



Initial Study - Environmental Checklist

Project Title & No. Monterey Pacific, Inc. Major Grading Permit GRAD2024-00017 (Aquilon North) ED No. 24-187

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.

Table with 3 columns of environmental factors and checkboxes. Checked items include: Air Quality, Biological Resources, Geology & Soils, Hazards & Hazardous Materials, Hydrology & Water Quality, Land Use & Planning, and Mandatory Findings of Significance.

DETERMINATION:

On the basis of this initial evaluation, the Environmental Coordinator finds that:

- Options for determination: 1) The proposed project COULD NOT have a significant effect... 2) Although the proposed project could have a significant effect... 3) The proposed project MAY have a significant effect... 4) The proposed project MAY have a "potentially significant impact"... 5) Although the proposed project could have a significant effect...

David Moran Prepared by (Print) Signature Date 11/19/2024

Eric Hughes Reviewed by (Print) Signature For Environmental Coordinator Date 12/20/2024

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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 **Monterey Pacific, Inc.** (on behalf of Kylix Vineyards California, LP) for a Major Grading Permit to authorize the construction of an earthen agricultural reservoir to be used to store water for frost protection¹. The reservoir will have a maximum storage capacity of 4.05 million gallons (12.33 acre-feet) and will be about 24 feet deep which will require 10,900 cubic yards (cy) of cut and 9,200 cy of fill. The total area of disturbance is estimated to be 1.96 acres and will include the reservoir, a pump station situated on a 1,600 square foot (sf) concrete pad, installation of underground PVC water pipes, as well as an emergency overflow pipe terminating at a 100-sf rip-rap dissipater. The project site consists of 229.0 acres within the *Agriculture* land use category located at 1210 El Pomar Drive within the El Pomar-Estrella Sub Area of the North County Planning Area.

The reservoir will be constructed on a gently sloping knoll located in the southwest portion of the project site about 300 feet east of the property line. Once filled, water will be pumped from the reservoir through a system of pipes to sprinklers and applied to vineyard blocks located in the lower elevations of the site that are susceptible to freezing temperatures.

The reservoir will be supplied by three existing irrigation wells located on the project site. The sprinkler system is designed to be fed directly from the reservoir to about 53 acres of grape vines. Based on typical usage in similar vineyards, the applicant anticipates an average of 35 hours of sprinkler operation annually for frost protection which can vary from 25-45 hours depending on the number and severity of frost events which typically occur between March 15 and May 31.

Additional water use will include the water required for the initial filling of the reservoir and water use associated with the net evaporative losses from the exposed water surface. Each year, the reservoir will be filled before the frost season. Throughout the rest of the year, it will be maintained at 70-95 percent capacity. Water levels will be monitored regularly during the frost season and intermittently during the remainder of the year.

¹ Spraying water on grape vines is a common method to prevent frost damage. As the water freezes, a small amount of heat is released and the ice forms a protective layer around the vine, preventing the plant tissue from reaching damaging temperatures.

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The project will be constructed in a single phase. The regional location of the project site is shown in Figure 1; an aerial view of the project site and vicinity is provided in Figure 2.

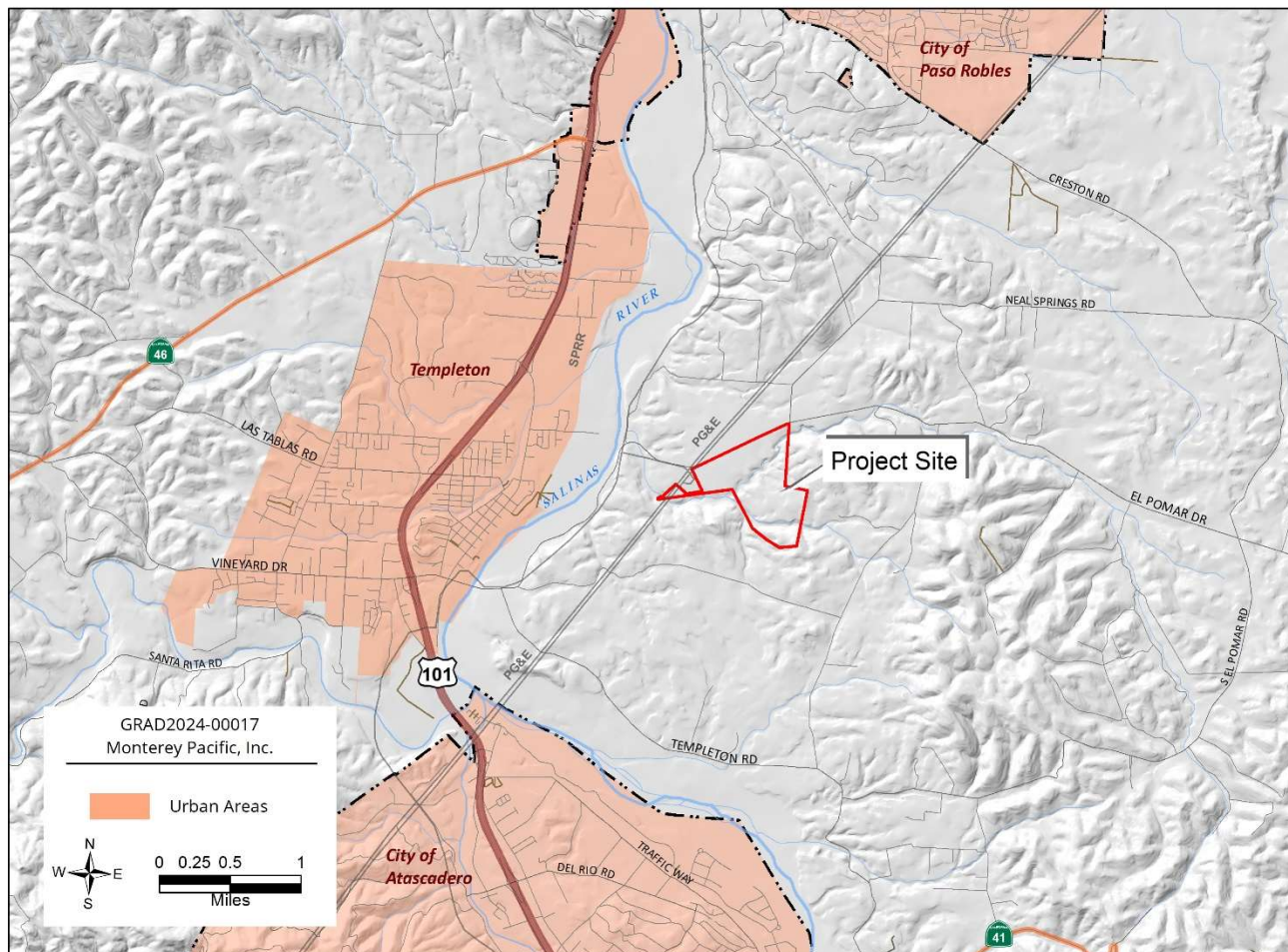


Figure 1 -- Project Location

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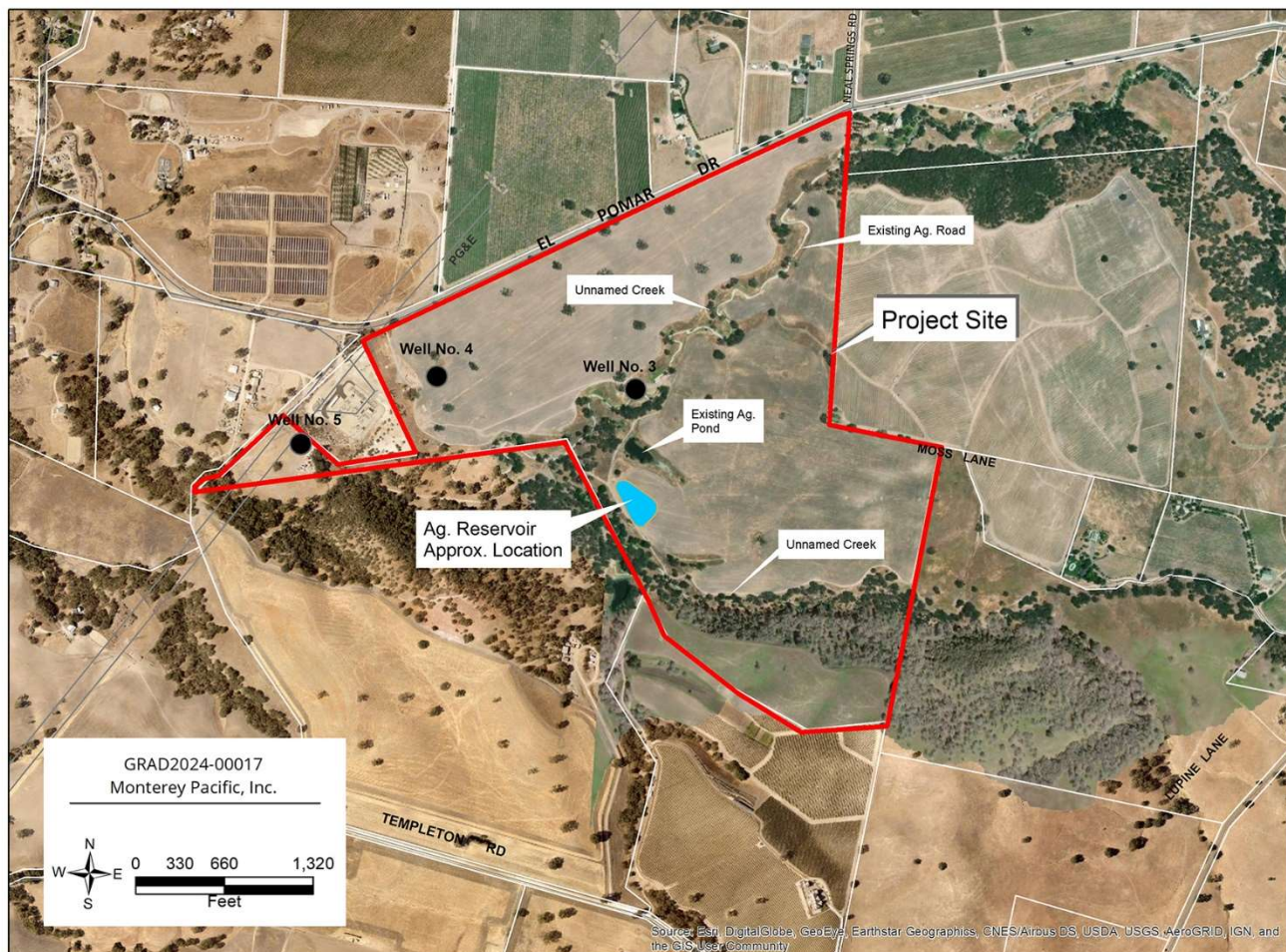


Figure 2 - Aerial View

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Baseline Conditions

The project site consists of an irregularly shaped parcel with a total area of 229 acres located about 1.5 miles east of the community of Templeton (Figure 1). Surrounding land uses consist of irrigated and non-irrigated agricultural operations on parcels ranging in size from 80 to 250 acres. Vehicular access to the project site is provided by El Pomar Road, a county-maintained rural collector.

The topography of the site consists of moderate to steeply sloping hillsides rising from a pair of unnamed “blue line” creeks that trend roughly east-west and are tributary to the Salinas River. There is one existing agricultural pond located immediately north of the proposed reservoir location at the base of an ephemeral drainage that is tributary to one of the two unnamed creeks.

There are a total of 114.89 potential arable acres on the property, of which approximately 53 acres would be under sprinkler frost protection. The gentler slopes of the site have been used historically for the “dry farming” of miscellaneous grain and hay. However, according to the application materials, an unknown amount of irrigation water has been applied to these crops, in lieu of sufficient rain. For purposes of providing a worse-case assessment, baseline water demand is assumed to be zero acre-feet per year. The property owner intends to plant vineyards to replace all the current grain and hay crops on the property. All vineyard acreage is expected to be planted in 2024.

The riparian corridors along the unnamed creeks support moderately dense assemblages of riparian vegetation and non-native grasses. The more steeply sloping hillsides support scattered to moderately dense coast live oak woodland and non-native grasses.

The project site contains no structures; the site is served by three existing wells that can produce a combined 692 gallons per minute. There are no other improvements on the project site except for a series of unpaved agricultural access roads that extend into the site from El Pomar Road.

Ordinance Modifications. None are requested.

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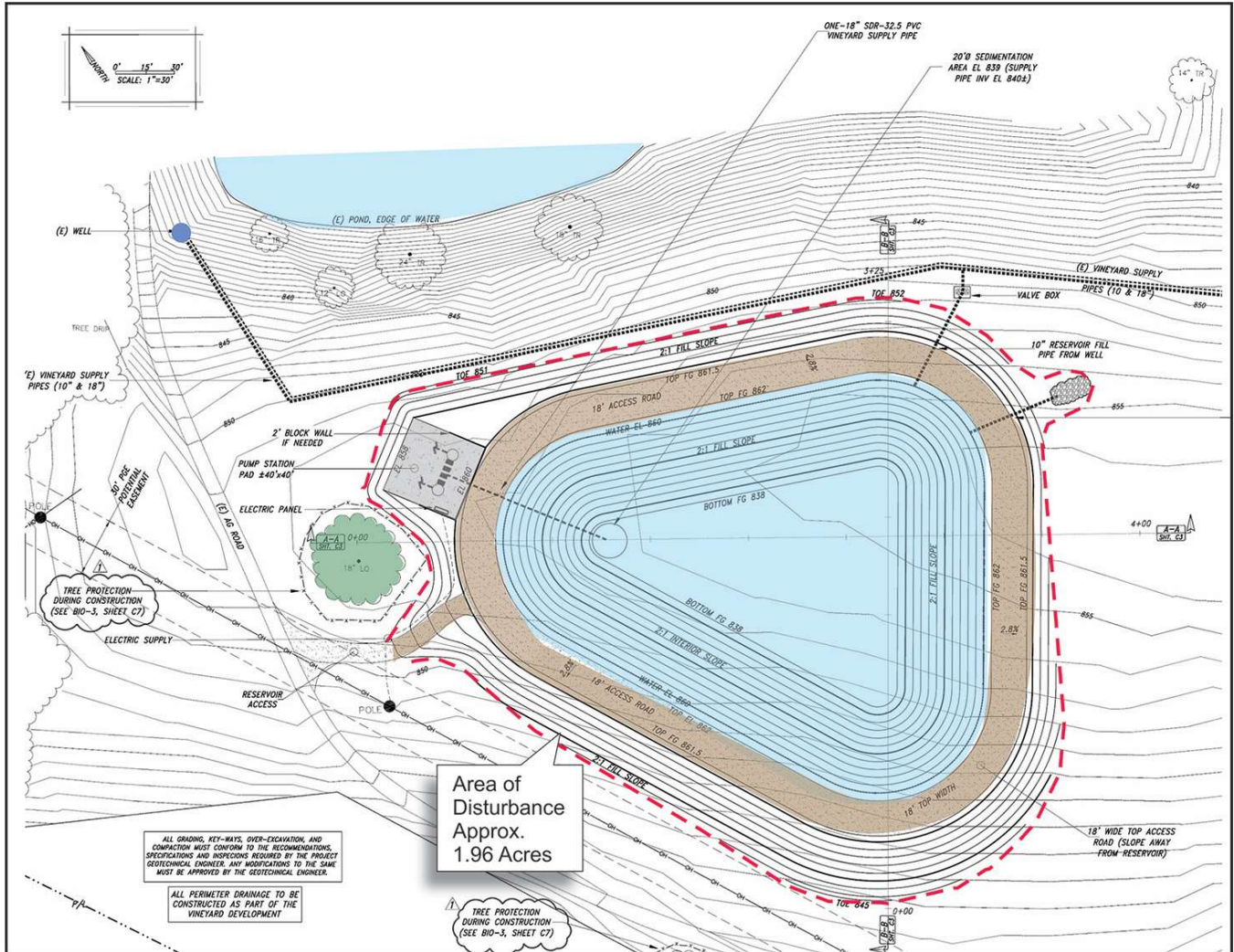


Figure 3 - Detailed Site Plan

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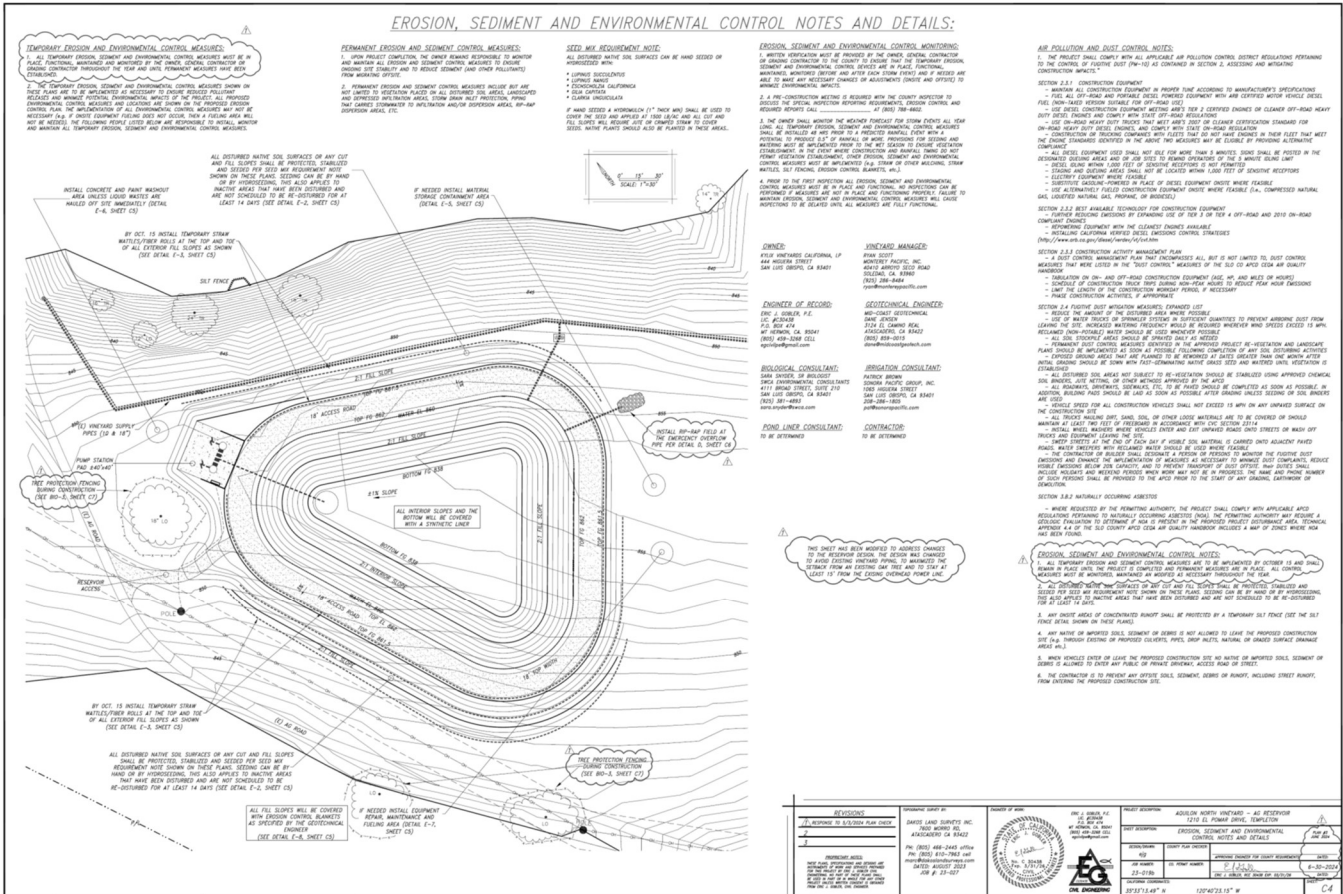


Figure 4 - Erosion and Sediment Control Plan

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ASSESSOR PARCEL NUMBER(S): 070-062-027, 070-062-028

Latitude: 35° 33' 18.7" N **Longitude:** 120.° 40' 21.5"W **SUPERVISORIAL DISTRICT #** 5

B. Existing Setting

Plan Area: North County **Sub:** El Pomar/Estrella **Comm:** Rural

Land Use Category: Agriculture

Combining Designation: None

Parcel Size: 228.8 acres

Topography: Moderately sloping to steeply sloping

Vegetation: Oak woodland Grasses

Existing Uses: Undeveloped

Surrounding Land Use Categories and Uses:

North: Agriculture; agricultural uses

East: Agriculture; agricultural uses

South: Agriculture; agricultural uses

West: Agriculture; agricultural uses

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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.

I. AESTHETICS

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>Except as provided in Public Resources Code Section 21099, would the project:</i>				
(a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Setting

As discussed in the *Baseline Conditions* in Subsection A, the project site consists of an irregularly shaped 229-acre parcel located on moderate to steeply sloping hillsides that descend to a pair of creeks that trend generally east-west toward the Salinas River. Most of the site has been dry farmed for grain and hay; uncultivated and riparian areas support moderately dense assemblages of riparian vegetation, coast live oak woodland and non-native grasses. There are no structures on the project site. The visual qualities of the project site and the surrounding undeveloped areas are considered moderately high.

The main vantage for public views of the project site is provided to motorists travelling on El Pomar Road which follows a somewhat meandering path as it travels through the ranches and agricultural operations east of the community of Templeton. Traffic counts taken in 2020 for El Pomar Road east of Templeton revealed a PM peak hour volume of 609 and an average daily traffic count of 3,053.

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Conservation and Open Space Element. The Conservation and Open Space Element (COSE) identifies several goals for visual resources in rural parts of the county:

- Goal VR 1: The natural and agricultural landscape will continue to be the dominant view in rural parts of the county.
- Goal VR 2: The natural and historic character and identity of rural areas will be preserved.
- Goal VR 3: The visual identities of communities will be preserved by maintaining rural separation between them.
- Goal VR 7: Views of the night sky and its constellation of stars will be maintained.

Some of the strategies identified to accomplish the goals listed above include encouraging project designs that emphasize native vegetation and conforming grading to existing natural forms.

Countywide Design Guidelines. The Countywide Design Guidelines identify objectives for both urban and rural development. Rural area guidelines applicable to the project include the following:

- Objective RU-5: Fences and screening should reflect an area's rural quality.
- Objective RU-7: Landscaping should be consistent with the type of plants naturally occurring in the County and should limit the need for irrigation.

Inland Land Use Ordinance. The Land Use Ordinance sets forth standards for exterior lighting (LUO Section 22.10.060). In accordance with these standards, exterior lighting must be shielded and directed onto the source parcel and away from roadways and adjacent parcels. In addition, LUO Section 22.10.095 sets forth highway corridor design standards that apply to new development along portions of Highway 41 and Highway 101. Lastly, Section 22.14 establishes a combining designation for visual resources; the project lies outside the areas where these regulations apply.

The only Officially Designated State Scenic Highway in San Luis Obispo County is Highway 1. Highway 101 is identified as a Suggested Scenic Corridor by Table VR-2 of the Conservation and Open Space Element.

Discussion

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

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. If the project would substantially degrade the scenic landscape as viewed from public roads, designated scenic routes, or from other public or recreation areas, this would be considered a potentially significant impact on the scenic vista.

Although the project vicinity has a moderately high scenic value, the excavated reservoir will not be visible from any designated scenic vista or roadway available to the public. Therefore, the project will result in *no impact* to a scenic vista.

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

Based on the project description, the project will have *no impact* to any historic buildings or scenic rock outcroppings. According to the plans, the project will not result in the removal of any mature oak trees.

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- (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 reservoir will be constructed on a gently sloping knoll located in the southwest portion of the project site about 300 feet east of the property line and immediately upslope from an existing pond. The reservoir will be excavated into the knoll about 24 feet below the existing grade with an 8-foot-high berm around the perimeter supporting an all-weather access road on top. The reservoir will require 10,900 cubic yards (cy) of cut and 9,200 cy of fill; the excess material will be spread on the project site.

None of the project features will be visible from offsite. Therefore, the project will have *no impact* related to the potential degradation of the existing visual character or quality of public views.

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

The project would result in a significant impact if it subjects public viewing locations to a substantial amount of point-source lighting visible at night, or if project illumination results in a noticeable spillover effect into the nighttime sky, increasing the ambient light over the region. The placement of lighting, source of illumination, and fixture types combined with viewer locations, adjacent reflective elements, and atmospheric conditions can affect the degree of change to nighttime views. If the project results in direct visibility of a substantial number of lighting sources, or allows a substantial amount of light to project toward the sky, significant impacts on nighttime views and aesthetic character would result.

The project does include the placement of new lighting. Therefore, the project will have *no impact* relating to sources of light and glare.

Conclusion

The project is not located within view of a scenic vista and would not result in a substantial change to scenic resources in the area. The project would be consistent with existing policies and standards in the County LUO and COSE related to the protection of scenic resources. There are no new sources of light proposed. Therefore, the project will result in *no impacts* to aesthetic resources.

Mitigation

None are required.

Sources

Provided in Exhibit A.

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II. AGRICULTURE AND FORESTRY RESOURCES

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<p><i>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:</i></p>				
(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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(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))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(d) Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Setting

The California Department of Conservation (CDOC) Farmland Mapping and Monitoring Program (FMMP) produces maps and statistical data used for analyzing impacts to California's agricultural resources. Agricultural land is rated according to soil quality as well as current and previous land use. For purposes of CEQA compliance, the FMMP categories of Prime Farmland, Farmland of Statewide Importance, Unique

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Farmland, Farmland of Local Importance, and Grazing Land as “agricultural land.” Non-agricultural designations include Urban and Built-up Land, Other Land, and Water.

Chapter 6 of the County Conservation and Open Space Element (COSE) identifies resource management goals, policies, and strategies to protect agricultural soils from conversion to urban and residential uses. Important Agricultural Soils within the County are identified in Table SL-2 of the COSE and Policy SL 3.1 states that the conversion of agricultural lands to non-agricultural uses shall be evaluated using the applicable policies in the COSE and Agricultural Element.

Soils of the site are described in detail below. The acreage and corresponding farmland classifications are provided in Tables 1 and 2.

Map Unit: 159—Lockwood-Concepcion complex, 2 to 9 percent slopes

Lockwood: 35 percent

The Lockwood component makes up 35 percent of the map unit. Slopes are 2 to 9 percent. This component is on terraces. The parent material consists of alluvium derived from sedimentary rock. Depth to a root restrictive layer is greater than 60 inches. The natural drainage class is well drained. Water movement in the most restrictive layer is moderately high. Available water to a depth of 60 inches (or restricted depth) is moderate. Shrink-swell potential is moderate. This soil is not flooded. It is not ponded. There is no zone of water saturation within a depth of 72 inches. Organic matter content in the surface horizon is about 4 percent. Non-irrigated land capability classification is 4e. Irrigated land capability classification is 2e. This soil does not meet hydric criteria. There are no saline horizons within 30 inches of the soil surface.

Concepcion: 25 percent

The Concepcion component makes up 25 percent of the map unit. Slopes are 2 to 9 percent. This component is on terraces. The parent material consists of alluvium derived from mixed rocks. Depth to a root restrictive layer 22 inches, abrupt textural change. The natural drainage class is moderately well drained. Water movement in the most restrictive layer is low. Available water to a depth of 60 inches (or restricted depth) is moderate. Shrink-swell potential is moderate. This soil is not flooded. It is not ponded. There is no zone of water saturation within a depth of 72 inches. Organic matter content in the surface horizon is about 2 percent. Non-irrigated land capability classification is 4e. Irrigated land capability classification is 3e. This soil does not meet hydric criteria. There are no saline horizons within 30 inches of the soil surface.

Unnamed, similar to Concepcion soil: 15 percent

Cropley, clay: 10 percent

Still, gravelly loam: 10 percent

Botella, sandy loam: 5 percent

Map Unit: 160—Lockwood-Concepcion complex, 9 to 15 percent slopes

Lockwood: 40 percent

The Lockwood component makes up 40 percent of the map unit. Slopes are 9 to 15 percent. This component is on terraces. The parent material consists of alluvium derived from sedimentary rock.

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Depth to a root restrictive layer is greater than 60 inches. The natural drainage class is well drained. Water movement in the most restrictive layer is moderately high. Available water to a depth of 60 inches (or restricted depth) is moderate. Shrink-swell potential is moderate. This soil is not flooded. It is not ponded. There is no zone of water saturation within a depth of 72 inches. Organic matter content in the surface horizon is about 4 percent. Non-irrigated land capability classification is 4e. Irrigated land capability classification is 3e. This soil does not meet hydric criteria. There are no saline horizons within 30 inches of the soil surface.

Concepcion: 30 percent

The Concepcion component makes up 30 percent of the map unit. Slopes are 9 to 15 percent. This component is on terraces. The parent material consists of alluvium derived from mixed rocks. Depth to a root restrictive layer 22 inches, abrupt textural change. The natural drainage class is moderately well drained. Water movement in the most restrictive layer is low. Available water to a depth of 60 inches (or restricted depth) is moderate. Shrink-swell potential is moderate. This soil is not flooded. It is not ponded. There is no zone of water saturation within a depth of 72 inches. Organic matter content in the surface horizon is about 2 percent. Non-irrigated land capability classification is 4e. Irrigated land capability classification is 4e. This soil does not meet hydric criteria. There are no saline horizons within 30 inches of the soil surface.

Unnamed, similar to Concepcion soil: 15 percent

Still, gravelly loam: 5 percent

Rincon, clay loam: 5 percent

Botella, sandy loam: 5 percent

Map Unit: 154—Linne-Calodo complex, 50 to 75 percent Slopes

Linne: 30 percent

The Linne component makes up 30 percent of the map unit. Slopes are 50 to 75 percent. This component is on mountains. The parent material consists of residuum weathered from calcareous shale and/or sandstone. Depth to a root restrictive layer, bedrock, paralithic, is 20 to 40 inches. The natural drainage class is well drained. Water movement in the most restrictive layer is moderately high. Available water to a depth of 60 inches (or restricted depth) is low. Shrink-swell potential is moderate. This soil is not flooded. It is not ponded. There is no zone of water saturation within a depth of 72 inches. Organic matter content in the surface horizon is about 4 percent. This component is in the R015XE103CA Gravelly Fine Loamy ecological site. Non-irrigated land capability classification is 7e. Irrigated land capability classification is 7e. This soil does not meet hydric criteria. The calcium carbonate equivalent within 40 inches, typically, does not exceed 6 percent. There are no saline horizons within 30 inches of the soil surface.

Calodo: 25 percent

The Calodo component makes up 25 percent of the map unit. Slopes are 50 to 75 percent. This component is on mountains. The parent material consists of residuum weathered from calcareous shale and/or residuum weathered from calcareous sandstone. Depth to a root restrictive layer, bedrock, paralithic, is 10 to 20 inches. The natural drainage class is well drained. Water movement in the most restrictive layer is moderately high. Available water to a depth of 60 inches (or restricted

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depth) is very low. Shrink-swell potential is moderate. This soil is not flooded. It is not ponded. There is no zone of water saturation within a depth of 72 inches. Organic matter content in the surface horizon is about 2 percent. This component is in the R015XE043CA Shallow Fine Loamy ecological site. Non-irrigated land capability classification is 7e. Irrigated land capability classification is 7e. This soil does not meet hydric criteria. The calcium carbonate equivalent within 40 inches, typically, does not exceed 6 percent. There are no saline horizons within 30 inches of the soil surface.

