



COUNTY OF SAN LUIS OBISPO  
DEPARTMENT OF PLANNING & BUILDING  
Initial Study – Environmental Checklist

PLN-2039  
04/2019

**Project Title & No. Kuhnle Major Grading ED20-117 (PMTG2019-00090)**

**ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:** The proposed project could have a "Potentially Significant Impact" for environmental factors checked below. Please refer to the attached pages for discussion on mitigation measures or project revisions to either reduce these impacts to less than significant levels or require further study.

<input type="checkbox"/> Aesthetics	<input type="checkbox"/> Greenhouse Gas Emissions	<input type="checkbox"/> Public Services
<input type="checkbox"/> Agriculture & Forestry Resources	<input type="checkbox"/> Hazards & Hazardous Materials	<input type="checkbox"/> Recreation
<input checked="" type="checkbox"/> Air Quality	<input type="checkbox"/> Hydrology & Water Quality	<input type="checkbox"/> Transportation
<input checked="" type="checkbox"/> Biological Resources	<input type="checkbox"/> Land Use & Planning	<input type="checkbox"/> Tribal Cultural Resources
<input type="checkbox"/> Cultural Resources	<input type="checkbox"/> Mineral Resources	<input type="checkbox"/> Utilities & Service Systems
<input type="checkbox"/> Energy	<input type="checkbox"/> Noise	<input type="checkbox"/> Wildfire
<input type="checkbox"/> Geology & Soils	<input type="checkbox"/> Population & Housing	<input type="checkbox"/> Mandatory Findings of Significance

**DETERMINATION: (To be completed by the Lead Agency)**

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

- ☐ The proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- ☒ Although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- ☐ The proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- ☐ The proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- ☐ Although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Prepared by (Print)	Signature	Date
Steven McMasters	Principal Environmental Specialist	8/5/20
Reviewed by (Print)	Signature	Date

## Initial Study – Environmental Checklist

### Project Environmental Analysis

The County's environmental review process incorporates all of the requirements for completing the Initial Study as required by the California Environmental Quality Act (CEQA) and the CEQA Guidelines. The Initial Study includes staff's on-site inspection of the project site and surroundings and a detailed review of the information in the file for the project. In addition, available background information is reviewed for each project. Relevant information regarding soil types and characteristics, geologic information, significant vegetation and/or wildlife resources, water availability, wastewater disposal services, existing land uses and surrounding land use categories and other information relevant to the environmental review process are evaluated for each project. Exhibit A includes the references used, as well as the agencies or groups that were contacted as a part of the Initial Study. The County Planning Department uses the checklist to summarize the results of the research accomplished during the initial environmental review of the project.

Persons, agencies or organizations interested in obtaining more information regarding the environmental review process for a project should contact the County of San Luis Obispo Planning Department, 976 Osos Street, Rm. 200, San Luis Obispo, CA, 93408-2040 or call (805) 781-5600.

### A. Project

**DESCRIPTION:** Request by Kuhnle Properties Trust for a grading permit to allow for the remediation of approximately 0.87-acres of hydrocarbon impacted soil in four excavation areas. The project will include 5,200-cubic-yards of cut soil and 6,240-cubic-yards of fill soil on two parcels of 234-acres and 642-acres each. The excavated soil is intended to be direct loaded onto trucks at each excavation location and will be hauled offsite to a permitted recycling/disposal facility. The proposed project is within the Agriculture land use category and is located 200 feet east of 2225 Highway 41, 3 miles south of the community of Shandon. The site is in the Shandon-Carrizo Sub Area of the North County Planning Area.

The petroleum pipeline traverses the Kuhnle Ranch property in a northeast to southwest direction and includes an approximately 40-foot wide right of way. Soil excavation activities will be accomplished using conventional construction and earthmoving equipment. During excavation activities, non-hydrocarbon-impacted overburden will be segregated from impacted soil and used to backfill the project site. Impacted soils may be stockpiled on-site temporarily in staging areas near the excavation and moistened or converted as needed for dust and emissions control, and eventually hauled offsite. Temporary safety fencing will be installed as required around any open excavation and will be removed following backfilling activities. Disturbed areas will be seeded with erosion control seed mixture to promote revegetation of the disturbed area.

**HISTORY:** Phillips 66 currently operates two 8-inch diameter buried petroleum pipelines carrying semi-refined product within an easement crossing the subject property, the Kuhnle Ranch, approximately 872 acres when combined. The property owner previously reported barren areas along the petroleum pipelines which had not been capable of sustaining vegetative cover over the last 30 years. In May 2015, AECOM on behalf of Phillips 66 conducted site assessments using shallow hand borings along the barren areas. Analytical results indicated concentrations of TPHd and TOPHo exceeding 100 milligrams per kilogram (mg/kg). Stantec subsequently conducted a subsurface assessment in 2016 to further evaluate the vertical and lateral extent of petroleum hydrocarbons in soil at the four test areas. The results of this assessment indicated that hydrocarbon-impacted soil was present at each of the four areas identified. In June and August 2017, additional subsurface assessment was conducted. Based on the results, the vertical and lateral extent of petroleum hydrocarbons in the soil had been adequately delineated and no further soil assessment was

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warranted. It was concluded that because the shallow impacted soil had reportedly historically affected the non-irrigated cultivation of hay crops at the site, removal of affected soil to a reasonable depth below the root zone and replacement with agronomically suitable soil to facilitate vegetation growth, was recommended as an appropriate alternative to address the landowner's concerns.

Four sites have been identified as requiring remediation. The volume of soil to be removed laterally and to a maximum depth of 10 feet below ground surface (with the exception of soil beneath and within the designated Phillips 66 offset distance of the active petroleum pipelines) based on assessment data and observed distressed vegetation, is estimated as follows:

Excavation Area 1 - 350 cubic yards

Excavation Area 2 - 1,750 cubic yards

Excavation Area 3 - 1,550 cubic yards

Excavation Area 4 - 1,400 cubic yards

These volume estimates include potentially non-impacted overburden soil and side slopes necessary to stabilize the excavation walls. Segregation of on-impacted soil for potential reuse as backfill, if feasible, should reduce the volume of soil transported offsite.

**ASSESSOR PARCEL NUMBER(S):** 017-251-072 & 037-301-002

**Latitude:** 35° 36' 56.34" N      **Longitude:** 120° 24' 12.6" W      **SUPERVISORIAL DISTRICT #** 1

### B. Existing Setting

**Plan Area:** North County      **Sub:** Shandon-Carrizo      **Comm:** N/A

**Land Use Category:** Agriculture

**Combining Designation:** None

**Parcel Size:** 234 & 642 acres

**Topography:** Gently to steeply sloping

**Vegetation:** Native and nonnative grassland

**Existing Uses:** Single Family Residences, Agricultural activities

#### Surrounding Land Use Categories and Uses:

**North:** Agriculture; Grape crops

**East:** Agriculture; Vacant

**South:** Agriculture; Vacant

**West:** Agriculture; Vacant

### C. Environmental Analysis

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

## Initial Study – Environmental Checklist

### I. AESTHETICS

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<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 checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input 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

The proposed project is located along Highway 41, across from 2225 Shandon Highway, approximately 2.8 miles south of the community of Shandon. The project site is within a predominantly agricultural and rural area characterized by expansive lots with few, small structures. Lots to the north of the site maintain vineyards and other agricultural uses as well as single-family residences, however due to the surrounding area's topography, most development is hidden from public view. The project parcel supports agricultural operations and two single-family residence.

The project is located on a relatively flat to gently sloping topography, although the two parcels contain steeply sloping areas as well. The project is located directly east of Highway 41 and construction operations will be visible for approximately 0.5 miles along the highway. No nearby roadways have been officially designated as scenic highways.

The petroleum pipeline traverses the Kuhnle Ranch property in a northeast to southwest direction and includes an approximately 40-foot wide right of way. Temporary stockpiling and fencing will occur along Highway 41 during grading activities. However, once grading activities are complete, the landscape will return to existing conditions.

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### Discussion

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

A scenic vista is generally defined as a high-quality view displaying good aesthetic and compositional values that can be seen from public viewpoints. Some scenic vistas are officially or informally designated by public agencies or other organizations. A substantial adverse effect on a scenic vista would occur if the project would significantly degrade the scenic landscape as viewed from public roads or other public areas. A proposed project's potential effect on a scenic vista is largely dependent upon the degree to which it would complement or contrast with the natural setting, the degree to which it would be noticeable in the existing environment, and whether it detracts from or complements the scenic vista.

The project is not within a dedicated scenic vista and will therefore not cause any substantial adverse effects on a scenic vista. The project is a remediation project and will only be visible during grading activities, no permanent structures are proposed. Therefore, project impacts would be *less than significant*.

