would be balanced onsite and the project would not generate substantial amounts of solid waste requiring disposal. Therefore, potential impacts on public services or utilities would be *less than significant.*

Conclusion

No significant impacts to public services or utilities would occur.

Mitigation

None required.

Sources

See Exhibit A.

XVI. RECREATION

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
(a)	Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	☐	☐	☐	☒
(b)	Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	☐	☐	☐	☒

Setting

The project would be located within a privately owned operational agricultural parcel that primarily supports existing avocado orchards.

Discussion

(a-b) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?

Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

Construction and operation of the proposed reservoir would not have any adverse effects on existing or planned recreational opportunities in the county. The proposed project would not create a need for additional park, natural area, and/or recreational resources. The proposed project would be located on a private agricultural zoned parcel and would not induce population growth that would require increased recreational services and facilities. Therefore, there would be *no impacts*.

Conclusion

No significant impacts to recreational resources would occur.

Mitigation

None required.

Sources

See Exhibit A.

XVII. TRANSPORTATION

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
(a)	Conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?	☐	☐	☒	☐
(b)	Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?	☐	☐	☐	☒
(c)	Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☐	☒	☐
(d)	Result in inadequate emergency access?	☐	☐	☒	☐

Setting

The County has established the acceptable Level of Service on roads for this rural area as "C" or better. The existing road network in the area including the project's access street—Highway 46—are operating at acceptable levels. Based on existing road speeds and configuration (vertical and horizontal road curves), sight distance is considered acceptable.

Discussion

(a) *Conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?*

The proposed project includes construction of an agricultural reservoir for water storage to serve an existing agricultural operation. Short-term construction-related trips would be minimal, and area roadways are operating at acceptable levels and would be able to accommodate construction-related traffic. Long-term maintenance and operational trips would not substantially differ from existing onsite vineyard operations. As a result, the proposed project would have an insignificant long-term impact on existing road service or traffic safety levels. The project does not conflict with adopted policies, plans and programs related to transportation, would not affect air traffic patterns or policies related to public transit, bicycle, or pedestrian facilities. Therefore, impacts would be *less than significant.*

(b) *Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?*

The County of San Luis Obispo has not yet identified an appropriate model or method to estimate vehicle miles traveled for proposed land use development projects. Section 15064.3, subdivision (b)

states that if existing models or methods are not available to estimate the vehicle miles traveled for the particular project being considered, a lead agency may analyze the project's vehicle miles traveled qualitatively. While the County's program is still in development, the estimated new vehicle trips generated by the proposed project fall below the suggested screening threshold of 110 trips/day identified in the State guidance (Technical Advisory on Evaluating Transportation Impacts in CEQA; Office of Planning & Research, December 2018), and would be assumed to be insignificant.

Based on the nature and location of the project, the project would not generate a significant increase in construction-related or operational traffic trips or vehicle miles traveled. The project would not substantially change existing land uses and would not result in the need for additional new or expanded transportation facilities. The project would be subject to standard development impact fees to offset the relative impacts on surrounding roadways. Therefore, potential impacts would be *less than significant*.

(c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

The project would not result in any changes to the access road or alterations to the existing farm road approach. Therefore, the project would not substantially increase hazards and would have a *less than significant impact.*

(d) Result in inadequate emergency access?

The project site access roads are currently approximately 10 feet wide on a nearly level surface which is enough room to accommodate farm equipment, construction vehicles, and emergency vehicles. The project sites would have the highest risk of emergencies occurring construction, which would be temporary. During operation the likelihood of an emergency incident occurring is low due to a lack of structures and infrequency of persons at the project. Therefore, impacts related to emergency access would be *less than significant*.

Conclusion

No significant traffic impacts would occur.

Mitigation

None required.

Sources

See Exhibit A.

XVIII. TRIBAL CULTURAL RESOURCES

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
(a)	Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:				
	(i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or	☐	☐	☒	☐
	(ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.	☐	☐	☒	☐

Setting

Approved in 2014, Assembly Bill 52 (AB 52) added tribal cultural resources to the categories of resources that must be evaluated under CEQA. Tribal cultural resources are defined as either of the following:

1) Sites, features, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are either of the following:

   a. Included or determined to be eligible for inclusion in the California Register of Historical Resources; or

   b. Included in a local register of historical resources as defined in subdivision (k) of California Public Resources Code Section 5020.1.

2) 2) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of California Public Resources Code Section 5024.1. In applying these criteria for the purposes of this paragraph, the lead agency shall consider the significance of the resource to a California Native American Tribe.

AB 52 consultation letters were sent to Northern Chumash Tribal Council, Salinan Tribe of San Luis Obispo and Monterey Counties, Xolon Salinan Tribe, and yak titʸu titʸu yak tiłhini tribes on February 3, 2020:. A response was submitted by the Northern Chumash Tribal Council on February 6, 2020 stating that no comments on the proposed project. No other tribal group has responded to the consultation invitation, and concluded AB 52 consultation.

Discussion

(a) *Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:*

(a-i) *Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k)?*

(a-ii) *A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.*

As noted in Section V. Cultural Resources, a Phase 1 Archaeological Survey was prepared by LSA in July 2019 concluded that known prehistoric or historic cultural resources were not present within the proposed project area. A literature search and records search further confirmed the absence of known archaeological sites near the study area.

Further, per AB 52, notices regarding the opportunity for tribal consultation were sent on February 3, 2020 to Northern Chumash Tribal Council, Salinan Tribe of San Luis Obispo and Monterey Counties, Xolon Salinan Tribe, and yak titʸu titʸu yak tiłhini Native American tribes affiliated with the project area. A response was submitted by the Northern Chumash Tribal Council on February 6, 2020 stating that no comments on the proposed project. No other tribal group has responded to the consultation reachout.