Unnamed, similar to Linne soil: 15 percent

Description Category: GENSOIL

Zakme, clay: 15 percent

Unnamed, similar to Calodo soil: 8 percent

Map Unit: 179—Nacimiento-Los Osos complex, 9 to 30 percent slopes

Nacimiento: 30 percent

The Nacimiento component makes up 30 percent of the map unit. Slopes are 9 to 30 percent. This component is on hills. The parent material consists of residuum weathered from calcareous shale and/or sandstone. Depth to a root restrictive layer, bedrock, paralithic, is 20 to 40 inches. The natural drainage class is well drained. Water movement in the most restrictive layer is moderately high. Available water to a depth of 60 inches (or restricted depth) is low. Shrink-swell potential is moderate. This soil is not flooded. It is not ponded. There is no zone of water saturation within a depth of 72 inches. Organic matter content in the surface horizon is about 4 percent. This component is in the R015XE020CA Fine Loamy 9-13 ecological site. Non-irrigated land capability classification is 4e. Irrigated land capability classification is 4e. This soil does not meet hydric criteria. The calcium carbonate equivalent within 40 inches, typically, does not exceed 8 percent. There are no saline horizons within 30 inches of the soil surface.

Los Osos: 20 percent

The Los Osos component makes up 20 percent of the map unit. Slopes are 9 to 30 percent. This component is on hills. The parent material consists of residuum weathered from shale and/or sandstone. Depth to a root restrictive layer, bedrock, paralithic, is 20 to 40 inches. The natural drainage class is well drained. Water movement in the most restrictive layer is moderately low. Available water to a depth of 60 inches (or restricted depth) is low. Shrink-swell potential is high. This soil is not flooded. It is not ponded. There is no zone of water saturation within a depth of 72 inches. Organic matter content in the surface horizon is about 3 percent. This component is in the R015XE020CA Fine Loamy 9-13 ecological site. Non-irrigated land capability classification is 4e. Irrigated land capability classification is 4e. This soil does not meet hydric criteria. There are no saline horizons within 30 inches of the soil surface.

Unnamed, similar to Los Osos soil: 10 percent

Positas, coarse sandy loam: 10 percent

Balcom, loam: 10 percent

Diablo, clay: 5 percent

Shimmon, loam: 5 percent

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As shown in Table 1, the area of disturbance is underlain by soils classified as Farmland of Statewide Importance by the COSE.

Table 1 – Farmland Classifications of the COSE and Corresponding Acreages

Soil	COES Classification	Total Acres	Acres Impacted By Project
Lockwood-Concepcion complex, 2 to 9 percent slopes	Farmland of Statewide Importance	99.41	1.96
Lockwood-Concepcion complex, 9 to 15 percent slopes	Other Productive Soils	1.39	0.00
Linne-Calodo complex, 50 to 75 percent Slopes	Not Prime	53.32	0.00
Nacimiento-Los Osos complex, 9 to 30 percent slopes	Other Productive Soils	74.74	0.00
Total:		228.86	1.96

Source: Classifications based on Table SL-2 of the County General Plan’s Conservation/Open Space Element

Table 3 provides a summary of farmland classifications for soils on the project site as determined by the FMMP. As shown in Table 3, the area of disturbance is underlain by soils considered Farmland of Local Importance by the FMMP.

Table 2 – Farmland Classifications of the FMMP and Corresponding Acreages

FMMP Classification	Acres	Acres Impacted By The Project
Grazing	129.45	0.00
Farmland of Local Importance	88.65	1.96
Farmland of Local Potential	9.72	0.00
Undefined	0.93	0.00
Total:	22.86	1.96

Source: Department of Conservation Farmland Mapping and Monitoring Program, 2024

The Land Conservation Act of 1965, commonly referred to as the Williamson Act, enables local governments to enter into contracts with private landowners for the purpose of restricting specific parcels of land to agriculture or related open space use. In return, landowners receive property tax assessments that are much lower because they are based upon farming and open space uses as opposed to full market value. According to the County’s Land Use View website, the project site is located within the El Pomar Agricultural Preserve but is not subject to an active Williamson Act contract.

According to California Public Resources Code (PRC) Section 12220(g), forest land is defined as land that can support 10% native tree cover of any species, including hardwoods, under natural conditions, and that allows for management of one or more forest resources, including timber, aesthetics, fish and wildlife, biodiversity, water quality, recreation, and other public benefits. Timberland is defined as land, other than land owned by the federal government and land designated by the State Board of Forestry and Fire Protection as experimental forest land, which is available for, and capable of, growing a crop of trees of a commercial species used to produce lumber and other forest products, including Christmas trees.

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- (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?*

As shown in Table 2, according to the FMMP, the area of disturbance is underlain by soils mapped as Farmland of Statewide Importance. Therefore, implementation of the project would permanently convert about 1.96 acres to a use other than crop production. This impact is considered *less than significant* because:

- The acreage of productive farmland converted to a non-soil-based use (i.e., a reservoir) is a small fraction (about 2 percent) of the total acreage of the site mapped as Farmland of Statewide importance. The remaining acreage of important farmland will continue to be available for crop production.
- Frost events can damage crops and limit the productivity of important agricultural land. Accordingly, the reservoir will be used exclusively to support the production of crops on the project site by providing a viable method of frost protection.

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

The project site is located within the *Agriculture* land use category and is not subject to a Williamson Act Contract; an agricultural reservoir is an allowable use within the Agriculture land use category. Therefore, as conditioned, the project would not result in a conflict with existing zoning for agricultural use or a Williamson Act contract and *no impacts would occur*.

- (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))?*

The project site does not include land use designations or zoning for forest land or timberland as defined by the Public Resources Code; *no impacts would occur*.

- (d) *Result in the loss of forest land or conversion of forest land to non-forest use?*

According to the project plans, no mature oak trees will be removed to construct the reservoir. However, the project site does not contain stands of oak trees that meet the definition of “forest land” as prescribed in Public Resources Code Section 12220(g). Therefore, the project will result in *no impact* relating to the conversion of forest land to a 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?*

The project site is generally surrounded by agricultural operations on the project site and adjacent surrounding properties that may be temporarily affected by noise and dust generated during project construction. These impacts would be temporary and would not result in the direct impairment or conversion of surrounding agricultural land to other uses. As discussed in Section X, Hydrology, the use of wells to fill the reservoir is not expected to adversely impact surrounding wells that may be used for agricultural operations.

Therefore, potential impacts would be *less than significant*.

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Conclusion

The project would result in less than significant impacts relating to the conversion of farmland, forest land, or timber land to non-agricultural uses or non-forest uses and would not conflict with agricultural zoning or otherwise adversely affect agricultural resources or uses. Potential impacts to agricultural resources would be *less than significant* and *less than cumulatively considerable* and no mitigation measures are necessary.

Mitigation

None necessary.

Sources

Provided in Exhibit A.

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III. AIR QUALITY

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>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:</i>				
(a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(c) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Setting

San Luis Obispo County Clean Air Plan

The San Luis Obispo County Air Pollution Control District (SLOAPCD) San Luis Obispo County 2001 Clean Air Plan (CAP) is a comprehensive planning document that provides guidance to the SLOAPCD and other local agencies on how to attain and maintain the state air quality standards. The CAP presents a detailed description of the sources and pollutants that impact the jurisdiction’s attainment of state standards, future air quality impacts to be expected under current growth trends, and an appropriate control strategy for reducing emissions, thereby improving air quality. Project consistency with the CAP is determined by considering whether the project incorporates the relevant land use planning and transportation control measures and strategies outlined in the CAP.

The County is currently designated as a non-attainment area for ozone and PM₁₀ under state ambient air quality standards. Construction and operation of the project would result in emissions of ozone precursors including reactive organic gasses (ROG) and nitrous oxides (NO_x) as well as fugitive dust emissions (PM₁₀) and exhaust particulates.

SLOAPCD Criteria Pollutant Thresholds

The SLOAPCD has developed a CEQA Air Quality Handbook (most recently updated with a November 2017 Clarification Memorandum) to help local agencies determine the significance of project-specific air quality impacts and to determine whether mitigation measures are needed. To assist in this task, the Handbook includes screening criteria to determine the significance of project impacts. According to the Handbook, a project with grading in excess of 4.0 acres and results in the movement of 1,200 cubic yards of earth per day can exceed the construction threshold for respirable particulate matter (PM₁₀).

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The use of heavy equipment and earth-moving operations during project construction can generate fugitive dust and engine combustion emissions that may have substantial temporary impacts on local air quality. Combustion emissions, such as nitrogen oxides (NO_x), reactive organic gases (ROG), greenhouse gases (GHG), and diesel particulate matter (DPM), are most significant when using large, diesel-fueled scrapers, loaders, bulldozers, haul trucks, compressors, generators, and other heavy equipment. The SLOAPCD has established thresholds of significance for each of these contaminants.

Operational impacts are focused primarily on the indirect emissions (i.e., motor vehicles) associated with residential, commercial, and industrial development. Certain types of projects can also include components that generate direct emissions, such as power plants, gasoline stations, dry cleaners, and refineries (referred to as stationary source emissions). Table 1-1 of the APCD's CEQA Handbook provides screening criteria based on the size of different types of projects that would normally generate sufficient motor vehicle trips that would cause an exceedance of the operational thresholds for ozone precursors. 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.

The prevailing winds in the project vicinity are from the north and west.

Sensitive Receptors

Sensitive receptors are people with an increased sensitivity to air pollution or environmental contaminants, such as the elderly, children, people with asthma or other respiratory illnesses, 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 nearest sensitive receptors are single-family residences on surrounding ranches; the closest residence to the area of disturbance is well over 1,000 feet distant.

Naturally Occurring Asbestos

Naturally Occurring Asbestos (NOA) is identified as a toxic air contaminant by the California Air Resources Board (CARB). Serpentine and other ultramafic rocks are fairly common throughout San Luis Obispo County and may contain NOA. If these areas are disturbed during construction, NOA-containing particles can be released into the air and have an adverse impact on local air quality and human health. Based on SLOAPCD's NOA Screening Map, the project site is not located in an area identified as having the potential for soils containing NOA.

Developmental Burning

As of February 25, 2000, the APCD prohibits developmental burning of vegetative material within San Luis Obispo County. However, under certain circumstances where no technically feasible alternatives are available, limited developmental burning under restrictions may be allowed. Any such exception must complete the following prior to any burning: APCD approval; payment of fee to APCD based on the size of the project; and issuance of a burn permit by the APCD and the local fire department authority. As a part of APCD approval, the applicant shall furnish them with the study of technical feasibility (which includes costs and other constraints) at the time of application.

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Discussion

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

In order to be considered consistent with the 2001 San Luis Obispo County CAP, a project must be consistent with CAP's land use planning and transportation control measures and strategies (SLOAPCD 2012). These strategies include, but are not limited to, planning compact communities with higher densities, providing for mixed land use, and balancing jobs and housing.

The project does not include development of residential, retail or commercial uses that would be open to the public, therefore, land use planning strategies such as mixed-use development and planning compact communities are generally not applicable. The project would result in the construction of a small reservoir exclusively for agricultural purposes. Therefore, the project would not generate a significant number of employees and would not significantly affect the local area's jobs/housing balance.

Adopted transportation control measures include, but are not limited to, a voluntary commute options program, local and regional transit system improvements, bikeway enhancements, and telecommuting programs. The voluntary commute options program targets employers in the county with more than 20 full time employees; the project consists of an agricultural reservoir and would have no employees other than those associated with ongoing agricultural operations. The project would not conflict with regional plans for transit system or bikeway improvements.

Overall, the project would not conflict with or obstruct implementation of the CAP; therefore, impacts would be *less than significant*.

(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?*

The County is currently designated as a non-attainment area for ozone and PM₁₀ under state ambient air quality standards. Construction and operation of the project would result in the emission of ozone precursors including reactive organic gasses (ROG) and nitrous oxides (NO_x) as well as fugitive dust emissions (PM₁₀).

Construction Emissions

Based on the project description, the project will have an area of disturbance of about 1.96 acres and will involve 10,900 cubic yards (cy) of cut, 9,200 cy of fill and 1,700 cy that will be spread on a portion of the site. Construction activities will result in the generation of dust, as well as short-term construction vehicle emissions. Using the SLOAPCD's CEQA Air Quality Handbook (2012) and Clarification Memorandum (2017), construction-related emissions were calculated for the project and are shown in Table 3 below.

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Table 3 -- Estimated Construction-Related Emissions

Pollutant	Total Estimated Emissions	APCD Emissions Threshold	Mitigation Required?
Reactive Organic Gases (ROG) + Nitrogen Oxide (NO _x) (combined)	37.86 lbs./day ¹	137 lbs./day	No
	1.51 tons/quarter ¹	2.5 tons/quarter	No
Diesel Particulate Matter (DPM)	9.85 lbs. /day ²	7 lbs./day	Yes
	0.295 tons/quarter ²	0.13 tons/quarter	Yes
Fugitive Particulate Matter (PM ₁₀)	1.47 tons ³ /quarter	2.5 tons/quarter	No

Notes:

1. Based on 20,100 cubic yards of material moved and 0.113 pounds of combined ROG and NO_x emissions per cubic yard of material moved and 60 construction days.
2. Based 20,100 cubic yards of material moved and 0.0049 pounds of diesel particulate emissions per cubic yard of material moved and 60 construction days.
3. Based on 1.96 total acres of disturbance and 0.75 tons of PM₁₀ generated per acre of disturbance per month and 60 days of construction.

As shown in Table 3, project construction related emissions are not expected to exceed the daily emissions thresholds for ozone precursors and fugitive dust. However, the daily and quarterly thresholds for the emission of diesel particulates will be exceeded. Therefore, project impacts associated with the exceedance of SLOAPCD daily and quarterly emissions thresholds and will be considered *less than significant with mitigation*. Mitigation measure AQ-1 is recommended to mitigate potential impacts associated with diesel particulates.

Operation-Related Emissions. The project consists of an agricultural reservoir which will likely generate an average of two trips per month. Accordingly, project-specific and cumulative operational impacts are considered a *less than significant and less than cumulatively considerable*.

Construction machinery and associated workers will travel to the work site over an unpaved ranch road that extends 0.7 miles south from El Pomar Drive. As discussed in the regulatory setting, according to the APCD, an unpaved roadway of one mile in length carrying 6.0 round trips would likely exceed the 25 lbs/day PM₁₀ threshold. Based on the short distance travelled on the unpaved surface (0.7 miles), the temporary nature of the construction related trips, and the distance from the unpaved roadway to the nearest sensitive receptors, the project is not expected to exceed the daily threshold for particulates of 25 lbs per day.

Overall, impacts related to exceedance of federal, state, or SLOAPCD ambient air quality standards due to operational activities would be *less than significant*.

(c) *Expose sensitive receptors to substantial pollutant concentrations?*

Sensitive receptors are people or other organisms that may have a significantly increased sensitivity to exposure to air pollution by virtue of their age and health (e.g. schools, day care centers, hospitals, nursing homes), regulatory status (e.g. federal or state listing as a sensitive or endangered species), or proximity to the source. The nearest potential sensitive receptor is a residence located about 1,400

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feet south of the area of disturbance. Although this residence may be occupied by sensitive receptors, and the distance to the construction site, combined with the prevailing winds are not expected to result in exposure of the residents to diesel particulates and fugitive dust from construction activities. Therefore, potential impacts to sensitive receptors would be *less than significant*.

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

Construction activities have the potential to emit odors from diesel equipment, paints, solvents, fugitive dust, and adhesives. Any odors generated by construction activities would be intermittent and temporary, and generally would not extend beyond the construction area. Following construction of site improvements, the project site would not include any components or operational activities that would generate substantial long-term adverse odors. Therefore, odors generated by the project would be short-term, intermittent, and *less than significant*.

The project site is not located in an area identified as containing NOA which may be mobilized during ground disturbance activities.

The project does not propose to burn any onsite vegetative materials and would be subject to SLOAPCD restrictions on developmental burning of vegetative material; therefore, the project would have *no impact* relating to substantial air pollutant emissions from such activities.

Conclusion

The project would be consistent with the SLOAPCD's Clean Air Plan, but diesel emissions associated with construction activities could adversely impact surrounding sensitive receptors. Therefore, potential impacts to air quality would be *less than significant with mitigation*.

Mitigation

AQ-1 DPM Emissions. At the time of permit application and during construction, the following measures based on the SLOAPCD standard mitigation measures for construction equipment for reducing diesel particulate matter (DPM) emissions from construction equipment shall be printed on the project plans and implemented to reduce exposure of sensitive receptors to substantial pollutant concentrations. These measures shall be shown on grading and building plans:

- a. On-road diesel vehicles shall comply with Section 2485 of Title 13 of the California Code of Regulations. This regulation limits idling from diesel-fueled commercial motor vehicles with gross vehicular weight ratings of more than 10,000 pounds and licensed for operation on highways. It applies to California and non-California based vehicles. In general, the regulation specifies that drivers of said vehicles:
 - i. Shall not idle the vehicle's primary diesel engine for greater than 5 minutes at any location, except as noted in Subsection (d) of the regulation; and,
 - ii. Shall not operate a diesel-fueled auxiliary power system to power a heater, air conditioner, or any ancillary equipment on that vehicle during sleeping or resting in a sleeper berth for greater than 5.0 minutes at any location when within 1,000 feet of a restricted area, except as noted in Subsection (d) of the regulation.
- b. Maintain all construction equipment in proper tune according to manufacturer's specifications.

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- c. Fuel all off-road and portable diesel-powered equipment with ARB certified motor vehicle diesel fuel (non-taxed version suitable for use off-road).
- d. Use diesel construction equipment meeting ARB's Tier 2 certified engines or cleaner off-road heavy-duty diesel engines and comply with the State Off-Road Regulation.
- e. Use on-road heavy-duty trucks that meet the CARB's 2010 or cleaner certification standard for on-road heavy-duty diesel engines and comply with the State On-Road Regulation.
- f. Idling of all on and off-road diesel-fueled vehicles shall not be permitted when not in use. Signs shall be posted in the designated queuing areas and or job site to remind drivers and operators of the no idling limitation.
- g. Electrify equipment when possible.
- h. Substitute gasoline-powered in place of diesel-powered equipment, when available. and,
- i. Use alternatively fueled construction equipment on-site when available, such as compressed natural gas (CNG), liquefied natural gas (LNG), propane or biodiesel.

Sources

Provided in Exhibit A.

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IV. BIOLOGICAL RESOURCES

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>Would the project:</i>				
(a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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Regulatory Setting

Federal Laws and Regulations

Bald and Golden Eagle Protection Act

The Bald and Golden Eagle Protection Act (BGEPA) prohibits anyone, without a permit issued by the Secretary of the Interior, from taking (pursue, shoot, shoot at, poison, wound, kill, capture, trap, collect, molest or disturb) bald or golden eagles, including their parts, nests, or eggs. This includes substantially interfering with normal breeding, feeding, or sheltering behavior. Activities that may result in the take of a bald or golden eagle require permits; the three activities eligible for permits include to remove or relocate an eagle nest; to transport, exhibit, collect, or control eagles or eagle parts, and for incidental take of eagles.

Clean Water Act

The Clean Water Act (CWA) establishes the basic structure for regulating discharges of pollutants into the waters of the United States and regulating quality standards for surface waters. The purpose of the CWA is to restore and maintain the chemical, physical, and biological integrity of all waters of the U.S. Permitting is required for filling waters of the U.S. (including wetlands). Permits may be issued on an individual basis or may be covered under approved nationwide permits.

Endangered Species Act

The Federal Endangered Species Act (FESA) provides the legal framework for the listing and protection of species (and their habitats) identified as being endangered or threatened with extinction. “Critical Habitat” is a term within the FESA designed to guide actions by federal agencies and is defined as “an area occupied by a species listed as threatened or endangered within which are found physical or geographical features essential to the conservation of the species, or an area not currently occupied by the species which is itself essential to the conservation of the species.” Actions that jeopardize endangered or threatened species and/or critical habitat are considered a ‘take’ under the FESA. “Take” under federal definition means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct.

Projects that would result in “take” of any federally listed threatened or endangered species, or critical habitats, are required to obtain permits from the USFWS through either Section 7 (interagency consultation with a federal nexus) or Section 10 (Habitat Conservation Plan) of FESA, depending on the involvement by the federal government in permitting and/or funding of the project. Through Section 10, it is required to prepare a Habitat Conservation Plan (HCP) to be approved by the United States Fish and Wildlife Service (USFWS), which results in the issuance of an Incidental Take Permit (ITP). Through Section 7, which can only occur when a separate federal nexus in a project exists (prompting interagency consultation), a consultation by the various federal agencies involved can take place to determine appropriate actions to mitigate negative effects on endangered and threatened species and their habitat.

Migratory Bird Treaty Act

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

State Law and Regulations

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California Endangered Species Act

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

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

California Environmental Quality Act (CEQA)

CEQA defines a “project” as any action undertaken from public or private entity that requires discretionary governmental review (a non-ministerial permittable action). All “projects” are required to undergo some level of environmental review pursuant to CEQA, unless an exemption applies. CEQA’s environmental review process includes an assessment of existing resources, broken up by categories (i.e., air quality, aesthetics, etc.), a catalog of potential impacts to those resources caused by the proposed project, and a quantifiable result determining the level of significance an impact would generate. The goal of environmental review under CEQA is to avoid or mitigate impacts that would lead to a “significant effect” on a given resource; section 15382 of the CEQA Guidelines defines a “significant effect” as *a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance. An economic or social change by itself shall not be considered a significant effect on the environment but may be considered in determining whether the physical change is significant.*

California Fish and Game Code (CFGC)

The California Fish and Game Code (CFGC) is one of the 29 legal codes that form the general statutory law of California. A myriad of statutes regarding fish and game are specified in the CFGC; the following codes are specifically relevant to the proposed Project:

California Native Plant Protection Act

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

Lake and Streambed Alteration

Section 1602 of the CFGC requires any person, state, or local governmental agency to provide advance written notification to CDFW prior to initiating any activity that would: 1) divert or obstruct the natural flow of, or substantially change or remove material from the bed, channel, or bank of any river, stream, or lake; or 2) result in the disposal or deposition of debris, waste, or other material into any river, stream, or lake. The state definition of “lakes, rivers, and streams” includes all rivers or streams that flow at least periodically or

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permanently through a well-defined bed or channel with banks that support fish or other aquatic life, and watercourses with surface or subsurface flows that support or have supported riparian vegetation.

Nesting Birds

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

Regional Water Quality Control Board

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

Special Status Species and Sensitive Habitat Regulations

Special status species are those plants and animals listed, proposed for listing, or candidates for listing as threatened or endangered by the USFWS under the FESA; those listed or proposed for listing as rare, threatened, or endangered by the CDFW under the CESA; animals designated as “Species of Special Concern,” “Fully Protected,” or “Watch List” by the CDFW; and plants with a California Rare Plant Rank (CRPR) of 1, 2, 3, or 4.

California Natural Diversity Database (CNDDDB)

“Special Plants” and “Special Animals” are broad terms used to refer to all the plant and animal taxa inventoried by the CNDDDB, regardless of their legal or protection status (CNDDDB 2020a and 2020b). The Special Plants list includes vascular plants, high priority bryophytes (mosses, liverworts, and hornworts), and lichens. The Special Animals list is also referred to by the California Department of Fish and Wildlife (CDFW) as the list of “species at risk” or “special status species.”

According to the CNDDDB (2020a, 2020b), Special Plants and Animals lists include: taxa that are officially listed or proposed for listing by California or the Federal Government as Endangered, Threatened, or Rare; taxa which meet the criteria for listing, as described in Section 15380 of CEQA Guidelines; taxa deemed biologically rare, restricted in range, declining in abundance, or otherwise vulnerable; population(s) in California that may be marginal to the taxon’s entire range but are threatened with extirpation in California; and/or taxa closely associated with a habitat that is declining in California at a significant rate. Separately, the Special Plants List includes taxa listed in the California Native Plant Society’s Inventory of Rare and Endangered Plants of California, as well as taxa determined to be Sensitive Species by the Bureau of Land Management, U.S. Fish and Wildlife Service, or U.S. Forest Service. The Special Animals List distinctively includes taxa considered by the CDFW to be a Species of Special Concern (SSC) and taxa designated as a special status, sensitive, or declining species by other state or federal agencies.

Federal and State Endangered Species Listings

The FESA and CESA are the regulatory documents that govern the listing and protection of species, and their habitats, identified as being endangered or threatened with extinction (see Sections 1.5.1 and 1.5.2). Possible listing status under both Federal and California ESA includes Endangered and Threatened (FE, FT, CE, or CT).

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Species in the process of being listed are given the status of either Proposed Federally Endangered/Threatened, Candidate for California Endangered/Threatened (PE, PT, CCE, or CCT). The CESA has one additional status: Rare (CR).

Global and State Ranks

Global and State Ranks reflect an assessment of the condition of the species (or habitats, see 1.6.6 below) across its entire range. Basic ranks assign a numerical value from 1 to 5, respectively for species with highest risk to most secure. Other ranking variations include rank ranges, rank qualifiers, and infraspecific taxon ranks. All Heritage Programs, such as the CNDDDB use the same ranking methodology, originally developed by The Nature Conservancy and now maintained and recently revised by NatureServe. Procedurally, state programs such as the CNDDDB develop the State ranks. The Global ranks are determined collaboratively among the Heritage Programs for the states/provinces containing the species. Rank definitions, where G represents Global and S represents State, are as follows:

- **G1/S1:** Critically imperiled globally/in state because of extreme rarity (5 or fewer populations).
- **G2/S2:** Imperiled globally/in state because of rarity (6 to 20 populations).
- **G3/S3:** Vulnerable; rare and local throughout range or in a special habitat or narrowly endemic (on the order of 21 to 100 populations).
- **G4/S4:** Apparently secure globally/in state; uncommon but not rare (of no immediate conservation concern).
- **G5/S5:** Secure; common, widespread, and abundant.
- **G#G#/S#S#:** Rank range - numerical range indicating uncertainty in the status of a species, (e.g., G2G3 more certain than G3, but less certain than G2).
- **G/S#?:** Inexact numeric rank
- **Q:** Questionable taxonomy - Taxonomic distinctiveness of this entity is questionable.
- **T#:** Infraspecific taxa (subspecies or varieties) – indicating an infraspecific taxon that has a lower numerical ranking (rarer) than the given global rank of species.

California Rare Plant Ranks

Plant species are considered rare when their distribution is confined to localized areas, their habitat is threatened, they are declining in abundance, or they are threatened in a portion of their range.

The California Rare Plant Rank (CRPR) categories range from species with a low threat (4) to species that are presumed extinct (1A). All but a few species are endemic to California. All of them are judged to be vulnerable under present circumstances, or to have a high potential for becoming vulnerable. Threat ranks are assigned as decimal values to a CRPR to further define the level of threat to a given species. The rare plant ranks and threat levels are defined below.

- **1A:** Plants presumed extirpated in California and either rare or extinct elsewhere.
- **1B:** Plants rare, threatened, or endangered in California and elsewhere.
- **2A:** Plants presumed extirpated in California, but common elsewhere
- **2B:** Plants rare, threatened, or endangered in California, but more common elsewhere
- **4:** Plants of limited distribution - a watch list

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- **0.1:** Seriously threatened in California (over 80% of occurrences threatened/high degree and immediacy of threat)
- **0.2:** Moderately threatened in California (20-80% occurrences threatened/moderate degree and immediacy of threat)
- **0.3:** Not very threatened in California (less than 20% of occurrences threatened/low degree and immediacy of threat or no current threats known)

California Department of Fish and Wildlife Animal Rank

The CDFW assigns one of three ranks to Special Animals: Watch List (WL), Species of Special Concern (SSC), or Fully Protected (FP). Unranked species are referred to by the term Special Animal (SA).

Animals listed as Watch List (WL) are taxa that were previously designated as SSC, but no longer merit that status, or taxa that do not yet meet SSC criteria, but for which there is concern and a need for additional information to clarify status.

Animals listed as California Species of Special Concern (SSC) may or may not be listed under California or federal Endangered Species Acts. They are considered rare or declining in abundance in California. The Special Concern designation is intended to provide the CDFW biologists, land planners, and managers with lists of species that require special consideration during the planning process to avert continued population declines and potential costly listing under federal and state endangered species laws. For many species of birds, the primary emphasis is on the breeding population in California. For some species that do not breed in California but winter here, emphasis is on wintering range. The SSC designation thus may include a comment regarding the specific protection provided such as nesting or wintering.

Animals listed as Fully Protected (FP) are those species considered by CDFW as rare or faced with possible extinction. Most, but not all, have subsequently been listed under the CESA or FESA. Fully Protected species may not be taken or possessed at any time and no provision of the California Fish and Game code authorizes the issuance of permits or licenses to take any Fully Protected species.

Sensitive Habitats

Sensitive Natural Community is a state-wide designation given by CDFW to specific vegetation associations of ecological importance. Sensitive Natural Communities rarity and ranking involves the knowledge of range and distribution of a given type of vegetation, and the proportion of occurrences that are of good ecological integrity (CDFW 2018a). Evaluation is conducted at both the Global (G) and State (S) levels, resulting in a rank ranging from 1 for very rare and threatened to 5 for demonstrably secure. Natural Communities with ranks of S1-S3 are considered Sensitive Natural Communities in California and may need to be addressed in the environmental review processes of CEQA and its equivalents.

Environmental Setting

The project site is approximately 2.6 miles east of the intersection of Highway 101 and Vineyard Road, south of El Pomar Road. Elevations range from approximately 810 to 850 feet (247 to 260 meters). The site is comprised primarily of annual grasslands that appear to have been frequently disturbed by tilling (Google Earth 1985 – 2023) and patches of mixed oak woodlands.

A biological resources assessment (BRA) of the project site was prepared in July 2024 by SWCA Environmental Consultants which is incorporated herein by reference and available for review in its entirety at the Department of Planning and Building, 976 Osos Street, San Luis Obispo. SWCA also completed a suitably timed

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botanical survey of the project site on June 27, 2024. The following is a summary of the findings and recommendations of those studies.

Methodology

Prior to conducting a field survey, the biologists completed background review of relevant literature and resources pertaining to sensitive biological resources known to occur within the Biological Survey Area (BSA) (see Appendix A of the BRA: Figure A-2) and in the project vicinity, which included the following:

- Aerial photographs (Google Earth Pro 1985–2023) and preliminary site plans
- USGS topographic map of the Templeton 7.5-minute quadrangle (USGS 2023)
- Online Soil Survey of San Luis Obispo County, California (NRCS 2023)
- Consortium of California Herbaria (CCH) online database of plant collections (CCH 2023)
- California Native Plant Society (CNPS) Inventory of Rare and Endangered Plants for the Templeton California USGS 7.5-minute quadrangle and the surrounding quadrangles (Adelaida, Atascadero, Creston, Estrella, Morro Bay North, Paso Robles, Santa Margarita, and York Mountain) (CNPS 2023a)
- California Department of Fish and Wildlife (CDFW) California Natural Diversity Database (CNDDDB) list of federally and state-listed special-status species documented within the Templeton, California USGS 7.5-minute quadrangle and the seven surrounding quadrangles (CDFW 2023)
- CNDDDB map of special-status species that have been documented within a 5-mile radius of the project site (CDFW 2023).
- U.S. Fish and Wildlife Service (USFWS) Critical Habitat for Threatened and Endangered Species Report (USFWS 2023a)
- USFWS National Wetland Inventory (NWI) Wetlands Mapper (USFWS 2023b)
- A list of regionally occurring special-status species was compiled based on records reported in the scientific database queries. This species list was used to inform the field survey effort and determined an appropriate survey period for special-status botanical species with potential to occur onsite.