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

The project is not located within a state scenic highway design corridor. Highway 41 runs through both parcel boundaries and the project location is located at a lower elevation than the highway. Once remedial activities are complete, the project will not be visible from Highway 41. The result will look similar to existing conditions. Therefore, the project would not result in substantial damage to scenic resources within a state scenic highway, and impacts would be *less than significant*.

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

The project is located in a non-urbanized, predominately agricultural area. As mentioned above, the project is a remediation project and will only be visible during grading activities, no permanent structures are proposed. Therefore, once complete the project would not be visible from any public vantage point. Therefore, the proposed project would not substantially degrade the existing visual character or quality of public views of the site and its surroundings and impacts would be *less than significant*.

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

The project does not propose night lighting and will therefore have *no impact* to nighttime views in the area.

### Conclusion

The project is not expected to have any adverse effects on the visual quality of the site or its surroundings, including any scenic vistas or resources. The proposed grading of 0.87-acres of soil will not cause any impacts to visual resources in the area because the remediation will result in a landscape similar to the existing

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conditions. Additionally, the project would not substantially degrade the existing visual character or create a new source of substantial light or glare.

### Mitigation

There is no evidence that measures above what will already be required by ordinance or codes are needed. Therefore, impacts would be less than significant.

### Sources

See Exhibit A.

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

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	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
(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 remediation project includes the removal of contaminated soils within native and non-native grassland habitat. The project parcel is approximately 234-acres and 642-acres each, within the Agriculture land use category. Additionally, the project site does not support any significant agricultural activities, as it runs along an unnamed intermittent stream, and no historic crops exist on-site. The project parcel is not known to contain any forestland and does not support any timberland activities.

The project parcel is within the Agriculture land use category and is under a Williamson Act contract. As defined by Government Code 51200 et. seq., the California Land Conservation Act of 1965 (Williamson Act) enables local governments to enter into contracts with private landowners for the purpose of restricting specific parcels of land to agricultural or related open space use. As an incentive, landowners receive lower property tax assessments based on agricultural or open space land uses, as opposed to the unrestricted value of the land. The parcel does not currently support crops. As allowed by the County as well as the existing Williamson Act contract, the property also contains two existing single-family dwellings and an active cannabis land use permit (DRC2019-00052) currently in the Environmental Review process. Additionally, the project parcel is within the Shandon Agricultural Preserve Area.

The agricultural land use type in the greater project area included vineyards, dry-farmed grain fields, irrigated row crops, and fallow fields. The borders of agricultural areas may have summer mustard, fiddleneck, common mallow, and other agricultural weeds. This is an anthropogenic land use type and not a natural plant community.

The proposed remediation will not result in a significant impact on the site's agricultural potential as it is located long a perennial stream, away from potential ag land use.

According to the Farmland Mapping and Monitoring Program of the California Resources Agency, the proposed remediation activity would be located atop "Not Prime Farmland". The soil types and characteristics subject to disturbance from this project include:

Balcom-Nacimiento association (9 – 30% slope).

Balcom. This moderately sloping loamy soil is considered moderately drained. The soil has high erodibility and moderate shrink-swell characteristics, as well as having potential septic system constraints due to: steep slopes, shallow depth to bedrock. The soil is considered Class IV without irrigation and Class IV when irrigated.

Nacimiento-Los Osos complex (9 - 30 % slope).



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Nacimiento. This moderately sloping, fine loamy soil is considered not well drained. The soil has moderate erodibility and moderate shrink-swell characteristics, as well as having potential septic system constraints due to: steep slopes, shallow depth to bedrock, slow percolation. The soil is considered Class IV without irrigation and Class IV when irrigated.

### Discussion

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

Based on information provided by the Farmland Mapping and Monitoring Program of the California Resources Agency, the proposed remediation activities would be located atop soils which are designated as "Not Prime Farmland". The proposed remediation is not considered an agricultural use, however it is considered a compatible use as it will remove hydrocarbon-impacted soil from the four areas along the petroleum pipeline vicinity. This use is allowable under County provisions as well as through the property's Williamson Act contract and would support future agricultural operations. Therefore, impacts would be *less than significant*.

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

The project parcel is within the Agriculture land use category and is under a Williamson Act contract. The County's zoning standards allow for grading activities to occur within the Agriculture land use category with various limitations. The project would not conflict with either the existing agricultural zoning or with the property's Williamson Act contract. Therefore, impacts would be *less than significant*.

- (c) *Would the project 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 would not be located in an area that is zoned as forest land, timberland, or timberland zoned Timberland Production, nor would the project cause the rezoning of such lands. Therefore, impacts would be *less than significant*.

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

The project would not be located in an area that is considered forest land and would therefore not result in the loss of forest land or conversion of forest land to a non-forest use. Therefore, impacts would be *less than significant*.

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

The project would not directly or indirectly result in the conversion of farmland, forest land, or timberland to non-agricultural uses or non-forest uses and would not conflict with agricultural zoning or otherwise adversely affect agricultural resources or uses. The proposed remediation is not considered an agricultural use, however it is considered a compatible use on property. Therefore, impacts would be *less than significant*.



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### Conclusion

The project proposes grading for soil remediation activities. No agricultural activities currently occur on the project site, however the removal of the hydrocarbon-impacted soil from four areas along the petroleum pipeline vicinity would protect future agricultural operations onsite as well as groundwater in the vicinity and the intermittent stream directly adjacent to the site. The project is not in violation of the property's Williamson Act contract and is consistent with uses allowed by the County. There are no areas identified as forest land or timberland which will be disturbed by the project. Because the project would not introduce a new permanent use, no significant impacts to agricultural resources are anticipated.

### Mitigation

There is no evidence that measures above what will already be required by ordinance or codes are needed.

### Sources

See Exhibit A.

## 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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(c) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input 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

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

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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 and climate change. Operational impacts are focused primarily on the indirect emissions (i.e., motor vehicles) associated with residential, commercial and industrial development. General screening criteria used by the SLO County APCD to determine the type and scope of projects requiring an air quality assessment, and/or mitigation, is presented in Table 1-1 of the CEQA Air Quality Handbook.

Sensitive receptors are people that have an increased sensitivity to air pollution or environmental contaminants, such as the elderly, children, asthmatics, and others who are at a heightened risk of negative health outcomes due to exposure to air pollution. Some land uses are considered more sensitive to changes in air quality than others, due to the population that occupies the uses and the activities involved. Sensitive receptor locations include schools, parks and playgrounds, day care centers, nursing homes, hospitals, and residences. The nearest onsite sensitive receptor is a residence that lies approximately 140 feet to the west, and the nearest offsite sensitive receptor to the project is a residence located approximately 0.5 miles to the north (APN 017-251-071).

As proposed, the project would result in the disturbance of approximately 0.87 acres, which would include moving approximately 5,200-cubic-yards of cut soil and 6,240-cubic-yards of fill material. This would result in the creation of construction dust, as well as short- and long-term vehicle emissions. According to the United States Department of Agriculture's Wind Erodibility Index, the wind erodibility of the soils which would be disturbed by the proposed project is "moderate" to "moderately low". The project would be within close proximity (approx. 1,000 feet) to two residences that might result in nuisance complaints and be subject to limited dust and/or emission control measures during construction. The project would not be within close proximity to any serpentine rock outcrops and/or soil formations which may have the potential to contain naturally occurring asbestos. Additionally, there are no known faults within close proximity to the project site.

The nearest air quality monitoring station to the project site is the Paso Robles Air Quality Monitoring Station. The monitoring site mainly measures Ozone and PM10 concentrations, which, based on the data from this year, have been somewhat increasing. According to the latest information provided by the air monitoring station, the trend in air quality in the general area is remaining the same. The Air Pollution Control District (APCD) estimates that automobiles currently generate about 40% of the pollutants responsible for ozone formation. Nitrous oxides (NOx) and reactive organic gasses (ROG) pollutants (vehicle emission components) are common contributors towards this chemical transformation into ozone. Dust, or particulate matter less than ten microns (PM10), that becomes airborne and finds its way into the lower atmosphere, can act as the catalyst in this chemical transformation to harmful ozone. To address these impacts APCD has developed a program (CEQA Air Quality Handbook) to establish impact thresholds and mitigation measures to address most project-related air quality impacts (See "Discussion"). The County is within the South-Central Coast Air Basin, which is currently considered by the state as being in "non-attainment" (exceeding acceptable thresholds) for particulate matter (PM10, or fugitive dust).