In the unlikely event resources are uncovered during grading activities, implementation of LUO Section 23.04.200 (Archaeological Resources) would be required:

> In the event archeological resources are unearthed or discovered during any construction activities, the following standards apply:
>
> > A. Construction activities shall cease, and the Department shall be notified so that the extent and location of discovered materials may be recorded by a qualified archaeologist, and disposition of artifacts may be accomplished in accordance with state and federal law.

B. In the event archeological resources are found to include human remains, or in any other case when human remains are discovered during construction, the County Coroner shall be notified in addition to the Department so proper disposition may be accomplished.

There are no known tribal cultural resources within the project area. Therefore, impacts would be *less than significant.*

Conclusion

Significant impacts on tribal cultural resources is unlikely to occur. In the event of an unanticipated discovery of tribal resources during earth-moving activities, compliance with the CZLUO would ensure potential impacts would be reduced to *less than significant.*

Mitigation

None required.

Sources

See Exhibit A.

XIX. UTILITIES AND SERVICE SYSTEMS

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
(a)	Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	☐	☐	☐	☒
(b)	Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	☐	☐	☒	☐
(c)	Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	☐	☐	☐	☒

Initial Study – Environmental Checklist

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
(d)	Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	☐	☐	☒	☐
(e)	Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	☐	☐	☒	☐

Setting

A fee program has been adopted to address impacts related to public facilities (county) and schools (State Government Code 65995 et seq.). Fees are assessed annually by the County based on the type of proposed development and proportional impact and collected at the time of building permit issuance. Fees are used for the construction as needed to finance the facilities required to the serve new development.

Discussion

(a) *Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?*

The proposed project would not result in the necessity of new or expanded water, wastewater, electric, natural gas, or telecommunications connections or facilities. Power is currently provided on site through an existing PG&E connection and water would be supplied from an existing well on site. Since no expansion or relocation of facilities would be required for construction or operation of the proposed project, *no impacts* would occur.

(b) *Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?*

The proposed project would only see an increase in water usage compared to historical averages of water use on the land during initial filling of the reservoirs. Filling the reservoir using the existing irrigation well would occur over a continuous 99-day period at a rate of 50 GPM. After initial filling, the water usage from the reservoir would remain unchanged when compared to the historic usage. Since water usage would be consistent with historical use, the impacts from having insufficient water supplies available to serve the project and reasonably foreseeable future development would be *less than significant*.

(c) *Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?*

The proposed project would not result in the production of any wastewater and all wastewater during construction would be collected in portable restroom facilities that would be serviced offsite.

The project site is not served by a wastewater treatment provider, and the proposed project would have *no impacts* on capacity of a wastewater treatment provider's facilities.

(d-e) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?

Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?

Operation of the proposed project would not result in the production of solid waste and therefore would comply with all federal, state, and local management and reduction statutes and regulations related to solid waste. Any waste generated from the construction of the proposed facility would be removed by the contractor and disposed of. The nearest solid waste facility is the Chicago Grade Landfill, located near the community of Templeton, which has a remaining capacity of 6,022,396 cubic yards as of 2017 (CalRecycle 2019). Impacts with regards to solid waste would be *less than significant.*

Conclusion

Portable restrooms would be provided during construction and handled by the portable restroom provider. Solid waste may be generated during construction of the facility and would be removed from the site by the project contractor. No significant impacts related to utilities and service systems would occur, and therefore mitigation is not required.

Mitigation

None required.

Sources

See Exhibit A.

XX. WILDFIRE

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:					
(a)	Substantially impair an adopted emergency response plan or emergency evacuation plan?	☐	☐	☒	☐
(b)	Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	☐	☐	☒	☐

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		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
(c)	Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	☐	☐	☒	☐
(d)	Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	☐	☐	☒	☐

Setting

The proposed project sites are located in Moderate Fire Hazard Severity Zones and have an average annual windspeed of approximately 7.8 to 9.1 miles per hour (mph) (WeatherSpark 2019). Existing conditions that may exacerbate fire risk include the gently sloping topography in some areas and the moderate average windspeed.

The County of San Luis Obispo Safety Element establishes goals, policies, and programs to reduce the threat to life, structures, and the environment caused by fire. Policy S-13 identifies that new development should be carefully located, with special attention given to fuel management in higher fire risk areas, and that new development in fire hazard areas should be configured to minimize the potential for added danger.

The California Fire Code provides minimum standards for many aspects of fire prevention and suppression activities. These standards include provisions for emergency vehicle access, water supply, fire protection systems, and the use of fire-resistant building materials.

Discussion

(a) Substantially impair an adopted emergency response plan or emergency evacuation plan?

The project would not conflict with any regional emergency response or evacuation plan as no structures or other obstacles are proposed that would hinder evacuation or emergency response. Therefore, there would be *no impacts*.

(b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?

The proposed project site is located in an area of moderate wind, with an average annual wind speed of approximately 4.0 m/s to 5.0 m/s (Office of Energy Efficiency and Renewable Energy 2019). The project sites have abundant fuel, especially during the summer months when vegetation is drier, and has gently sloping topography in some areas, all of which exacerbate fire risk. All of these conditions have resulted in the project sites being classified in a Moderate Fire Hazard Severity Zone. The proposed project would have the highest fire risk during construction as construction

vehicles have the ability to spark wildfires when operating machinery around dry vegetation. This risk would be temporary however, and there would be no long-term fire risk from the implementation of the project. Therefore, impacts would be *less than significant*.

(c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?

The proposed project site has access to all utilities required for their operation and therefore would not require construction of other utilities that could exacerbate fire risk. Furthermore, existing farm roads will be used for access as opposed to construction of new roads for access. Impacts would be *less than significant*.