Following the background review, the biologists completed a field survey of the site on August 31, 2023. This survey consisted of a botanical and wildlife species inventory, a jurisdictional analysis, and an analysis of the potential for special-status species to occur onsite. In addition, the botanist conducted a follow-up appropriately timed botanical survey on May 9, 2024, and the wildlife biologist completed three focused bumble bee surveys on May 22, June 5, and June 20, 2024 (SWCA 2024b). The surveys were conducted on foot to ensure complete visual coverage of the BSA. During the survey, all botanical and wildlife species observed, including those detected by indirect sign (i.e., tracks, scat, skeletal remains, dens, burrows, or vocalizations), were documented.

Botanical species identifications and taxonomic nomenclature followed *The Jepson Manual: Vascular Plants of California*, 2nd edition (Baldwin et al. 2012), as well as taxonomic updates provided in the *Jepson eFlora* (Jepson Flora Project 2023). Vegetation communities and land cover types were characterized, and natural communities were classified using the second edition of *A Manual of California Vegetation* (MCV) classification system (Sawyer et al. 2009), as well as updates included in the MCV Online (CNPS 2023b).

The habitat requirements for each regionally occurring special-status species identified in the scientific database queries were analyzed and compared to the type and quality of habitats observed on-site during the field survey. The potential for many species to occur within the project site was eliminated due to lack of suitable habitat, inappropriate elevation, inappropriate soils/substrate, and/or known distribution of the

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species. Special-status species for which suitable habitat was identified are discussed in-depth in Section 3 of the BRA, and those species determined to have no potential to occur based on a lack of suitable habitat are not discussed. A complete list of regionally occurring species that were evaluated is included in Appendix C of the BRA.

Habitats/Vegetative Communities

Vegetation communities and land cover types were assessed, classified, and mapped based on vegetation composition, structure, and density, with consideration of known land management practices. The BSA totaled approximately 4.4 acres of the project site, including the 1.96-acre area of disturbance. The only natural vegetation community identified in the BSA was annual grasslands.

A total of 52 vascular plant species were identified in the BSA, of which 25 (48%) were non-native or considered ornamentals. The natural vegetation communities and sensitive resources are described below and illustrated in Figures 5 and 6.

Annual Grasslands (4.4 acres)

The majority of the BSA had been tilled after the growing season, prior to the August 31, 2023, field survey. However, based on the vegetation present that was detectable within the tilled areas and around the margins, it was determined these areas supported annual grassland habitat prior to being tilled (see Appendix A of the BRA: Figure A-4 and Appendix E: Photo E-1, E-2, and E-6). This vegetation community was confirmed during the follow-up appropriately timed botanical survey on May 9, 2024 (SWCA 2024a). The community is dominated by slender wild oats (*Avena barbata*) and soft chess (*Bromus hordeaceus*), with ripgut brome (*Bromus diandrus*) scattered throughout as well as some ruderal non-native species such as perennial mustard (*Hirschfeldia incana*) and tumbleweed (*Amaranthus albus*) and native species such as clustered tarweed (*Deinandra fasciculata*), narrow leaf milkweed (*Asclepias fascicularis*), and showy milkweed (*Asclepias eriocarpa*).

This species composition was used to determine the community classification, which most closely corresponds with the *Avena* spp. – *Bromus* spp. Semi Natural Herbaceous Alliance (wild oats and annual brome grasslands) in the MCV classification system (CNPS 2023b). This community is widespread and may occur in any topographic setting in foothills, waste places, rangelands, and openings in woodlands at elevations below 7,200 feet (2,200 meters). This community provides habitat for nesting birds, burrowing mammals and their predators, herbivores, and other wildlife.

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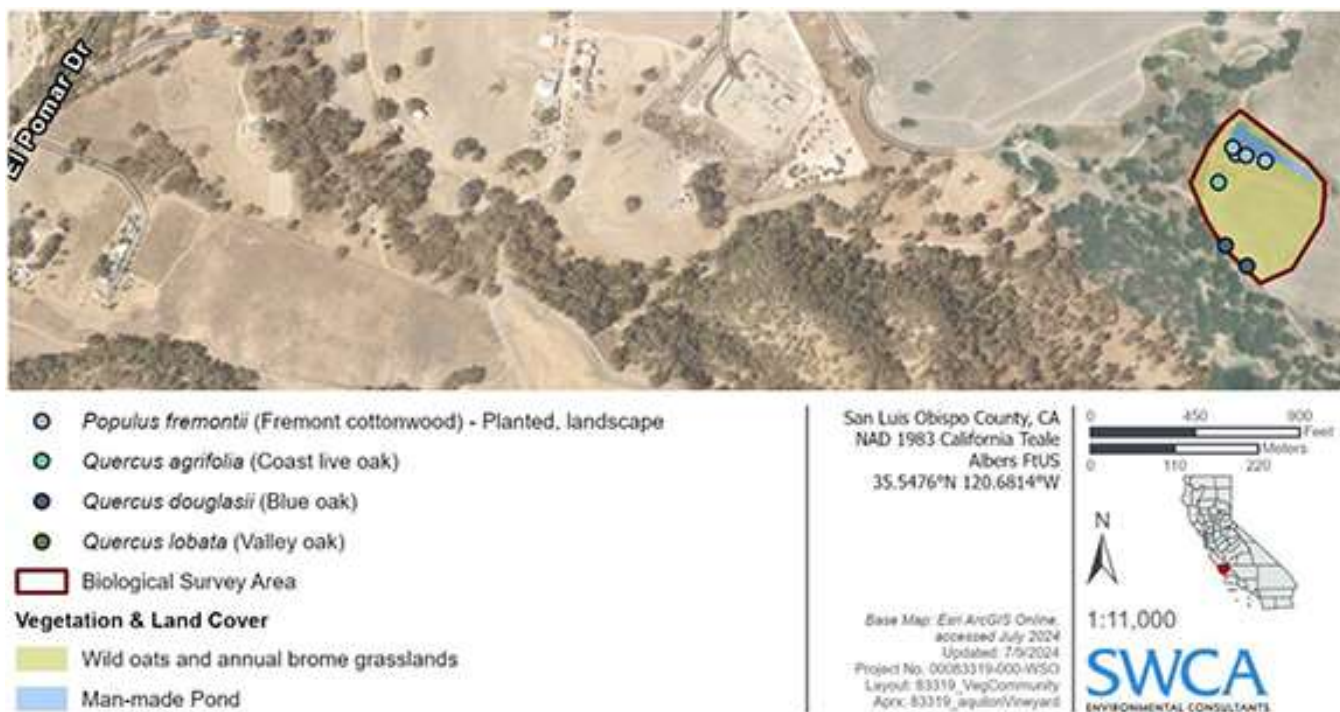


Figure 5 – Vegetative Communities of the Project Site

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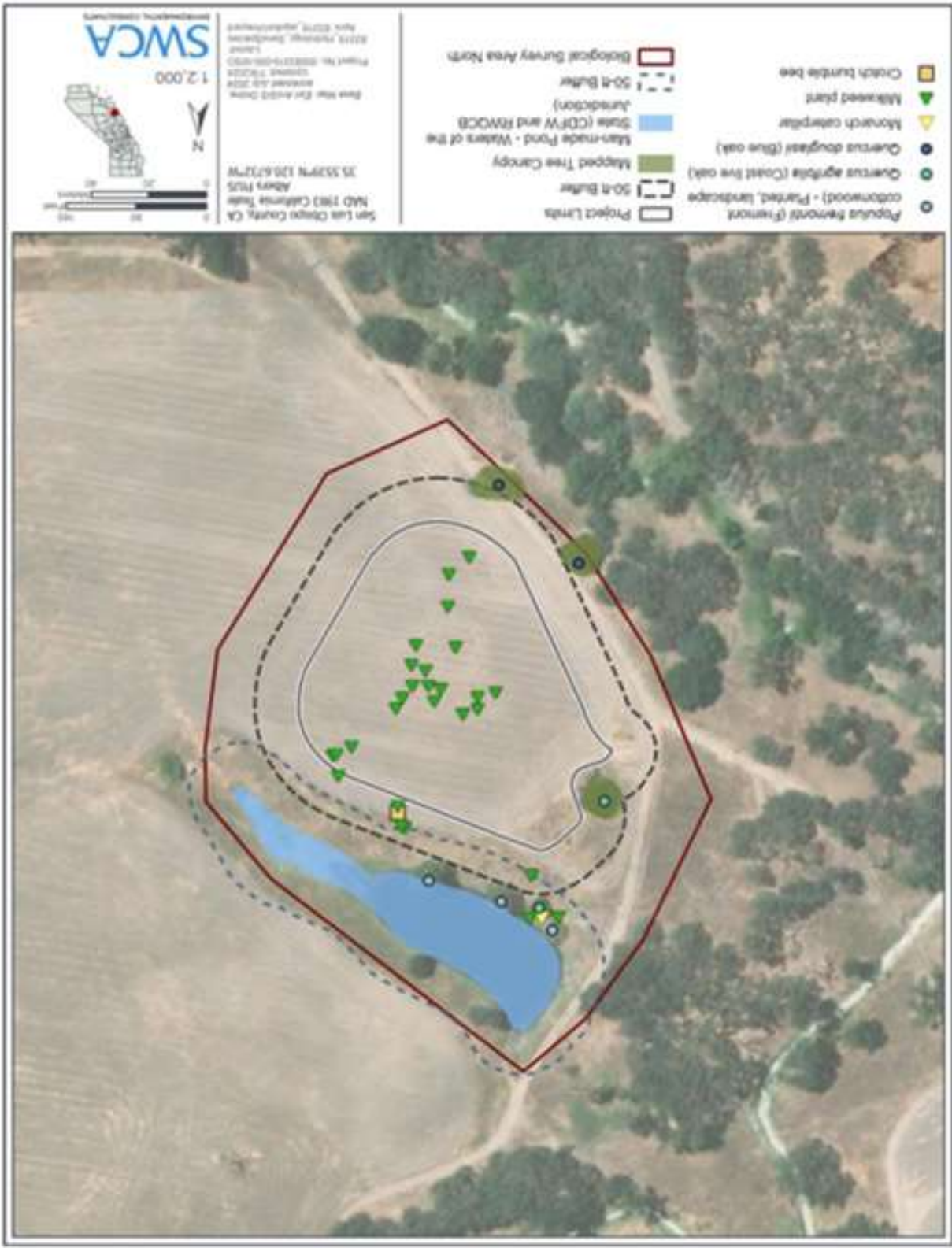


Figure 6 - Sensitive Resources

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Wildlife Habitats

The habitat within and adjacent to the BSA is suitable for a variety of common and special-status wildlife species. The site had been tilled after the growing season prior to the August 31, 2023, field survey. Despite being tilled, mature milkweed plants (*Asclepias eriocarpa* and *A. fascicularis*) persisted within the BSA, providing habitat for various invertebrate species, including monarch caterpillars (*Danaus plexippus*) (see Appendix A: Figure A-5a and A-5b). In addition, Crotch bumble bees were observed foraging on milkweed within the BSA during focused bumble bee surveys in 2024 (SWCA 2024b). Mature oak and cottonwood trees within the BSA may provide nesting opportunities for various raptor and passerine bird species, refugia and food resources for birds and mammals. In addition, the grassland habitats on-site may be utilized by ground-nesting birds; transient, foraging wildlife; and burrowing mammals.

As noted above, monarch caterpillars, a federal candidate species for listing under the FESA, were observed on milkweed plants in the BSA. In addition, Crotch bumble bee, a state candidate species for listing under CESA, were observed foraging on milkweed plants. No other special status wildlife species were observed during the field surveys. However, numerous avian species, as well as other terrestrial wildlife and their sign, were observed during the survey. A comprehensive list of all wildlife species observed during the survey is included in Appendix D of the BRA.

Hydrologic Features

An existing man-made pond is located north of the area of disturbance. This feature appears to have been created prior to 1994 by constructing an earthen berm across a topographic low point that may have historically been an ephemeral drainage (Google Earth 1985 – 2023). Water was present within the pond at the time of the survey. The feature appears to be used as an agricultural reservoir, with water levels fluctuating year to year based on historic aerial images (Google Earth 1985 – 2023). Two mature Fremont cottonwoods (*Populus fremontii*) are present on the south slope of the pond. These two trees appear to have been planted as ornamental landscaping due to their distance from the edge of the pond. No emergent vegetation or riparian vegetation was present along the edge of the pond at the time of the survey (see Appendix E of the BRA: Photo E-9).

Sensitive Resources

The BS focused on the special-status plants within five miles of the project site that have a greater potential to occur based on proximity of documented occurrences and presence of suitable habitat.

Critical Habitats and Special Status Natural Communities

No USFWS-Designated Critical Habitat overlap the BSA (USFWS, 2021).

Natural Communities are evaluated using NatureServe's Heritage Methodology, the same system used to assign global and state rarity ranks for plant and animal species in the CNDDDB. They are assigned an overall rarity score for a single rank of 1 through 5. Evaluation is done at both the Global (full natural range within and outside of California) and State (within California) levels resulting in a single G (global) and S (state) rank ranging from 1 (very rare and threatened) to 5 (demonstrably secure). Natural Communities with ranks of S1-S3 are considered Sensitive Natural Communities to be addressed in the environmental review processes of CEQA and its equivalents. One sensitive natural community as defined by CDFW was documented within the BS area, Valley Needlegrass Grassland.

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Special-status Plant Species

For the purposes of this section, special-status plant species are defined as the following:

- Plants listed or proposed for listing as threatened or endangered under the Federal Endangered Species Act (FESA) (50 Code of Federal Regulations [CFR] §17.12 for listed plants and various notices in the Federal Register for proposed species).
- Plants that are candidates for possible future listing as threatened or endangered under the FESA.
- Plants that meet the definitions of rare or endangered species under the California Environmental Quality Act (CEQA) (State CEQA Guidelines §15380).
- Plants considered by the CNPS to be "rare, threatened, or endangered" in California (Ranks 1B and 2 in CNPS 2023a).
- Plants listed by CNPS as plants about which we need more information and plants of limited distribution (Ranks 3 and 4 in CNPS 2023a).
- Plants listed or proposed for listing by the State of California as threatened or endangered under the California Endangered Species Act (CESA) (14 California Code of Regulations [CCR] §670.5).
- Plants listed under the California Native Plant Protection Act (California Fish and Game Code §1900 et seq.).
- Plants considered sensitive by other federal agencies (i.e., United States Forest Service, Bureau of Land Management), state and local agencies, or jurisdictions.

Based on the literature review for this project, a total of 68 special-status plant species have been documented within the nine quadrangles surrounding the BSA. Because this list of species is considered regional, an analysis of the range and habitat preferences of those plant species was conducted to identify which sensitive plant species have potential to occur within the BSA. The biologists determined that there is suitable habitat in the BSA for one regionally occurring special-status plant species. A description of the life history, range, and conservation status for each special-status species with potential to occur is included below and a list of plant species observed within the BSA during surveys is included in Appendix C of the BRA.

Lemmon's Jewelflower

Lemmon's jewelflower (*Caulanthus lemmonii*; CRPR 1B.2) is an annual herb that is endemic to California from southern San Joaquin County to northern Ventura County. This species typically occurs in grasslands, chaparral, and scrub communities at elevations ranging from 250 to 3600 feet (80 – 1,100 meters). The typical blooming period is from March to May (Jepson Flora Project 2023). Documented threats to this species include road and trail construction, grazing, foot traffic, and non-native plant impacts (CNPS 2023a).

According to CNDDB records (CDFW 2023), the nearest occurrence of this species is approximately 4.75 miles northwest of the BSA. This species was not detected during the follow-up appropriately timed botanical survey and therefore is not expected to occur (SWCA 2024a).

Special-status Wildlife Species

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For the purposes of this section, special-status animal species are defined as the following:

- Animals listed or proposed for listing as threatened or endangered under the FESA (50 CFR §17.11 for listed animals and various notices in the Federal Register for proposed species).
- Animals that are candidates for possible future listing as threatened or endangered under the FESA.
- Animals that meet the definitions of rare or endangered species under CEQA (State CEQA Guidelines §15380).
- Animals listed or proposed for listing by the State of California as threatened and endangered under the CESA (14 CCR §670.5).
- Animal species of special concern (SSC) to CDFW.
- Animal species that are fully protected in California (California Fish and Game Code, §3511 [birds], §4700 [mammals], and §5050 [reptiles and amphibians]).

Based on a CNDDDB query and a review of existing literature, a total of 26 sensitive wildlife species have been documented within the nine quadrangles surrounding the BSA. Because this list of species is considered regional, an analysis of the range and habitat preferences of those animal species was conducted to identify which sensitive wildlife species have the potential to occur within the BSA. The biologists determined that there is suitable habitat within the BSA for four special-status wildlife species in addition to nesting birds.

The following sections provide a description of the special-status wildlife species for which suitable habitat was identified on-site, and recommendations for the avoidance and minimization of impacts to these species are included below.

Mammals

American Badger

The range of American badger (*Taxidea taxus*; SSC) covers most of North America and throughout California, except the North Coast region (Del Norte, Humboldt, Mendocino, Sonoma, and Marin Counties). The species prefers open and arid habitats such as grasslands, meadows, savannahs, open canopy desert scrub, and open chaparral. The species is a predator of fossorial rodents and adept at excavating deep burrows to access prey. As such, where badgers are present, the landscape is dotted with large soil tailings, which are normally half-moon shaped. American badger shelters in burrows it has excavated and, while known to traverse a relatively small home range (up to 2.5 acres), the species moves among burrows frequently. This species can be active at all times of day but is primarily nocturnal.

American badger occurs at elevations up to 12,000 feet (3,650 meters). Mating typically occurs from May through September but, because of delayed implantation, cubs are not born until early spring. Habitat conversion is a threat to this species (Zeiner et al. 1988–1990).

According to CNDDDB records (CDFW 2023), the nearest observation of an American badger is approximately two miles from the BSA. No sign of badger, such as characteristic claw marks on the interior sides of den entrances, horizontally oriented elliptical den openings, and frequent prey excavations, was observed. However, the BSA had been tilled prior to the survey which may have obscured badger sign. The annual grassland areas within and adjacent to the BSA provides marginally suitable habitat for American badger, including a small mammal prey base. There is potential for this species to occur within the BSA.

Invertebrate Species

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Crotch Bumble Bee

Crotch bumble bee (*Bombus crotchii*; state candidate endangered) inhabit open grassland and scrub habitats primarily in California, from Sacramento south into Mexico, and from the coast east into Nevada. Bumble bee colonies are annual with the queen mating in the fall before overwintering alone starting in October. In the spring the queen emerges and established a new colony by producing female workers and male drones. Not much is known about Crotch bumble bee overwintering sites (Hatfield et al. 2020). Generally, bumble bees overwinter in soft, disturbed soil (Goulson 2010), or under leaf litter or other debris (Williams et al. 2014). Queens emerge between February and April (Thorp et al. 1983) and establish a colony. Colonies are usually underground in abandoned holes made by ground squirrels, mice, and rats, or occasionally abandoned bird nests (Osborne et al. 2008). However, bumble bees may also nest above ground in tufts of grass or cavities in downed wood, rock walls or brush piles. Crotch bumble bee are generalist foragers, feeding on a variety of flowering plants (Hatfield et al. 2018). Like other bumble bees, this species feeds on both the nectar and the pollen. Select food plant families include Fabaceae, Apocynaceae, Asteraceae, Lamiaceae, and Boraginaceae (Hatfield et al. 2018). Threats to this species include loss of habitat due to agriculture and development and degradation of habitat due to invasive species, livestock grazing, herbicide use and decreases in small mammal population due to poisoning.

Crotch bumble bees were observed foraging on milkweeds during focused bumble bee surveys in 2024; however, no nests were detected within the BSA (SWCA 2024b). Based on the lack of detection of nesting during three focused bumble bee surveys in 2024, Crotch bumble bee nests are not expected to occur within the BSA in 2024. Crotch bumble bees may continue to forage on milkweeds present within the BSA as long as those plants flower. In addition, because bumble bees move nest sites each year, Crotch bumble bee may nest within the BSA in future years. Suitable overwintering habitat is available around the man-made pond and within the duff layer under the coast live oak tree; however, no project activities will occur in those areas.

Monarch Butterfly

Monarch butterflies (*Danaus plexippus*; federal candidate) begin migrating in early November to overwintering sites in southern California and Mexico. They fly north for breeding as milkweeds come into bloom in the spring. Wintering monarchs have very specific habitat requirements for overwintering sites, including dappled sunlight, high humidity, fresh water, and an absence of freezing temperature or high winds (Sakai and Calvert 1991). Overwintering sites are typically located within 1.5 miles of the Pacific Ocean, in areas with moderate temperatures. In central and southern California, they typically aggregate on Monterey pine (*Pinus radiata*) and blue gums (Xerces Society 2023).

Monarch caterpillars were observed on milkweed plants during the August 31, 2023 (see Appendix A of the BRA: Figure A-5a and A-5b and Appendix E: Photo E-3 and E-10). If project activities occur during the breeding season (approximately March 16 to October 30), there is potential for monarch eggs, caterpillars, and/or chrysalises to be present within the project areas.

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Migratory Nesting Birds and Special-Status Bird Species

Golden Eagle

Golden eagle (*Aquila chrysaetos*; state fully protected) is designated by CDFW as a Fully Protected species (i.e., no permitted take or possession at any time), and is also protected under the federal Bald and Golden Eagle Protection Act (USFWS 2023c). Golden eagles typically occur in open and semi-open habitats, most commonly in mountainous areas with hunting grounds where prey is abundant. Golden eagles typically feed on small mammals and will nest in trees, on transmission towers, on cliffs, or other steep escarpments (Cornell Lab of Ornithology 2023). The typical nesting period for golden eagles is from January 1 through September 15. This species is threatened by loss of forage and nesting habitat, secondary pesticide poisoning, and collisions with man-made structures.

According to CNDDDB records (2023), the nearest observation of golden eagle is approximately seven miles north of the BSA. No suitable nesting habitat is present within the BSA however, there is potential for golden eagles to nest in adjacent oak woodlands in the immediate vicinity of the BSA.

Migratory Nesting Birds

In addition to bird species protected by the state and federal government, all native avian species are protected by state and federal legislation, most notably the Migratory Bird Treaty Act and CDFW Fish and Game Code. Collectively, these and other international regulations make it unlawful to collect, sell, pursue, hunt, or kill native migratory birds, their eggs, nests, or any parts thereof.

Avian species can be expected to occur within the project area during all seasons and throughout construction of the proposed project. The potential to encounter and disrupt avian species is highest during their nesting season (generally February 1–August 31) when nests are likely to be active and eggs and young are present. The birds may nest within the mature trees, grassland habitat, or equipment. Raptors are particularly drawn to large trees and structures, and they are less tolerant of disturbances than other species.

Sensitive Habitats

Waters and Wetlands

The existing man-made pond is isolated and lacks connectivity to adjacent drainages. As such, this feature would likely not be considered waters of the U.S.; however, it would likely be considered waters of the State under the jurisdiction of CDFW and the Regional Water Quality Control Board (RWQCB). The maximum extent of water within the pond was mapped as the limits of waters of the State.

CNDDDB Sensitive Natural Communities

One CDNND Sensitive Natural Communities is present within the BSA, Valley Needlegrass Grassland.

USFWS-Designated Critical Habitats

No USFWS-designated critical habitats are present within or adjacent to the BSA.

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Discussion

- (a) *Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?*

Special-Status Plants

No special-status plants were observed during the appropriately timed focused botanical survey on May 9, 2024 (SWCA 2024a). Based on the lack of observed occurrences, special-status botanical species are not expected to occur. Therefore, the project is expected to have *no impact* to listed plant species.

Special Status Wildlife

Mammals

American badger may be impacted directly or indirectly during construction. Construction poses several direct risks, such as vehicle strikes and destruction of resources, like middens or dens. Further, construction may impact or deter use of valuable habitat, yielding it unsuitable for these species. Increased short- and long-term anthropogenic activity in the vicinity of viable populations has potential to indirectly impact these species as a result of permanent habitat conversion.

With implementation of recommended mitigation measure BIO-4, potential impacts to special status mammals are considered *less than significant with mitigation*.

Invertebrates

Monarch caterpillars were observed on milkweed plants within the BSA during the August 31, 2023 field survey. Direct impacts to monarchs are most likely to occur during the breeding season, generally March 15 to October 31, when milkweed (*Asclepias* spp.) plants are present for monarchs to lay their eggs on (Xerces 2023). Construction poses a direct risk, such as crushing and trampling of eggs, caterpillars, or chrysalises are present within the work area during construction. Measure BIO-4 has been provided to ensure that project activities avoid impacts to monarch within the BSA.

Crotch bumble bees were observed foraging on milkweed plants within the BSA during focused bumble bee surveys on June 20, 2024 (SWCA 2024b). No bumble bee nests, including nests for Crotch bumble bee were observed within the north or south BSA during the three focused bumble bee surveys completed during the colony active period (April to August) in 2024. As such, Crotch bumble bees are not expected to nest within the BSA in 2024. However, queens may overwinter (September to March) within suitable habitat present around the man-made pond and within the duff layer under the coast live oak tree adjacent to the project area in the north BSA. In addition, because bumble bees move nests each year, Crotch bumble bees may establish colonies within the BSA in following years. Direct impacts to nesting Crotch bumble bees are most likely to occur during the flight season, generally April 1 to August 31 and to overwintering queens from September 1 through March 31. Direct and indirect impacts may occur if grading and vegetation removal occur during the flight season. These actions can destroy nests or overwintering queens and remove foraging habitat that may lead to nest destruction or failure.

With implementation of mitigation measure BIO-4, impacts to invertebrates will be *less than significant with mitigation*.

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Nesting Birds

Construction of the proposed agricultural reservoir (e.g., vegetation removal, site grading) could impact a variety of nesting migratory bird species and golden eagles if site disturbance is implemented during the typical nesting bird season (February 1 through August 31) and during the extended nesting season for golden eagles (January 1 – August 31). Construction activities may result in nest destruction, nest or chick abandonment, nest failure, or lead to disturbance of breeding behaviors. Avoidance and Mitigation Measure BIO-4 has been provided to ensure that project activities avoid impacts to migratory bird species and golden eagles within the BSA.

With implementation of mitigation measure BIO-4, impacts to special status wildlife species are considered *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?*

As previously stated, the existing man-made pond is likely waters of the State. The proposed project footprint for the new agricultural reservoir is greater than 50 feet from the maximum extent of the pond. Therefore, the proposed project will not result in direct impacts to waters of the State. However, Avoidance and Mitigation Measure BIO-2 is recommended to ensure that project activities avoid direct and indirect impacts to waters of the State. With implementation of mitigation measure BIO-2, project impacts to riparian habitat or other sensitive natural communities are considered *less than significant with mitigation*.

- (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?*

There are no wetland or vernal pool resources within the area of disturbance or surrounding properties that would be impacted by the project. Therefore, there would be *no impact* to state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.).

- (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?*

Wildlife Corridors

Maintaining connectivity between areas of suitable habitat is critical for the survival and reproduction of plants and wildlife. Intact habitats benefit plants by ensuring proper dispersal of pollen and seeds, which sustains or grows the population and contributes to the genetic health of the species. Wildlife need contiguous habitats to attain sufficient food resources for their energetic demands; to locate proper resting, burrowing, and/or nesting sites; to facilitate long-distance travel or migration to seek out mates or resources; and for the safe and successful dispersal of young. The project site is in a rural area east of Templeton with grain fields, vineyards, rural residences, and patches of oak woodland. The BSA is located on properties that are surrounded by existing deer fencing. These existing fences likely restrict movement of large- and some medium-sized wildlife on to the properties from adjacent habitats. The proposed agricultural reservoir is isolated on the landscape and would allow for wildlife movement to occur around it. Therefore, as proposed the project is not expected to substantially increase the current level of habitat fragmentation in the region nor is it expected to create a significant barrier to wildlife movement. The project does not introduce significant features

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that would be expected to affect wildlife movement through surrounding natural habitats and impacts to wildlife movement are considered *less than significant*.

Migratory Nesting Birds and Sensitive Avian Species

In addition to those species protected by the state or federal ESA, all native avian species are protected by state and federal legislation, most notably the Migratory Bird Treaty Act and the CDFW Fish and Game Code. Collectively, these regulations make it unlawful to collect, sell, pursue, hunt, or kill native migratory birds, their eggs, nests, or any parts thereof. Avian species can be expected to occur within and adjacent to the project site during all seasons and throughout construction of the proposed project. The potential to encounter and disrupt these species is generally highest between February 1 and August 31, when nests are likely to be active, and eggs and young are present. Oak woodland and grassland habitats within the survey area provide suitable foraging and nesting habitat for many species. With implementation of recommended mitigation measure BIO-4, impacts related to interference with the movement of migratory fish or wildlife would be *less than significant with mitigation*.

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

Oak tree and woodlands are protected under Senate Bill 1334 / Kuehl Bill and California Public Resources Code 21083.4. Individual coast live oak trees are present in the BSA. Impacts to or removal of any mature oak trees (i.e., greater than six inches in diameter at breast height [DBH]) on the project site are regulated under California Public Resources Code 21083.4. Impacts to or removal of oak trees may require mitigation in the form of on-site plantings and/or off-site protection of existing oak woodland habitat areas. As such, recommendations for avoidance, minimization, and mitigation of impacts to native oak trees are recommended. With implementation of recommended mitigation measure BIO-3 impacts associated with conflict with local ordinances or policies protecting biological resources are considered *less than significant with mitigation*.

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

The project site is not located within an area subject to an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan. Therefore, the project would not conflict with the provisions of an adopted plan and there would be *no impact*.

Conclusion

Upon implementation of mitigation measures BIO-1 through BIO-4 potential impacts to biological resources would be *less than significant with mitigation*.

Mitigation

BIO-1 Environmental Awareness Training. Prior to ground disturbing activities, an environmental awareness training shall be presented to all construction personnel by a qualified biologist. The training shall include color photographs and a description of the ecology of all special-status species known or with potential to occur, as well as other sensitive resources requiring avoidance during construction. The training shall also include a description of protection measures required by discretionary permits, an overview of the Federal and State Endangered Species Acts, and implications of noncompliance with these regulations. This will include an overview of the required avoidance and

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minimization measures. A sign-in sheet with the name and signature of the qualified biologist who presented the training, and conveying the information provided in the environmental awareness training will be provided to all project personnel and anyone else who may enter the project site.

If new construction personnel join the project after the initial training period, they will receive the environmental awareness training from a qualified biologist before beginning work.

BIO-2 Site Maintenance and General Operations. The following general measures are recommended to minimize impacts during active construction, and shall be reproduced on all plan sets:

- a) The boundaries of each work area shall be clearly defined and marked with high visibility fencing or stakes prior to construction. The use of heavy equipment and vehicles shall stay within the defined project limits and staging areas/access points.
- b) No work shall occur outside these limits.
- c) In proximity of existing pond, signs shall be posted at the boundary of the work area indicating the presence of sensitive resources.
- d) Project plans, drawings, and specifications shall show the boundaries of all sensitive resource areas and the location of erosion and sediment controls, delineation of construction limits, and other pertinent measures to ensure the protection of sensitive habitats and resources.
- e) Staging of equipment and materials shall occur in designated areas with appropriate demarcation and perimeter controls. No staging areas shall be located within 50 feet of the pond.
- f) Secondary containment, such as drip pans, shall be used to prevent leaks and spills of potential contaminants.
- g) Washing of concrete, paint, or equipment and refueling and maintenance of equipment shall occur only in designated staging areas. These activities will occur at a minimum of 50 feet from sensitive habitat. Sandbags and/or absorbent pads and spill control kits shall always be available on-site to clean up and contain fuel spills and other contaminants.
- h) Construction equipment shall be inspected by the operator daily to ensure that equipment is in good working order and no fuel or lubricant leaks are present.
- i) Plastic monofilament netting (erosion control matting) or similar material will not be used on-site due to the potential to entangle special-status wildlife. Acceptable substitutes are coconut coir matting, biodegradable fiber rolls, or tackified hydroseeding compounds.
- j) The use of pesticides (including rodenticides) and herbicides on the property shall be in compliance with all federal, state, and local regulations to avoid primary and secondary poisoning of sensitive species that may be using the project site.