### *Discussion*

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

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

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As proposed, the project will result in the disturbance of approximately 0.87 acres or 37,900 square feet. This will result in the creation of construction dust, as well as short- and long-term vehicle emissions. The project will be moving less than 1,200 cubic yards/day of material and will disturb less than four acres of area, and therefore will be below the general thresholds triggering construction-related mitigation. From an operational standpoint, based on Table 1-1 of the CEQA Air Quality Handbook (2012), the project will result in less than 10 lbs./day of pollutants, which is below thresholds warranting any mitigation. Additionally, the project would be consistent with the general level of development anticipated and projected in the Clean Air Plan and would therefore not conflict with or obstruct the implementation of the applicable air quality plan.

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

The County is within the South-Central Coast Air Basin, which is currently considered by the state as being in “non-attainment” (exceeding acceptable thresholds) for particulate matter (PM<sub>10</sub>, or fugitive dust). Dust, or particulate matter less than ten microns (PM<sub>10</sub>), that becomes airborne and finds its way into the lower atmosphere, can act as the catalyst in this chemical transformation to harmful ozone. The proposed project would result in the creation of dust through construction activities however, activity would be short term and would not result in a cumulatively considerable net increase in PM<sub>10</sub>. Additionally, the project is small in scale and nature and is not expected to result in any other activities which may otherwise result in a cumulatively considerable net increase in PM<sub>10</sub>.

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

The project site is generally surrounded by agricultural land uses, with the nearest onsite receptor (single-family residence) 140 feet to the west, and the nearest offsite sensitive receptor (single-family residence) located approximately 0.5 miles to the north. As stated above, the project would result in 37,900 square feet of site disturbance including moving approximately 5,200-cubic-yards of cut soil and 6,240-cubic-yards of fill material. Once grading operations have concluded, the project will not result in any additional pollutant concentration production. The project would not result in substantial air pollutant concentrations within close proximity to a sensitive receptor location and impacts would be less than significant with mitigation incorporated.

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

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

### Conclusion

The project would be consistent with the County Clean Air Plan and would not result in cumulatively considerable emissions of any criteria pollutant for which the County is in non-attainment. The project would not expose sensitive receptors to substantial pollutant concentrations or result in other emissions adversely affecting a substantial number of people with the incorporation of mitigation measure AQ-1. Therefore, with

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this use of mitigation measure AQ-1, the project would not result in significant adverse impacts related to Air Quality.

### *Mitigation*

- AQ-1** Dust Control. The project proposes grading areas that are within 1,000 feet of a sensitive receptor. The following measures shall be implemented to minimize nuisance impacts and to significantly reduce fugitive dust emissions:
- Reduce the amount of the disturbed area where possible;
  - Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water shall be used whenever possible;
  - All dirt stock pile areas shall be sprayed daily as needed;
  - Permanent dust control measures identified in the approved project plans (e.g., revegetation and landscape plans, etc.) shall be implemented as soon as possible following completion of any soil disturbing activities;
  - Exposed ground areas that are planned to be reworked at dates greater than one month after initial grading shall be sown with a fast germinating, non-invasive grass seed and watered until vegetation is established;
  - All disturbed soil areas not subject to revegetation shall be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the Air Pollution Control District (APCD) and for applications within close proximity to sensitive habitats, CA Department of Fish and Wildlife (CDFW)-compliant stabilizing methods shall be used");
  - Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site;
  - All trucks hauling dirt, sand, soil, or other loose materials are to be covered or shall maintain at least two feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with CA Vehicle Code Section 23114;
  - Install wheel washers where vehicles enter and exit unpaved roads onto streets, or wash off trucks and equipment leaving the site;
  - Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water shall be used where feasible;
  - The contractor or builder shall designate a person or persons to monitor the fugitive dust emissions and enhance the implementation of the measures as necessary to minimize dust complaints, reduce visible emissions below 20% opacity, and to prevent transport of dust offsite. Their duties shall include holidays and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the APCD Compliance Division prior to the start of any grading, earthwork or demolition.
- AQ-2** Prior to the start of any ground disturbing activities, the applicant shall contact the APCD Engineering & Compliance Division for specific information regarding permitting requirements. The applicant must receive an APCD permit to address proper management of the hydrocarbon contaminated soil. This permit shall include conditions to minimize emissions from any excavation, disposal or related

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process. To the extent feasible, Phillips 66 shall contact the APCD Engineering & Compliance Division within 120 days before the start of excavation to begin the permitting process.

### Sources

See Exhibit A.

## 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 checked="" type="checkbox"/>	<input type="checkbox"/>
(d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
(f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### Setting

#### Federal and State Endangered Species Acts

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

#### Migratory Bird Treaty Act

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

#### Clean Water Act and State Porter Cologne Water Quality Control Act

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

The State Water Resources Control Board (SWRCB) and nine Regional Water Quality Control Boards (RWQCBs) regulate discharges of fill and dredged material in California, under Section 401 of the CWA and the State Porter-Cologne Water Quality Control Act, through the State Water Quality Certification Program. State Water Quality Certification is necessary for all projects that require a USACE permit, or fall under other federal jurisdiction, and have the potential to impact waters of the State. Based on the U.S. Fish and Wildlife Service National Wetlands Inventory, the project areas do not support wetlands, riparian or deep-water habitats, though several of the onsite ephemeral drainages are classified as Riverine habitat (USFWS 2019).

#### Site Setting



## Initial Study – Environmental Checklist

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The proposed soil remediation project would be located in an area that currently consists of bare soils and native and nonnative grasses adjacent to an unnamed intermittent stream to the east and two single-family residences to the west. There are no trees at the site. The intermittent stream is a tributary to the Estrella River approximately 2.65 miles north, however, the San Juan Creek is located approximately 2.2 miles east of the project site.

Other than irrigated agriculture, dominant habitat types within a 10-mile radius of the reservoir site primarily consists of annual grassland interspersed with Oaks. Per the Preliminary Jurisdictional wetlands and Water Delineation report prepared by Stantec Consulting Services Inc. on July 12, 2019, no hydric soil associations have been mapped in the area and the vegetation occurring in the area did not meet the hydrophytic vegetation threshold. Therefore, the wetland vegetation criteria was not met. There is approximately 0.024 acres of non-wetland waters of the US within the survey area, however, only about 0.004 acres, or 174 square feet of on-wetland waters of the U.S. present within the project impact area. There is also 0.024 acres, 10,545 square feet of CDFW jurisdictional waters within the project impact area (Stantec, July 2019).

Per known CNDDDB records, only three special status species are known to occur within a mile of the project parcel boundaries; the Crotch Bumble bee approximately 1.81 miles south of the remediation areas, the Norther California Legless Lizard approximately 1.5 miles north of the project sites, and the San Joaquin Kit Fox has been spotted within the project parcel boundaries.

Stantec biologist, Brett Reiman conducted a biological survey for the proposed excavation sites located at Kuhnle Ranch on March 21, 2019. No botanical vegetations were observed in the areas of proposed development to warrant a botanical assessment, and although no special status species were observed during the survey, small mammal burrows within the banks of the seasonal surface drainage occurred along the project site. The project site is located within a 4:1 San Joaquin Kit Fox mitigation ratio territory.

### San Joaquin Kit Fox

The CNDDDB identified this area as important habitat for the San Joaquin kit fox (SJKF), a federally listed endangered species and a state-listed threatened species. The kit fox is uncommon to rare. They reside in arid regions of the southern half of the state. A usually nocturnal mammal, kit foxes live in annual grasslands or grassy open stages of vegetation dominated by scattered brush, shrubs, and scrub. Kit foxes primarily are carnivorous, subsisting on black-tailed jackrabbits and desert cottontails, rodents (especially kangaroo rats and ground squirrels), insects, reptiles, some birds, bird eggs, and vegetation. Their cover is provided by dens they dig in open, level areas with loose-textured, sandy, and loamy soils. Pups are born in these dens in February through April. Pups are weaned at about 4 to 5 months. Some agricultural areas may support these foxes. Potential predators are coyotes, large hawks and owls, eagles, and bobcats. Cultivation has eliminated much of the kit fox habitat in the project vicinity. Kit foxes are vulnerable to many human activities, such as hunting, use of rodenticides and other poisons, off-road vehicles, and trapping. The applicant has provided a Kit Fox Habitat Evaluation Plan prepared by Kevin Merk Associates, LLC on January 7, 2020.

The provided kit fox evaluation form was reviewed by the California Department of Fish and Wildlife. The evaluation, complete with the California Department of Fish and Wildlife changes, resulted in a score of 74 which requires that all impacts to kit fox habitat be mitigated at a ratio of three acres conserved for each acre impacted (3:1). The project will result in the disturbance of 1 acre of kit fox habitat.



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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?*

The site consists of predominantly bare soils and is regularly disturbed due to residential and agricultural activities. Because of this cycle of regular disturbance, the site does not contain suitable habitat for vegetation or wildlife. Additionally, there are no trees in close proximity to the project, and therefore do not contain suitable nesting habitat for sensitive bird and raptor species. No trees would be removed or impacted from implementation of the project. If construction activities should occur during the bird nesting season, preconstruction surveys should take place to prevent any potential impacts (BIO-10).