(d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?

As stated earlier, the project would not result in the construction of structures and employees would rarely be onsite. Therefore, there would be a *less than significant* impact to people and structures in regard to flooding and landslides from post-fire slope instability.

Conclusion

No significant wildfire impacts were identified and therefore project impacts would be *less than significant*.

Mitigation

None required.

Sources

See Exhibit A.

XXI. MANDATORY FINDINGS OF SIGNIFICANCE

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
(a)	Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	☐	☒	☐	☐
(b)	Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	☐	☐	☒	☐
(c)	Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	☒	☐

Discussion

(a) *Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?*

As discussed in each resource section above, the project has the potential to impact California Red-Legged Frog and designated critical habitat. Implementation of Mitigation Measures BIO-1 through BIO-7 would reduce impacts to California Red-Legged Frog, American badger, Two-striped gartersnake, and Southwestern pond turtles to less than significant. Therefore, the project would not result in significant impacts to biological resources and would not substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare

or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory. Mitigation measures have been proposed to prevent or reduce all potential impacts to less than significant; therefore, impacts would be *less than significant with mitigation*. Refer to Section 4. Biological Resourcesfor additional information.

(b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?

Potential cumulative impacts of the proposed project have been analyzed within the discussion of each environmental resource area above. Cumulative impacts associated with the proposed project would be *less than significant.*

(c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

Environmental impacts that may have an adverse effect on human beings, either directly or indirectly, are analyzed in each environmental resource section above. With incorporation of Land Use Ordinance and Best Management Practices, impacts would be *less than significant.*

Conclusion

With the implementation of the mitigation measures listed in Exhibit B – Mitigation Summary Table, impacts would be reduced to *less than significant with mitigation*.

Sources

See Exhibit A.

Initial Study – Environmental Checklist

Exhibit A - Initial Study References and Agency Contacts

The County Planning Department has contacted various agencies for their comments on the proposed project. With respect to the subject application, the following have been contacted (marked with an ☒) and when a response was made, it is either attached or in the application file:

Contacted	Agency	Response
☒	County Public Works Department	**In File****
☐	County Environmental Health Services	**Not Applicable**
☐	County Agricultural Commissioner's Office	**Not Applicable**
☐	County Airport Manager	**Not Applicable**
☐	Airport Land Use Commission	**Not Applicable**
☐	Air Pollution Control District	**Not Applicable**
☐	County Sheriff's Department	**Not Applicable**
☒	Regional Water Quality Control Board	**None**
☒	CA Coastal Commission	**None**
☒	CA Department of Fish and Wildlife	**None**
☐	CA Department of Forestry (Cal Fire)	**Not Applicable**
☐	CA Department of Transportation	**Not Applicable**
☐	Community Services District	**Not Applicable**
☒	Other U.S. Fish and Wildlife Service	**None**
☒	Other North Coast Advisory Council	**None**

** "No comment" or "No concerns"-type responses are usually not attached

The following checked ("☒") reference materials have been used in the environmental review for the proposed project and are hereby incorporated by reference into the Initial Study. The following information is available at the County Planning and Building Department.

- ☒ Project File for the Subject Application

County Documents

- ☒ Coastal Plan Policies
- ☒ Framework for Planning (**Coastal**/Inland)
- ☒ General Plan (Inland/**Coastal**), includes all maps/elements; more pertinent elements:
  - ☒ Agriculture Element
  - ☒ Conservation & Open Space Element
  - ☐ Economic Element
  - ☐ Housing Element
  - ☐ Noise Element
  - ☐ Parks & Recreation Element/Project List
  - ☒ Safety Element
- ☒ Land Use Ordinance (Coastal)
- ☒ Building and Construction Ordinance
- ☐ Public Facilities Fee Ordinance
- ☐ Real Property Division Ordinance
- ☐ Affordable Housing Fund
- ☐ Airport Land Use Plan
- ☒ Energy Wise Plan
- ☒ North Coast Area Plan
- ☐ Design Plan
- ☐ Specific Plan
- ☐ Annual Resource Summary Report
- ☐ Circulation Study

Other Documents

- ☒ Clean Air Plan/APCD Handbook
- ☐ Regional Transportation Plan
- ☐ Uniform Fire Code
- ☒ Water Quality Control Plan (Central Coast Basin – Region 3)
- ☒ Archaeological Resources Map
- ☒ Area of Critical Concerns Map
- ☒ Special Biological Importance Map
- ☒ CA Natural Species Diversity Database
- ☒ Fire Hazard Severity Map
- ☒ Flood Hazard Maps
- ☒ Natural Resources Conservation Service Soil Survey for SLO County
- ☒ GIS mapping layers (e.g., habitat, streams, contours, etc.)
- ☐ Other

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In addition, the following project-specific information and/or reference materials have been considered as a part of the Initial Study:

California Department of Conservation (DOC). 2015. Fault Activity Map of California (2010) Available at <http://maps.conservation.ca.gov/cgs/fam/> Accessed on: December 5, 2019.

California Department of Conservation (DOC). 2015. CGS Information Warehouse: Regulatory Maps. Available at <https://maps.conservation.ca.gov/cgs/informationwarehouse/> Accessed on: December 5, 2019.

California Department of Conservation (DOC). 2016. California Important Farmland Finder. Available at <https://maps.conservation.ca.gov/DLRP/CIFF/> Accessed on: December 10, 2019.

California Department of Conservation (DOC). 2016. San Luis Obispo County Important Farmland 2016. Available at <ftp://ftp.consrv.ca.gov/pub/dlrp/FMMP/pdf/2016/slo16.pdf> Accessed on: December 10, 2019.