After completion of the project's construction, all protective fencing/flagging used to delineate sensitive biological resources shall be removed from the project area and disposed of in appropriate waste receptacles or reused.

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BIO-3 Oak Tree Protection and Mitigation. To the maximum extent feasible, impacts to oak trees shall be avoided and minimized. The following avoidance and minimization measures shall be implemented to address potential impacts to oak trees:

1. The canopy edge and trunk location of oak trees located within 50 feet of proposed construction shall be surveyed and placed on all plan sets. The tree map shall be used to protect oak trees during project implementation.
2. Impacts to oak tree canopy or sensitive root zone should be avoided to the extent feasible. Impacts may include pruning, ground disturbance or placement of impervious surfaces (e.g., asphalt, permanent structures) within the sensitive root zone, installation of year-round irrigation or other supplemental water within the sensitive root zone, and trunk damage.
3. Prior to ground-breaking, tree protection fencing shall be installed as close to the outer limit of the sensitive root zone as practicable for construction operations to protect trees located within 50 feet of construction that will be preserved. The fencing shall be in place throughout the duration of construction. Demarcation such as t-posts and a minimum of two strands of yellow rope are adequate.
4. All construction activity shall remain outside delineation fencing installed for protection of oak trees.
5. A licensed arborist or qualified botanist will be hired to oversee all removal or trimming of existing roots and necessary branch trimming.
6. Care shall be taken to avoid surface roots within the top 18 inches of soil. If any roots are exposed during construction, they shall be covered with a layer of soil to match existing topography.
7. Impacts to oak trees shall be assessed by a licensed arborist or qualified botanist prior to final inspection and reported to the County.

BIO-4 Surveys, Avoidance, and Monitoring for Special-Status Wildlife. A qualified biologist shall conduct surveys prior to the start of initial project activities to ensure special-status wildlife species are not present within proposed work areas. If special-status wildlife species are found, they shall be allowed to leave the area on their own volition or be relocated (as permitted) to suitable habitat areas outside the work area(s). If necessary, resource agencies will be contacted for further guidance. Pre-activity surveys and/or monitoring shall be conducted as follows:

- a) Preconstruction Survey and Avoidance Measures for American Badger. A qualified biologist shall conduct a preconstruction survey within 30 days prior to the start of initial project activities to ensure American badger are not present within proposed work areas or within 200 feet of work areas. If potential dens are discovered, they shall be monitored with a remote camera or tracking medium for at least 3 days to determine if they are occupied. If the qualified biologist determines that a den may be active during the non-reproductive season (July 1–January 31), a no-entry exclusion buffer shall be established within 50 feet of the den. If active dens are found during the reproductive season (February 1–June 30), no activity shall occur within 200 feet of the den. Exclusion buffers shall be prominently flagged and encircle the den. Exclusion zones shall be maintained until all project-related disturbances have been terminated or it has been determined by a qualified biologist that the den is

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no longer in use. If an exclusion buffer is not feasible, the applicant will contact the County for further guidance. The results of the survey shall be provided to the County prior to initial project activities. If construction lapses beyond 30 days from the survey, an additional survey will be required.

- b) Preconstruction Survey and Avoidance Measures for Monarch Caterpillars. If work is planned to occur during the breeding season (March 16 to October 30), a qualified biologist shall survey for monarch eggs, caterpillars, and chrysalises within the work area two weeks prior to the start of initial ground disturbance. If monarch eggs, caterpillars, or chrysalises are observed, no work shall occur within 25 feet until the monarch egg, caterpillar, or chrysalises is no longer present. If an exclusion buffer is not feasible, the applicant shall contact the County for further guidance. The results of the survey shall be provided to the County prior to initial project activities.
- c) Preconstruction Surveys and Avoidance for Crotch Bumble Bee. If work begins during the flight period of April 1 to August 31 in 2024, a qualified biologist shall survey for Crotch bumble bee within the work area two weeks prior to the start of initial ground disturbance to determine if Crotch bumble bees are still foraging in the area. If a Crotch bumble bee is observed, a biological monitor shall monitor all initial vegetation removal and ground disturbance and stop work as needed to avoid take of Crotch bumble bee. In addition, a maximum 15 mile-per-hour speed limit shall be required at the project site during construction activities. Because bumble bees move nests sites each year, if project activities begin in 2025 or later, prior to the start of project activities a qualified biologist shall conduct focused surveys for Crotch bumble bee in accordance with CDFW's guidance provided in Survey Considerations for CESA Candidate Bumble Bee Species (CDFW 2023). If a Crotch bumble bee nest is observed, no work shall occur within 25 feet of the nest until it is no longer active. If an exclusion buffer is not feasible, the applicant shall contact the County for further guidance. If initial ground disturbing work is planned between November and January, potential overwintering habitat around the man-made pond and within the duff layer below the coast live oak adjacent to the project area in the north BSA shall be avoided by a minimum of 25-feet. If potential overwintering habitat cannot be avoided, the County shall be contacted. The County will coordinate with appropriate resource agencies for guidance to implement project activities and avoid take or proceed with an Incidental Take Permit. The results of the survey shall be provided to the County prior to initial project activities.
- d) Preconstruction Survey for Sensitive and Nesting Birds/Raptors. If work is planned to occur between February 1 and August 31, a qualified biologist shall survey the area for nesting birds within one week prior to activity beginning on site. In addition, if work is planned to occur as early as January 1, a qualified biologist shall complete a focused survey for nesting golden eagles within one-quarter mile of the project site, as feasible based on access. If nesting birds are located on or near the proposed project site, they shall be avoided until they have successfully fledged, or the nest is no longer deemed active. A non-disturbance buffer of 50 feet will be placed around non-listed, passerine species, and a 250-foot buffer will be implemented for all nonlisted raptor species. All activity will remain outside of the buffer until a qualified biologist has determined that the nest is no longer active (e.g., young have fledged, or the nest failed) or that proposed construction activities would not cause adverse impacts to the nest, adults, eggs, or young. If special-status avian species are identified and nesting within the work area, no work will begin until an appropriate buffer is determined in consultation with the County, CDFW, and/or the USFWS.

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Sources

Provided in Exhibit A.

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V. CULTURAL RESOURCES

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>Would the project:</i>				
(a) Cause a substantial adverse change in the significance of a historical resource pursuant to § 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(c) Disturb any human remains, including those interred outside of dedicated cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Setting

San Luis Obispo County possesses a rich and diverse cultural heritage and has an abundance of historic and prehistoric cultural resources dating as far back as 9,000 B.C. The County protects and manages cultural resources in accordance with the provisions detailed by CEQA and local ordinances.

As defined by CEQA, a historical resource includes:

1. A resource listed in or determined to be eligible for listing in the California Register of Historical Resources (CRHR).
2. Any object, building, structure, site, area, place, record, or manuscript that a lead agency determines to be historically significant or significant. The architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural records of California may be a historical resource, provided the lead agency’s determination is supported by substantial evidence.

The COSE identifies and maps anticipated culturally sensitive areas and historic resources within the county and establishes goals, policies, and implementation strategies to identify and protect areas, sites, and buildings having architectural, historical, Native American, or cultural significance.

A Phase I Archaeological Survey was completed for the project site in June 2024 by Central Coast Archaeological Consultants which is incorporated by reference and available for review in its entirety at the County Planning Department, 976 Osos Street, San Luis Obispo. The Survey includes a cultural resources records review, a California Native American Heritage Commission (NAHC) Sacred Lands File (SLF) search, an archaeological survey of the project area, and preparation of a technical memorandum documenting the results of the inventory and providing management recommendations. The following analysis is a summary of the findings and recommendations of that survey.

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Discussion

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

Based on a review of current and historical aerial photography, the project site does not contain any historic resources identified in the National Register of Historic Places or California Register of Historic Resources. The project site does not contain a site under the Historic Site (H) combining designation and does not contain other structures of historic age (50 years or older) that could be potentially significant as a historical resource. Therefore, the project would result in *no impacts* associated with an adverse change in the significance of a historical resources.

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

The study area is situated east of the contemporary town of Templeton on gently sloping south-southeast upper river terrace. The project will be constructed in a swale immediately southeast of an unnamed drainage. The agricultural property is bound by roads on all margins and surrounded by established vineyards and infrastructure. The project vicinity is within an agricultural environment, with roads, infrastructure, vineyards, and developments defining all margins of the larger study area boundary. This area is marked by landforms approximately 825-913 feet above mean sea level (Solocator). The project area lies on the inland side of the Santa Lucia coastal mountains and the Cholame Hills to the east. As a result, the survey area is situated in an area that was once marked with riparian, annual grasses, and oak woodland habitats.

As discussed above, the archaeologists conducted a cultural resources records review, a California Native American Heritage Commission (NAHC) Sacred Lands File (SLF) search, and an archaeological survey of the project area.

On 3 June 2024 Yoly Cohen, Central Coast Information Center (CCIC) Assistant Coordinator conducted an in-house records search of the reservoir location. The records search included a review of information on all surveys and sites within a 0.25-mile radius of the current project area. Archival research focused on primary and secondary sources to develop a historic context as well as specific information for the immediate project area.

To identify previously recorded archaeological and historical sites, the author of the Phase I report reviewed GIS layers, archaeological site records (showing previously recorded sites, isolates, and historic properties), and cultural resources investigation reports on file at the CCIC. No cultural resource studies or archaeological sites are within the 0.25-mile radius records search parameter. The comprehensive records search identified no recorded cultural resources within the current study area, and no cultural resources studies are documented within the project acreage.

In addition, the following sources were consulted, and no properties are documented in or in the vicinity of the current project:

- National Register of Historic Places
- California Register of Historic Places
- California Inventory of Historic Resources (1976 and updates)
- California State Points of Historic Interest (1992 and updates)
- California State Historical Landmarks (1996 and updates)
- California State and Local Bridge Surveys

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- Office of Historic Preservation’s Historical Property Data File

The records search revealed no cultural resources studies documented within a 0.25-mile radius. Additional studies in the same environmental context outside of the 0.25-mile search radius were reviewed. Also conducted by the author of this study (Azevedo 2020, 2023; Joslin 2018a, 2018b) no cultural materials were observed in the same environmental context as the current undertaking. Prehistoric sites recorded within a 1.0-mile radius are predominately lithic scatters and isolated artifacts.

On 19 June 2024 the archaeologists conducted an intensive archaeological survey of the acreage proposed for the ag reservoir. The study area is depicted on Figures 1, 2 and 4 of the Phase I report. The proposed reservoir will be situated in a swale immediately southeast of an unnamed drainage. The existing agricultural reservoir is bounded by roads on all margins and vineyards to the north, east, and south. The project vicinity is within an agricultural environment, with roads, infrastructure, vineyards, and developments defining all margins of the study area. An existing dirt road defining the northwestern project area is bermed from surrounding soil.

The survey area was systematically walked northwest-southeast using 10-meter transect spacing. A hand-held Silva Ranger compass was used to maintain transect spacing during the survey. Ground surface visibility was variable throughout the project area, dependent on the current land use. Large areas of recent land preparation and vineyard ripping were present along the margins of the reservoir providing excellent ground surface visibility (100%). In the central project area, the existing reservoir, visibility ranged from 75-90%. When surveying through vegetation the archaeologists used boot scrapes to improve visibility and inspected extensive gopher burrows and back dirt for evidence of subsurface archaeological materials. Large areas of bioturbation and exposed road shoulder allowed for the inspection of potential subsurface deposits.

The field investigation identified no prehistoric materials or historic cultural resources within the Project site. Located within an area characterized as low to moderate archaeological sensitivity, the landform has been altered by previous vineyard land preparation and infrastructure that would have brought archaeological materials to the surface. The project survey areas had variable ground surface visibility and exposed subsurface soils due to land preparation and active rodents. The potential for intact archaeological deposits existing on the property is low.

The current survey thus confirms the records search conducted at the Central Coast Information Center, and the previous archaeological studies in the inland Templeton and Paso Robles vicinity that found no evidence of archaeological sites in the same environmental context. Precontact sites appear to be located closer to the dependable fresh water found to the east along the Salinas River.

Many important cultural resources, such as Tribal Cultural Resources, do not necessarily leave an archaeological footprint or have physically identifiable manifestations. It is therefore vital to seek out the possibility of these important resources and their locations through consultation with Salinan and Chumash tribal members. Under the authority of Tribal Cultural Resources (Chapter 532, Statutes 2014 [AB 52]), the County of San Luis Obispo is responsible for collecting and incorporating tribal information into the environmental review process. On 28 June 2024, in an effort to support the Salinan and Chumash tribal members and assist the County of San Luis Obispo, the author of the Phase I report-initiated AB 52 consultation with members of the Salinan and Chumash community.

Consultation letters and a copy of the Phase I study were emailed to the Salinan and Chumash community. On 31 May 2024 the author of the report prepared a Sacred Lands Records Search and

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submitted the request to the Native American Heritage Commission. On 18 June 2024 Cody Campagne, Native American Heritage Commission Cultural Resources Analyst transmitted the results were negative for resources of cultural importance to the Native American community.

In the unlikely event that resources are uncovered during grading activities, implementation of LUO 22.10.040 (Archaeological Resources) would be required. This section requires that, in the event archaeological resources are encountered during project construction, construction activities shall cease, and the County Planning and Building Department must be notified of the discovery so that the extent and location of discovered materials may be recorded by a qualified archaeologist, and the disposition of artifacts may be accomplished in accordance with state and federal law. This protocol would ensure full compliance with California State Health and Safety Code Section 7050.5 as well as CDFA requirements regarding accidental discovery of cultural resources.

Therefore, impacts related to a substantial adverse change in the significance of archaeological resources would be *less than significant*.

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

Based on existing conditions, buried human remains are not expected to be present in the area proposed for development. In the event of an accidental discovery or recognition of any human remains, California State Health and Safety Code Section 7050.5 and LUO 22.10.040 (Archaeological Resources) require that no further disturbances shall occur until the County Coroner has made the necessary findings as to origin and disposition pursuant to Public Resources Code Section 5097.98. With adherence to State Health and Safety Code Section 7050.5 and County LUO, impacts related to the unanticipated disturbance of archaeological resources and human remains would be reduced to less than significant; therefore, potential impacts would be *less than significant*.

Conclusion

No historical resources are known or expected to occur within or adjacent to the areas proposed for development. Archival research, a Native American Heritage Commission Sacred Lands Records Search, and intensive archaeological survey of the site identified no cultural resources within the proposed project areas.

Adherence with County LUO standards and State Health and Safety Code procedures would reduce potential impacts. Accordingly, impacts related to a substantial adverse change in the significance of archaeological resources would be *less than significant*.

Mitigation

None required.

Sources

Provided in Exhibit A.

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VI. ENERGY

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>Would the project:</i>				
(a) Result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting

Local Utilities

The Pacific Gas & Electric Company (PG&E) is the primary electricity provider for urban and rural communities within San Luis Obispo County. Approximately 38% of electricity provided by PG&E is sourced from renewable sources and an additional 43% is sourced from non-renewable GHG-free resources (PG&E 2024).

PG&E offers two programs through which consumers may purchase electricity from renewable sources: the Solar Choice program and the Regional Renewable Choice program. Under the Solar Choice program, a customer remains on their existing electric rate plan and pays a modest additional fee on a per kilowatt-hour (kWh) basis for clean solar power. The fee depends on the type of service, rate plan, and enrollment level. Customers may choose to have 50% or 100% of their monthly electricity usage to be generated via solar projects. The Regional Renewable Choice program enables customers to subscribe to renewable energy from a specific community-based project within PG&E's service territory. The Regional Renewable Choice program allows a customer to purchase between 25% and 100% of their annual usage from renewable sources.

The Southern California Gas Company (SoCalGas) is the primary provider of natural gas for urban and rural communities within San Luis Obispo County. SoCalGas has committed to replacing 20% of its traditional natural gas supply with renewable natural gas by 2030 (Sempra 2019).

Local Energy Plans and Policies

The COSE establishes goals and policies that aim to reduce vehicle miles traveled (VMT), conserve water, increase energy efficiency and the use of renewable energy, and reduce GHG 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 GHG emissions through several goals, measures, and actions, including energy efficiency and development and use of renewable energy resources.

State Building Code Requirements

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

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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 *2022 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. While the CBC has strict energy and green-building standards, U-occupancy structures (such as greenhouses used for cultivation activities) are typically not regulated by these standards.

Vehicle Fuel Economy Standards

In October 2012, the U.S. Environmental Protection Agency (EPA) and the National Highway Traffic Safety Administration (NHTSA), on behalf of the Department of Transportation, issued final rules to further reduce GHG emissions and improve corporate average fuel economy (CAFE) standards for light duty vehicles for model years 2017 and beyond. NHTSA's CAFE standards have been enacted under the Energy Policy and Conservation Act since 1978. This national program requires automobile manufacturers to build a single light-duty national fleet that meets all requirements under both federal programs and the standards of California and other states. This program would increase fuel economy to the equivalent of 54.5 miles per gallon (mpg) limiting vehicle emissions to 163 grams of carbon dioxide (CO₂) per mile for the fleet of cars and light-duty trucks by the model year 2025.

As part California's overall approach to reducing pollution from all vehicles, the California Air Resources Board (CARB) has established standards for clean gasoline and diesel fuels and fuel economies of new vehicles. CARB has also put in place innovative programs to drive the development of low-carbon, renewable, and alternative fuels such as their Low Carbon Fuel Standard (LCFS) Program pursuant to California Assembly Bill (AB) 32 and the Governor's Executive Order S-01-07.

In January 2012, CARB approved the Advanced Clean Cars Program which combines the control of Greenhouse Gas (GHG) emissions and criteria air pollutants, as well as requirements for greater numbers of zero-emission vehicles, into a single package of standards for vehicle model years 2017 through 2025. The new rules strengthen the GHG standard for 2017 models and beyond. This will be achieved through existing technologies, the use of stronger and lighter materials, and more efficient drivetrains and engines. The program's zero-emission vehicle regulation, the Advanced Clean Cars II rule, establishes a year-by-year roadmap so that by 2035 100% of new cars and light trucks sold in California will be zero-emission vehicles, including plug-in hybrid electric vehicles. The regulation realizes and codifies the light-duty vehicle goals set forth in Governor Newsom's Executive Order N-79-20.

The program also includes a clean fuels outlet regulation designed to support the commercialization of zero-emission hydrogen fuel cell vehicles planned by vehicle manufacturers by 2015 by requiring increased numbers of hydrogen fueling stations throughout the state. The number of stations will grow as vehicle manufacturers sell more fuel cell vehicles. By 2025, when the rules will be fully implemented, the statewide fleet of new cars and light trucks will emit 34 percent fewer global warming gases and 75 percent fewer smog-forming emissions than the statewide fleet in 2016 (CARB 2016).

All self-propelled off-road diesel vehicles 25 horsepower (hp) or greater used in California and most two-engine vehicles (except on-road two-engine sweepers) are subject to the CARB's Regulation for In-Use Off-Road Diesel Fueled Fleets (Off-Road regulation). This includes vehicles that are rented or leased (rental or leased fleets). The overall purpose of the Off-Road regulation is to reduce emissions of oxides of nitrogen (NO_x) and particulate matter (PM) from off-road diesel vehicles operating within California through the

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implementation of standards including, but not limited to, limits on idling, reporting and labeling of off-road vehicles, limitations on use of old engines, and performance requirements.

Discussion

- (a) *Result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?*
- (b) *Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?*

Construction Activities

During construction activities, fossil fuels, electricity, and natural gas would be used by construction vehicles and equipment. The energy consumed during construction would be temporary in nature and would be typical of other similar construction activities in the county. Based on the size and scope of proposed earthwork, the project would not have the potential to result in adverse environmental impacts through its use of diesel fuel for construction equipment. In addition, project contractors save costs by avoiding the wasteful, inefficient, or unnecessary consumption of energy resources, such as idling. Therefore, potentially significant environmental impacts associated with the consumption of energy resources during construction would be avoided and project construction activities would not result in a conflict with a state or local plan for renewable energy or energy efficiency. Therefore, project construction impacts associated with energy use would be *less than significant*.

Project Operations

Electricity and Natural Gas Use. There are no occupied buildings on the project site. However, there are three wells that are used periodically to irrigate grain and hay crops during the summer. The project's operational electricity needs would be met by a connection to PG&E infrastructure. Natural gas may be provided by PG&E or by stand-alone propane.

Operational energy use will involve the use of electric well pumps to fill the reservoir initially, and then two additional pumps will be used to deliver stored water to the grape vines when frost protection is required. Table 4 provides an estimate of potential electricity demand associated with the project assuming the initial filling requires two well pumps to run for 5 days and producing a total of 558 gallons per minute.

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Table 4 -- Estimated Operational Electricity Demand

Energy Use Per Pump ¹ (Kilowatts per Hour)	Quantity	Hours	Total Estimated Energy Demand (Kilowatts)
Initial Filling of Reservoir			
11	1	120 ²	1,320
8	1	120	960
Total:	2	240	2,280
Frost Protection			
11	1	35 ³	385
8	1	35	280
Total:	2	70	665
Crop Irrigation			
11	1	1,120 ⁴	12,320
8	1	800	6,400
		1,920	18,720 ⁴
Total Annual Demand:			21,665

1. Assumes one well using a 7.5 horsepower pump and one well using a 5-horsepower pump.
2. Assumes initial reservoir filling with both pumps running for five days.
3. Assumes both pumps running for 35 hours per year.
4. Assumes both pumps are running.
5. Based on both pumps running 8 hours per day for 240 days at 500 gallons per minute.

As shown in Table 4, total estimated annual electricity demand is about 21,665 kW, or about the annual demand associated with three single family residences.

The CBC 2022 Building Energy Efficiency Standards include mandatory energy efficiency standards that apply to buildings. No buildings are proposed as part of the project A new single-family residence is subject to compliance with these standards.

Therefore, project impacts associated with wasteful, inefficient, or unnecessary electricity and natural gas use are considered *less than significant* and *less than cumulatively considerable*.

Fuel Use. Ongoing occupation of the project would result in fuel use associated with motor vehicle trips generated by residential occupancy. All vehicles used by residents would be subject to applicable state and federal fuel economy standards and State-mandated smog inspections.

Based on adherence to applicable state and federal vehicle fuel regulations and the size and scope of proposed activities, project fuel use would not result in a potentially significant environmental impact and would not be wasteful, inefficient, or unnecessary.

Therefore, potential impacts associated with potentially significant environmental impacts due to wasteful, inefficient, or unnecessary consumption of energy resources and potential conflict with state or local plans regarding renewable energy or energy efficiency would be *less than significant*. and *less than cumulatively considerable*.

Conclusion

The project would not result in a potentially significant energy demand and inefficient energy use during long-term operations that would be considered wasteful, inefficient and unnecessary. Potential impacts related to energy would be *less than significant* and *less than cumulatively considerable*.

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Mitigation

None are required.

Sources

Provided in Exhibit A.

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VII. GEOLOGY AND SOILS

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>Would the project:</i>				
(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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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

Setting

The Alquist-Priolo Earthquake Fault Zoning Act (Alquist-Priolo 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 Alquist-Priolo 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 in a geologically complex and seismically active region.

The General Plan Safety Element identifies three active faults that traverse through the county and are currently zoned under the Alquist-Priolo Act: the San Andreas, the Hosgri-San Simeon, and the Los Osos. Another 17 faults are considered potentially active or have uncertain fault activity. 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. The nearest potentially capable fault line is the Rinconada Fault located about 0.5 miles to the east.

The County LUO assigns a Geologic Study Area (GSA) combining designation to areas where geologic and soil conditions could present potential hazards to life and property. The project site is not located within a GSA combining designation. Based on the Safety Element, the project site is located in an area with a high risk of landslides and has a low liquefaction potential.

The following analysis is informed by geotechnical investigations of the site:

- A Hydrogeologic Impact Assessment prepared by GSI Water Solutions, Inc, dated June 18, 2024.
- A Geotechnical Engineering Report prepared by Mid-Coast Geotechnical, Inc., dated January 8, 2024.
- Peer review of the Ag Reservoir Grading, Drainage, and Horizontal Control Plan by Mid Coast Engineering, Inc., dated July 2, 2024.

The geotechnical engineering study concludes that the site is geotechnically suitable for the proposed reservoir. The peer review conducted in July 2024 concludes that the proposed grading and drainage plans for the project are in general conformity with the findings and recommendations of the geotechnical evaluation of the site conducted by Mid-Coast Geotechnical.

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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 site is not located within an Alquist-Priolo Fault Hazard Zone. The potential for ground rupture at the site during ground shaking is considered low. The closest known Quaternary age fault is the Rinconada Fault about 0.5 miles to the east which is considered potentially active but does not underly the project site. Therefore, there would be *no impact* associated with potential impacts related to the rupture of a known earthquake fault.

(a-ii) *Strong seismic ground shaking?*

Groundshaking refers to the motion that occurs in response to local and regional earthquakes. Seismic groundshaking is influenced by the proximity of the site to an earthquake fault, the intensity of the seismic event, and the underlying soil composition. As discussed above, the closest known Quaternary age fault is the Rinconada Fault about 0.5 miles to the east of the site which is considered potentially active but does not underly the project site.

The project is required to comply with the CBC and other applicable standards to ensure the effects of a potential seismic event would be minimized through compliance with current engineering practices and techniques. Implementation of the project in compliance with relevant construction codes would not expose people or structures to significant increased risks associated with seismic ground shaking; therefore, impacts would be *less than significant*.

(a-iii) *Seismic-related ground failure, including liquefaction?*

Based on the Safety Element Liquefaction Hazards Map, the project site is located in an area with low potential for liquefaction. In addition, the project would be required to comply with CBC seismic requirements to address the site's potential for seismic-related ground failure including liquefaction. As a result, there is a low risk of liquefaction. Therefore, the potential impacts would be *less than significant*.

(a-iv) *Landslides?*

The reservoir will be constructed on a gently sloping knoll located in the southwest portion of the project site about 300 feet east of the property line and immediately upslope from an existing pond. The reservoir will be excavated into the knoll about 24 feet below the existing grade with an 8 foot high berm around the perimeter supporting an all-weather access road on top. The reservoir will require 10,900 cubic yards (cy) of cut and 9,200 cy of fill; the excess material will be spread on the project site.

Based on the Safety Element Landslide Hazards Map, the project site is located in an area with a moderate risk for landslides. However, there is no evidence of slope instabilities associated with the proposed reservoir location. The project would be required to comply with CBC seismic requirements to address the site's potential for landslides. Therefore, the potential impacts would be *less than significant*.

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

The project would result in approximately 1.96 acres of site disturbance and will require approximately 10,900 cubic yards (cy) of cut, 9,200 cy of fill and 1,700 cy of export that will be spread on the site. During site preparation and grading/leveling activities, there would be a potential for erosion to occur. The project application materials include a preliminary grading, drainage and erosion control plan (Figure 4) that includes drainage collection, storage and conveyance infrastructure to ensure runoff does not cause erosion or adversely impact the quality of downstream surface or groundwater bodies. The plans were subject to peer review by Mid-Coast Geotechnical who concluded that the plans generally comply with the findings and recommendations of the geotechnical investigation of the project site.

Section 22.51.120 of the LUO requires any project that would change the runoff volume or velocity leaving any point of the site, result in an impervious surface of more than 20,000 square feet, or involve hillside development on slopes steeper than 10 percent to prepare and implement a sedimentation and erosion control plan. LUO Section 22.51.120 includes requirements for specific erosion control materials and states that Best Management Practices (BMPs) shall be employed to control sedimentation and erosion. These mandatory BMPs are set forth in LUO Section 22.52.150 B. and C. and may include, but are not limited to the following:

- Minimizing the use of impervious surfaces (e.g., installing pervious driveways and walkways);
- Directing runoff from roofs and drives to vegetative strips before it leaves the site;
- Managing runoff on the site (e.g., percolation basins); and other Low Impact Design (LID) techniques.
- The installation of vegetated roadside drainage swales shall be encouraged and, if used, calculated into BMP requirements.
- The combined set of BMPs shall be designed to treat and infiltrate stormwater runoff up to and including the 85th percentile storm event.
- The BMPs shall include measures to minimize post-development loadings of total suspended solids.

Compliance with these mandatory BMPs will ensure water quality is protected from potential impacts associated with the construction and occupancy of the project. The plans will be reviewed by the County Building and Public Works Departments to ensure compliance.

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 on-site erosion. Upon implementation of the recommended BMPs, impacts related to soil erosion would be *less than significant*.

(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?*

As discussed above under item a-iv, based on the Safety Element Landslide Hazards Map the potential for landslide is moderate. Based on the Safety Element and U.S. Geological Survey (USGS) data, and the soils investigation prepared for the site, the project is not located in an area of historical or current land subsidence (USGS 2019) and is located in an area with low potential for liquefaction.

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However, the project will result in approximately 10,900 cubic yards (cy) of cut, 9,200 cy of fill and 1,700 cy of export that will be spread on the site. If not properly designed and constructed, this could result in unstable geologic conditions that would put life and property at risk.

Due to the distance to the nearest active fault zone and topography of the project site, lateral spreading is not likely to occur on-site. Compliance with the recommendations of the soil engineering report and CBC standards as required by recommended mitigation measure GEO-1 will reduce potential risks associated with unstable earth conditions. Therefore, impacts related to on- or off-site landslides, lateral spreading, subsidence, liquefaction, or collapse would be *less than significant with mitigation*.

- (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?*

According to the NRCS, soils underlying the area of have a high shrink-swell potential. The reservoir will be required to comply with applicable CBC standards designed to reduce potential risks associated with expansive soils. Mitigation measure GEO-1 requires the project to implement, and comply with, the geotechnical recommendations for construction. Therefore, potential impacts associated with expansive soil would be *less than significant with mitigation*.

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

The project consists of an ag. reservoir for the purpose of frost protection. Therefore, the project will have no impact relating to the adequacy of soils to support the use of septic tanks.

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

A paleontological investigation of the project site was conducted by Cogstone Paleontology in June 2024 which is incorporated herein by reference and available for review in its entirety at the County Planning Department located at 976 Osos Street, San Luis Obispo. The purpose of the study was to determine the potential effect on paleontological resources of the project. The following is a summary of the findings and recommendations of that study.

According to the study, the surface of the project site has been mapped as Holocene alluvial sand and gravel deposits less than 11,700 years old, late Pleistocene older alluvium between ~126,000 years and 11,700 years old, and late Pliocene to Pleistocene Paso Robles Formation, between 3 million and 11,700 years old. Outcrops of the fossiliferous Monterey Formation, 17 million years to 13.5 million years before present, also occur at the surface in the near vicinity of the Project and may be encountered within the boundaries of the Project at depth.

The paleontological record search revealed fossils from the late Pleistocene older alluvium, the Paso Robles Formation, and the Monterey Formation near the Project location. No paleontological resources were observed during the intensive pedestrian survey.