With regards to the San Joaquin Kit Fox, the project parcels are greater than 40 acres each and therefore the applicant must provide a habitat evaluation. The applicant provided the San Joaquin Kit Fox Habitat Evaluation prepared by. The evaluation determined the area requires a 3:1 mitigation ratio. This means that all impacts to kit fox habitat must be mitigated at a ratio of 3 acres conserved for each acre impacted (3:1). The project will result in the total site disturbance of 1 acre of the of 234-acre and 642-acre parcels.

The project site is located within the southwestern limits of the historic SJKF movement corridor linking a core SJKF population on the Carrizo plain with a satellite population in the Salinas and Pajaro river watersheds. The County of San Luis Obispo San Joaquin Kit Fox Standard Mitigation Ratio Areas map identifies the site as being in a 4:1 mitigation area, which requires 4 acres of mitigation for every acre of habitat impacted. However, because no permanent removal of habitat will result from the project, no mitigation measures are required for the permanent loss of kit fox habitat per CDFW requirements. Mitigation measures are recommended to ensure compliance with the County's Kit Fox mitigation requirements.

The County has identified standard kit fox mitigation measures that when implemented would avoid take and reduce impacts to kit fox habitat to less than significant levels. These standard mitigation measures are identified in BIO-1 through BIO-9. Implementation of Mitigation Measures BIO-1 through BIO-10 would reduce impacts on listed species to *less than significant with mitigation*.

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

Per the wetlands delineation report, there is approximately 0.004 acres, or 174 square feet of on-wetland waters of the U.S. and approximately 0.024 acres, 10,545 square feet of CDFW jurisdictional waters within the project impact area. These waters make up an intermittent stream which flows along the remediation sites. Once cut and fill operations are complete, the disturbed areas are proposed to be hydroseeded and erosion controls installed. Work within waters of the State is potentially subject to regulatory permitting authority of the USACE, RWQCB and CDFW. The applicant will be required to provide evidence to the County that either a permit was not necessary or provide a copy of the required permits (BR-11 and BR-12). Therefore, impacts to riparian habitat will be *less than significant with mitigation*.

## Initial Study – Environmental Checklist

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- (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?*

Based on the Preliminary Jurisdictional Wetlands and Waters Delineation's assessment of hydrology, vegetation, and soils, no portion of the survey area satisfies the criteria to be considered wetlands (Stantec, July 2019). Therefore, impacts to federally protected wetlands will be *less than significant*.

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

The project is not located in close proximity to any waterbodies that support migratory fish populations. The nearest trees to the project area are located at the residences, greater than 500 feet from excavation sites 3 and 4. The project does not propose to impact or remove trees; therefore, impacts to migratory birds would be less than significant. As noted above, the project would have the potential to impact San Joaquin kit fox. The project site is located within the southwestern limits of the historic SJKF movement corridor linking a core SJKF population on the Carrizo plain with a satellite population in the Salinas and Pajaro river watersheds. According to the California Habitat Connectivity Viewer (2018), there are no other known or proposed habitat connectivity corridors on the project site. The project proposes to remediate contaminated soils, no permanent structure will result in the interference with migratory wildlife corridors. Therefore, impacts are expected to be *less than significant*.

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

The project does not propose the removal of any trees, and therefore is not subject to the County's Oak Woodland Ordinance. The project is not located in a Sensitive Resource Area (SRA) and there are no applicable planning area standards related to biological resource preservation. A sedimentation and erosion control plan would be required per LUO Section 22.52.120 to minimize potential impacts related to erosion and sedimentation, and includes requirements for specific erosion control materials, setbacks from creeks, and siltation. There is a local policy in place in order to protect the San Joaquin kit foxes, with the implementation of Mitigation Measures BIO-1 through BIO-9, the project not conflict with any local policies or ordinances protecting biological resources and impacts are expected to be *less than significant*.

- (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?*

There is no adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other local, regional, or state habitat conservation plan adopted that includes the project site. Therefore, there will be *no impact*.

### Conclusion

The applicant would not be required to mitigate the loss of 1 acre of San Joaquin kit fox habitat provide mitigation for the temporary disturbance of 1 acre of San Joaquin kit fox habitat because once project activities are complete, the site will return to its existing character, without permanently removing kit fox habitat.

To prevent inadvertent harm to kit fox, the applicant has agreed to retain a biologist for a pre-construction survey, a pre-construction briefing for contractors, and monitoring activities in addition to implementing cautionary construction measures. These mitigation measures are listed in detail in Exhibit B Mitigation

## Initial Study – Environmental Checklist

Summary Table. Implementation of identified mitigation measures would reduce potential biological impacts to less than significant.

### Mitigation

#### San Joaquin Kit Fox

The Kit Fox Evaluation, which was completed for the Kuhnle remediation project, DRC2019-0090, on January 7, 2020 by Kevin Merk Associates LLC, indicates the project will impact 1 acre of San Joaquin kit fox habitat. The evaluation form was reviewed by Julie Vance of the California Department of Fish and Game on April 30, 2020. The evaluation, resulted in a score of 74, which requires that all impacts to kit fox habitat be mitigated at a ratio of 3 acres conserved for each acre impacted (3:1). However, the applicant is not required to provide compensatory mitigation for the temporary disturbance of 1 acre because no permanent disturbance will result from the proposed project. The mitigation options identified in BR-1 through BR-9 apply to the proposed project only; should the project change, the mitigation obligation may also change, and a reevaluation of the mitigation measures would be required.

**BIO-1** **Prior to issuance of grading and/or construction permits**, the applicant shall provide evidence that they have retained a qualified biologist acceptable to the County Department of Planning and Building. The retained biologist shall perform the following monitoring activities:

- a. **Within 30 days prior to initiation of site disturbance**, the biologist shall conduct a pre-activity (i.e. pre-construction) survey for known or potential kit fox dens and submit a letter to the County reporting the date the survey was conducted, the survey protocol, survey results, and what measures were necessary (and completed), as applicable, to address any kit fox activity within the project limits.
- b. The qualified biologist shall conduct weekly site visits during site-disturbance activities (i.e. grading, disking, excavation, stock piling of dirt or gravel, etc.) that proceed longer than 14 days, for the purpose of monitoring compliance with required Mitigation Measures BIO-2 through BIO-9. Site-disturbance activities lasting up to 14 days do not require weekly monitoring by the biologist unless observations of kit fox or their dens are made on-site or the qualified biologist recommends monitoring for some other reason. When weekly monitoring is required, the biologist shall submit weekly monitoring reports to the County.
- c. **Prior to or during project activities**, if any observations are made of San Joaquin Kit fox, or any known or potential San Joaquin kit fox dens are discovered within the project limits, the qualified biologist shall re-assess the probability of incidental take (e.g. harm or death) to kit fox. At the time a den is discovered, the qualified biologist shall contact the U.S. Fish and Wildlife Service and the Department for guidance on possible additional kit fox protection measures to implement and whether or not a Federal and/or State incidental take permit is needed. If a potential den is encountered during construction, work shall stop until such time the U.S. Fish and Wildlife Service/Department determine it is appropriate to resume work.

If incidental take of kit fox during project activities is possible, **before project activities commence**, the applicant must consult with the U.S. Fish and Wildlife Service and the Department (see contact information below). The results of this consultation may require the applicant to obtain a Federal and/or State permit for incidental take during project activities. The applicant should be aware that the

## Initial Study – Environmental Checklist

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presence of kit foxes or known or potential kit fox dens at the project site could result in further delays of project activities.

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

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

**BIO-2** **Prior to issuance of grading and/or construction permits**, the applicant shall clearly delineate as a note on the project plans, that: *“Speed signs of 25 mph (or lower) shall be posted for all construction traffic to minimize the probability of road mortality of the San Joaquin kit fox”*. Speed limit signs shall be installed on the project site **within 30 days prior to initiation of site disturbance and/or construction**.

In addition, **prior to permit issuance and initiation of any ground disturbing activities**, conditions BIO-2 through BIO-12 of the Developer's Statement/Conditions of Approval shall be clearly delineated on project plans.

**BIO-3** **During the site disturbance and/or construction phase**, grading and construction activities after dusk shall be prohibited unless coordinated through the County, during which additional kit fox mitigation measures may be required.

**BIO-4** **Within 30 days prior to initiation of site disturbance**, all personnel associated with the project shall attend a worker education training program, conducted by a qualified biologist, to avoid or reduce impacts on sensitive biological resources (i.e. San Joaquin kit fox). At a minimum, as the program relates to the kit fox, the training shall include the kit fox's life history, all mitigation measures specified by the county, as well as any related biological report(s) prepared for the project. The applicant shall notify the County shortly prior to this meeting. A kit fox fact sheet shall also be developed prior to the training program, and distributed at the training program to all contractors, employers and other personnel involved with the construction of the project.