GeoSolutions, Inc. 2018. Soils Engineering Report, 6425 Green Valley Road, APN: 046-012-001, Cambria area, San Luis Obispo County, California 93428, Project SL10692-1. November 13, 2018

GeoSolutions, Inc. 2018. Engineering Geology Investigation, 6425 Green Valley Road, APN: 046-012-001, Cambria area, San Luis Obispo County, California 93428, Project SL10692-2. November 13, 2018.

GeoSolutions, Inc. 2019. Geotechnical and Geologic Plan Review #1 (Revised), 6425 Green Valley Road, APN: 046-012-001, Cambria area, San Luis Obispo County, California 93428, Project SL10692-3. August 26, 2019.

Kevin Merk Associates, LLC. 2019. Negranti Green Valley Ranch AG Reservoir Project, Biological Resources Assessment, San Luis Obispo County, California. July 19, 2019.

LSA. 2019. Phase I Archaeological Survey of a Portion of APN 046-012-001 at 6425 Green Valley Road in Cambria, San Luis Obispo County, California (LSA Project No. NGR1901). July 15, 2019.

Monsoon Consultants. 2019. Hydrogeologic analysis for the agricultural irrigation storage reservoir to be constructed at Negranti Green Valley Ranch. July 9, 2019.

Office of Energy Efficiency and Renewable Energy. 2012. California – Annual Average Wind Speed at 30m. Available at: <https://windexchange.energy.gov/files/u/visualization/pdf/ca_30m.pdf> Accessed on: December 5, 2019.

State Water Resources Control Board (SWRCB). 2015. GeoTracker. Available at <http://geotracker.waterboards.ca.gov/> Accessed on: December 5, 2019.

https://ca.water.usgs.gov/land_subsidence/california-subsidence-areas.html

Exhibit B - Mitigation Summary

The applicant has agreed to incorporate the following measures into the project. These measures become a part of the project description and therefore become a part of the record of action upon which the environmental determination is based. All development activity must occur in strict compliance with the following mitigation measures. These measures shall be perpetual and run with the land. These measures are binding on all successors in interest of the subject property

Biological Resources

BIO-1 **Construction Schedule - Conduct vegetation removal and excavation during the dry season, when special-status reptile species are unlikely to be underground within the impact area.** The construction schedule shall be planned to avoid the time of year when special-status reptile species may be underground, and thus undetectable during preconstruction visual surveys. The initiation of construction, involving vegetation removal and initial excavation of topsoil areas, should take place between May 1 and September 30. If work is required to extend into the rain season, then the biological monitoring shall also be required for construction activities occurring during the rain season to inspect the site periodically to ensure proper function of the wildlife exclusion fence and search for any special-status species, under equipment and along the fence. The biological monitor shall inspect the site before work is allowed following rain events once the ground is saturated or periods of heavy fog with wet conditions.

BIO-2 **American Badger - Pre-construction survey and avoidance measures.** To minimize project-related impacts to the American Badger, no more than one-week prior to the site disturbance, the Applicant shall retain a County- qualified biologist to conduct pre-construction surveys for American badger within suitable habitat on the project site. If present, occupied badger dens shall be flagged and ground-disturbing activities avoided within 50 feet of the occupied den. Maternity dens shall be avoided during pup-rearing season (15 February through 1 July) and a minimum 200-foot buffer established. The extent of buffers shall be flagged in the field utilizing a method highly visible by construction crews. Buffers may be modified with the concurrence of the CDFW. Maternity dens shall be flagged for avoidance, identified on construction maps, and a biological monitor shall be present during construction to monitor for adequate protection of all identified dens and to ensure that all flagging is kept in good working order.

If avoidance of a non-maternity den (impacts to maternity dens is not allowed) is not feasible, badgers shall be relocated by slowly excavating the burrow (either by hand or mechanized equipment under the direct supervision of the biologist, removing no more than 4 inches at a time) before or after the rearing season (15 February through 1 July). Any passive relocation of badgers shall occur only after consultation with the CDFW and the biological monitor.

BIO-3 **California Red-legged Frog (CRLF)**. To minimize impacts to the California Red-legged Frog, the applicant shall retain a qualified herpetologist (biologist with demonstrable experience surveying for and finding CRLF) to conduct the field work and handling related to the CRLF. The applicant shall use this biologist to oversee the following measures to minimize impacts to the CRLF:

e. Project Limits. Prior to issuance of grading permit, or construction permit, the "project limits" shall be clearly delineated on all construction plans. In addition, sturdy, high-visibility fencing shall be installed in the field showing the "project limits" protecting riparian and wetland habitat not to be disturbed. No construction (including storage of materials) shall occur outside of the "project limits". This fencing shall remain in place during the entire construction period.

f. Pre-construction Survey. Prior to commencement of grading/ improvement activities, the biologist will conduct at least one pre-construction survey for CRLF immediately before the onset of work activities. If any life stage of the CRLF is found, the monitor/biologist shall immediately contact the project manager, where they will collaborate with the County, in consultation with USFWS, to determine the best course of action to minimize impacts and resolve the issue.

g. Work Scheduling. Prior to commencement of grading/ construction/ improvement activities, the applicant shall identify on construction drawings all efforts to schedule work activities for times of the year when impacts to the CRLF would be minimal, such as:

i. Avoid work during the rainy season (October through April). If work must occur in the rainy season, then the construction site shall be surrounded with a wildlife exclusion fence such as the ERTEC no climb exclusion fence, or similar fencing as approved by the Biologist in consultation with the County. The fencing shall be installed following the manufacturer's guidelines which require that the fence be trenched into the ground and no small holes or gaps are present where a red-legged frog could crawl under the fence and gain access to the site. The fencing shall also have the no climb lip at the top and be installed across the construction entrance on a nightly basis to prevent red-legged frogs from entering the site. In addition, biological monitoring shall also be required for construction activities occurring during the rain season to inspect the site periodically to ensure proper function of the fence and search for any red-legged frogs under equipment and along the fence. The biological monitor shall inspect the site before work is allowed following rain events once the ground is saturated or periods of heavy fog with wet conditions.

ii. Avoid nighttime work. If nighttime work must occur, a qualified biologist shall be on site until it is determined that no potential impacts to CRLF could occur based on conditions and the work occurring. Avoid large pools that may support breeding during the breeding season (i.e., avoid work during November through May);

iii. Avoid isolated pools that are important to maintain CRLF through the driest portions of the year (late summer, early fall).