Based upon the records search results, the Holocene younger alluvium and gravel deposits present at the surface have low potential for fossils (Potential Fossil Yield Classification [PFYC] 2). In contrast, both the Paso Robles Formation and the late Pleistocene older alluvium are assigned a moderate potential for fossil resources (PFYC 3). Similarly, the fossiliferous Monterey Formation, should it be encountered at depth during excavation, would have moderate sensitivity for significant fossils (PFYC 3). With implementation of mitigation measures GEO-2 and GEO-3, potential impacts to paleontological resources would be *less than significant with mitigation*.

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Conclusion

The project site is not subject to significant geologic hazards such as landslides and shallow groundwater. Compliance with mandatory BMPs required by the LUO, relevant provisions of the CBC, as well as incorporation of the findings and recommendations of the geotechnical investigation stated in mitigation measure GEO-1, impacts associated with geology and geologic hazards would be *less than significant with mitigation*. In addition, excavation of the reservoir may adversely impact paleontological resources associated with the Monterey Formation, which be encountered. With implementation of mitigation measures GEO-2, Geo-3, and GEO-4, GRAD2024-00017 potential impacts would be *less than significant with mitigation*.

Mitigation

- GEO-1 Plans submitted for grading/construction permits** shall incorporate the findings and recommendations of the geotechnical investigation of the project site prepared by Mid-Coast Geotechnical, dated January 2024.
- GEO-2 A Paleontological Resources Management Plan (PRMP)** shall be prepared and implemented by a San Luis Obispo County Certified Paleontologist for this project and submitted to the County for approval prior to issuance of the grading permit(s). At minimum it shall include: (1) paleontological resources awareness training for all earthmoving personnel, (2) specify paleontological personnel qualifications, (3) identify an established and recognized professional repository for any fossils recovered, (4) take into account the latest information on cut depth and location and specify where monitoring shall be required, (5) require full-time monitoring of the Paso Robles Formation, the late Pleistocene older alluvium, and the Monterey Formation if encountered, (6) specify fossil recovery procedures and locality documentation, (7) specify laboratory procedures, (8) require a detailed catalogue of specimens recovered with identification by experts, and (9) require a final report with the catalogue and all specialists reports as appendices to be submitted prior to final permit signoff or as otherwise agreed to by County staff.
- GEO-3 Full-time paleontological monitoring** shall be conducted throughout the duration of excavation into rocks of the Paso Robles Formation and late Pleistocene older alluvium, as well as any rocks of the Monterey Formation that might be encountered at depth. Should identifiable or otherwise potentially informative fossils be exposed by excavation, these shall be excavated, collected, and preserved, following guidelines presented in the PRMP.
- GEO-4** If unanticipated fossil resources are unearthed during construction excavations, the contractor shall notify the County Department of Planning and Building and cease all earth-disturbing activities within a 50-foot radius of the area of discovery until the discovery can be evaluated by a San Luis Obispo County approved paleontologist.

Sources

Provided in Exhibit A.

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VIII. GREENHOUSE GAS EMISSIONS

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>Would the project:</i>				
(a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Setting

Greenhouse gases (GHGs) are any gases that absorb infrared radiation in the atmosphere. The primary GHGs that are emitted into the atmosphere because of human activities are carbon dioxide (CO₂), methane (CH₄), nitrous oxide (N₂O), and fluorinated gases. These are most commonly emitted through the burning of fossil fuels (oil, natural gas, and coal), agricultural practices, decay of organic waste in landfills, and a variety of other chemical reactions and industrial processes (e.g., the manufacturing of cement). Carbon dioxide (CO₂) is the most abundant GHG and is estimated to represent approximately 80–90% of the principal GHGs that are currently affecting the earth's climate. According to the California Air Resources Board (CARB), transportation (vehicle exhaust) and electricity generation are the main sources of GHGs in the state.

In October 2008, the CARB published the *Climate Change Proposed Scoping Plan*, which is the state's plan to achieve GHG reductions in California required by Assembly Bill (AB) 32. The Scoping Plan included CARB-recommended GHG reductions for each emissions sector of the state's GHG inventory. The largest proposed GHG reduction recommendations were associated with improving emissions standards for light-duty vehicles, implementing the Low Carbon Fuel Standard program, implementation of energy efficiency measures in buildings and appliances, the widespread development of combined heat and power systems, and developing a renewable portfolio standard for electricity production.

Senate Bill (SB) 32 and Executive Order (EO) S-3-05 extended the state's GHG reduction goals and require CARB to regulate sources of GHGs to meet the following goals:

- Reduce GHG emissions to 1990 levels by 2020;
- Reduce GHG emissions to 40% below 1990 levels by 2030;
- Reduce GHG emissions to 80% below 1990 levels by 2050.

The initial Scoping Plan was approved by CARB on December 11, 2008, and is updated every 5 years. The first update of the Scoping Plan was approved by the CARB on May 22, 2014, which looked past 2020 to set mid-term goals (2030–2035) toward reaching the 2050 goals. The most recent update released by CARB is the 2017 Climate Change Scoping Plan, which was released in November 2017. The 2017 Climate Change Scoping Plan incorporates strategies for achieving the 2030 GHG-reduction target established in SB 32 and EO S-3-05.

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When assessing the significance of potential impacts for CEQA compliance, an individual project’s GHG emissions will generally not result in direct significant impacts 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. Accordingly, in March 2012, the SLOAPCD approved thresholds for GHG impacts which were incorporated into their 2012 CEQA Air Quality Handbook. The Handbook recommended applying a 1,150 MTCO₂e per year Bright Line Threshold for commercial and residential projects and included a list of general land uses and estimated sizes or capacities of uses expected to exceed this threshold. According to the SLOAPCD, this threshold was based on a ‘gap analysis’ and was used for CEQA compliance evaluations to demonstrate consistency with the state’s GHG emission reduction goals associated with AB32 and the 2008 Climate Change Scoping Plan which have a target year of 2020. However, in 2015, the California Supreme Court issued an opinion in the case of *Center for Biological Diversity vs California Department of Fish and Wildlife* (“Newhall Ranch”) that determined that AB 32 based thresholds derived from a gap analysis are invalid for projects with a planning horizon beyond 2020. Since the bright-line and service population GHG thresholds in the Handbook are AB 32 based, and project horizons are now beyond 2020, the SLOAPCD no longer recommends the use of these thresholds in CEQA evaluations.

In 2023, the SLOAPCD released an update to these thresholds with their *2023 Administrative Update Version to APCD Board Adopted April 2012 Version*. These updated thresholds were developed by creating updated GHG emissions inventories for 2005 and 2018 for the incorporated cities and unincorporated areas in SLO county to consider whether jurisdictions were on track with the AB 32 GHG reduction target. Then, target GHG emissions for SLO county in 2020, 2030, and 2045 were calculated to be consistent with reduction targets specified in AB 32, SB 32, and AB 1279. Thresholds for the years in between those evaluated were linearly interpolated, and annual GHG efficiency thresholds were adjusted to factor in GHG reductions needed for new development using information from the City of SLO’s 2020 qualified Climate Action Plan’s Appendix C – CEQA GHG Emissions Thresholds and Guidance. A project’s initial operating year should be used to determine which of the updated GHG Bright Line Thresholds for new residential, commercial, and mixed-use development is applicable to the project. For projects with an initial operating year of 2030 or earlier, GHG emissions at or below the applicable threshold for that year are contributing to the state’s SB 32 GHG reduction target. For projects with an initial operational year after 2030, GHG emissions at or below the applicable threshold for that year are contributing to the state’s AB 1279 target of reaching carbon neutrality by 2045. Table 5 shows the GHG Bright-Line Thresholds for projects with an initial operating year between 2023 and 2030.

Table 5 -- San Luis Obispo County Bright-Line CEQA GHG Thresholds Between 2023 and 2030 for Residential, Commercial, and Mix-use Development Projects

Year	2023	2024	2025	2026	2027	2028	2029	2030
GHG Bright-Line Thresholds (MT/Yr)	980	930	880	830	780	740	690	650

If the lead agency determines that a proposed project’s operational phase GHG emissions are below the applicable threshold, then the project’s GHG impacts would be deemed less than significant and consistent with state and local GHG reduction goals.

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EnergyWise Plan

The County Energy Wise Plan (EWP) identifies changes that could occur in the County as a result of climate change, provides an inventory of GHG emissions in the County, and establishes a GHG emissions forecast and reduction targets for the County. This plan identifies strategies to reduce the county's GHG emissions by 15% below the baseline year of 2006 by the year 2020. This goal is consistent with Assembly Bill 32. The inventory denotes municipal and community-wide emissions caused by a range of activities in 2006, including transportation, waste, agriculture, energy, and aircraft-related activities. The EWP includes an Implementation Program that provides a strategy for action with specific measures and steps to achieve the identified GHG reduction targets including, but not limited to, the following:

- Encourage new development to exceed minimum Cal Green requirements;
- Require a minimum of 75% of nonhazardous construction and demolition debris generated on site to be recycled or salvaged;
- Continue to implement strategic growth strategies that direct the county's future growth into existing communities and to provide complete services to meet local needs;
- Continue to increase the amount of affordable housing in the County, allowing lower-income families to live closer to jobs and activity centers, and providing residents with greater access to transit and alternative modes;
- Reduce potable water use by 20% in all newly constructed buildings by using the performance method provided in the California Green Building Code;
- Require use of energy-efficient equipment in all new development;
- Minimize the use of dark materials on roofs by requiring roofs to achieve a minimum solar reflectivity index of 10 for high-slope roofs and 68 for low-slope roofs; and
- Use light-colored aggregate in new road construction and repaving projects adjacent to existing cities.

In 2016 the County published the EnergyWise Plan 2016 Update, which describes changes and modifications to the EnergyWise plan. These modifications include a summary of the progress made toward implementing measures in the 2011 EWP, overall trends in energy use and emissions since the baseline year of the inventory (2006), and the addition of implementation measures intended to provide a greater understanding of the County's emissions status.

Discussion

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

Table 6 provides an estimate of the project's operational GHG emissions (in MTCO₂e) associated with the initial filling of the reservoir as well as ongoing frost protection activities. The estimated emissions were then compared with the Bright-Line CEQA GHG Thresholds Between 2023 and 2030 for the expected year of project implementation (2025) to determine significance.

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Table 6 – Projected Operational GHG Emissions

Project Consumption ¹ (kW per year)	Energy Emission Factor ²	Estimated Projected Annual CO ₂ Emissions (MT/year) Without Mitigation
21,665	0.857 lbs CO ₂ e/kW	9.2
Total:		9.2

Notes:

1. See Table 4.
2. Center for Sustainable Systems, University of Michigan

The project consists of an ag reservoir for ongoing frost protection purposes. Accordingly, it is not a commercial, residential or mixed-use project for which the Bright Line Thresholds were derived. Nonetheless, as shown in Table 6, project-related GHG emissions will be well below the 880 MTCO₂e threshold for new residential development projects implemented in 2025. As stated above, for the year 2025 a project estimated to generate less than 880 MMTCO₂e GHG is assumed to have a less than significant adverse impact that is not cumulatively considerable and consistent with the GHG reduction objectives of AB32 and SB32.

Therefore, potential impacts associated with GHG emissions would be *less than significant* and *less than cumulatively considerable*.

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

Energy inefficiency contributes to higher GHG emissions which in turn may conflict with the following state and local plans for energy efficiency.

2011 EnergyWise Plan (EWP). As discussed above, the County of San Luis Obispo EnergyWise plan (EWP), adopted in 2011, serves as the County’s GHG reduction strategy. The GHG-reducing policy provisions contained in the EWP were prepared for the purpose of complying with the requirements of AB 32 and achieving the goals of the AB 32 Scoping Plan, which have a horizon year of 2020. The policy provisions are divided into community-wide measures and measures aimed at reducing GHG emissions associated with County operations. The GHG reduction measures contained in the EWP are generally programmatic and intended to be implemented at the community level. Measure No. 7. encourages energy efficient new development and provides incentives for new development to exceed Cal Green energy efficiency standards. The following is a summary of project consistency with the relevant supporting actions identified in the EWP for promoting energy efficiency in new development.

Supporting Action	Project Consistency
Require the use of energy-efficient equipment in all new development, including but not limited to Energy Star appliances, high-energy efficiency equipment, heat recovery equipment, and building energy management systems.	The new pumps used for frost protection will satisfy current energy efficiency requirements.

San Luis Obispo County 2023 Regional Transportation Plan (RTP) and Sustainable Communities Strategy (SCS). The 2023 RTP, which was adopted by the SLOCOG Board in June 2023, provides a collective vision for the region’s future balancing transportation and housing needs with social, economic, and

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environmental goals. The Plan identified and tested growth scenarios to accommodate the coming 42,000 new people, 18,000 new homes, and 18,000 new jobs. The plan helps guide future planning efforts and policy decisions that affect transportation, including its relationship with housing and land use that will reduce greenhouse gas emissions in our region. The 2023 RTP provides recommendations to help regional cities and the County of San Luis Obispo make important decisions about transportation, housing, and land-use. The 2023 RTP provides forward looking recommendations out to 2045 because many of our local government decisions will influence the region's long-term growth and development over the coming decades.

The RTP includes the region's Sustainable Communities Strategy and outlines how the region will meet or exceed its GHG reduction targets by creating more compact, walkable, bike-friendly, transit-oriented communities, preserving important habitat and agricultural areas, and promoting a variety of transportation demand management and system management tools and techniques to maximize the efficiency of the transportation network. The RTP and SCS provide guidance for the development and management of transportation systems county-wide to help achieve, among other objectives, GHG reduction goals. The RTP/SCS recommend strategies for community planning such as encouraging mixed-use, infill development that facilitate the use of modes of travel other than motor vehicles. The project consists of an ag reservoir to store water for frost protection purposes. Therefore, these strategies do not apply.

As discussed in Section III. Air Quality, the project does not include development of retail or commercial uses that would be open to the public, therefore, land use planning strategies such as mixed-use development and planning compact communities are generally not applicable. The project would result in the construction of an ag reservoir. Therefore the project would not significantly affect the local area's jobs/housing balance.

California Air Resources Board (CARB) 2022 Scoping Plan. Pursuant to AB 32, the California Air Resources Board (CARB or Board) prepared and adopted the initial Scoping Plan to “*identify and make recommendations on direct emissions reductions measures, alternative compliance mechanisms, market-based compliance mechanisms, and potential monetary and non-monetary incentives*” in order to achieve the 2020 goal, and to achieve “*the maximum technologically feasible and cost-effective GHG emissions reductions*” by 2020 and maintain and continue reductions beyond 2020. AB 32 requires CARB to update the Scoping Plan at least every five years.

The 2022 Climate Change Scoping Plan recommends strategies to achieve carbon neutrality by 2045 or earlier, outlining a technologically feasible, cost-effective, and equity-focused path to achieve the state's climate target. The 2022 plan, addressing recent legislation and direction from Governor Newsom, extends and expands upon earlier scoping plans with a target of reducing anthropogenic emissions to 85 percent below 1990 levels by 2045. The 2022 plan also takes the unprecedented step of adding carbon neutrality as a science-based guide and touchstone for California's climate work. The plan outlines how carbon neutrality can be achieved by taking steps to reduce GHGs to meet the anthropogenic emissions target and by expanding actions to capture and store carbon through the state's natural and working lands and using a variety of mechanical approaches.

The strategies described in the 2022 Scoping Plan are programmatic and intended to be implemented state-wide and industry-wide. They are therefore not applicable at the level of an individual project.

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However, as discussed in Section XVII. Transportation, the project is not expected to generate a significant increase in construction-related or operational traffic trips or Vehicle Miles Traveled (VMT) which is consistent with Scoping Plan strategies for reducing vehicle miles traveled.

Overall, the project would have a *less than significant impact* relating to consistency with adopted plans and policies aimed at reducing GHG emissions.

Conclusion

GHG emissions would be *less than significant and less than cumulatively considerable* and consistent with plans adopted to reduce GHG emissions.

Mitigation

None are required.

Sources

Provided in Exhibit A.

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IX. HAZARDS AND HAZARDOUS MATERIALS

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>Would the project:</i>				
(a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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Setting

The Hazardous Waste and Substances Site List (Cortese List), which is a list of hazardous materials sites compiled pursuant to California Government Code (CGC) Section 65962.5, is a planning document used by the state, local agencies, and developers to comply with CEQA requirements related to the disclosure of information about the location of hazardous materials release sites. The project is not located in an area of known hazardous material contamination and is not on a site listed on the Cortese List (State Water Resources Control Board [SWRCB] 2021; California Department of Toxic Substance Control [DTSC] 2021).

The County has adopted general emergency plans for multiple potential natural disasters, including the Local Hazard Mitigation Plan, County Emergency Operations Plan, Earthquake Plan, Dam and Levee Failure Plan, Hazardous Materials Response Plan, County Recovery Plan, and the Tsunami Response Plan.

The California Health and Safety Code provides regulations pertaining to the abatement of fire-related hazards and requires that local jurisdictions enforce the CBC, which provides standards for fire resistive building and roofing materials, and other fire-related construction methods. The Safety Element of the County of San Luis Obispo General Plan provides a Fire Hazard Zones Map identifies areas of the unincorporated areas in the county within moderate, high, and very high fire hazard severity zones. The project is located within the State Responsibility Area in a high fire hazard severity zone. Based on the Safety Element map of response times, it would take about 5 minutes to respond to a call regarding fire or life safety. For more information about fire-related hazards and risk assessment, see Section XX, Wildfire.

The San Luis Obispo Regional Airport is located about 8 miles to the north; the project site is not located within an Airport Review Area.

Discussion

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

Construction activities may involve the use of oils, fuels, and solvents. In the event of a leak or spill, persons, soil, and vegetation down-slope from the site may be affected. The use, storage, and transport of hazardous materials is regulated by DTSC (22 Cal. Code of Regulations Section 66001, et seq.). The use of hazardous materials on the project site for construction and maintenance is required to follow local, state, and federal regulations. In addition, compliance with best management practices (BMPs) for the use and storage of hazardous materials would also address impacts. These BMPs may include, but are not limited to, the following:

- Determining whether a product constitutes a hazardous material in accordance with federal and state regulations;
- Properly characterizing the physical properties, reactivity, fire and explosion hazards of the various materials;
- Using storage containers that are appropriate for the quantity and characteristics of the materials;
- Properly labeling of containers and maintaining a complete and up to date inventory;
- Ongoing inspection and maintenance of containers in good condition;
- Proper storage of incompatible, ignitable and/or reactive wastes;

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Project operations would not involve the use of household hazardous materials such as fertilizer and pesticides.

Compliance with the Uniform Fire Code and the recommendations of CalFIRE will ensure that potential impacts associated with hazards to the public or the environment through the routine transport, use, or disposal of hazardous materials would be *less than significant*.

- (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?*

Oils, gasoline, lubricants, fuels, and other potentially hazardous substances would be used and temporarily stored onsite during construction activities. A spill or leak of these materials under accident conditions during construction activities could create a potentially significant hazard to the surrounding environment including the ephemeral drainage that that lies outside the area of disturbance to the north. Mitigation measures HAZ-1 and HAZ-2 are recommended to reduce potential impacts associated with upset or accident conditions during project construction.

Through required compliance with these standards, potential operational hazards associated with the use of ethanol onsite would be effectively minimized. Therefore, potential impacts associated with hazards to the public or the environment through reasonably foreseeable upset or accident conditions would be *less than significant with mitigation*.

- (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 closest school facility is located approximately 2 miles west of the project site. Therefore, the project site is not located within 0.25 mile of an existing or proposed school; therefore, *no impacts* would occur.

- (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?*

Based on the California DTSC's Envirostor and SWRCB's GeoTracker, the project site is not listed on, nor is it located in close proximity to, a site listed on the Cortese List, which is a list of hazardous materials sites compiled pursuant to CGC Section 65962.5; therefore, *no impacts* would occur.

- (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 nearest airstrip in proximity to the project site is the Paso Robles Airport located approximately 8 miles to the northeast. The project site is not located within an Airport Review designation or adjacent to a private airstrip. The project site is not located within or adjacent to an airport land use plan or within 2 miles of a public airport or private airstrip; therefore, *no impacts* would occur.

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

The project does not require any road closures and would be required to be designed to accommodate emergency vehicle access. The project would not impair implementation or physically interfere with County hazard mitigation or emergency plans; therefore, impacts would be *less than significant*.

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

The project is located in a High Fire Hazard Severity Zone and has not been subject to a wildfire since at least 1950. The project does not include the construction of any structures or buildings that would be subject to human occupation. The project will be conditioned to implement building and site improvements in accordance with the Fire Code as required. Therefore, potential impacts associated with exposure of people or structures to significant risk involving wildland fires would be *less than significant*.

Conclusion

The project may include the use of potentially hazardous materials during construction. Mitigation measures have been identified below to reduce potential impacts associated with routine transport, use, and disposal of these materials, as well as potential hazards associated with upset and accident conditions and wildland fire risk. Upon implementation of measures HAZ-1 and HAZ-2, potential impacts associated with hazards and hazardous materials would be *less than significant with mitigation*.

Mitigation

HAZ-1 Equipment Maintenance and Refueling. During all construction activities, the cleaning, refueling, and maintenance of equipment and vehicles shall occur only within designated staging areas. The staging areas shall conform to all Best Management Practices applicable to attaining zero discharge of stormwater runoff. At a minimum, all equipment and vehicles shall be checked and maintained daily to ensure proper operation and to avoid potential leaks or spills.

HAZ-2 Spill Response Protocol. During all construction activities, all project-related spills of hazardous materials shall be cleaned up immediately. Appropriate spill prevention and cleanup materials shall always be onsite during construction.

Sources

Provided in Exhibit A.

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X. HYDROLOGY AND WATER QUALITY

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>Would the project:</i>				
(a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(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;	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(ii) Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site;	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(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	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(iv) Impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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Setting

The nearest 'blue line' creeks are two unnamed creeks that cross the project site roughly east to west and are tributary to the Salinas River. The nearest of these creeks to the area of disturbance lies about 500 feet to the west and below the project site elevation. There is one ephemeral drainage about 500 feet north of the area of disturbance which has been dammed to create a small pond.

The primary crop grown on the property recently has been miscellaneous grain and hay (Land IQ, 2022 and 2023). Regionally, grain and hay crops are typically not irrigated and are harvested after growth due to winter rains. However, historically an unknown amount of irrigation water has been applied to these crops, in lieu of sufficient rain. The planned vineyard development will replace all the current grain and hay crops on the property.

The RWQCB's Water Quality Control Plan for the Central Coast Basin (Basin Plan; RWQCB 2017) describes how the quality of surface water and groundwater in the Central Coast Region should be managed to provide the highest water quality reasonably possible. The Basin Plan outlines the beneficial uses of streams, lakes, and other water bodies for humans and other life. There are 24 categories of beneficial uses, including, but not limited to, municipal water supply, water contact recreation, non-water contact recreation, and cold freshwater habitat. Water quality objectives are then established to protect the beneficial uses of those water resources. The RWQCB implements the Basin Plan by issuing and enforcing waste discharge requirements to individuals, communities, or businesses whose discharges can affect water quality.

In accordance with the LUO, a project that would change the runoff volume or velocity leaving any point of the site, result in an impervious surface of more than 20,000 square feet, or involve hillside development on slopes steeper than 10 percent is required to prepare a drainage plan for review and approval by the County. A drainage plan is not required where grading is exclusively for an exempt agricultural structure, crop production, or grazing. The LUO also requires the preparation of an erosion and sedimentation control plan for all construction and grading permit projects and site disturbance activities of one-half acre or more in geologically unstable areas, on slopes steeper than 30 percent, on highly erodible soils, or within 100 feet of any watercourse.

The County Department of Public Works is responsible for ensuring that new construction sites implement Best Management Practices (BMPs) during construction, and that site plans incorporate appropriate post-construction stormwater runoff controls. Construction sites that disturb 1 acre or more must obtain coverage under the SWRCB's Construction General Permit. The Construction General Permit requires the preparation of a SWPPP to minimize on-site sedimentation and erosion. There are several types of projects that are exempt from preparing a SWPPP, including routine maintenance to existing developments, emergency construction activities, and projects exempted by the SWRCB or RWQCB. Projects that disturb less than 1 acre must implement all required elements within the site's erosion and sediment control plan as required by the LUO.

The project lies within the Atascadero Groundwater Basin, as defined by the Department of Water Resources (DWR) Bulletin 118. The Basin is not considered in overdraft conditions as of 2024. In May 2018, DWR designated the Atascadero Basin as a very low priority basin and therefore no longer required to comply with the Sustainable Groundwater Management Act (SGMA). According to the most recent biennial Resource Summary Report, the Atascadero Basin has not been assigned a Level of Severity.

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For planning purposes, the flood event most often used to delineate areas subject to flooding is the 100-year flood. The Safety Element of the County of San Luis Obispo General Plan establishes policies to reduce flood hazards and reduce flood damage, including, but not limited to, prohibition of development in areas of high flood hazard potential, discouragement of single-road access into remote areas that could be closed during floods, and review of plans for construction in low-lying areas.

Land Use Ordinance section 22.52.150.F sets forth standards for the excavation of new ponds, reservoirs and dams. The standards include, among things, limitations on the location of such structures, permitting requirements, and requirements for supporting technical studies to ensure safe design and construction of such structures. Section 22.52.150.F.4.b requires an application for a new pond, reservoir or dam to include a hydrogeologic analysis prepared by a certified hydrologist that includes the following:

- i. A description of the agricultural use to be supported by the proposed reservoir, pond, or basin. If the proposed reservoir, pond, or basin is in support of a future agricultural use, then the application shall include a planting plan showing the location of the future crops.
- ii. Identification of wells that would be used to fill the proposed agricultural reservoir, pond, or basin.
- iii. Information regarding the property's use of water and proposed use of water after construction of the proposed reservoir, pond, or basin.
- iv. Estimated evaporative water loss from the surface of the reservoir, pond, or basin, based on site specific conditions.
- v. A well interference and draw-down analysis, which evaluates how increased pumping would affect neighboring wells. This analysis shall take into consideration site specific variables such as the number and spacing of wells on-site, pumping rates, properties of the aquifer, and the duration over which pumping has and will occur.

In accordance with LUO Section 22.52.150.F.4.b, the project application materials are supported by the following hydrogeologic studies as well as peer review provided by the County.

- GSI Water Solutions, Inc. June 18, 2024, First Draft North Aquilon Vineyard Hydrogeologic Impact Assessment for Proposed Agricultural Reservoir
- Review of Hydrologic Analysis Report for Proposed North Aquilon Vineyard Irrigation Pond, October 9, 2024, Blaine T. Reely, PhD, PE, Director of Groundwater Sustainability, County of San Luis Obispo Sustainability Department
- GSI Water Solutions, Inc. October 23, 2024, Revised Draft North Aquilon Vineyard Hydrogeologic Impact Assessment for Proposed Agricultural Reservoir
- Review of Revised Draft Hydrologic Analysis Report for Proposed North Aquilon Vineyard Irrigation Pond, November 15, 2024, Blaine T. Reely, PhD, PE, Director of Groundwater Sustainability, County of San Luis Obispo Sustainability Department

These supporting documents are incorporated by reference and are available for review in their entirety at the County Planning Department located at 976 Osos Street, San Luis Obispo.

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Discussion

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

The project will involve 10,900 cubic yards of cut, 9,200 cy of fill and 1,700 cy of export and an area of disturbance of about 1.96 acres. Accordingly, a sedimentation and erosion control plan will be required to minimize the potential for soil erosion, which will be subject to the review and approval of the County Building Division in accordance with LUO Section 22.52.120. The application materials include a preliminary grading and drainage plan (Figure 4) which was subject to peer review by Mid-Coast Geotechnical, Inc., in 2024. The peer review concluded that the plans are consistent with the findings and recommendations of the geotechnical evaluation prepared for the site.

The erosion and sedimentation control plan sets forth measures to minimize potential impacts related to erosion and will include requirements for specific erosion control materials, setbacks from creeks, and siltation. In addition, the project is located outside of a stormwater management area and proposes a disturbance area greater than 1.0 acre, therefore, the project may be required to prepare and implement a Stormwater Pollution Prevention Plan (SWPPP) by a qualified SWPPP developer to demonstrate compliance with the Federal Clean Water Act, which prohibits certain discharges of stormwater containing pollutants.

The project will be conditioned to require all potentially hazardous materials to be stored, refilled, and dispensed on-site in full compliance with applicable County Department of Environmental Health standards and mitigation measures HAZ-1 and HAZ-2, and BIO-2 which requires implementation of efforts to protect surface water quality, and compliance with existing County and state water quality, sedimentation, and erosion control standards. Therefore, as conditioned, the project would not result in a violation of any water quality standards, discharge into surface waters, or otherwise alter surface water quality; therefore, impacts would be *less than significant with mitigation*.

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

The reservoir will have a maximum storage capacity of 4.05 million gallons (12.33 acre-feet). Water for the initial filling of the reservoir and ongoing frost management would be served by three existing groundwater wells capable of sustaining a total of about 692 gallons of pumping per minute. The sprinkler system is designed to be fed directly from the reservoir to grape vines.

As discussed in the setting, the project application is supported by a hydrologic impact assessment prepared in accordance with LUO Section 22.52.150 (GSI Water Solutions, Inc., June 18, 2024). The June 18 study was subjected to peer review by the County Groundwater Sustainability Department (Blaine Reely, October 9, 2024). The initial peer review concluded that the study satisfied all requirements of LUO 22.52.150 except for the analysis of impacts associated with well interference and draw-down. Specifically:

- Concerns were raised regarding the use of the same aquifer properties for all wells instead of actual aquifer properties computed from well pump tests.
- A second concern related to the assumptions used for the analysis of potential impacts associated with the rapid reservoir filling scenario. Since a frost event would likely impact both the North and South project sites at the same time, the peer review analysis recommended the study assume that all of the wells used for rapid filling at both the North Aquilon and the

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South Aquilon Vineyard sites would be operating concurrently for a frost event and that the cumulative drawdown impacts to offsite wells be computed based on the combined pumping.

The peer review comments were provided to the applicant and a revised hydrologic impact assessment was submitted (GSI Water Solutions, Inc., October 23, 2024). The revised study was also subjected to peer review, and, in their letter of November 14, 2024, the Groundwater Sustainability Department has concluded that the revised study satisfies all the requirements set forth in LUO Section 22.51.150.F.4.b. The following is a summary of the findings and conclusions of the final hydrologic impact analysis dated October 23, 2024.

Proposed Agricultural Uses

The use of water from the proposed reservoir will be for the sole purpose of frost protection. There are a total of 114.89 potential arable acres on the property, of which approximately 53 acres would be under sprinkler frost protection. All vineyard acreage is assumed to be planted in 2024, except for Block 1, where planting is uncertain and could range from 16.01 to 30 acres, or none. No additional plantings are planned (Monterey Pacific, 2024). Locations of block acreage and grape varieties can be seen in Attachment 1 of the hydrologic impact report.

Wells to Be Used to Fill the Reservoir

Wells 3 and 5 will serve as the main sources for filling the reservoir, with Well 4 reserved for use during consecutive freezing days. The location of these wells is shown on Figure 2.

Current Water Use and Future Water Use After Construction of the Reservoir

The primary crop grown on the property over the past couple of years has been miscellaneous grain and hay (Land IQ, 2022 and 2023). Regionally, grain and hay crops are typically not irrigated and are harvested after growth due to winter rains. However, historically an unknown amount of irrigation water has been applied to these crops, in lieu of sufficient rain. For purposes of this analysis, it is assumed that baseline water demand is zero-acre feet per year.