**BIO-5** **During the site-disturbance and/or construction phase**, to prevent entrapment of the San Joaquin kit fox, all excavation, steep-walled holes or trenches in excess of two feet in depth shall be covered at the close of each working day by plywood or similar materials, or provided

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with one or more escape ramps constructed of earth fill or wooden planks. Trenches shall also be inspected for entrapped kit fox each morning prior to onset of field activities and immediately prior to covering with plywood at the end of each working day. Before such holes or trenches are filled, they shall be thoroughly inspected for entrapped kit fox. Any kit fox so discovered shall be allowed to escape before field activities resume or removed from the trench or hole by a qualified biologist and allowed to escape unimpeded.

- BIO-6**      **During the site-disturbance and/or construction phase**, any pipes, culverts, or similar structures with a diameter of four inches or greater, stored overnight at the project site shall be thoroughly inspected for trapped San Joaquin kit foxes before the subject pipe is subsequently buried, capped, or otherwise used or moved in any way. If during the construction phase a kit fox is discovered inside a pipe, that section of pipe will not be moved, or if necessary, be moved only once to remove it from the path of activity, until the kit fox has escaped.
- BIO-7**      **During the site-disturbance and/or construction phase**, all food-related trash items such as wrappers, cans, bottles, and food scraps generated shall be disposed of in closed containers only and regularly removed from the site. Food items may attract San Joaquin kit foxes onto the project site, consequently exposing such animals to increased risk of injury or mortality. No deliberate feeding of wildlife shall be allowed.
- BIO-8**      **Prior to, during and after the site-disturbance and/or construction phase**, use of pesticides or herbicides shall be in compliance with all local, state and federal regulations. This is necessary to minimize the probability of primary or secondary poisoning of endangered species utilizing adjacent habitats, and the depletion of prey upon which San Joaquin kit foxes depend.
- BIO-9**      **During the site-disturbance and/or construction phase**, any contractor or employee that inadvertently kills or injures a San Joaquin kit fox or who finds any such animal either dead, injured, or entrapped shall be required to report the incident immediately to the applicant and County. In the event that any observations are made of injured or dead kit fox, the applicant shall immediately notify the U.S. Fish and Wildlife Service and the County by telephone. In addition, formal notification shall be provided in writing within three working days of the finding of any such animal(s). Notification shall include the date, time, location and circumstances of the incident. Any threatened or endangered species found dead or injured shall be turned over immediately to the Department for care, analysis, or disposition.
- BIO-10**      **During the site-disturbance and/or construction phase**, if construction activities should occur during the bird nesting season which is generally considered February 15 – September 1<sup>st</sup>, a preconstruction clearance survey of the site and the surrounding habitats within 500 feet of the site should be surveyed no more than 10 days prior to the start of construction. If an active nest is found within the project's zone of influence, avoidance measures will be recommended.
- BR-11**      **At the time of application for construction permits**, the application shall provide evidence to the County Department of Planning and Building that all applicable permits and/or clearances from any relevant local, state, and federal Resource Agencies for all proposed works have been obtained prior to conducting site work.
- BR-12**      **Prior to issuance of grading permit**, the Applicant shall obtain a Section 404 Nationwide

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Permit from USACE, a Section 401 Water Quality Certification from RWQCB, and a Section 1602 Streambed Alteration Agreement from CDFW to authorize project-related impacts in all areas potentially under the jurisdiction of these regulatory agencies and provide satisfactory evidence to the County.

### Sources

See Exhibit A.

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

The project is located in an area historically occupied by two Native American tribes, the northernmost subdivision of the Chumash, the Obispeño (after Mission San Luis Obispo de Tolosa), and the Salinan. However, the precise location of the boundary between the Chumashan-speaking Obispeño Chumash and their northern neighbors, the Hokan-speaking Playanos Salinan, is currently the subject of debate, as those boundaries may have changed over time.

San Luis Obispo county possesses a rich and diverse cultural heritage and therefore has a wealth of historic and prehistoric resources, including sites and buildings associated with Native American inhabitation, Spanish missionaries, immigrant settlers, and military branches of the United States.

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 which 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 considered to be a historical resource, provided the lead agency's determination is supported by substantial evidence.



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Pursuant to CEQA, a resource included in a local register of historic resources or identified as significant in an historical resource survey shall be presumed to be historically or culturally significant. Public agencies must treat any such resource as significant unless the preponderance of evidence demonstrates that it is not historically or culturally significant.

A Cultural Resource Study for the remediation project was prepared by Applied EarthWorks, Inc. in January 2020 which included a records search and field study. The records search did not reveal any previously recorded resources within a 0.25-mile radius of the site and no cultural resources were observed on the project site during the pedestrian survey of the site conducted on December 12, 2019.

### Discussion

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

Although the CCIC records search did not identify any previous cultural resource investigations within a 0.25-mile search radius, one resource was identified within the project area; however, the CCIC did not provide Applied EarthWorks, Inc. with the corresponding report. The resource is a historic-era farmstead consisting of a farmhouse, associated outbuildings, a windmill, water trough, and corral. It is estimated to have been built in the 1920s or 1930s. The proposed project is the remediation of contaminated soils and no remediation work is proposed within the site boundaries. Impacts to historical resources are *less than significant*.

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

No known archaeological resources are present on the project site. Within 1 mile of the project site, there were no archeological reports created. With the negative findings from the Cultural Resource Study, it is unlikely that any cultural resources will be found on the site.

In the unlikely event resources are uncovered during grading activities, implementation of LUO Section 22.10.040 (Archaeological Resources) would be required, which states:

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

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

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

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

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

The record and literature search of the project area did not identify any know burial sites within 0.25 miles of the project. Additionally, consultation with the Native American tribes did not result in identification of known burials. (See Section XVIII. Tribal Cultural Resources.) Based on the low known



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sensitivity of the project site, and with implementation of LUO Section 22.10.040, impacts to human remains are expected to be *less than significant*.

### Conclusion

County land Use Ordinance Section 22.10.040 includes a provision that construction work cease in the event resources are unearthed with work allowed to continue once the issue is resolved. No significant archaeological or historical resource impacts are expected to occur.

### Mitigation

No mitigation measures above what are already required by ordinance are necessary.

### Sources

See Exhibit A.

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

### Setting

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

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

The EWP established the goal to reduce community-wide greenhouse gas emissions to 15% below 2006 baseline levels by 2020. Two of the six community-wide goals identified to accomplish this were to "[a]ddress future energy needs through increased conservation and efficiency in all sectors" and "[i]ncrease the production of renewable energy from small-scale and commercial-scale renewable energy installations to

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account for 10% of local energy use by 2020.” In addition, the County has published an EnergyWise Plan 2016 Update to summarize progress toward implementing measures established in the EWP and outline overall trends in energy use and emissions since the baseline year of the EWP inventory (2006).

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

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

### Discussion

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

The project is not expected to result in wasteful, inefficient or unnecessary consumption of energy resources because no permanent structure requiring energy will result from the project. The project will not consume any electricity after ground disturbing activities are complete. Therefore, the project's impact on energy resources would be *less than significant*.

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

The proposed project would not interfere with the County of San Luis Obispo's EnergyWise Plan, which notes the emission reduction goals for the County by 2035 (San Luis Obispo County 2011). Nor would the project conflict with any state plans for renewable energy or energy efficiency. Therefore, impacts would be *less than significant*.

### Conclusion

The project would not result in significant energy usage or wasteful, inefficient, or unnecessary consumption of energy resources. The project would not result in a conflict with state or local renewable energy or energy efficiency plans. Therefore, the project would not result in any potentially significant impacts related to energy and no mitigation measures are necessary.

### Mitigation

No mitigation measures above what are already required by ordinance are necessary.

### Sources

See Exhibit A.

## Initial Study – Environmental Checklist

### 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:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(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 checked="" type="checkbox"/>	<input 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 type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

### Setting

The proposed area of disturbance is located on grazing land adjacent to a small valley formed from an intermittent stream. The project site is gently sloping to steeply sloping and the soils have moderate shrink-swell potential. According to the County's Land Use View, the project site is not within the County's Geologic Study Area and has a moderate landslide risk and low liquefaction potential. The nearest potentially active fault is approximately 17.5 miles southeast of the project site and a capable fault 7 miles to the east. There are no known active faults in the immediate project vicinity and no notable geologic features on the project site, including serpentine or ultramafic rock/soils.

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

### 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 proposed project would not be open to the public and would not have regular employees onsite. The project site is not located within an Alquist-Priolo Fault Hazard Zone. An unnamed fault from is located 7 miles east of the project site. The project is a remediation project and would not bring employees or the public to the site. Therefore, potential adverse impacts related to location within known fault zones would be *less than significant*.