When such conditions exist, the applicant will work with the biologist to coordinate the construction schedule to minimize impacts to the CRLF.

h. During Construction, If a red-legged frog is observed in the construction area, all work within 100 feet of the frog shall stop and the animal allowed to leave the site on its own volition. If a red-legged frog is found injured or killed, all work shall cease and the County and U.S. Fish and Wildlife Service consulted to evaluate the work activities and ensure compliance with the federal Endangered Species Act.

BIO-4 **Western Pond Turtle, Blainville's Horned Lizards, and Two-striped Gartersnake - Pre-construction survey and monitoring measures –** A qualified biologist shall conduct a pre-activity survey within one week prior to the start of initial project activities to ensure special-status amphibians and reptiles are not present within proposed work areas, staging areas, and access routes. To minimize the potential for impacts to dispersing amphibians, work within 100 feet of drainages shall occur during dry conditions. In addition, a qualified biologist shall monitor all vegetation clearing and initial earth disturbance within 100 feet of suitable aquatic habitat areas on site. If western pond turtle and/or two-striped garter snakes are discovered in the work areas, they shall be allowed to leave the area on their own volition or be relocated by a qualified biologist to pre-determined suitable habitat areas located outside the immediate impact area with appropriate authorization from CDFW.

BIO-5 **Nesting Birds - Conduct a preconstruction nesting bird survey.** A qualified biologist shall conduct a preconstruction survey for nesting birds within 500 feet of project impact areas, within two weeks before the initiation of construction. During this survey, the qualified biologist shall inspect the impact and buffer areas, and any nests identified will be monitored to determine if they are active. If no active nests are found, construction may proceed. If an active nest is found within 50 feet (500 feet for raptors) of the construction area, the biologist, in consultation with the County and CDFW as needed, shall determine the extent of an appropriate avoidance buffer to be established around the nest. The buffer will be delineated with flagging, and no work shall take place within the buffer area until the young have the left the nest, as determined by the qualified biologist. Since golden eagles have been observed in the area, the survey shall assess offsite nesting habitat, to determine if project activities could affect this species' nesting activities.

BIO-6 **Sensitive Habitat Protection – Avoidance & Minimization Measure**. Install appropriate erosion and sediment controls and revegetate graded areas. The following erosion and sedimentation control methods are required to implemented:

k. If possible, the potential for erosion and sedimentation shall be minimized by scheduling construction from May 1 through September 30 consistent with Mitigation Measure BIO-1 to avoid impacts to special status wildlife.

l. To minimize site disturbance, all construction related equipment shall be restricted to established roads, construction areas, and other designated staging areas.

m. A Sediment and Erosion Control Plan beyond what is shown on project plans may be required by the County. As proposed, the use of silt fence, straw wattles and other appropriate techniques will be employed to protect the drainage features on and off the property. All sediment and erosion control measures shall be installed per the engineer's requirements.

n. Spill kits shall be maintained on the site, and a Spill Response Plan shall be in place.

o. No vehicles or equipment shall be refueled within 50 feet of wetland areas and/or drainage features unless a bermed and lined refueling area is constructed. No vehivles or construction equipment shall be stored overnight within 100 feet of these areas unless drip pans or ground covers are used. All equipment and vehicles should be checked and maintained on a daily basis to ensure proper operation and to avoid

potential leaks or spills. Construction staging areas should attain zero discharge of stormwater runoff into these habitats.

p. No concrete washout shall be conducted on the site outside of an appropriate containment system. Washing of equipment, tools, etc. should not be allowed in any location where the tainted water could enter onsite drainages.

q. The use of chemicals, fuels, lubricants, or biocides shall be in compliance with all local,s tate, and federal regulations. All uses of such compounds shall observe label and other restrictions mandated by the U.S. Environmental Protection Agency, California Department of Food and Agriculture, and other state and federal legislation.

r. All project-related spills of hazardous materials within or adjacent to the project site should be cleaned up immediately.

s. All areas with soil disturbance shall have appropriate erosion controls and other stormwater protection BMPs installed to prevent erosion potential. Silt fencing, erosion control blankets, straw bales, sand bags, fiber rolls and/or other types of materials prescribed on the plan shall be implemented to prevent erosion and sedimentation. Biotechnical approaches using native vegetation shall be used feasible.

t. Areas with disturbed soils shall be restored under the direction of the project engineer in consultation with a qualified restoration ecologist as needed. Methods may include recontouring graded areas to blend in with existing natural contours, covering the areas with salvaged topsoil containing native seedbank from the site, and/or applying the native seed mix shown on the project plans supplemented with species in table below. Native seed mix shall be applied to the graded areas through either direct hand seeding or hydroseeding methods. Seeding with the native erosion control seed mix should be provided on all disturbed soil areas prior to the onset of the rainy season (by October 15).