The planned vineyard development will replace all the current grain and hay crops on the property. Irrigation for the planned vineyard will be supplied via a drip irrigation system connected directly to the wells. Annual irrigation amounts are expected to range between 0.75 and 1.1 AF/acre. This equates to an estimated total of 74 to 109 AF per year (AFY).

The reservoir will be filled to full capacity before the frost season. Throughout the rest of the year, the reservoir will be maintained at 70-95% capacity. Water levels will be monitored regularly during the frost season and intermittently during the remainder of the year (Monterey Pacific, 2024). For the purposes of this assessment, it is assumed that the reservoir level will be maintained at 82.5% capacity (average of 70-95%) throughout the non-frost season months.

Frost protection will be applied via sprinklers to vineyard blocks located in the lower elevation areas during periods when the crops are susceptible to freezing temperatures. The sprinkler system is designed to be fed directly from the reservoir and cover an area of approximately 53 acres. Based on typical usage in similar vineyards, the applicant anticipates 35 hours of sprinkler operation annually for frost protection. This can vary, with fewer frost events resulting in around 25 hours and more severe frost years requiring up to 45 hours of operation. Frost events typically occur between March 15 and May 31 (Monterey Pacific, 2024).

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Water Demand Associated with Net Evaporative Losses

To estimate the monthly net evaporative losses from the reservoir, the report analyzed historical data on precipitation and evaporation from nearby weather stations. Specifically, average monthly precipitation data from the Atascadero Mutual Water Company (AMWC) Station 34 was used, with records from 1968 to 2023 (Attachment 2 of the report). Additionally, monthly pan evaporation data records spanning 1957 to 1979 from the Nacimiento Dam were evaluated (Attachment 3 of the report). The average pan evaporation at the Nacimiento Dam ranged from 1.65 inches in January to 11.46 inches in July. A conversion factor of 0.75 was applied to estimate lake evaporation, resulting in an average monthly lake evaporation rate ranging from 1.24 inches in January to 8.60 inches in July.

Reviewing the construction drawings (EG Civil Engineering, 2024) and considering the reservoir's monthly capacity management scheme as discussed above, the surface area of the pond when at full capacity (March-May) was calculated to be 0.89 acres, reducing to 0.79 acres when at 82.5% capacity for the rest of the year. Attachment 4 of the report shows the monthly pond acreage and the corresponding net evaporation losses in acre-feet per month (AF/Month). The estimated net annual evaporative water loss from the surface of the reservoir is estimated to be 2.4 acre-feet (AF) per year.

Total Estimated Annual Water Demand is summarized in Table 7.

Table 7 -- Total Estimated Annual Water Demand

Demand Source	Annual Demand In Acre Feet Per Year
Initial Filling of the Reservoir	12.33 ¹
Net Evaporative Loss	2.40
Ongoing Crop Irrigation During the Dry Months	109.00 ²
Total:	123.7 AF during first year of operation, 111.4 AF during subsequent years of operation
Total Pumping Capacity:	692 gallons per minute = 244 AFY ³

Notes:

1. Assumes the reservoir is maintained at 82.5 percent of full capacity during the dry months.
2. Assumes 1.1 AF/acre.
3. 692 gallons per minute x 8 hours per day of pumping = 332,160 gallons per day x 240 days per year = 244 AFY.

As discussed above, the three wells serving the project site can pump a combined 692 gallons per minute, or about 244 AFY which is more than sufficient to supply the estimated water demand.

Well Interference and Drawdown Analysis -- Potential Impacts to Surrounding Wells

In accordance with Land Use Ordinance Section 22.52.150.F.4.b, the report includes an analysis of the impact on groundwater levels at the 11 nearest existing offsite wells due to the groundwater pumping required for the initial filling of the reservoir, potential rapid refilling of the reservoir and the net evaporative losses from the reservoir. Groundwater pumping to supply these water demands will be

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sourced primarily from Well 3 and Well 5, however, during times of high demand associated with consecutive days of frost protection Well 4 will also be used. The predicted impact on groundwater levels in the nearest offsite neighboring wells was estimated for the following scenarios:

- i. Initial Filling of the Reservoir- 5-day Filling Period (Well 3 and Well 5 only)
- ii. Rapid Refilling Using All Wells – 4-day Filling Period (Wells 3, 4 and 5)
- iii. Offset of Estimated Evaporative Losses - 5 Year Duration (Well 3 and Well 5 only)

In response to peer review comments from the San Luis Obispo County Department of Groundwater Sustainability, the aquifer properties used in the original analysis were derived from the data collected during onsite aquifer tests performed in 2022 (GSI, 2022). Transmissivity estimates of 2,719 gpd/ft and 11,000 gpd/ft, and a storage coefficient estimate of 0.0001, were calculated previously. For the revised analysis, an average onsite transmissivity (T) value of 6,860 gpd/ft and a storage coefficient (S) value of 0.0001 were used. Pumping rates for Well 3 (175 gallons per minute [gpm]) and Well 4 (160 gpm) are known from previous field work (GSI, 2022). Based on the results of previous work on the subject property and the South Aquilon project site, it is assumed that the San Marcos Fault acts as a hydrogeologic barrier. For this analysis the pumping rate for Well 7 is estimated to be 500 gpm.

The locations of the supply wells and nearby offsite wells are shown in Figure 7. In this analysis, it is estimated that the cumulative drawdown at the nearest offsite neighboring wells under the previously described scenarios of reservoir filling and to offset net evaporation losses. The locations of the nearest offsite wells were determined using well location data from the San Luis Obispo County Department of Environmental Health Services (EHS). The report identified 11 offsite wells to assess the magnitude of drawdown. The distances between the existing vineyard production wells, which will supply the reservoir, and the points of drawdown estimation are summarized in Table 8. Because the San Marcos Fault is assumed to act as a hydrogeologic barrier each production well is paired with only the neighboring wells that are located on the same side of the fault.

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Table 8 -- Distance Between Reservoir Production Wells and Offsite Wells

Offsite Well No.	Distance (in feet) From Well No. 3	Distance (in feet) From Well No. 4	Distance (in feet) From Well No. 5
WP1009040	3,487	2,769	--
WP1009213	3,487	2,769	--
WP1001544	2,734	3,491	--
WP1027017	2,487	2,963	--
WP1027005	2,414	1,346	--
WP1005477	1,819	2,584	--
WP1027283	1,688	3,057	--
WP1027461	1,585	3,032	--
WP1003031	--	--	2,711
WP1016607	--	--	2,292
WP1024161	--	--	2,259

Source: GSI, June 2024

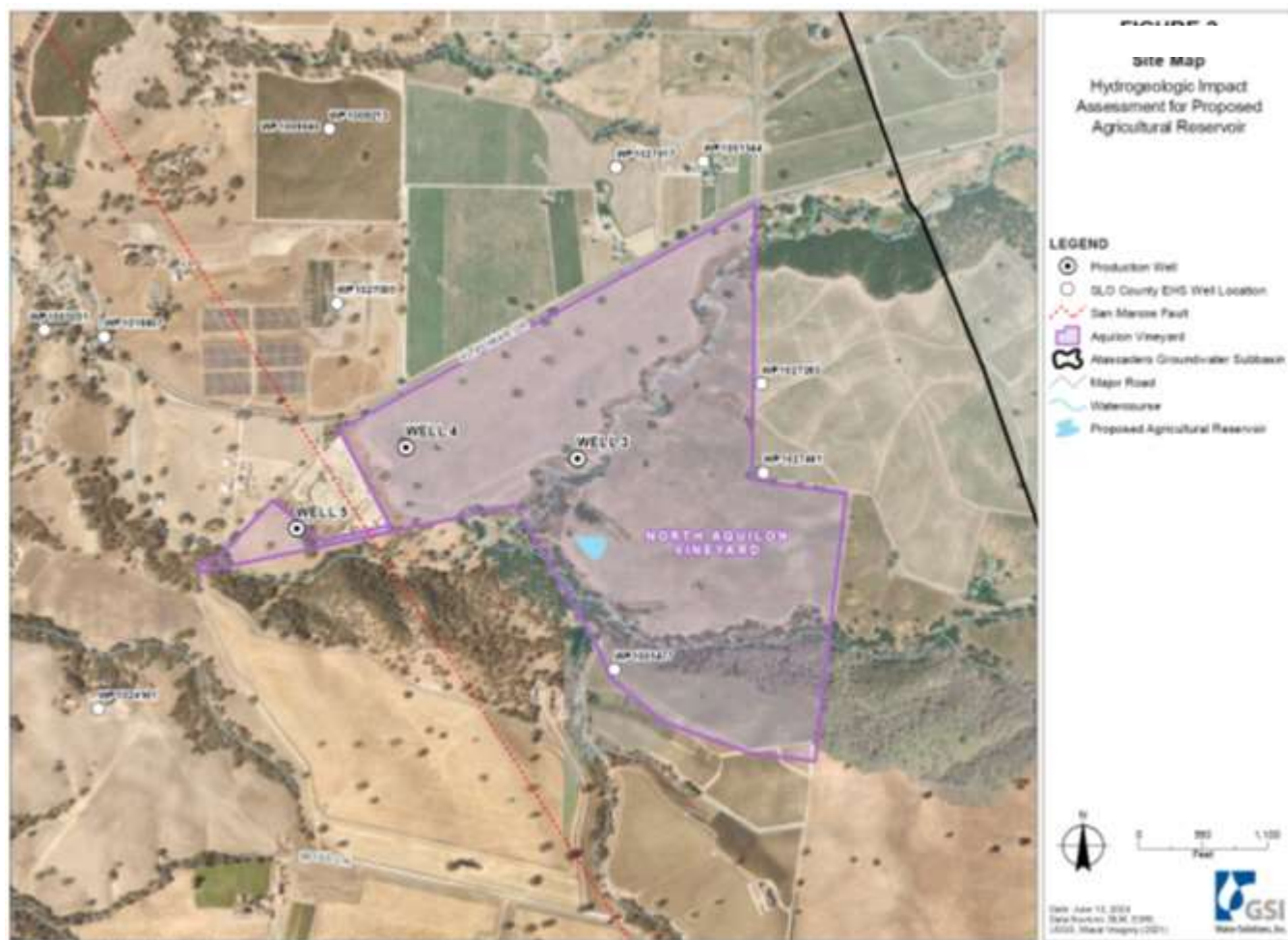


Figure 7 - Location of Supply Wells and Wells On Surrounding Properties

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The drawdown analysis was conducted using a confined aquifer predictive drawdown spreadsheet model developed by the U.S. Geological Survey, as detailed in U.S.G.S. Open File Report 02-197 (USGS, 2002). The method for drawdown prediction intrinsic to this analysis relies on the assumption that the underlying aquifer is confined, isotropic, and of infinite lateral extent. Because there is multiple production wells involved in each of the predictive scenarios the cumulative drawdown at each offsite well was determined by summing the predicted drawdown due to each individual production well. The exception to this is the drawdown predicted due to pumping Well 5, the only production well located on the southwest side of the San Marcos Fault. Predicted drawdown in the 3 neighboring wells located on the southwest side of the San Marcos Fault were evaluated only for pumping in Well 5 (see Figure 7).

For the initial reservoir filling scenario, it was assumed that the reservoir would be filled over a 5-day period. To achieve this, Well 3 and Well 5 would be operated to provide a continuous flow of 145 gpm (Well 3) and 413 gpm (Well 5) throughout the 5-day fill period. These respective flow rates are approximately 83 percent of their previously tested and estimated maximum flow rates.

For the rapid reservoir refilling scenario, it was assumed that the reservoir would be refilled from approximately 0 percent full to 100 percent full over a 4-day period. (This is a conservative assumption, since in actuality the reservoir would be refilled long before being allowed to go completely dry.) To achieve this, Well 3, Well 4 and Well 5 would be operated to provide a continuous flow of 146 gpm (Well 3), 134 gpm (Well 4), and 418 gpm (Well 5) throughout the 4-day refill period. These respective flow rates are approximately 84 percent of their previously tested maximum flow rates.

For the pumping to offset estimated evaporative losses scenario, a portion of the total groundwater pumping is needed to offset the evaporated water from the reservoir. For this analysis, it is assumed that Well 3 and Well 5 are each pumped continuously at a rate of 0.75 gpm for a duration of 5 years to evaluate the impacts on neighboring wells resulting from the reservoir net evaporative losses. These pumping rates are calculated based on the estimated annual evaporative loss rate of 2.4 AFY.

The pumping rates and duration of pumping for each well under each predictive scenario are summarized in Table 9 and the predicted drawdown results are summarized in Table 10.

Table 9 -- Pumping Rates and Duration for Predictive Scenarios

Scenario	Duration	Pumping Rate
Initial Reservoir Filling	5 days	145 gpm – Well 3
		413 gpm – Well 5
Rapid Refilling	4 days	146 gpm – Well 3
		134 gpm – Well 4
		418 gpm – Well 5
Offset of Estimated Evaporative Losses	5 years	0.75 gpm – Well 3
		0.75 gpm – Well 5

Source: GSI, June 2024

Drawdown impacts to neighboring wells were evaluated for the three scenarios by aggregating the predicted drawdown effects from individual production wells at each offsite well location. The analysis predicts short-term drawdowns ranging from approximately 5.3 feet to 20.9 feet for the initial reservoir filling scenario and 4.9 feet to 19.7 feet for rapid refilling during consecutive frost events.

It is important to note that the impact from initially filling the reservoir and rapidly refilling the reservoir will be temporary, with groundwater levels in the affected wells expected to recover within

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a few weeks. Also frost protection pumping will occur during winter and spring months, when seasonal water level fluctuations are expected near their high point.

Table 10 -- Predicted Drawdown Results

Offsite Well No.	Initial Reservoir Filling 5-day Drawdown (feet)	Rapid Refilling 4-day Drawdown (feet)	Offset of Evaporative Losses 5-Year Drawdown (feet)
WP1001544	6.45	5.98	0.09
WP1003031	18.49	17.22	0.09
WP1005477	8.37	7.9	0.10
WP1009040	7.43	4.87	0.08
WP1009213	5.33	4.87	0.08
WP1016607	20.73	19.47	0.09
WP1024161	20.92	19.67	0.09
WP1027005	7.03	6.56	0.09
WP1027017	6.89	6.42	0.09
WP1027283	8.73	8.25	0.10
WP1027461	9.03	8.55	0.10
Min.	5.33	4.87	0.08
Max.	20.92	19.67	0.10

Source: GSI, October 2024

As summarized in the preceding table, the offsite drawdown analysis indicates that three of the offsite wells could experience drawdowns on the order of 20 feet under the pumping assumptions used in the analysis. While these conditions will be temporary during the filling of the reservoir, this project is located in an area in which domestic wells have gone dry in the past. Therefore, well completion records for the three wells with the greatest calculated drawdown (WP1003031, WP1016607, and WP 1024161) were reviewed to assess whether projected drawdowns of this magnitude may result in wells going dry. The pertinent well construction details are included in Table 11.

Table 11 – Offsite Well Construction Details

Offsite Well ID No.	Year Well Was Completed	Total Depth (feet)	Depth to Water (feet)	Height of Water In Well (feet)
WP1003031	1994	300	118	182
WP1016607	1987	440	320	120
WP1024161	1970	170	50	120

These data indicate that the drawdown associated with pumping at the vineyard would not cause these wells to go dry, based on the height of water in each well and assuming 20 feet of drawdown. It should also be noted that the drawdown will be occurring in the winter months when rainfall is more likely to occur and crop irrigation on surrounding properties is at a minimum. Additionally, these three wells are within 1,000 to 2,000 feet of the Salinas River and may benefit from seasonal recharge from percolation of streamflow, a factor not accounted for in this analysis.

The preceding analysis supports the following conclusions:

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- The predicted drawdowns due to pumping to offset estimated net evaporative losses are negligible, ranging from 0.08 to 0.1 feet.
- Water demand associated with ongoing irrigation is estimated to be about 109 AFY, or about 0.45 AF per day, assuming 240 days of irrigation. Assuming wells 3 and 5 produce a combined 558 gallons per day, this demand could be satisfied by pumping the two wells for about 4 hours per day. The daily pumping required for irrigation would be far less than the amount of pumping required to rapidly fill the reservoir, as summarized in Table 9, which was determined to have little effect on surrounding wells.
- The drawdown analysis assumes a less than significant impact to offsite wells associated with ongoing irrigation, frost mitigation and rapid refilling of the reservoir.

Therefore, as conditioned, project impacts relating to water supply are not expected to substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin and project impacts are considered *less than significant*.

- (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 project will involve approximately 10,900 cubic yards of cut, 9,200 cy of fill and 1,700 cy of export and an area of disturbance of about 1.96 acres.

As discussed above, there are two 'blue line' creeks that cross the parcel, and there is an unnamed ephemeral drainage that flows north/south in the ravine north of the area of disturbance which has been dammed to create a small pond. Grading and construction activities have the potential to result in erosion which in turn could result in the siltation of the ephemeral creek. The project application materials include a preliminary grading, and erosion control plan (Figure 4) that includes drainage collection, storage and conveyance infrastructure to ensure runoff does not adversely impact the quality of downstream surface or groundwater bodies. The project will be conditioned to prepare a final sedimentation and erosion control plan subject to the review and approval of the County Building Division in accordance with LUO Section 22.52.120.

In addition, the project may be required to comply with all National Pollution Discharge Elimination System (NPDES) requirements and prepare a SWPPP that incorporates BMPs during construction. Water quality protection measures would include protection of stockpiles, protection of slopes, protection of all disturbed areas, protection of access roads, and perimeter containment measures. Therefore, potential impacts associated with erosion and siltation from substantial alteration of the existing on-site drainage pattern would be *less than significant*.

- (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 will include the construction of of a reservoir to store about 4 mg of water, along with a perimeter all-weather access road. Collectively, these features will slightly increase the volume and velocity of stormwater runoff generated on site. The application materials include a preliminary grading and erosion control plan (Figure 4) that includes drainage collection, storage, and conveyance infrastructure to ensure runoff does not adversely impact the quality of downstream surface or groundwater bodies.

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In addition, the project will be subject to post-construction stormwater requirements through preparation and implementation of a SWPPP, which would identify appropriate BMPs to capture and treat runoff before it leaves the site. Based on required compliance with applicable state and County drainage and stormwater control regulations, the project's impacts associated with increased surface runoff resulting in flooding on- or off-site 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 will be subject to post-construction stormwater requirements through preparation and implementation of a SWPPP, which would identify appropriate BMPs to capture and treat runoff before it leaves the site.

The reservoir is also being designed to accommodate overflow conditions in the event the reservoir experiences above-average rainfall events when completely full. A 50-foot-long emergency overflow pipe will extend at least 10 feet beyond the fill slope on the exterior of the reservoir and will terminate in a 10'x20'x2' deep rip-rap bed (facing type rock). The only time it would be in use would be during a major storm event if the supply pump were left on. Thus, the emergency overflow pipe is not expected to be used. None-the-less, the rip-rap field is sufficient to eliminate erosive conditions.

Based on required compliance with applicable state and County drainage and stormwater control regulations, the project's impacts associated with increased surface runoff resulting in exceedance of the capacity of existing or planned drainage systems or provide substantial additional sources of polluted runoff would be *less than significant*.

- (c-iv) *Impede or redirect flood flows?*

Based on the County Flood Hazard Map, the area of disturbance is not located within a mapped 100-year flood zone. Therefore, *no impacts would occur*.

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

Based on the Safety Element Flood Hazard Map, the project site is not located within a mapped 100-year flood zone (County of San Luis Obispo 2013). 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 (CDOC 2021). The project site is not located within close proximity to a standing body of water with the potential for a seiche to occur. Therefore, the project site has no potential to release pollutants due to project inundation and *no impacts would occur*.

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

As discussed in the setting, the project site lies within the Atascadero Groundwater Basin. In May 2018, DWR designated the Atascadero Basin as a very low priority basin and therefore no longer required to comply with the SGMA. Nonetheless, the Groundwater Sustainability Agency (GSA) decided to continue to proactively manage the groundwater resources in the Atascadero Basin and move forward with the development of a GSP using grant funds provided by DWR. The Atascadero Basin Groundwater Sustainability Plan (ABSGS) was submitted to DWR in 2022. The ABSGS sets forth projects and management actions to achieve and maintain the sustainable use of the Basin. The management strategies are largely programmatic; therefore, an individual project such as the ag reservoir will have no effect on the implementation of the plan. Therefore, potential impacts

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associated with conflict or obstruction of a water quality control plan or sustainable groundwater management plan would be *less than significant*.

Conclusion

With the implementation of spill response and site maintenance measures required by mitigation measures HAZ-1, HAZ-2, and GEO-1 the project will result in *less than significant impacts with mitigation* associated with water supply, water quality and hydrology.

Mitigation

Implement mitigation measures HAZ-1, HAZ-2, and GEO-1.

Sources

See Exhibit A.

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XI. LAND USE AND PLANNING

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>Would the project:</i>				
(a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting

The LUO was established to guide and manage the future growth in the County in accordance with the County of San Luis Obispo General Plan; regulate land use in a manner that will encourage and support orderly development and beneficial use of lands; minimize adverse effects on the public resulting from inappropriate creation, location, use, or design of buildings or land uses; and protect and enhance significant natural, historic, archeological, and scenic resources within the County. The LUO is the primary tool used by the County to carry out the goals, objectives, and policies of the General Plan.

The Land Use Element (LUE) of the County of San Luis Obispo General Plan provides policies and standards for the management of growth and development in each unincorporated community and rural areas of the county and serves as a reference point and guide for future land use planning studies throughout the county. The LUE identifies strategic growth principles to define and focus the County's proactive planning approach and balance environmental, economic, and social equity concerns. Each strategic growth principle correlates with a set of policies and implementation strategies that define how land will be used and resources protected. The LUE also defines each of the 14 land use designations and identifies standards for land uses based on the designation they are located within. The project parcel and adjacent properties within the unincorporated county are all within the Residential Rural land use designation.

The inland LUE also contains the area plans of each of the four inland planning areas: Carrizo, North County, San Luis Obispo, and South County. The area plans establish policies and programs for land use, circulation, public facilities, services, and resources that apply "areawide," in rural areas, and in unincorporated urban areas within each planning area. Part three of the LUE contains each of the 13 inland community and village plans, which contain goals, policies, programs, and related background information for the County's unincorporated inland urban and village areas.

The site is within the El Pomar-Estrella Sub Area of the North County Planning Area as described in the Baseline Conditions.

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Discussion

(a) *Physically divide an established community?*

The project does not propose project elements or components that would physically divide the site from surrounding areas and uses. The project would be compatible with existing agricultural operations on the project and surrounding properties and would not create, close, or impede any existing public or private roads, or create any other barriers to movement or accessibility within the community. Therefore, the proposed project would not physically divide an established community, and *impacts would be less than significant*.

(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 would be consistent with the property's land use designation and the guidelines and policies for development within the applicable area plan, inland LUO, and the COSE. The project, as it may be conditioned, was found to be consistent with standards and policies set forth in the County of San Luis Obispo General Plan, the San Luis Obispo 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 County Public Works Department.

The project would be required to implement measures to mitigate potential impacts associated with air quality, biological resources, geology, and hazardous materials; therefore, with mitigation, the project would not conflict with policies or regulations adopted for the purpose of avoiding or mitigating environmental effects and impacts would be *less than significant with mitigation*.

Conclusion

The project would be consistent with local and regional land use designations, plans, and policies and would not divide an established community. Potential impacts related to land use and planning would be *less than significant with mitigation* measures associated with air quality, biological resources, hazards and hazardous materials.

Mitigation

Implement mitigation measures AQ-1, BIO-1 through BIO-4, GEO-1 through Geo-3, HAZ-1 and HAZ-2.

Sources

Provided in Exhibit A.

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XII. MINERAL RESOURCES

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>Would the project:</i>				
(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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Setting

The California Surface Mining and Reclamation Act of 1975 (SMARA) requires that the State Geologist classify land into mineral resource zones (MRZ) according to the known or inferred mineral potential of the land (California PRC Sections 2710–2796).

The three MRZs used in the SMARA classification-designation process in the San Luis Obispo-Santa Barbara Production-Consumption Region are defined below (California Geological Survey [CGS] 2015):

- **MRZ-1:** Areas where available geologic information indicates that little likelihood exists for the presence of significant mineral resources.
- **MRZ-2:** Areas where adequate information indicates that significant mineral deposits are present, or where it is judged that a high likelihood for their presence exists. This zone shall be applied to known mineral deposits or where well-developed lines of reasoning, based upon economic-geologic principles and adequate data, demonstrate that the likelihood for occurrence of significant mineral deposits is high.
- **MRZ-3:** Areas containing known or inferred aggregate resources of undetermined significance.

The LUO provides regulations for development in delineated Energy and Extractive Resource Areas (EX) and Extractive Resource Areas (EX1). The EX combining designation is used to identify areas of the county where:

1. Mineral or petroleum extraction occurs or is proposed to occur;
2. The state geologist has designated a mineral resource area of statewide or regional significance pursuant to California PRC Sections 2710 et seq. (SMARA); and
3. Major public utility electric generation facilities exist or are proposed.

The purpose of this combining designation is to protect significant resource extraction and energy production areas identified by the County LUE from encroachment by incompatible land uses that could hinder resource extraction or energy production operations, or land uses that would be adversely affected by extraction or energy production.

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Discussion

- (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?*

Based on the California Geological Survey (CGS) Information Warehouse for Mineral Land Classification, the project site is not located within an area that has been evaluated for mineral resources and is not in close proximity to an active mine (CGS 2021).

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. The project is not located within a designated mineral resource zone area or within an Extractive Resource Area combining designation. There are no known mineral resources in the project area; therefore, there would be *no impact* to mineral resources.

- (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?*

The project is not located within a designated mineral resource zone or within an Extractive Resource Area combining designation. There are no known mineral resources in the project area; therefore, there would be *no impact* to mineral resources.

Conclusion

No impacts to mineral resources would occur and no mitigation measures are necessary.

Mitigation

None necessary.

Sources

Provided in Exhibit A.

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XIII. NOISE

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>Would the project result in:</i>				
(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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b) Generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Setting

The Noise Element of the County of San Luis Obispo General Plan provides a policy framework for addressing potential noise impacts in the planning process. The purpose of the Noise Element is to minimize future noise conflicts. The Noise Element identifies the major noise sources in the county (highways and freeways, primary arterial roadways and major local streets, railroad operations, aircraft and airport operations, local industrial facilities, and other stationary sources) and includes goals, policies, and implementation programs to reduce future noise impacts. Among the most significant polices of the Noise Element are numerical noise standards that limit noise exposure within noise-sensitive land uses and performance standards for new commercial and industrial uses that might adversely impact noise-sensitive land uses.

Noise sensitive include the following:

- Residential development, except temporary dwellings
- Schools (preschool to secondary, college and university, and specialized education and training)
- Health care services (e.g., hospitals, clinics, etc.)
- Nursing and personal care
- Churches
- Public assembly and entertainment
- Libraries and museums
- Hotels and motels
- Bed and breakfast facilities

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- Outdoor sports and recreation
- Offices

All sound levels referred to in the Noise Element are expressed in A-weighted decibels (dBA). A-weighting de-emphasizes the very low and very high frequencies of sound in a manner similar to the human ear.

The LUO establishes acceptable standards for exterior and interior noise levels (Table 12) and describes how noise will be measured for determining compliance with county noise level standards. Exterior noise level standards are applicable when a land use affected by noise is one of the sensitive uses listed in the Noise Element. Exterior noise levels are measured from the property line of the affected noise-sensitive land use.

Table 12 -- Maximum allowable exterior noise level standards⁽¹⁾

Sound Levels	Daytime 7 a.m. to 10 p.m.	Nighttime ⁽²⁾
Hourly Equivalent Sound Level (L _{eq} , dB)	50	45
Maximum level, dB	70	65

¹ When the receiving noise-sensitive land use is outdoor sports and recreation, the noise level standards are increased by 10 db.

² Applies only to uses that operate or are occupied during nighttime hours.

The LUO provides exceptions to these noise standards for specific sources and activities. Noise associated with construction activities that occur between 7:00 a.m. and 9:00 p.m. Monday through Friday and 8:00 a.m. and 5:00 p.m. on Saturday and Sunday are exempt. Additionally, noise sources associated with the maintenance of a residential use between the hours of 7:00 a.m. and 9:00 p.m. are also exempt, as is noise associated with agricultural land uses (as listed in Section 22.06.030), traffic on public roadways, railroad line operations, and aircraft in flight.

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?*

Construction Impacts. As noted above, the County LUO noise standards are subject to a range of exceptions, including noise sources associated with construction, provided such activities do not take place before 7 a.m. or after 9 p.m. on weekdays, or before 8 a.m. or after 5 p.m. on Saturday or Sunday. According to the 2005 Federal Highway Administration's Roadway Construction Noise Mode Database, noise associated with heavy construction equipment can range from about 73 to 101 dBA for non-impact equipment. Noise levels 50 feet from stationary equipment can range from 68 to 88 dBA. Table 13 provides an estimate of noise generated by temporary construction equipment that may be used for construction of the project.

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Table 13 -- Estimate of Noise From Construction Equipment

Equipment	Quantity	dBA at 50 Feet ¹	dBA at Nearest Property Line (350 Feet) ¹
Backhoe	1	78	61
Dozer	1	82	65
Excavator	1	81	64
Dump Truck	1	76	59
Generator	1	81	64
Pickup Truck	2	75	59

Notes:

1. Source: Federal Highway Administration's Roadway Construction Noise Mode Database.

Project construction would result in a temporary increase in noise levels associated with construction activities, equipment, and vehicle trips. Construction noise would be variable, temporary, and limited in nature and duration. The nearest property line to the area of disturbance is located to the west at a distance of about 350 feet. As shown in Table 13, construction related noise would not likely temporarily exceed the maximum hourly daytime levels allowed by the County's noise standards at the nearest property line. The County LUO requires that construction activities be conducted during daytime hours and that construction equipment be equipped with appropriate mufflers recommended by the manufacturer. Compliance with these standards would ensure short-term construction noise would be *less than significant*.

Operational Impacts. The project does not propose noise generating activities. Operational noise will be limited to well pumps and motor vehicle traffic associated with agricultural operations, which are consistent with the surrounding land uses. Therefore, operational noise will be below County standards and impacts would be *less than significant*.

Impacts associated with the generation of a substantial temporary or permanent increase in ambient noise levels would be *less than significant*.

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

The project will not involve the use of pile driving, or other high impact activities that would generate substantial groundborne noise or groundborne vibration during construction. In addition, construction equipment has the potential to generate minor groundborne noise and/or vibration, but these activities would be limited to the daytime hours allowed by County LUO. The project does not propose a use that would generate long-term operational groundborne noise or vibration. Therefore, impacts related to exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels 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 nearest airstrip in proximity to the project site is the Paso Robles Regional Airport located approximately 8 miles to the northeast. The project site is not located within an Airport Review designation or adjacent to a private airstrip. The project site is not located within or adjacent to an

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airport land use plan or within 2 miles of a public airport or private airstrip; therefore, *no impact would occur.*

Conclusion

Short-term construction activities would be limited in nature and duration and conducted during daytime periods per LUO standards. Operational noise levels will be less than the standards set forth in the LUO and are considered less than significant. No other potentially significant impacts were identified, and no mitigation measures are necessary.

Mitigation

None are required.

Sources

Provided in Exhibit A.