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

The entire central coast of California is subject to risk of seismic events and ground shaking. The project would remove 5,200-cubic-yards of contaminated cut soil and replace it with 6,240-cubic-yards of clean fill soil. No permanent employees or structures would be located onsite after completion of the grading activities, therefore, impacts would be *less than significant*.

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

The project site is gently to steeply sloping. Based on the County Safety Element Landslide Hazards Map is located in an area with low potential for liquefaction risk. Therefore, the project would not

## Initial Study – Environmental Checklist

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cause adverse effects involving liquefaction, a product of landslides, and impacts would be *less than significant*.

(a-iv) *Landslides?*

The project site is gently to steeply sloping. Based on the County Safety Element Landslide Hazards Map, the project is located in an area with moderate potential for landslide risk, however the current grade will be reestablished after remediation activities conclude. Therefore, the project would not cause adverse effects involving landslides and impacts would be *less than significant*.

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

The project would result in the disturbance of approximately 37,800 square-feet (0.87 acres) including 5,200 cubic yards of cut. This will involve the removal of native and non-native grassland on a mostly vacant parcel used for grazing activities. During grading activities there would be a potential for erosion and sedimentation to occur. A sedimentation and erosion control plan is required for all construction and grading projects (LUO Section 22.52.120) to minimize potential impacts related to erosion and sedimentation, and includes requirements for specific erosion control materials, setbacks from creeks, and siltation. Upon implementation of the above control measures, as recommended by the county, impacts related to soil erosion and sedimentation would be reduced to *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?*

Landslides typically occur in areas with steep slopes or in areas containing escarpments. Based on the Landslide Hazards Map provided in the County Safety Element, the project site is not located within an area with slopes susceptible to local failure.

The project will remove approximately 5,200 cubic yards of contaminated soil from a gently sloping to moderately sloping area of soils with a moderate shrink-swell potential. The project site is not within the County's Geologic Study Area and has a moderate landslide risk and low liquefaction. Therefore, the project will not be located on a geologic unit that is unstable and impacts will be *less than significant*.

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

The project is located on soil with moderate shrink swell potential. The project does not propose any structures that would require compliance with the CBC requirements. The impact is *less than significant*.

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

The proposed project would not result in the production of waste water. Septic tanks and waste water disposal systems would not be required. Therefore, there would be *no impact* stemming from the installation of septic systems or waste water disposal systems.

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

There are no known paleontological features known to exist on the site. No unique geologic features exist on the project site and would therefore not be affected. Therefore, impacts to paleontological resources and unique geologic features would be *less than significant*.

### Conclusion

The project site is moderately susceptible to ground failure incidents due to on-site geologic conditions and soils. However, due to the nature of the remediation project, no permanent structures will be constructed as a result and therefore the project will not impact the geology of the site. Standard erosion control measures required by County Ordinance will be enforced. The project would not result in significant impacts related to geology or soils.

### Mitigation

No mitigation measures are necessary.

### Sources

See Exhibit A.

## 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

As noted in Section 3 Air Quality, the project site is located in the South Central Coast Air Basin (SCCAB) under the jurisdiction of the San Luis Obispo County Air Pollution Control District (SLOAPCD). The SLOAPCD has developed and updated a CEQA Air Quality Handbook (2012) and clarification memorandum (2017) to evaluate project specific impacts and help determine if air quality mitigation measures are needed, or if potentially significant impacts could result. To evaluate long-term emissions, cumulative effects, and establish countywide programs to reach acceptable air quality levels, a Clean Air Plan has been adopted (prepared by APCD).

## Initial Study – Environmental Checklist

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

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

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

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

For most projects, the Bright-Line Threshold of 1,150 metric tons of carbon dioxide per year (MT CO<sub>2</sub>e/year) will be the most applicable threshold. In addition to the residential/commercial threshold options proposed above, a bright-line numerical value threshold of 10,000 MT CO<sub>2</sub>e/yr was adopted for stationary source (industrial) projects.

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

Under CEQA, an individual project's GHG emissions will generally not result in direct significant impacts. This is because the climate change issue is global in nature. However, an individual project could be found to contribute to a potentially significant cumulative impact. Projects that have GHG emissions above the noted thresholds may be considered cumulatively considerable and require mitigation.



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### Discussion

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

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

Using the GHG threshold information described in the Setting section, the project is expected to generate less than the Bright-Line Threshold of 1,150 metric tons of GHG emissions. Therefore, the project's potential direct and cumulative GHG emissions are found to be less significant and less than a cumulatively considerable contribution to GHG emissions. Section 15064(h)(2) of the CEQA Guidelines provide guidance on how to evaluate cumulative impacts. If it is shown that an incremental contribution to a cumulative impact, such as global climate change, is not 'cumulatively considerable', no mitigation is required. Because this project's emissions fall under the threshold, impacts *would be less than significant*.

### Conclusion

Impacts relating to greenhouse gas emissions would be less than significant.

### Mitigation

No mitigation measures are necessary.

### Sources

See Exhibit A.

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

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	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
(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 checked="" type="checkbox"/>	<input 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"/>

### Setting

Phillips 66 currently operates two 8-inch diameter buried petroleum pipelines carrying semi-refined product within an easement crossing the subject property, the Kuhnle Ranch, approximately 872 acres when combined. The property owner previously reported barren areas along the petroleum pipelines which had not been capable of sustaining vegetative cover over the last 30 years. Surveys from May 2015, 2016, and June and August 2017, and concluded petroleum hydrocarbons were present in the soil and that removal of affected soil to a reasonable depth below the root zone and replacement with agronomically suitable soil to facilitate vegetation growth, was recommended as an appropriate alternative to address the environmental issues.

In support of the remediation of the site, Stantec has submitted a Remedial Action Plan to the San Luis Obispo County Public Health Agency (Stantec, September 2018) to remediate the site that, by removing impacted soils exceeding commercial/industrial environmental screening levels to a maximum depth of 10 feet below ground surface. Impacted soils will be excavated to the extent practical, impacted soils beneath or adjacent

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to the active petroleum pipelines within the remedial excavation areas that cannot be safely removed will remain in place (Stantec, September 2018).

Future land use at the site is likely to remain as an agricultural area, therefore, the environmental screening levels for commercial/industrial land use are appropriate clean up goals. Site-specific soil environmental screening levels for onsite constituents of potential concern, are evaluated using the commercial/industrial environmental screening levels for direct exposure to shallow soil (less than 10 feet below ground surface) are presented below:

Environmental Screening Levels for Commercial/Industrial Land Use

<u>Constituent</u>	<u>Depth (ft bgs)</u>	<u>ESL</u>
TPHg	<10 feet	3,900 mg/kg
TPHd	<10 feet	1,100 mg/kg
TPHo	<10 feet	140,000 mg/kg
Benzene	<10 feet	1.0 mg/kg
Naphthalene	<10 feet	14 mg/kg

Despite the long history of industrial petroleum processing uses, the site is not listed on the Cortese List of hazardous materials cleanup sites developed pursuant to California Government Code Section 65962.5. The State Water Resource Control Board's GeoTracker Database provides a list of hazardous materials sites regulated by the state. The project site is not identified by GeoTracker as a Cleanup Program Site (refer to <http://geotracker.waterboards.ca.gov>). Contaminants found in the previous site investigations included petroleum hydrocarbons in the gasoline, diesel and oil ranges as well as volatile organic compounds.

The site is within the High Severity Fire Hazard Zone and a 0 to 5 minute Emergency Response Time area. The project location is within an area classified as "state responsibility" by CalFire and a CalFire station is located at 501 W. Center St, Shandon, approximately 3.8 miles north of the project parcel. The project is not within the Airport Review area, and there are no schools or public or private airports within 0.25 miles of the project site.

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### Discussion

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

The project would not involve the routine transportation, use, or disposal of hazardous materials. However, during the remediation process, short-term grading activities would utilize gasoline and diesel fuels for grading equipment, and the project proposes to transport the contaminated soil from the project location to a waste receiving facility in Kettleman City, California via trucks. The impacted soil will be loaded onto covered trucks at onsite staging areas directly adjacent to each remediation zone and transported to the final waste receiving facility. This transportation will only last until the contaminated soil is reasonably removed. All construction waste materials would be disposed of in compliance with State and Federal hazardous waste requirements at appropriate facilities. Project operations would not result in new routine transport, use, or disposal of hazardous materials compared to existing conditions. APCD has reviewed and approved of the proposed project with the implementation of standard conditions outlined in Section III Air Quality mitigation measure **AQ-1** and **AQ-2**. Therefore, impacts are expected to 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?*

The proposed cleanup goals are to remove affected soils that are currently above commercial/industrial environmental screening levels to a maximum depth of 10 feet below ground surface and replace it with agronomically suitable soil (sourced onsite). Construction activities associated with the project involve use of grading equipment and hauling contaminated materials in covered trucks from the site to a waste receiving facility in Kettleman City. The site would then be backfilled with clean material as needed, erosion controls will be installed and the site will be re-vegetated, as stated in the project description. The excavation and soil handling will be in accordance and compliance with the site-specific Health and Safety Plan, Cal-OSHA regulations, as well as all Federal, State, and local laws and regulations. Adherence to regulations, Safety Data Sheets for materials used, and clean-up protocols would prevent a significant risk of upset or accident conditions that would involve the release of hazardous materials into the environment.