Additional Species for Native Erosion Control Seed Mix

Species	**Application Rate (lbs./acre)**
Bromus carinatus (California brome)	5
Stipa pulchra (purple needlegrass)	10
Trifolium wildenovii (tomcat clover)	5
Vulpia microstachys (six weeks fescue)	5
Total	**25**

BIO-7 **Additional Pre-Construction Survey – immediately prior to the start of vegetation removal or grubbing,** a qualified biologist shall survey impact areas for special-status wildlife species, focused on the amphibian and reptile species detailed above. Construction

activities can commence once it has been determined that there are no special-status wildlife species within impact areas. If any special-status wildlife species are found within the impact area or would otherwise be at risk during construction, work activities shall be delayed in that particular area and the animal allowed to leave the work zone on its volition, unless determined by specific mitigation measure included in Biological Resources section. If any CRLF or other federally listed species are found, the monitor/biologist shall immediately contact the project manager and USFWS, where they will collaborate with the County, in consultation with USFWS, to determine the best course of action to minimize impacts and resolve the issue.

REVISED DEVELOPER'S STATEMENT FOR
NEGRANTI GREEN VALLEY RANCH
MINOR USE PERMIT/COASTAL DEVELOPMENT PERMIT
DRC2019-00233

The applicant agrees to incorporate the following measures into the project. These measures become a part of the project description and therefore become a part of the record of action upon which the environmental determination is based. All development activity must occur in strict compliance with the following mitigation measures. These measures shall be perpetual and run with the land. These measures are binding on all successors in interest of the subject property.

Note: The items contained in the boxes labeled "Monitoring" describe the County procedures to be used to ensure compliance with the mitigation measures.

The following mitigation measures address impacts that may occur as a result of the development of the project.

Biological Resources

BIO-1 **Construction Schedule - Conduct vegetation removal and excavation during the dry season, when special-status reptile species are unlikely to be underground within the impact area.** The construction schedule shall be planned to avoid the time of year when special-status reptile species may be underground, and thus undetectable during preconstruction visual surveys. The initiation of construction, involving vegetation removal and initial excavation of topsoil areas, should take place between May 1 and September 30. If work is required to extend into the rain season, then the biological monitoring shall also be required for construction activities occurring during the rain season to inspect the site periodically to ensure proper function of the wildlife exclusion fence and search for any special-status species, under equipment and along the fence. The biological monitor shall inspect the site before work is allowed following rain events once the ground is saturated or periods of heavy fog with wet conditions.

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If avoidance of a non-maternity den (impacts to maternity dens is not allowed) is not feasible, badgers shall be relocated by slowly excavating the burrow (either by hand or mechanized equipment under the direct supervision of the biologist, removing no more than 4 inches at a time) before or after the rearing season (15 February through 1 July). Any passive relocation of badgers shall occur only after consultation with the CDFW and the biological monitor.

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b. Pre-construction Survey. Prior to commencement of grading/ improvement activities, the biologist will conduct at least one pre-construction survey for CRLF immediately before the onset of work activities. If any life stage of the CRLF is found, the monitor/biologist shall immediately contact the project manager, where they will collaborate with the County, in consultation with USFWS, to determine the best course of action to minimize impacts and resolve the issue.

c. Work Scheduling. Prior to commencement of grading/ construction/ improvement activities, the applicant shall identify on construction drawings all efforts to schedule work activities for times of the year when impacts to the CRLF would be minimal, such as:

i. Avoid work during the rainy season (October through April). If work must occur in the rainy season, then the construction site shall be surrounded with a wildlife exclusion fence such as the ERTEC no climb exclusion fence, or similar fencing as approved by the Biologist in consultation with the County. The fencing shall be installed following the manufacturer's guidelines which require that the fence be trenched into the ground and no small holes or gaps are present where a red-legged frog could crawl under the fence and gain access to the site. The fencing shall also have the no climb lip at the top and be installed across the construction entrance on a nightly basis to prevent red-legged frogs from entering the site. In addition, biological monitoring shall also be required for construction activities occurring during the rain season to inspect the site periodically to ensure proper function of the fence and search for any red-legged frogs under equipment and along the fence. The biological monitor shall inspect the site before work is allowed following rain events once the ground is saturated or periods of heavy fog with wet conditions.

ii. Avoid nighttime work. If nighttime work must occur, a qualified biologist shall be on site until it is determined that no potential impacts to CRLF could occur based on conditions and the work occurring. Avoid large pools that may support

breeding during the breeding season (i.e., avoid work during November through May);

iii. Avoid isolated pools that are important to maintain CRLF through the driest portions of the year (late summer, early fall).

When such conditions exist, the applicant will work with the biologist to coordinate the construction schedule to minimize impacts to the CRLF.

d. During Construction, If a red-legged frog is observed in the construction area, all work within 100 feet of the frog shall stop and the animal allowed to leave the site on its own volition. If a red-legged frog is found injured or killed, all work shall cease and the County and U.S. Fish and Wildlife Service consulted to evaluate the work activities and ensure compliance with the federal Endangered Species Act.

BIO-4 **Western Pond Turtle, Blainville's Horned Lizards, and Two-striped Gartersnake - Pre-construction survey and monitoring measures –** A qualified biologist shall conduct a pre-activity survey within one week prior to the start of initial project activities to ensure special-status amphibians and reptiles are not present within proposed work areas, staging areas, and access routes. To minimize the potential for impacts to dispersing amphibians, work within 100 feet of drainages shall occur during dry conditions. In addition, a qualified biologist shall monitor all vegetation clearing and initial earth disturbance within 100 feet of suitable aquatic habitat areas on site. If western pond turtle and/or two-striped garter snakes are discovered in the work areas, they shall be allowed to leave the area on their own volition or be relocated by a qualified biologist to pre-determined suitable habitat areas located outside the immediate impact area with appropriate authorization from CDFW.