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XIV. POPULATION AND HOUSING

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>Would the project:</i>				
(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)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Setting

The Housing Element of the County of San Luis Obispo General Plan recognizes the difficulty for residents to find suitable and affordable housing within San Luis Obispo County. The Housing Element includes an analysis of vacant and underutilized land located in urban areas that is suitable for residential development and considers zoning provisions and development standards to encourage development of these areas. Consistent with state housing element laws, these areas are categorized into potential sites for very low- and low-income households, moderate-income households, and above moderate-income households.

In its efforts to provide for affordable housing, the County currently administers the Home Investment Partnerships (HOME) Program and the Community Development Block Grant (CDBG) program, which provide limited financing to projects relating to affordable housing throughout the county.

The project site is currently vacant.

Discussion

- (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)?*

The project proposes construction of an ag reservoir and would not generate new residents. The project would not generate new employment opportunities that would encourage population growth in the area. The project does not include the extension or establishment of new public roads, utilities, or other infrastructure to the site that would induce development and population growth in new areas. Therefore, the project would have *no impact* relating to inducing substantial growth.

- (b) *Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?*

The project would have *no impact* associated with the displacement of existing housing or necessitate the construction of replacement housing elsewhere.

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Conclusion

No impacts to population and housing would occur and no mitigation measures are necessary.

Mitigation

None necessary.

Sources

Provided in Exhibit A.

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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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Setting

Fire protection services in unincorporated San Luis Obispo County are provided by CAL FIRE, which has been under contract with the County to provide full-service fire protection since 1930. Approximately 180 full-time state employees operate the County Fire Department, supplemented by as many as 100 state seasonal fire fighters, 300 County paid-call and reserve fire fighters, and 120 state inmate fire fighters. CAL FIRE responds to emergencies and other requests for assistance, plans for and takes action to prevent emergencies and reduce their impact, coordinates regional emergency response efforts, and provides public education and training in local communities. CAL FIRE has 24 fire stations located throughout the county, and the project would be served by the Templeton Fire station, located approximately 5 miles west of the project site in the community of Templeton. Emergency personnel would be able to reach the site in 5-10 minutes of receiving a call.

Police protection and emergency services in the unincorporated portions of the county are provided by the San Luis Obispo County Sheriff's Office. The Sheriff's Office Patrol Division responds to calls for service, conducts proactive law enforcement activities, and performs initial investigations of crimes. Patrol personnel are deployed from three stations throughout the county, the Coast Station in Los Osos, the North County Station in Templeton, and the South Station in Oceano. The project would be served by the North County Sheriff's Station in Templeton, located approximately 5 miles to the west in the community of Oceano.

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San Luis Obispo County has a total of 12 school districts that currently enroll approximately 34,000 students in over 75 schools. The project site is located within the Templeton Unified School District.

Within the County's unincorporated areas, there are currently 23 parks, three public golf courses, four trails/staging areas, and eight Special Areas that include natural areas, coastal access, and historic facilities currently operated and maintained by the County.

Public facilities fees, Quimby fees, and developer conditions are several ways the County currently funds public services. A public facility fee program (i.e., development impact fee program) has been adopted to address impacts related to public facilities (county) and schools (CGC Section 65995 et seq.). The fee amounts are assessed annually by the County based on the type of proposed development and the development's proportional impact and are collected at the time of building permit issuance. Public facility fees are used as needed to finance the construction of and/or improvements to public facilities required to serve new development, including fire protection, law enforcement, schools, parks, and roads.

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?

The project will be designed to comply with all fire safety rules and regulations, including the California Fire Code and California PRC. The project will be conditioned to implement all requirements identified by the County Fire Department/CAL FIRE for the project including items to be completed prior to final inspection/operation. Based on the type of development proposed (an ag reservoir), the project would not create a significant new demand for fire services. In addition, the project will be subject to public facility fees to offset the increased cumulative demand on fire protection services. Therefore, impacts would be *less than significant*. Additional information regarding wildfire hazard impacts is discussed in Section XX, Wildfire. Additional information regarding fire related hazard impacts is discussed in Section IX, Hazards and Hazardous Materials.

Police protection?

The project may be subject to public facility fees to offset the project's cumulative contribution to demand on law enforcement services. Therefore, impacts related to police services would be *less than significant*.

Schools?

As discussed in Section XIV, Population/Housing, the project would not induce any population growth and would therefore not result in the need for additional school services or facilities. The project would not likely be subject to school impact fees, pursuant to California Education Code Section 17620, to help fund construction or reconstruction of school facilities. Therefore, there would be *no impact* to schools.

Parks?

As discussed in Section XIV, Population and Housing, the project would not induce any increase in population growth and would not result in the need for additional parks or recreational services or facilities to serve new populations; therefore, there would be *no impact* to parks.

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Other public facilities?

As discussed above, the proposed project may be subject to applicable fees to offset negligible increased demands on public facilities; therefore, there would be *no impacts* related to other public facilities.

Conclusion

The project does not propose development that would substantially increase demands on public services and would not induce population growth that would substantially increase demands on public services. The project may be subject to payment of development impact fees to reduce the project's negligible contribution to increased demands on public services and facilities. Therefore, potential impacts related to public services would be *less than significant* and no mitigation measures are necessary.

Mitigation

None are necessary.

Sources

Provided in Exhibit A.

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

Setting

The Parks and Recreation Element (Recreation Element) of the County of San Luis Obispo General Plan establishes goals, policies, and implementation measures for the management, renovation, and expansion of existing parks and recreation facilities and the development of new parks and recreation facilities in order to meet existing and projected needs and to assure an equitable distribution of parks throughout the county.

Public facilities fees, Quimby fees, and developer conditions are several ways the County currently funds public parks and recreational facilities. Public facility fees are collected upon construction of new residential units and currently provide funding for new community-serving recreation facilities. Quimby Fees are collected when new residential lots are created and can be used to expand, acquire, rehabilitate, or develop community-serving parks. Finally, a discretionary permit issued by the County may condition a project to provide land, amenities, or facilities consistent with the Recreation Element.

The County Bikeways Plan identifies and prioritizes bikeway facilities throughout the unincorporated area of the county, including bikeways, parking, connections with public transportation, educational programs, and funding. The Bikeways Plan is updated every 5 years and was last updated in 2016. The plan identifies goals, policies, and procedures geared towards realizing significant bicycle use as a key component of the transportation options for San Luis Obispo County residents. The plan also includes descriptions of bikeway design and improvement standards, an inventory of the current bicycle circulation network, and a list of current and future bikeway projects within the county.

Discussion

(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?*

The project proposes the construction an ag reservoir for the storage of water for frost protection purposes and would not generate or accommodate new residents or workers. The project is not proposed in a location that would affect any existing trail, park, recreational facility, coastal access, and/or natural area. The project would not result in any growth within the area and would not increase

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demand on any proximate existing neighborhood or regional park or other recreational facilities. Therefore, there would be *no impact* to park facilities.

- (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?*

The project does not include the construction of new recreational facilities and would not result in any increase in the demand for, or use of, parks and recreational facilities. Implementation of the project would not require the construction or expansion of recreational facilities; therefore, there would be *no impact*.

Conclusion

The project would not result in the significant increase in use, construction, or expansion of parks or recreational facilities. Therefore, potential impacts related to recreation would be less than significant and no mitigation measures are necessary.

Mitigation

None necessary.

Sources

Provided in Exhibit A.

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XVII. TRANSPORTATION

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

Setting

The San Luis Obispo Council of Governments (SLOCOG) holds several key roles in transportation planning within the county. As the Regional Transportation Planning Agency (RTPA), SLOCOG is responsible for conducting a comprehensive, coordinated transportation program; preparing a Regional Transportation Plan (RTP); programming state funds for transportation projects; and administering and allocating transportation development act funds required by state statutes. The 2023 RTP, adopted June 7, 2023, is a long-term blueprint of San Luis Obispo County's transportation system. The plan identifies and analyzes transportation needs of the region and creates a framework for project priorities. SLOCOG represents and works with the County as well as the Cities within the county in facilitating the development of the RTP.

In 2013 SB 743 was signed into California State law with the intent to “more appropriately balance the needs of congestion management with statewide goals related to infill development, promotion of public health through active transportation, and reduction of greenhouse gas emissions” and required the Governor’s Office of Planning and Research (OPR) to identify new metrics for identifying and mitigating transportation impacts within CEQA. As a result, in December 2018, the California Natural Resources Agency certified and adopted updates to the State CEQA Guidelines. The revisions included new requirements related to the implementation of SB 743 and identified VMT per capita, VMT per employee, and net VMT as new metrics for transportation analysis under CEQA (as detailed in Section 15064.3[b]).

The County of San Luis Obispo has developed a Vehicle Miles Traveled (VMT) Program (Transportation Impact Analysis Guidelines; County of San Luis Obispo Department of Public Works 2020). The program provides interim operating thresholds and includes a screening tool for evaluating VMT impacts. Screening criteria were developed for projects within San Luis Obispo County based on methodology provided in the County of San Luis Obispo VMT Thresholds Study (GHD 2021). The screening maps indicate where residential and work-

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based projects would generate an average VMT of 15% or less below the VMT baselines and would not require a VMT analysis. It is important to emphasize that if a project is not presumed to be less than significant based on these screening maps, it does not necessarily mean that the project will have a VMT impact, only that a less than significant impact determination cannot be assumed and that a VMT analysis would be necessary to make that determination (GHD 2021).

The County Department of Public Works maintains updated traffic count data for all County-maintained roadways. In addition, Traffic Circulation Studies have been conducted within several community areas using traffic models to reasonably simulate current traffic flow patterns and forecast future travel demands and traffic flow patterns. These community Traffic Circulation Studies include the South County Circulation Study, Los Osos Circulation Study, Templeton Circulation Study, San Miguel Circulation Study, Avila Circulation Study, and North Coast Circulation Study. The California Department of Transportation (Caltrans) maintains annual traffic data on state highways and interchanges within the county.

The County has established Level of Service (LOS) “C” or better for rural roadways. The project site is currently undeveloped and generates a very low volume of traffic. The project site is served El Pomar Road, a county rural collector with low traffic volumes.

The County’s Framework for Planning (Inland), includes the Land Use and Circulation Elements of the County of San Luis Obispo General Plan. The Framework establishes goals and strategies to meet pedestrian circulation needs by providing usable and attractive sidewalks, pathways, and trails to establish maximum access and connectivity between land use designations. Due to the remote location of the project site, there are no pedestrian, bicycle, or public transit facilities serving the project site.

Discussion

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

The project does not propose the substantial temporary or long-term alteration of any proximate transportation facilities and is not expected to generate any additional operational motor vehicle trips. Construction activities will require temporary construction trips to and from the site. The project is not likely to generate foot or bicycle traffic, or generate public transit demand and would have a less than significant impact on levels of service/conditions for these facilities.

Based on the project description, and the existing low level of traffic on El Pomar Road, the project is not expected to result in any long-term changes in traffic or circulation or reduce the Level of Service below LOS “C”. The project would be consistent with the County Framework for Planning (Inland) and consistent with the projected level of growth and development identified in the 2023 RTP. The project does not propose uses that would interfere or conflict with applicable policies related to circulation, transit, roadway, bicycle, or pedestrian systems or facilities and would not conflict with adopted policies, plans or programs for transportation. Therefore, potential impacts would be *less than significant*.

No significant traffic impacts were identified, and no mitigation measures above what are already required by existing regulations are necessary.

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

County Transportation Impact Analysis Guidelines also state that small projects that are consistent with SLOCOG’s SCS or San Luis Obispo County General Plan and generate fewer than 110 daily trips, consistent with trip generation associated with a project eligible for a Categorical Exemption under

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CEQA, are considered to have a less than significant VMT impact (County of San Luis Obispo Department of Public Works 2020).

Based on the project description, the project is not expected to generate a significant increase in construction-related or operational traffic trips or VMT. 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 was referred to the County Department of Public Works. No traffic or traffic safety concerns were identified. The project may be conditioned to construct all access improvements to consistent with CalFire and County standards. Therefore, impacts would be *less than significant*.

- (d) *Result in inadequate emergency access?*

The project may be conditioned to construct all access improvements consistent with County standards.

The project would not result in road closures during short-term construction activities or long-term operations. Individual access to adjacent properties would be maintained during construction activities and throughout the project area. Project implementation would not affect long-term access through the project area and sufficient alternative access exists to accommodate regional trips. Therefore, the project would not adversely affect existing emergency access and impacts would be *less than significant*.

Conclusion

The project would not alter existing transportation facilities or result in the generation of substantial additional trips or vehicle miles traveled. Payment of standard development fees and compliance with existing regulations would ensure potential impacts were reduced to less than significant.

Mitigation

None are required.

Sources

Provided in Exhibit A.

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

Setting

Approved in 2014, 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 CRHR; or
 - b. Included in a local register of historical resources as defined in subdivision (k) of California PRC Section 5020.1.
2. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth California PRC Section 5024.1(c).

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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.

Recognizing that tribes have specific expertise with regard to their tribal history and practices, AB 52 requires lead agencies to provide notice to tribes that are traditionally and culturally affiliated with the geographic area of a proposed project if they have requested notice of projects proposed within that area. If the tribe requests consultation within 30 days upon receipt of the notice, the lead agency must consult with the tribe regarding the potential for adverse impacts on tribal cultural resources as a result of a project. Consultation may include discussing the type of environmental review necessary, the presence and/or significance of tribal cultural resources, the level of significance of a project's impacts on the tribal cultural resources, and available project alternatives and mitigation measures recommended by the tribe to avoid or lessen potential impacts on tribal cultural resources.

In accordance with AB 52 Cultural Resources requirements, outreach to the Salinan Tribe of Monterey and San Luis Obispo Counties, *titvu titvu yak tithini* Northern Chumash, and Northern Chumash Tribal Council was made on July 29, 2024 and the project's Phase 1 Archaeological Survey was provided. To date, no comments or requests for consultation have been received.

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)?*

According to the Phase I archaeological study prepared for the project site (see Section V. Cultural Resources), the project site does not contain any known tribal cultural resources that have been listed, or have been found eligible for listing, in the California Register of Historical Resources, or in a local register of historical resources as defined in PRC Section 5020.1.

Consultation letters and a copy of the Phase I study were emailed to the Salinan and Chumash community. On 31 May 2024 the author of the Phase I report prepared a Sacred Lands Records Search and submitted the request to the Native American Heritage Commission. On 18 June 2024 Cody Campagne, Native American Heritage Commission Cultural Resources Analyst transmitted that the results were negative for resources of cultural importance to the Native American community.

Potential impacts associated with the inadvertent discovery of tribal cultural resources would be subject to LUO 22.10.040 (Archaeological Resources), which requires that in the event resources are encountered during project construction, construction activities shall cease, and the County Planning and Building Department shall be notified of the discovery so that the extent and location of discovered materials may be recorded by a qualified archaeologist, and the disposition of artifacts may be accomplished in accordance with state and federal law. Therefore, there would be *no impact* related to a substantial adverse change in the significance of tribal cultural resources.

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- (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 discussed in Section V. Cultural Resources, a Phase I Archaeological Survey was completed for the project site in June, 2024 by Central Coast Archaeological Consultants. The Survey included a cultural resources records review, a California Native American Heritage Commission (NAHC) Sacred Lands File (SLF) search, an archaeological survey of the project area, and preparation of a technical memorandum documenting the results of the inventory and providing management recommendations.

According to the Phase I Survey, the project site does not contain features typically associated with archeological resources within the areas of disturbance. Impacts associated with potential inadvertent discovery would be minimized through compliance with existing standards and regulations (LUO 22.10.040), would reduce potential impacts to *less than significant*.

Conclusion

Cultural resources are not expected to occur within or adjacent to the project site. In the event unanticipated sensitive resources are discovered during project activities, adherence with LUO standards and State Health and Safety Code procedures would reduce potential impacts to less than significant; therefore, potential impacts to tribal cultural resources would be *less than significant*.

Mitigation

None are required.

Sources

Provided in Exhibit A.

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XIX. UTILITIES AND SERVICE SYSTEMS

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>Would the project:</i>				
(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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Setting

The County Department of Public Works provides water and wastewater services for specific County Service Areas (CSAs) that are managed through issuance of water/wastewater “will serve” letters. The Department of Public Works currently maintains CSAs for the communities of Nipomo, Oak Shores, Cayucos, Avila Beach, Shandon, the San Luis Obispo County Club, and Santa Margarita. Other unincorporated areas in the county rely on on-site wells and individual wastewater systems. Regulatory standards and design criteria for on-site wastewater treatment systems are provided by the Water Quality Control Policy for Siting, Design, Operation, and Maintenance of Onsite Wastewater Treatment Systems (California OWTS Policy).

The Department of Public Works is responsible for ensuring that new construction sites implement BMPs during construction, and that site plans incorporate appropriate post-construction stormwater runoff

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controls. Construction sites that disturb 1 acre or more must obtain coverage under the SWRCB's Construction General Permit. PG&E is the primary electricity provider and both PG&E and SoCalGas provide natural gas services for urban and rural communities within the county. The project would be served by an existing well. The project's energy needs would be provided by PG&E.

There are three landfills in San Luis Obispo County: Cold Canyon Landfill, located near the city of San Luis Obispo; Chicago Grade Landfill, located near the community of Templeton; and Paso Robles Landfill, located east of the city of Paso Robles. The project's solid waste needs would be served by the Chicago Grade landfill.

Discussion

- (a) *Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?*

The project will be served by three existing on-site wells. Based on the project description and the analyses contained in the topical sections of this MND, the project, as conditioned, is not expected to result in a substantial increase in the demand for water, stormwater collection, treatment, or disposal facilities that would require the construction of new or expanded facilities other than those on site necessary to serve the project. The project would not result in a substantial increase in energy demand, natural gas, or telecommunications; no new or expanded facilities would be required. No utility relocations are proposed. Therefore, impacts would be *less than significant*.

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

As discussed in Section X, Hydrology and Water Quality, the wells serving the project site can produce as much 682 gallons per minute which are sufficient to fill the reservoir without adversely impacting surrounding wells. As conditioned, impacts related to water supplies 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 project will not require wastewater collection or disposal. Therefore, *no impacts would occur*.

- (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?*

The nearest landfill to the site is the Cold Canyon Landfill located approximately 5 miles to the northeast. The landfill has a remaining capacity of approximately 13 million cubic yards as of 2020. The incremental amount of waste generated by the project that is not recycled/reused would be within the service capacity of the landfill. Construction activities would result in the generation of minimal solid waste materials; no significant long-term increase in solid waste would occur. Local landfills have adequate permit capacity to serve the project and the project does not propose to generate solid waste in excess of State or local standards or otherwise impair the attainment of solid waste reduction goals. Therefore, potential impacts would be *less than significant*.

- (e) *Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?*

The project would not result in a substantial increase in waste generation during project construction or operation. Construction waste disposal would comply with federal, state, and local management

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and reduction statutes and regulations related to solid waste. Therefore, potential impacts would be *less than significant*.

Conclusion

The project would not result in significant increased demands on wastewater or stormwater infrastructure and facilities. No substantial increase in solid waste generation would occur. Therefore, potential impacts to utilities and service systems would be *less than significant*.

Mitigation

None are required.

Sources

Provided in Exhibit A.

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XX. WILDFIRE

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:</i>				
(a) Substantially impair an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Setting

In central California, the fire season usually extends from roughly May through October; however, recent events indicate that wildfire behavior, frequency, and duration of the fire season are changing in California. Fire Hazard Severity Zones (FHSZ) are defined by CALFIRE based on the presence of fire-prone vegetation, climate, topography, assets at risk (e.g., high population centers), and a fire protection agency’s ability to provide service to the area (CAL FIRE 2007). FHSZs throughout the county have been designated as “Very High,” “High,” or “Moderate.” In San Luis Obispo County, most of the area that has been designated as a “Very High Fire Hazard Severity Zone” is located in the Santa Lucia Mountains, which extend parallel to the coast along the entire length of San Luis Obispo County. The project is located within the State Responsibility Area and a “High” fire hazard severity zone, and, based on the County’s fire response time map, it would take about 5-10 minutes to respond to a call regarding fire or life safety.

The County Emergency Operations Plan (EOP) addresses several overall policy and coordination functions related to emergency management. The EOP includes the following components:

- Identifies the departments and agencies designated to perform response and recovery activities and specifies tasks they must accomplish;

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- Outlines the integration of assistance that is available to local jurisdictions during disaster situations that generate emergency response and recovery needs beyond what the local jurisdiction can satisfy;
- Specifies the direction, control, and communications procedures and systems that will be relied upon to alert, notify, recall, and dispatch emergency response personnel; alert the public; protect residents and property; and request aid/support from other jurisdictions and/or the federal government;
- Identifies key continuity of government operations; and
- Describes the overall logistical support process for planned operations.

Topography influences wildland fire to such an extent that slope conditions can often become a critical wildland fire factor. Conditions such as speed and direction of dominant wind patterns, the length and steepness of slopes, direction of exposure, and/or overall ruggedness of terrain influence the potential intensity and behavior of wildland fires and/or the rates at which they may spread (Barros et al. 2013).

The 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. Implementation strategies for this policy include identifying high risk areas, developing and implementing mitigation efforts to reduce the threat of fire, requiring fire resistant material be used for building construction in fire hazard areas, and encouraging applicants applying for subdivisions in fire hazard areas to cluster development to allow for a wildfire protection zone.

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.

The County EOP outlines the emergency measures that are essential for protecting public health and safety. These measures include, but are not limited to, public alert and notifications, emergency public information, and protective actions. The EOP also addresses policy and coordination related to emergency management.

Discussion

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

The project does not require any road closures and the access road is being designed to accommodate emergency vehicle access.

As conditioned, implementation of the proposed project would not have a permanent impact on any adopted emergency response plans or emergency evacuation plans. Temporary construction activities and staging would not substantially alter existing circulation patterns or trips. Access to adjacent areas would be maintained throughout the duration of the project.

Based on the County's Land Use View tool and Dam and Levee Failure Plan, the project is not located within an area that would be inundated in the event of a dam failure and has been designed to accommodate overflow in the event of major rainfall events. The project would not impair implementation or physically interfere with County hazard mitigation or emergency plans; therefore, no impacts related to emergency plans would occur.

Therefore, the project would not substantially impair an adopted emergency response plan or emergency evacuation plan. Potential impacts would be *less than significant*.

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- (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 reservoir will be located in an area with stands of live oaks on the nearby hills. Winds in the area vary from 6-8 miles per hour and primarily come from the north and west. As described in Section 6, Geology and Soils, the potential for landslides associated with the area of disturbance is low. Construction of the reservoir would not be conducive to the formation of debris flows.

The site is located within a State Responsibility Area and, based on the County's fire response time map, it would take 5-10 minutes to respond to a call regarding fire or life safety. The project will be conditioned to incorporate all required fire safety rules and regulations, including:

- Relevant provisions of the California Uniform Fire Code and Public Resources Code;
- Improvements to the access road and site to accommodate emergency vehicle access as necessary. More specifically, the fire access road must comply with the requirements of C.C.R Title 14 and San Luis Obispo County Title 16.

In addition, the project will be conditioned to comply with all applicable fire protection standards as determined by CalFire. Compliance with the Uniform Fire Code and the recommendations of CalFIRE will ensure that potential impacts associated with slope, prevailing winds, and other factors will be *less than significant*.

Therefore, potential 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?*

As discussed above under item (b), the project would be designed to comply with all fire safety rules and regulations, including the California Fire Code and Public Resources Code. Therefore, potential 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?*

The reservoir will be located on a relative level knoll in an area with non-native annual grasses. The project is not proposing disturbance in areas of steep slopes; as described in Section VI., Geology and Soils, the potential for landslides on the project site and the area of disturbance is considered low, based on the qualities of the underlying material. The project includes the construction of an ag reservoir that would incorporate the provisions of a complete grading, drainage and erosion control plan (Figure 4) consistent with County and CalFire standards. In addition, the reservoir is being designed to accommodate overflow conditions in the event the reservoir experiences above-average rainfall events when completely full. A 50-foot-long emergency overflow pipe will extend at least 10 feet beyond the fill slope on the exterior of the reservoir and will terminate in a 10'x20'x2' deep rip-rap bed (facing type rock). The only time it would be in use would be during a major storm event if the supply pump were left on. Thus, the emergency overflow pipe is not expected to be used. None-the-less, the rip-rap field is sufficient to eliminate erosive conditions.

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Therefore, the project will not expose the occupants to significant risks such as downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes and project impacts would be *less than significant*.

Conclusion

As conditioned, the project would not expose people or structures to new or exacerbated wildfire risks and would not require the development of new or expanded infrastructure or maintenance to reduce wildfire risks. Therefore, potential impacts associated with wildfire would be less than significant and no mitigation measures are necessary.

Mitigation

None are required.

Sources

Provided in Exhibit A.

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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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(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)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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, upon implementation of identified mitigation measures, the proposed project would not result in significant impacts to biological or cultural 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

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important examples of the major periods of California history or prehistory. Therefore, impacts would be *less than significant with mitigation*.

- (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)?*

The State CEQA Guidelines define cumulative impacts as "two or more individual effects that, when considered together, are considerable or which compound or increase other environmental impacts." Section 15355 of the State CEQA Guidelines further states that individual effects can be various changes related to a single project or the change involved in a number of other closely related past, present, and reasonably foreseeable future projects. The State CEQA Guidelines state that the discussion of cumulative impacts should reflect the severity of the impacts as well as the likelihood of their occurrence. However, the discussion need not be as detailed as the discussion of environmental impacts attributable to the project alone. Furthermore, the discussion should remain practical and reasonable in considering other projects and related cumulatively considerable impacts.

The project subject to this MND is being processed concurrently with a similar major grading permit for an ag reservoir located on land owned by the same property owner (GRAD2024-00018) that is located about two miles to the southwest. The two projects are expected to be constructed concurrently and may be considered reasonably foreseeable for the consideration of cumulative impacts. The two projects are shown in Figure 8 and summarized in Table 14 along with a summary of selected cumulative impacts.

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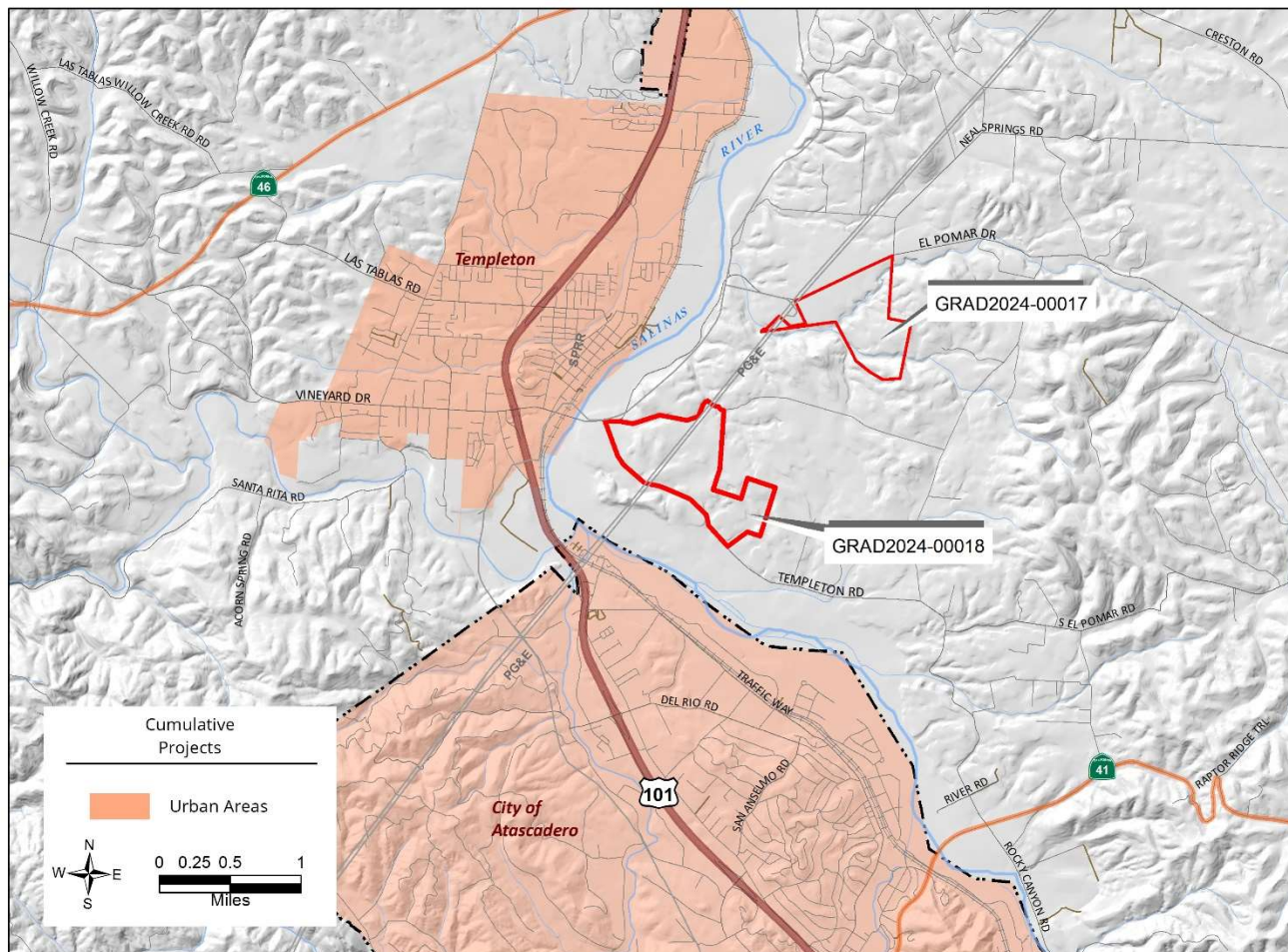


Figure 8 - Location of Reasonably Foreseeable Cumulative Projects

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Table 14 -- Summary of Reasonably Foreseeable Cumulative Projects and Selected Cumulative Impacts

	GRAD2024-00017 (the subject project)	GRAD2024-00018 (reasonably foreseeable cumulative project)	Total/Cumulative Impacts
Project Characteristics			
Project Site	229 acres	337 acres	556 acres
Area of Disturbance	1.96 acres	4.6 acres	6.56 acres
Cut	10,900 cy	28,900 cy	39,800 cy
Fill	9,200 cy	21,000 cy	30,200 cy
Capacity of Reservoir	4.05 million gallons	14.5 million gallons	18.55 million gallons
Acreage Served By Frost Protection	53 acres	170 acres	223 acres
Summary of Cumulative Impacts			
Aesthetic and Visual Resources	No Impact	No Impact	No Impact
Air Quality	Exceedance of threshold for DPM	Exceedance of threshold for DPM	Less than cumulatively considerable with mitigation
Agricultural Resources	Permanent conversion of 1.96 acres of Farmland of Local Importance	4.6 acres of Other Productive Soils	Total energy demand of 68,195 kW which is considered less than cumulatively considerable.
Biological Resources	Impacts to 1.96 acres of annual grasslands and associated habitats;	Impacts to 4.6 acres of annual grasslands and associated habitats	Impacts to 6.56 acres of grassland habitat. Less than cumulatively considerable with mitigation
Cultural Resources	No resources present	No resources present	Less than cumulatively considerable
Energy	Total energy demand of 21,665 kW	Total energy demand of 46,530 kW	Total energy demand of 68,195 kW which is considered less than cumulatively considerable.
Greenhouse Gas Emissions	9.2 MTCO ₂ e	19.9 MTCO ₂ e	Less than cumulatively considerable
Hazards and Hazardous Materials	Potential impact from risk of upset.	Potential impact from risk of upset.	Less than cumulatively considerable with mitigation.
Geology and Soils	Comparable impacts from soil erosion, sedimentation and risk of failure.		Less than cumulatively considerable with mitigation.
Hydrology and Water Quality	123.7 AF during first year of operation, 111.4 AF during subsequent years of operation	322.2 AF during first year of operation, 277.6 AF during subsequent years of operation	445.9 AF during first year of operation, 389 AFY thereafter
Impacts associated with Land Use, Mineral Resources, Noise, Population and Housing, Public Services Recreation, Transportation, Tribal Resources Utilities, and Wildfire	Comparable impacts that are less than significant.		Less than cumulatively considerable

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Aesthetics

The analysis provided in Section I., Aesthetics, concludes that the subject project will result in development that is consistent with the type, scale, character and location of surrounding properties and areas visible from public vantages. The reservoir associated with the reasonably foreseeable project will also not be visible from offsite. Therefore, project impacts, when combined with additional development and activities likely to occur on surrounding properties within the viewshed are considered *less than cumulatively considerable*.