During project construction, there is a possibility of accidental release of hazardous substances such as petroleum-based fuels or hydraulic fluid used for construction equipment. The level of risk associated with the accidental release of hazardous substances is not considered significant due to the small volume and low concentration of hazardous materials utilized during construction. The construction contractor would be required to use standard construction controls and safety procedures that would avoid and minimize the potential for accidental release of such substances into the environment. Standard construction practices would be observed such that any materials released are appropriately contained and remediated as required by local, State, and Federal law.

Potential short-term risks to on-site workers, public health, and the environment could result from dust or particulates that may be generated during excavation and soil handling activities. These risks would be mitigated at the site using personal protective equipment for on-site workers and engineering controls, such as dust suppression; and additional traffic and equipment operating safety procedures (See Section III Air Quality mitigation measure **AQ-1**).

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The waste hauler will follow all state and federal regulations regarding the transportation and disposal of contaminated materials per the guidance of the Code of Federal Regulations, Title 49. Title 49 is the principle set of rules and regulations issued by the Departments of Transportation and Homeland Security, outlining the regulations for transporting hazardous materials.

As noted above, project operation would not result in new routine transport, use, or disposal of hazardous materials. Therefore, the project would not involve a change in use which would create a significant hazard to the public or the environment through the reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment and impacts would be *less than significant*.

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

There are no proposed or existing schools within one mile of the remediation site. After the soil is loaded, the soil will be covered prior to transport, preventing any emission of hazardous materials within one-quarter mile of an existing or proposed school. The waste hauler will follow all state and federal regulations regarding the transportation and disposal of contaminated materials per the guidance of the Code of Federal Regulations, Title 49, to prevent any emissions of hazardous materials within one-quarter mile of a school. Therefore, impacts are *less than significant*.

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

The site is not listed on the Cortese List of hazardous materials cleanup sites developed pursuant to California Government Code Section 65962.5 and will have *no impact*.

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

The project is not located within an airport land use plan and is not located within close proximity to an airport. Therefore, there would be no risk of exposing people to a safety hazard or excessive noise from the operation of an airport and therefore there would be *no impact*.

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

The project would not conflict with any regional emergency response or evacuation plan as the majority of project activities will take place onsite. Project construction would be contained within the project site. Construction and operation of the project would not require road closure, and the project would not physically block the Refinery employees from evacuating during an emergency. Therefore, impacts would be *less than significant*.

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

The proposed project is located in an area classified as a High Fire Hazard Severity Zone. The project site is surrounded by native and nonnative annual grassland. Once the project work is completed, the

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risk to people from wildland fires would remain the same as the pre-project risk conditions. Therefore, the project has a *less than significant impact* on exposing people or structures to wildfires.

### Conclusion

The proposed cleanup goals are to remove affected soils that are currently above commercial/industrial environmental screening levels to a maximum depth of 10 feet below ground surface and replace it with agronomically suitable soil (sourced onsite). The project proposes to transport the contaminated soil from the project location to a waste receiving facility at Kettleman Hills Hazardous Waste Facility in Kettleman City, California. The waste haulers will follow all state and federal regulations regarding the transportation and disposal of asbestos containing materials per the guidance of the Code of Federal Regulations, Title 49. Once remediation activities are complete, the project would not involve the routine transportation, use, or disposal of hazardous materials. Short-term risks to on-site workers, public health, and the environment could result from dust or particulates that may be generated during excavation and soil handling activities. The project is not within close proximity to any schools or airports and would not conflict with any regional emergency response or evacuation plan. Standard dust mitigation measures (AQ-1) are proposed to make impacts from hazardous materials less than significant.

### Mitigation

See Section III for Air Quality Mitigation Measures.

### Sources

See Exhibit A.

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

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

### Setting

The proposed project would remove contaminated soils from the area and would not generate water demand outside the construction phase.

The topography of the project is gently sloping to steeply sloping. As described in the NRCS Soil Survey, the soil surface is considered to have moderate to high erodibility and are considered well drained. The project parcel is within the Salinas Valley Groundwater Basin and the Paso Robles Groundwater Basin, Shandon Area. There is an intermittent stream adjacent to the excavation sites which is an unnamed tributary to the Estrella River approximately 2.65 miles north. The San Juan Creek is also located approximately 2.2 miles east of the project site. The project site is not located within a 100-year flood zone.

For areas where drainage is identified as a potential issue, the Land Use Ordinance (LUO Sec. 22.52.110) includes a provision to prepare a drainage plan to minimize potential drainage impacts. When required, this plan would need to address measures such as: constructing on-site retention or detention basins or installing



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surface water flow dissipaters. This plan would also need to show that the increased surface runoff would have no more impacts than that caused by historic flows.

Soil type, area of disturbance, and slopes are key aspects to analyzing potential sedimentation and erosion issues. The project's soil types and descriptions are listed in the previous Agriculture section under "Setting". As described in the NRCS Soil Survey, the project's soil erodibility is moderate to high.

A sedimentation and erosion control plan is required for all construction and grading projects (LUO Sec. 22.52.120) to minimize these impacts. When required, the plan is prepared by a civil engineer to address both temporary and long-term sedimentation and erosion impacts. Projects involving more than one acre of disturbance are subject to the preparation of a Storm Water Pollution Prevention Plan (SWPPP), which focuses on controlling storm water runoff. The Regional Water Quality Control Board is the local extension who monitors this program.

### Discussion

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

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

- Approximately 0.87 acres of site disturbance;
- The project will be subject to standard County requirements for drainage, sedimentation and erosion control for construction and permanent use;
- The project is not within a 100-year Flood Hazard designation;
- The project is adjacent to an intermittent stream;
- All hazardous materials and/or wastes will be properly transport offsite via trucks;
- Stockpiles will be properly managed during construction to avoid material loss due to erosion; and
- Erosion control measures to be implemented during construction include a permanent erosion control blanket to reduce surficial erosion of the slopes and allow for vegetation growth on the slopes.

Implementation of Land Use Ordinance Section 22.52.110 and Section 22.52.120 will help ensure *less than significant impacts* to water quality standards and surface and ground water quality.

The majority of petroleum hydrocarbon impacted soils occurred in the near surface between 1 and 10 feet below ground surface. Groundwater is not encountered below ground surface based on the previous borings along the pipeline and is expected to be greater than 100 feet below ground surface therefore it not expected to be impacted by petroleum hydrocarbons associated with the project site. Therefore, impacts would be *less than significant*.

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

The project would not increase water demand deplete groundwater supplies, or interfere substantially with groundwater recharge; therefore, the project would not interfere with sustainable management of the groundwater basin. Potential impacts associated with groundwater supplies would be *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 proposed project will be required to provide an erosion control plan, consistent with County standards and is not expected to result in any substantial erosion or siltation on or off site. Therefore, the impact is considered *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 proposed project will be required to submit a drainage plan, consistent with County standards. The project is not expected to result in substantial increases to the rate or amount of surface runoff which could result in flooding on or off site. Therefore, the impact is considered *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 proposed project shall submit a drainage plan, consistent with County standards. Therefore, it is not expected that the project would result in substantial increases to the rate or amount of surface runoff which could result in flooding on or off site. The remediation site would be outside of the 100-year flood hazard area. The project is not within a potential flood area to not be considered at risk of hazards associated with periodic flooding, including the possible release of pollutants. Therefore, impacts would be *less than significant*.

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

The project site is outside of the 100-year flood hazard area and the required drainage plan shall be designed to keep flood flows on site or keep with existing historic flows. Therefore, the project is not expected to impede or redirect flood flows. *No impacts* are anticipated.

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

Based on the County Safety Element Dam Inundation Map, the project site is not located in an area that would become inundated in the event of dam failure. The proposed project is not located in a 100-year flood zone, and the Pacific Ocean is located more than 30 miles from the project site. The likelihood of flood, tsunami, or seiche affecting the project site is very low and therefore impacts would be *less than significant*.

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

The remediation project will remove contaminated soil which could leak into the groundwater table. The project will not conflict or obstruct implementation of a water quality control plan or sustainable management plan. Impacts will be *less than significant*.