BIO-5 **Nesting Birds - Conduct a preconstruction nesting bird survey.** A qualified biologist shall conduct a preconstruction survey for nesting birds within 500 feet of project impact areas, within two weeks before the initiation of construction. During this survey, the qualified biologist shall inspect the impact and buffer areas, and any nests identified will be monitored to determine if they are active. If no active nests are found, construction may proceed. If an active nest is found within 50 feet (500 feet for raptors) of the construction area, the biologist, in consultation with the County and CDFW as needed, shall determine the extent of an appropriate avoidance buffer to be established around the nest. The buffer will be delineated with flagging, and no work shall take place within the buffer area until the young have the left the nest, as determined by the qualified biologist. Since golden eagles have been observed in the area, the survey shall assess offsite nesting habitat, to determine if project activities could affect this species' nesting activities.

BIO-6 **Sensitive Habitat Protection – Avoidance & Minimization Measure**. Install appropriate erosion and sediment controls and revegetate graded areas. The following erosion and sedimentation control methods are required to implemented:

a. If possible, the potential for erosion and sedimentation shall be minimized by scheduling construction from May 1 through September 30 consistent with Mitigation Measure BIO-1 to avoid impacts to special status wildlife.

b. To minimize site disturbance, all construction related equipment shall be restricted to established roads, construction areas, and other designated staging areas.

c. A Sediment and Erosion Control Plan beyond what is shown on project plans may be required by the County. As proposed, the use of silt fence, straw wattles and other appropriate techniques will be employed to protect the drainage features on and off the property. All sediment and erosion control measures shall be installed per the engineer's requirements.

d. Spill kits shall be maintained on the site, and a Spill Response Plan shall be in place.

e. No vehicles or equipment shall be refueled within 50 feet of wetland areas and/or drainage features unless a bermed and lined refueling area is constructed. No vehivles or construction equipment shall be stored overnight within 100 feet of these areas unless drip pans or ground covers are used. All equipment and vehicles should be checked and maintained on a daily basis to ensure proper operation and to avoid potential leaks or spills. Construction staging areas should attain zero discharge of stormwater runoff into these habitats.

f. No concrete washout shall be conducted on the site outside of an appropriate containment system. Washing of equipment, tools, etc. should not be allowed in any location where the tainted water could enter onsite drainages.

g. The use of chemicals, fuels, lubricants, or biocides shall be in compliance with all local,s tate, and federal regulations. All uses of such compounds shall observe label and other restrictions mandated by the U.S. Environmental Protection Agency, California Department of Food and Agriculture, and other state and federal legislation.

h. All project-related spills of hazardous materials within or adjacent to the project site should be cleaned up immediately.

i. All areas with soil disturbance shall have appropriate erosion controls and other stormwater protection BMPs installed to prevent erosion potential. Silt fencing, erosion control blankets, straw bales, sand bags, fiber rolls and/or other types of materials prescribed on the plan shall be implemented to prevent erosion and sedimentation. Biotechnical approaches using native vegetation shall be used feasible.

j. Areas with disturbed soils shall be restored under the direction of the project engineer in consultation with a qualified restoration ecologist as needed. Methods may include recontouring graded areas to blend in with existing natural contours, covering the areas with salvaged topsoil containing native seedbank from the site, and/or applying the native seed mix shown on the project plans supplemented with species in table below. Native seed mix shall be applied to the graded areas through either direct hand seeding or hydroseeding methods. Seeding with the native erosion control seed mix should be provided on all disturbed soil areas prior to the onset of the rainy season (by October 15).

Additional Species for Native Erosion Control Seed Mix

Species	**Application Rate (lbs./acre)**
Bromus carinatus (California brome)	5
Stipa pulchra (purple needlegrass)	10
Trifolium wildenovii (tomcat clover)	5
Vulpia microstachys (six weeks fescue)	5
Total	**25**

BIO-7 **Additional Pre-Construction Survey – immediately prior to the start of vegetation removal or grubbing,** a qualified biologist shall survey impact areas for special-status wildlife species, focused on the amphibian and reptile species detailed above. Construction activities can commence once it has been determined that there are no special-status wildlife species within impact areas. If any special-status wildlife species are found within the impact area or would otherwise be at risk during construction, work activities shall be delayed in that particular area and the animal allowed to leave the work zone on its volition, unless determined by specific mitigation measure included in Biological Resources section. If any CRLF or other federally listed species are found, the monitor/biologist shall immediately contact the project manager and USFWS, where they will collaborate with the County, in consultation with USFWS, to determine the best course of action to minimize impacts and resolve the issue.

BIO-1 through BIO-7 Monitoring/compliance. Prior to the issuance of a construction permit, the applicant shall show the above measure on all applicable construction drawings and submit to the County for review and approval, which may include consultation with the California Department of Fish and Wildlife (CDFW). **Prior to the commencement of any site disturbance,** the Applicant shall retain a qualified biologist to perform a pre-construction survey. The completed survey report shall be submitted to the County for review/approval. Should the report identify active dens, highly visible protection measures shall be installed by the biologist to keep construction from entering the buffer area. The County shall verify all field measures have been followed or installed prior to any site disturbance. As applicable, any such measures shall be kept in good working order for the duration of the construction phase while burrow/den is active. A final report shall be prepared addressing overall compliance with and success of the protection measure(s) as it related to construction of the project. This report shall be submitted to the County prior to **final inspection/ occupancy of the construction permit**.

The applicant understands that any changes made to the project description subsequent to this environmental determination must be reviewed by the Environmental Coordinator and may require

a new environmental determination for the project. By signing this agreement, the owner(s) agrees to and accepts the incorporation of the above measures into the proposed project description.