Agriculture and Forestry Resources

The analysis provided in Section II, Agriculture and Forestry Resources, indicates that the subject project would have a less than significant impact to important farmland and would not result in the conversion of surrounding farmland to another use. In addition, no potential impacts to forest land or timberland would occur. The project would not result in a conflict with existing zoning for agricultural use or with the Williamson Act.

As summarized in Table 14, when considered with the potential impacts of other reasonably foreseeable development, the contribution of the project's potential impacts to agriculture and forestry resources is considered *less than cumulatively considerable*.

Air Quality

The analysis provided in Section III, Air Quality, concludes that the project's potential construction-related emissions would exceed SLOAPCD thresholds of significance for construction emissions. In addition, construction related emissions are not expected to adversely impact sensitive receptors on surrounding parcels. As summarized in Table 14, both projects would exceed certain construction related thresholds of significance. However, with implementation of recommended mitigation measure AQ-1, project construction, operational, and cumulative impacts would be *less than cumulatively considerable with mitigation*.

Biological Resources

The analysis provided in Section IV, Biological Resources, concludes that the project would have a less-than-significant impact upon implementation of the identified avoidance and mitigation measures for special-status wildlife species and their habitats. With implementation of measures BIO-1 through BIO-4 potential impacts to biological resources would be less than significant.

Based on the mitigation measures identified to reduce potential project impacts, and as summarized in Table 14, when considered with the potential impacts of other reasonably foreseeable development in the area, project impacts associated with biological resources would be *less than cumulatively considerable with mitigation*.

Cultural Resources

The analysis provided in Section V. Cultural Resources concludes that project development would not result in significant impacts to cultural resources and project related impacts are considered *less than significant*.

As summarized in Table 14, when considered with the potential impacts of other reasonably foreseeable development in the area, project impacts associated with cultural resources would be *less than cumulatively considerable*.

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Energy

The analysis provided in Section VI. Energy concludes that the project's contribution to the overall increased demand for electricity and natural gas would not have the potential to result in potentially cumulatively considerable environmental impacts the wasteful, inefficient and unnecessary use of energy because the residence would be required to comply with relevant building codes relating to energy conservation. Therefore, as summarized in Table 14, the project's environmental impacts associated with energy use would be *less than cumulatively considerable*.

Geology and Soils

As discussed in Section VII. Geology and Soils, the project is not located within an Alquist-Priolo Fault Hazard Zone and would be required to comply with the CBC and other applicable standards to ensure the effects of ground instability or a potential seismic event would be minimized through compliance with current engineering practices and techniques, and compliance with the previously prepared geotechnical survey of the project site. Therefore, as summarized in Table 14, with implementation of mitigation measure GEO-1, project related impacts to soils and geologic resources is considered *less than cumulatively considerable with mitigation*. Based on the paleontological survey conducted for the project site, the project's potential impacts to previously unknown paleontological resources would be *less than significant with mitigation* and *less than cumulatively considerable*.

Greenhouse Gas Emissions

As discussed in Section VI, Energy, the project is estimated to generate an additional 1.2 metric tons of CO₂. As stated in Section VIII., a project estimated to generate less than 690 MMTCO₂e GHG is assumed to have a less than significant adverse impact that is not cumulatively considerable and consistent with the GHG reduction objectives of AB32 and SB32.

Therefore, as summarized in Table 14, cumulative impacts associated with GHG emissions would be *less than cumulatively considerable*.

Hazards and Hazardous Materials

As discussed in Section IX. Hazards and Hazardous Materials, construction activities may include the use of hazardous materials that could result in potential hazards through routine transport, use, and disposal as well as under upset or accident conditions. Mitigation measures HAZ-1 and HAZ-2 have been identified to reduce potential impacts by restricting the location of equipment maintenance, refueling and other potentially hazardous activities, and identifying the appropriate response protocol for immediate cleanup of any spills.

Project impacts associated with hazards and hazardous materials would be *less than cumulatively considerable with mitigation*.

Hydrology and Water Quality

As discussed in Section X. Hydrology and Water Quality, project water demand is not expected to adversely impact the groundwater basin or surrounding wells assuming the wells serving both projects are operating concurrently for peak water demand associated with the rapid filling of both reservoirs. Therefore, as summarized in Table 14, project impacts are considered *less than cumulatively considerable with mitigation*.

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Noise

As discussed in Section XIII, Noise, project related noise associated with construction activities and outdoor cultivation would be less than significant.

Therefore, when considered with the potential impacts of other reasonably foreseeable development, the contribution of the subject project to potential noise impacts is considered *less than cumulatively considerable*.

Population and Housing

The project is not expected to generate new residents. Therefore, when considered with the potential impacts of other reasonably foreseeable development in the unincorporated county, the contribution of the subject project to impacts related to housing and population is considered *less than cumulatively considerable*.

Public Services

The project would be subject to adopted public facility (County) and school (CGC Section 65995 et seq.) fee programs to offset impacts to public services. Therefore, when considered with the potential impacts of other reasonably foreseeable projects, the contribution of the subject project to potential public services impacts would be *less than cumulatively considerable*.

Transportation

As discussed in Section XVII, Transportation, the project would not result in a conflict with a plan or policy addressing the circulation system, or increase hazards due to a geometric design feature. Therefore, the project's potential traffic impacts would be *less than cumulatively considerable*.

County Fire/CAL FIRE requirements will be enforced as conditions of approval.

The County has not yet identified an appropriate model or method to estimate VMT for proposed land use development projects. State CEQA Guidelines Section 15064.3(b) states that if existing models or methods are not available to estimate the VMT for the particular project being considered, a lead agency may analyze the project's VMT qualitatively.

The most recent estimate of total VMT for the county is from 2013, at which time total VMT per day was estimated to be 7,862,000 VMT. Assuming a 1% annual growth in VMT during the intervening 6 years, the current daily total is estimated to be around 8,333,720 VMT. Accordingly, the VMT associated with other development throughout the county is estimated to result in a marginal increase in the total county VMT. The marginal increase in VMT is not expected to result in a reduction of the level of service on county streets and intersections.

Moreover, each new project will be required to mitigate the project-specific impacts to the transportation network. Such mitigation may include, but is not limited to, the installation of roadway and intersection improvements necessary to serve the project and the payment of applicable road improvement fees. Therefore, when considered with the potential impacts of other reasonably foreseeable development, the contribution of the subject project to roadway impacts would be *less than cumulatively considerable*.

Other Impact Issue Areas

Based on the project's less-than-significant impacts and the discretionary review of all surrounding reasonably foreseeable future development, the project's potential impacts associated with the following issue areas would be *less than cumulatively considerable*:

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- Land Use Planning;
- Mineral Resources;
- Recreation;
- Tribal Cultural Resources;
- Utilities and Service Systems; and
- Wildfire.

(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. In addition, implementation of mitigation measures AQ-1, GEO-1 through GEO-3, HAZ-1 and HAZ-2, as identified in the resource sections above would reduce potential adverse effects on human beings to *less than significant*; therefore, impacts would be *less than significant with mitigation*.

Conclusion

Potential impacts would be less than significant upon implementation of mitigation measures identified in the resource sections above.

Sources

Provided in Exhibit A.

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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
<input checked="" type="checkbox"/>	County Public Works Department	In File**
<input checked="" type="checkbox"/>	County Environmental Health Services	In File**
<input type="checkbox"/>	County Agricultural Commissioner's Office	Not Applicable
<input type="checkbox"/>	County Airport Manager	Not Applicable
<input type="checkbox"/>	Airport Land Use Commission	Not Applicable
<input checked="" type="checkbox"/>	Air Pollution Control District	None
<input type="checkbox"/>	County Sheriff's Department	Not Applicable
<input type="checkbox"/>	Regional Water Quality Control Board	Not Applicable
<input type="checkbox"/>	CA Coastal Commission	Not Applicable
<input type="checkbox"/>	CA Department of Fish and Wildlife	Not Applicable
<input checked="" type="checkbox"/>	CA Department of Forestry (Cal Fire)	In File**
<input type="checkbox"/>	CA Department of Transportation	Not Applicable
<input type="checkbox"/>	Community Services District	Not Applicable
<input type="checkbox"/>	Other _____	None
<input checked="" type="checkbox"/>	Other AB 52 Tribes	In File**

** "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 Department of Planning and Building.

- | | |
|---|---|
| <input checked="" type="checkbox"/> Project File for the Subject Application | <input type="checkbox"/> Design Plan |
| County Documents | <input type="checkbox"/> Specific Plan |
| <input type="checkbox"/> Coastal Plan Policies | <input type="checkbox"/> Annual Resource Summary Report |
| <input checked="" type="checkbox"/> Framework for Planning (Coastal/Inland) | <input type="checkbox"/> Circulation Study |
| <input checked="" type="checkbox"/> General Plan (Inland/Coastal), includes all maps/elements; more pertinent elements: | Other Documents |
| <input checked="" type="checkbox"/> Agriculture Element | <input checked="" type="checkbox"/> Clean Air Plan/APCD Handbook |
| <input checked="" type="checkbox"/> Conservation & Open Space Element | <input checked="" type="checkbox"/> Regional Transportation Plan |
| <input type="checkbox"/> Economic Element | <input checked="" type="checkbox"/> Uniform Fire Code |
| <input checked="" type="checkbox"/> Housing Element | <input checked="" type="checkbox"/> Water Quality Control Plan (Central Coast Basin – Region 3) |
| <input checked="" type="checkbox"/> Noise Element | <input type="checkbox"/> Archaeological Resources Map |
| <input checked="" type="checkbox"/> Parks & Recreation Element/Project List | <input type="checkbox"/> Area of Critical Concerns Map |
| <input checked="" type="checkbox"/> Safety Element | <input type="checkbox"/> Special Biological Importance Map |
| <input checked="" type="checkbox"/> Land Use Ordinance (Inland/Coastal) | <input checked="" type="checkbox"/> CA Natural Species Diversity Database |
| <input checked="" type="checkbox"/> Building and Construction Ordinance | <input checked="" type="checkbox"/> Fire Hazard Severity Map |
| <input checked="" type="checkbox"/> Public Facilities Fee Ordinance | <input checked="" type="checkbox"/> Flood Hazard Maps |
| <input type="checkbox"/> Real Property Division Ordinance | <input checked="" type="checkbox"/> Natural Resources Conservation Service Soil Survey for SLO County |
| <input type="checkbox"/> Affordable Housing Fund | <input checked="" type="checkbox"/> GIS mapping layers (e.g., habitat, streams, contours, etc.) |
| <input type="checkbox"/> Airport Land Use Plan | <input type="checkbox"/> Other |
| <input checked="" type="checkbox"/> Energy Wise Plan | |
| <input checked="" type="checkbox"/> North County Area Plan/El Pomar-Estrella SA | |

The project application materials are incorporated by reference in their entirety and available for review at the Department of Planning and Building, 976 Osos Street, Suite 200, San Luis Obispo. In addition, the

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

Project-Specific Studies and Supporting Materials

Project application materials

Geotechnical investigation prepared by Mid-Coast Geotechnical, Inc., dated January 2024

Letter of July 2, 2024, from Mid-Coast Geotechnical, Inc., providing peer review of grading, drainage and sedimentation plans

Hydrogeologic Impact Assessment for Proposed Agricultural Reservoir, GSI Water Solutions, Inc., dated June 18, 2024

Revised Hydrogeologic Impact Assessment for Proposed Agricultural Reservoir, GSI Water Solutions, Inc., dated October 23, 2024

Letter of October 9, 2024, from Blaine T. Reely, Director of Groundwater Sustainability, Review of Hydrologic Analysis for Proposed North Aquilon Vineyard Irrigation Pond

Letter of November 14, 2024, from Blaine T. Reely, Director of Groundwater Sustainability, Review of Revised Hydrologic Analysis for Proposed North Aquilon Vineyard Irrigation Pond

Cultural Resources Survey of The Aquilon North And South Reservoirs Project, Templeton, San Luis Obispo County, California, Central Coast Archaeological Consultants June, 2024

Paleontological Assessment for The Aquilon Vineyard North Reservoir Project, Templeton Region, San Luis Obispo County, California, Cogstone, July, 2024

Biological Resources Assessment for the Aquilon Vineyard Agricultural Reservoir Project, Templeton, San Luis Obispo County, California, SWCA Environmental Consultants, Revised July 2024

SWCA Environmental Consultants, Spring Biological Survey Addendum to the Biological Resources Assessment (BRA) for the Aquilon Vineyard Agricultural Reservoir Project / SWCA Project No. 83319, June 2024

SWCA Environmental Consultants Results of Focused Bumble Bee Surveys for the Aquilon Vineyard Agricultural Reservoir Project / SWCA Project No. 79183, July 12, 2024

Other County References

California Department of Conservation (CDOC). 2015. CGS Information Warehouse: Regulatory Maps <http://maps.conservation.ca.gov/cgs/informationwarehouse/index.html?map=regulatorymaps> accessed August 2018

San Luis Obispo County. 1999. General Plan Safety Element. <https://www.slocounty.ca.gov/getattachment/893b6c58-7550-4113-911c-3ef46d22b7c8/Safety-Element.aspx> accessed August 2018

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Barros, Ana M.G., Jose M.C. Pereira, Max A. Moritz, and Scott L. Stephens. 2013. Spatial Characterization of Wildfire Orientation Patterns in California. *Forests* 2013, 4; Pp 197-217." 2013.

CalEEMOD version 2016.3.2

California Department of Conservation (CDOC). 2015. Fault Activity Map of California. Available at <<http://maps.conservation.ca.gov/cgs/fam/>>.

_____. 2016. California Important Farmland Finder. Available at: <<https://maps.conservation.ca.gov/DLRP/CIFF/>>.

_____. 2019. San Luis Obispo County Tsunami Inundation Maps. Available at <<https://www.conservation.ca.gov/cgs/tsunami/maps/San-Luis-Obispo>>

San Luis Obispo County Department of Planning and Building, Mitigated Negative Declaration ED97-298 Miller Certificate of Compliance, 1999

California Department of Forestry and Fire Protection (CAL FIRE). 2007. "Draft Fire Hazard Severity Zones in Local Responsibility Areas." Available at <http://frap.fire.ca.gov/webdata/maps/san_luis_obispo/fhszl06_1_map.40.pdf>

California Department of Toxic Substances Control (DTSC). 2019. EnviroStor. Available at <<https://www.envirostor.dtsc.ca.gov/public/>>

California Department of Transportation (Caltrans). 2019. California Scenic Highways Mapping Tool. Available at: <<https://www.arcgis.com/home/webmap/viewer.html?useExisting=1&layers=f0259b1ad0fe4093a5604c9b838a486a>>.

Carollo Engineers, San Luis Obispo County 2012 Master Water Report, Volume III, Table 8.

California Geological Survey (CGS). 2015. CGS Information Warehouse: Mineral Land Classification. Available at <<https://maps.conservation.ca.gov/cgs/informationwarehouse/index.html?map=mlc>>

County of San Luis Obispo. 2016. 2015/2016 County Bikeways Plan. July 6th, 2016.

County of San Luis Obispo Staff. 2019. California Emissions Estimator Model (CalEEMod, 2022) Results.

Diblee, Thomas W., Jr. 2004. Geologic Map of the Creston & Shedd Canyon Quadrangles, San Luis Obispo County, California. National Geologic Map Database. Available at: <https://ngmdb.usgs.gov/Prodesc/proddesc_71748.htm>.

Department of Planning and Building website: <https://www.slocounty.ca.gov/Departments/Planning-Building/Department-Services/Agriculture,-Water,-and-Energy/Water-Programs/Programs-and-Services/PRGWB-Area-of-Severe-Degradation.aspx>

Occupational Health and Safety Administration Technical Manual, Section III, Chapter 5 part II.B.6.

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- Pacific Gas and Electric (PG&E). 2019. Delivering Low-Emission Energy. Available at: https://www.pge.com/en_US/about-pge/environment/what-we-are-doing/clean-energy-solutions/clean-energy-solutions.page.
- San Luis Obispo Air Pollution Control District (SLOAPCD). 2012. CEQA Air Quality Handbook. April 2012.
- _____. 2017. Clarification Memorandum for the San Luis Obispo County Air Pollution Control District's 2012 CEQA Air Quality Handbook. November 2017.
- State Water Resources Control Board (SWRCB). 2015. GeoTracker. Available at <http://geotracker.waterboards.ca.gov/>
- Terra Verde Environmental Consultants, Biological Resources Assessment of Improvements to the Pismo Preserve, July 2015
- _____. 2019. Estrella Substation and Paso Robles Area Reinforcement Project Paleontological Resources Technical Report for the Templeton Route Alternatives, San Luis Obispo County, California. Available at: <https://www.cpuc.ca.gov/environment/info/horizonh2o/estrella/docs/Templeton%20Route%20Alts%20PRTR.pdf>.
- U.S. Department of Agriculture (USDA). 1983. Soil Survey of San Luis Obispo County, California, Paso Robles Area. U.S. Department of Agriculture, Soil Conservation Service. May 1983. Available at: https://www.nrcs.usda.gov/Internet/FSE_MANUSCRIPTS/california/sanluisCA1983/sanluisCA1983.pdf
- U.S. Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS). 2017. Web Soil Survey. Available at <https://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx> Accessed April 17, 2019.
- United States Geological Survey (USGS). 2019. Areas of Land Subsidence in California. Available at: https://ca.water.usgs.gov/land_subsidence/california-subsidence-areas.html
- University of California, Division of Agriculture and Natural Resources Landscape Water Requirement Calculator, 2022

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Exhibit B - Mitigation Summary Table

Per Public Resources Code Section 21081.6, the following measures also constitute the mitigation monitoring and/or reporting program that would reduce potentially significant impacts to less than significant levels. These measures would become conditions of approval (COAs) should the project be approved. The Lead Agency (County) or other Responsible Agencies, as specified in the following measures, are responsible to verify compliance with these COAs.

Air Quality

AQ-1 DPM Emissions. At the time of permit application and during construction, the following measures based on the SLOAPCD standard mitigation measures for construction equipment for reducing diesel particulate matter (DPM) emissions from construction equipment shall be printed on the project plans and implemented to reduce exposure of sensitive receptors to substantial pollutant concentrations. These measures shall be shown on grading and building plans:

- a. On-road diesel vehicles shall comply with Section 2485 of Title 13 of the California Code of Regulations. This regulation limits idling from diesel-fueled commercial motor vehicles with gross vehicular weight ratings of more than 10,000 pounds and licensed for operation on highways. It applies to California and non-California based vehicles. In general, the regulation specifies that drivers of said vehicles:
 - iii. Shall not idle the vehicle's primary diesel engine for greater than 5 minutes at any location, except as noted in Subsection (d) of the regulation; and,
 - iv. Shall not operate a diesel-fueled auxiliary power system to power a heater, air conditioner, or any ancillary equipment on that vehicle during sleeping or resting in a sleeper berth for greater than 5.0 minutes at any location when within 1,000 feet of a restricted area, except as noted in Subsection (d) of the regulation.
- b. Maintain all construction equipment in proper tune according to manufacturer's specifications.
- c. Fuel all off-road and portable diesel-powered equipment with ARB certified motor vehicle diesel fuel (non-taxed version suitable for use off-road).
- d. Use diesel construction equipment meeting ARB's Tier 2 certified engines or cleaner off-road heavy-duty diesel engines and comply with the State Off-Road Regulation.
- e. Use on-road heavy-duty trucks that meet the CARB's 2010 or cleaner certification standard for on-road heavy-duty diesel engines and comply with the State On-Road Regulation.
- f. Idling of all on and off-road diesel-fueled vehicles shall not be permitted when not in use. Signs shall be posted in the designated queuing areas and or job site to remind drivers and operators of the no idling limitation.
- g. Electrify equipment when possible.
- h. Substitute gasoline-powered in place of diesel-powered equipment, when available. and,
- i. Use alternatively fueled construction equipment on-site when available, such as compressed natural gas (CNG), liquefied natural gas (LNG), propane or biodiesel.

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Biological Resources

BIO-1 Environmental Awareness Training. Prior to ground disturbing activities, an environmental awareness training shall be presented to all construction personnel by a qualified biologist. The training shall include color photographs and a description of the ecology of all special-status species known or with potential to occur, as well as other sensitive resources requiring avoidance during construction. The training shall also include a description of protection measures required by discretionary permits, an overview of the Federal and State Endangered Species Acts, and implications of noncompliance with these regulations. This will include an overview of the required avoidance and minimization measures. A sign-in sheet with the name and signature of the qualified biologist who presented the training, and conveying the information provided in the environmental awareness training will be provided to all project personnel and anyone else who may enter the project site.

If new construction personnel join the project after the initial training period, they will receive the environmental awareness training from a qualified biologist before beginning work.

BIO-2 Site Maintenance and General Operations. The following general measures are recommended to minimize impacts during active construction, and shall be reproduced on all plan sets:

- a) The boundaries of each work area shall be clearly defined and marked with high visibility fencing or stakes prior to construction. The use of heavy equipment and vehicles shall stay within the defined project limits and staging areas/access points.
- b) No work shall occur outside these limits.
- c) In proximity of existing pond, signs shall be posted at the boundary of the work area indicating the presence of sensitive resources.
- d) Project plans, drawings, and specifications shall show the boundaries of all sensitive resource areas and the location of erosion and sediment controls, delineation of construction limits, and other pertinent measures to ensure the protection of sensitive habitats and resources.
- e) Staging of equipment and materials shall occur in designated areas with appropriate demarcation and perimeter controls. No staging areas shall be located within 50 feet of the pond.
- f) Secondary containment, such as drip pans, shall be used to prevent leaks and spills of potential contaminants.
- g) Washing of concrete, paint, or equipment and refueling and maintenance of equipment shall occur only in designated staging areas. These activities will occur at a minimum of 50 feet from sensitive habitat. Sandbags and/or absorbent pads and spill control kits shall always be available on-site to clean up and contain fuel spills and other contaminants.
- h) Construction equipment shall be inspected by the operator daily to ensure that equipment is in good working order and no fuel or lubricant leaks are present.
- i) Plastic monofilament netting (erosion control matting) or similar material will not be used on-site due to the potential to entangle special-status wildlife. Acceptable substitutes are coconut coir matting, biodegradable fiber rolls, or tackified hydroseeding compounds.

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- j) The use of pesticides (including rodenticides) and herbicides on the property shall be in compliance with all federal, state, and local regulations to avoid primary and secondary poisoning of sensitive species that may be using the project site.

After completion of the project's construction, all protective fencing/flagging used to delineate sensitive biological resources shall be removed from the project area and disposed of in appropriate waste receptacles or reused.

BIO-3 Oak Tree Protection and Mitigation. To the maximum extent feasible, impacts to oak trees shall be avoided and minimized. The following avoidance and minimization measures shall be implemented to address potential impacts to oak trees:

1. The canopy edge and trunk location of oak trees located within 50 feet of proposed construction shall be surveyed and placed on all plan sets. The tree map shall be used to protect oak trees during project implementation.
2. Impacts to oak tree canopy or sensitive root zone should be avoided to the extent feasible. Impacts may include pruning, ground disturbance or placement of impervious surfaces (e.g., asphalt, permanent structures) within the sensitive root zone, installation of year-round irrigation or other supplemental water within the sensitive root zone, and trunk damage.
3. Prior to ground-breaking, tree protection fencing shall be installed as close to the outer limit of the sensitive root zone as practicable for construction operations to protect trees located within 50 feet of construction that will be preserved. The fencing shall be in place throughout the duration of construction. Demarcation such as t-posts and a minimum of two strands of yellow rope are adequate.
4. All construction activity shall remain outside delineation fencing installed for protection of oak trees.
5. A licensed arborist or qualified botanist will be hired to oversee all removal or trimming of existing roots and necessary branch trimming.
6. Care shall be taken to avoid surface roots within the top 18 inches of soil. If any roots are exposed during construction, they shall be covered with a layer of soil to match existing topography.
7. Impacts to oak trees shall be assessed by a licensed arborist or qualified botanist prior to final inspection and reported to the County.

BIO-4 Surveys, Avoidance, and Monitoring for Special-Status Wildlife. A qualified biologist shall conduct surveys prior to the start of initial project activities to ensure special-status wildlife species are not present within proposed work areas. If special-status wildlife species are found, they shall be allowed to leave the area on their own volition or be relocated (as permitted) to suitable habitat areas outside the work area(s). If necessary, resource agencies will be contacted for further guidance. Pre-activity surveys and/or monitoring shall be conducted as follows:

- a) Preconstruction Survey and Avoidance Measures for American Badger. A qualified biologist shall conduct a preconstruction survey within 30 days prior to the start of initial project activities to ensure American badger are not present within proposed work areas or within 200 feet of work

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areas. If potential dens are discovered, they shall be monitored with a remote camera or tracking medium for at least 3 days to determine if they are occupied. If the qualified biologist determines that a den may be active during the non-reproductive season (July 1–January 31), a no-entry exclusion buffer shall be established within 50 feet of the den. If active dens are found during the reproductive season (February 1–June 30), no activity shall occur within 200 feet of the den. Exclusion buffers shall be prominently flagged and encircle the den. Exclusion zones shall be maintained until all project-related disturbances have been terminated or it has been determined by a qualified biologist that the den is no longer in use. If an exclusion buffer is not feasible, the applicant will contact the County for further guidance. The results of the survey shall be provided to the County prior to initial project activities. If construction lapses beyond 30 days from the survey, an additional survey will be required.

- b) Preconstruction Survey and Avoidance Measures for Monarch Caterpillars. If work is planned to occur during the breeding season (March 16 to October 30), a qualified biologist shall survey for monarch eggs, caterpillars, and chrysalises within the work area two weeks prior to the start of initial ground disturbance. If monarch eggs, caterpillars, or chrysalises are observed, no work shall occur within 25 feet until the monarch egg, caterpillar, or chrysalises is no longer present. If an exclusion buffer is not feasible, the applicant shall contact the County for further guidance. The results of the survey shall be provided to the County prior to initial project activities.
- c) Preconstruction Surveys and Avoidance for Crotch Bumble Bee. If work begins during the flight period of April 1 to August 31 in 2024, a qualified biologist shall survey for Crotch bumble bee within the work area two weeks prior to the start of initial ground disturbance to determine if Crotch bumble bees are still foraging in the area. If a Crotch bumble bee is observed, a biological monitor shall monitor all initial vegetation removal and ground disturbance and stop work as needed to avoid take of Crotch bumble bee. In addition, a maximum 15 mile-per-hour speed limit shall be required at the project site during construction activities. Because bumble bees move nests sites each year, if project activities begin in 2025 or later, prior to the start of project activities a qualified biologist shall conduct focused surveys for Crotch bumble bee in accordance with CDFW's guidance provided in Survey Considerations for CESA Candidate Bumble Bee Species (CDFW 2023). If a Crotch bumble bee nest is observed, no work shall occur within 25 feet of the nest until it is no longer active. If an exclusion buffer is not feasible, the applicant shall contact the County for further guidance. If initial ground disturbing work is planned between November and January, potential overwintering habitat around the man-made pond and within the duff layer below the coast live oak adjacent to the project area in the north BSA shall be avoided by a minimum of 25-feet. If potential overwintering habitat cannot be avoided, the County shall be contacted. The County will coordinate with appropriate resource agencies for guidance to implement project activities and avoid take or proceed with an Incidental Take Permit. The results of the survey shall be provided to the County prior to initial project activities.
- d) Preconstruction Survey for Sensitive and Nesting Birds/Raptors. If work is planned to occur between February 1 and August 31, a qualified biologist shall survey the area for nesting birds within one week prior to activity beginning on site. In addition, if work is planned to occur as early as January 1, a qualified biologist shall complete a focused survey for nesting golden eagles within one-quarter mile of the project site, as feasible based on access. If nesting birds are located on or near the proposed project site, they shall be avoided until they have successfully fledged, or the nest is no longer deemed active. A non-disturbance buffer of 50 feet will be placed around non-

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listed, passerine species, and a 250-foot buffer will be implemented for all nonlisted raptor species. All activity will remain outside of the buffer until a qualified biologist has determined that the nest is no longer active (e.g., young have fledged, or the nest failed) or that proposed construction activities would not cause adverse impacts to the nest, adults, eggs, or young. If special-status avian species are identified and nesting within the work area, no work will begin until an appropriate buffer is determined in consultation with the County, CDFW, and/or the USFWS.

Geology and Soils

- GEO-1 Plans submitted for grading/construction permits** shall incorporate the findings and recommendations of the geotechnical investigation of the project site prepared by Mid-Coast Geotechnical, dated January 2024.
- GEO-2 A Paleontological Resources Management Plan (PRMP)** shall be prepared and implemented by a San Luis Obispo County Certified Paleontologist for this project and submitted to the County for approval prior to issuance of the grading permit(s). At minimum it shall include: (1) paleontological resources awareness training for all earthmoving personnel, (2) specify paleontological personnel qualifications, (3) identify an established and recognized professional repository for any fossils recovered, (4) take into account the latest information on cut depth and location and specify where monitoring shall be required, (5) require full-time monitoring of the Paso Robles Formation, the late Pleistocene older alluvium, and the Monterey Formation if encountered, (6) specify fossil recovery procedures and locality documentation, (7) specify laboratory procedures, (8) require a detailed catalogue of specimens recovered with identification by experts, and (9) require a final report with the catalogue and all specialists reports as appendices to be submitted prior to final permit signoff or as otherwise agreed to by County staff.
- GEO-3 Full-time paleontological monitoring** shall be conducted throughout the duration of excavation into rocks of the Paso Robles Formation and late Pleistocene older alluvium, as well as any rocks of the Monterey Formation that might be encountered at depth. Should identifiable or otherwise potentially informative fossils be exposed by excavation, these shall be excavated, collected, and preserved, following guidelines presented in the PRMP.
- GEO-4** If unanticipated fossil resources are unearthed during construction excavations, the contractor shall notify the County Department of Planning and Building and cease all earth-disturbing activities within a 50-foot radius of the area of discovery until the discovery can be evaluated by a San Luis Obispo County approved paleontologist.

Hazards and Hazardous Materials

- HAZ-1 Equipment Maintenance and Refueling.** During all construction activities, the cleaning, refueling, and maintenance of equipment and vehicles shall occur only within designated staging areas. The staging areas shall conform to all Best Management Practices applicable to attaining zero discharge of stormwater runoff. At a minimum, all equipment and vehicles shall be checked and maintained on a daily basis to ensure proper operation and to avoid potential leaks or spills.
- HAZ-2 Spill Response Protocol.** During all construction activities, all project-related spills of hazardous materials shall be cleaned up immediately. Appropriate spill prevention and cleanup materials shall be onsite at all times during construction.