_____ _____

Signature of Agent(s) Date

_____

Name (Print)

REVISED DEVELOPER'S STATEMENT FOR
NEGRANTI GREEN VALLEY RANCH
MINOR USE PERMIT/COASTAL DEVELOPMENT PERMIT
DRC2019-00233

The applicant agrees to incorporate the following measures into the project. These measures become a part of the project description and therefore become a part of the record of action upon which the environmental determination is based. All development activity must occur in strict compliance with the following mitigation measures. These measures shall be perpetual and run with the land. These measures are binding on all successors in interest of the subject property.

Note: The items contained in the boxes labeled "Monitoring" describe the County procedures to be used to ensure compliance with the mitigation measures.

The following mitigation measures address impacts that may occur as a result of the development of the project.

Biological Resources

BIO-1 **Construction Schedule - Conduct vegetation removal and excavation during the dry season, when special-status reptile species are unlikely to be underground within the impact area.** The construction schedule shall be planned to avoid the time of year when special-status reptile species may be underground, and thus undetectable during preconstruction visual surveys. The initiation of construction, involving vegetation removal and initial excavation of topsoil areas, should take place between May 1 and September 30. If work is required to extend into the rain season, then the biological monitoring shall also be required for construction activities occurring during the rain season to inspect the site periodically to ensure proper function of the wildlife exclusion fence and search for any special-status species, under equipment and along the fence. The biological monitor shall inspect the site before work is allowed following rain events once the ground is saturated or periods of heavy fog with wet conditions.

BIO-2 **American Badger - Pre-construction survey and avoidance measures.** To minimize project-related impacts to the American Badger, no more than one-week prior to the site disturbance, the Applicant shall retain a County- qualified biologist to conduct pre-construction surveys for American badger within suitable habitat on the project site. If present, occupied badger dens shall be flagged and ground-disturbing activities avoided within 50 feet of the occupied den. Maternity dens shall be avoided during pup-rearing season (15 February through 1 July) and a minimum 200-foot buffer established. The extent of buffers shall be flagged in the field utilizing a method highly visible by construction crews. Buffers may be modified with the concurrence of the CDFW. Maternity dens shall be flagged for avoidance, identified on construction maps, and a biological monitor shall be present during construction to monitor for adequate protection of all identified dens and to ensure that all flagging is kept in good working order.

If avoidance of a non-maternity den (impacts to maternity dens is not allowed) is not feasible, badgers shall be relocated by slowly excavating the burrow (either by hand or mechanized equipment under the direct supervision of the biologist, removing no more than 4 inches at a time) before or after the rearing season (15 February through 1 July). Any passive relocation of badgers shall occur only after consultation with the CDFW and the biological monitor.

BIO-3 **California Red-legged Frog (CRLF).** To minimize impacts to the California Red-legged Frog, the applicant shall retain a qualified herpetologist (biologist with demonstrable experience surveying for and finding CRLF) to conduct the field work and handling related to the CRLF. The applicant shall use this biologist to oversee the following measures to minimize impacts to the CRLF:

a. Project Limits. Prior to issuance of grading permit, or construction permit, the "project limits" shall be clearly delineated on all construction plans. In addition, sturdy, high-visibility fencing shall be installed in the field showing the "project limits" protecting riparian and wetland habitat not to be disturbed. No construction (including storage of materials) shall occur outside of the "project limits". This fencing shall remain in place during the entire construction period.

b. Pre-construction Survey. Prior to commencement of grading/ improvement activities, the biologist will conduct at least one pre-construction survey for CRLF immediately before the onset of work activities. If any life stage of the CRLF is found, the monitor/biologist shall immediately contact the project manager, where they will collaborate with the County, in consultation with USFWS, to determine the best course of action to minimize impacts and resolve the issue.

c. Work Scheduling. Prior to commencement of grading/ construction/ improvement activities, the applicant shall identify on construction drawings all efforts to schedule work activities for times of the year when impacts to the CRLF would be minimal, such as:

i. Avoid work during the rainy season (October through April). If work must occur in the rainy season, then the construction site shall be surrounded with a wildlife exclusion fence such as the ERTEC no climb exclusion fence, or similar fencing as approved by the Biologist in consultation with the County. The fencing shall be installed following the manufacturer's guidelines which require that the fence be trenched into the ground and no small holes or gaps are present where a red-legged frog could crawl under the fence and gain access to the site. The fencing shall also have the no climb lip at the top and be installed across the construction entrance on a nightly basis to prevent red-legged frogs from entering the site. In addition, biological monitoring shall also be required for construction activities occurring during the rain season to inspect the site periodically to ensure proper function of the fence and search for any red-legged frogs under equipment and along the fence. The biological monitor shall inspect the site before work is allowed following rain events once the ground is saturated or periods of heavy fog with wet conditions.

ii. Avoid nighttime work. If nighttime work must occur, a qualified biologist shall be on site until it is determined that no potential impacts to CRLF could occur based on conditions and the work occurring. Avoid large pools that may support

breeding during the breeding season (i.e., avoid work during November through May);

iii. Avoid isolated pools that are important to maintain CRLF through the driest portions of the year (late summer, early fall).

When such conditions exist, the applicant will work with the biologist to coordinate the construction schedule to minimize impacts to the CRLF.

d. During Construction. If a red-legged frog is observed in the construction area, all work within 100 feet of the frog shall stop and the animal allowed to leave the site on its own volition. If a red-legged frog is found injured or killed, all work shall cease and the County and U.S. Fish and Wildlife Service consulted to evaluate the work activities and ensure compliance with the federal Endangered Species Act.

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[signature] 7-23-20

Signature of Agent(s) Date

Dustin Hauge

Name (Print)