### Conclusion

No significant water-related impacts would occur.

### Mitigation

No mitigation measures are necessary.

### Sources

See Exhibit A.

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

### Setting

The proposed remediation would be located in an area designated Agriculture by the County of San Luis Obispo. The project site is surrounded by single family residences, vacant and grazing land, and crops to the north. The proposed project was reviewed for consistency with policy and regulatory documents relating to the environment and appropriate land use (e.g., County Land Use Ordinance, North County Area Plan, etc.). Referrals were sent to outside agencies and other County departments to review for policy consistencies (e.g., County Fire/CAL FIRE for Fire Code, SLOAPCD for Clean Air Plan, etc.).

### Discussion

- (a) *Physically divide an established community?*

The proposed project is located on an existing parcel and would not involve any components that would physically divide the surrounding community. The project would utilize the existing circulation

## Initial Study – Environmental Checklist

system and onsite roads for access and would not require the construction of offsite infrastructure. Therefore, there would be *no impact*.

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

The project was found to be consistent with standards and policies set forth in the County General Plan, the North County Area Plan, and other land use policies for this area. Therefore, impacts related to inconsistency with land use and policies adopted to address environmental effects would be *less than significant*.

### Conclusion

No significant land use or planning impacts would occur.

### Mitigation

No mitigation measures are necessary.

### Sources

See Exhibit A.

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

### Setting

The County Land Use Ordinance provides regulations for development in delineated Energy and Extractive Resource Areas (EX) and Extractive Resource Areas (EX1). The proposed project is not located within an EX or EX1 designation. Active mining operations are located approximately 8.4 mile southwest of the project site, in the Huerhuero Creek river bed.

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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?*

There are no known mineral resources on the project site, therefore impacts would be *less than significant*.

- (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?*

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, and the site is not designated as a mineral resource recovery site. Therefore, impacts related to preclusion of future extraction of locally important mineral resources would be *less than significant*.

### Conclusion

Due to the lack of known valuable minerals on the project site, and the lack of a mineral resource recovery designation, the proposed project would not result in the loss of availability of or future extraction of valuable mineral resources.

### Mitigation

No mitigation measures are necessary.

### Sources

See Exhibit A.

## 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"/>

## Initial Study – Environmental Checklist

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
(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 project area is zoned for Agricultural uses. The County limits daytime (7:00 a.m. to 10:00 p.m.) noise levels to 50 decibels A-weighted (dBA Leq) at residential property lines. Short-term construction noise is exempt from County noise regulations provided it takes place during daytime hours (noted above, and 8:00 a.m. to 5:00 p.m. on Saturday and Sunday). Pursuant to the Federal Transit Administration, a vibration level of 65 VdB is the threshold of perceptibility for humans. The existing ambient noise environment is characterized by traffic on Highway 101, as well as industrial equipment from the Santa Maria Refinery. Noise-sensitive land uses typically include residences, schools, nursing homes, and parks. The closest sensitive receptors to the project site are a two single-family residences located west of Highway 41, approximately 270 feet from the proposed project site. The project is not located within an Airport Review Area and the closest active landing strip, Oceano County Airport, is 12.5 northwest of the project site.

## Initial Study – Environmental Checklist

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### 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?*

Project construction activities would generate short-term (temporary) construction noise. Activities that generate noise in excess of 60 dB at the project site boundary shall be limited to the hours of 7 a.m. to 6 p.m. If possible, the use of pile drivers shall be minimized in construction. Alternative techniques that produce less noise, such as drilled or bored piles, shall be considered. Furthermore, compliance with County LUO Section 23.06.040 would require construction noise to be limited. The project is a remediation project and will not generate noise long term. Noise impacts resulting from both construction and operation of the proposed facility are expected to be *less than significant*.

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

Grading for the proposed project would not result in groundborne vibration. No construction equipment or methods are proposed that would generate substantial ground vibration. Therefore, impacts related to temporary or permanent groundborne vibration would be *less than significant*.

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

The project is not located within an Airport Review Area and the closest active landing strip, Oceano County Airport, is 12.5 miles northwest of the project site. Since the project site is not located within two miles of a public airport or public use airport, and is not located in an area subject to an airport land use plan, there would be *no impact* to people residing or working in the project area from excessive air traffic related noise levels.

### Conclusion

No significant noise-related impacts are anticipated.

### Mitigation

No mitigation measures are needed.

### Sources

See Exhibit A.



## Initial Study – Environmental Checklist

### 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 proposed project is located within the unincorporated area of San Luis Obispo County, south of the community of Shandon. The site is located within the North County planning area, Shandon-Carrizo sub area. In its efforts to provide for affordable housing, the County currently administers the Home Investment Partnerships Program (HOME) and the Community Development Block Grant (CDBG) Program, which provides limited financing to projects relating to affordable housing throughout the county. The County's Inclusionary Housing Ordinance requires provision of new affordable housing in conjunction with both residential and nonresidential development and subdivisions.

#### Discussion

- (a) *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 proposed project would not result in new jobs in the area that would require new housing. The project proposes access via an existing dirt road connecting to highway 41 across from existing single family residences. The project does not propose new roads or infrastructure to undeveloped or underdeveloped areas that would indirectly result in population growth. Therefore, *no impacts* would occur.

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

The proposed project proposes remediation of hydro-carbon contaminated soils. The proposed project does not include any residential uses or structures for human habitation. The project would not result in a need for new housing and would not displace existing housing. Therefore, *no impacts* would occur.

#### Conclusion

No significant population and housing impacts would occur.

## Initial Study – Environmental Checklist

### Mitigation

No mitigation measures are necessary.

### Sources

See Exhibit A.

## XV. PUBLIC SERVICES

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
(a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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 checked="" type="checkbox"/>	<input type="checkbox"/>
Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

### Setting

The project area is served by the following public services:

Fire: Cal Fire / County Fire (Location: 501 W. Center St, Shandon, approximately 3.8 miles north of the project parcel). The project site has a high Fire Hazard Severity rating. According to Cal Fire and County Fire response times are estimated to be between 0 to 5 minutes.

Police: County Sheriff (Location: 65 N Main St Templeton, San Luis Obispo County Sheriff North Patrol, approximately 21.5 miles southwest of the project parcel)

School District(s): Shandon Joint Unified School District

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Parks: The project parcel lies 3 miles south of the Shandon to Barney Schwartz and the Salinas River Trail corridor.

### 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 proposed project was reviewed by County Fire/Cal Fire for consistency with the Uniform Fire Code and will be required to adhere to the requirements of Uniform Fire Code. The proposed project, along with other projects in the area, will result in a cumulative effect on fire protection services. The project's direct and cumulative impacts are within the general assumptions of allowed use for the subject property that was used to estimate the public facility fees in place. Therefore, impacts would be *less than significant*.

#### *Police protection?*

The proposed project, along with other projects in the area, would result in a cumulative effect on police protection services. The project's direct and cumulative impacts would be within the general assumptions of allowed use for the subject property that was used to estimate the public facility fees in place. Therefore, impacts would be *less than significant*.

#### *Schools?*

The proposed project would not result in the need for new housing and would not result in population growth. Therefore, there will be *no impact* to existing schools or a need for new school facilities.

#### *Parks?*

The proposed project would not result in the need for new housing and would not result in population growth. Therefore, there will be *no impact* to existing parks or a need for new park facilities.

#### *Other public facilities?*

None applicable.

### Conclusion

The proposed project does not have the potential to result in significant impacts to fire or police protection and will not result in an increase in population, causing a cumulative effect on existing schools or parks. Therefore, the project will have a less than significant impact to public facilities and services.

### Mitigation

There is no evidence that measures above what will already be required by ordinance or codes are needed.

### Sources

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

#### Setting

The County of San Luis Obispo Parks and Recreation Element (Recreation Element) establishes goals, policies, and implementation measures for the management, renovation, and expansion of existing, 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. The Recreation Element does not show any existing or potential future trails going through or adjacent to the project site.

The project site is located east of the San Juan Valley, and south of the Barney Schwartz and the Salinas River trail corridors. The project does not involve a permanent development and will not block any potential future trail. The County's Parks and Recreation Element does not show that a potential trail goes through the proposed project site. The project is not proposed in a location that will affect any trail, park, recreational resource, coastal access, and/or Natural Area.

#### 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 remediation project will not provide additional housing or increase the general population in the area. Therefore it would not cause substantial physical deterioration of existing neighborhoods and regional parks or other recreational facilities. Impacts would be *less than significant*.

- (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 propose any recreational facilities, nor does it necessitate the construction or expansion of recreational facilities in a way that might have an adverse physical effect on the environment. Therefore, impacts would be *less than significant*.

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### Conclusion

The proposed project would not generate a significant increase in activity within any publicly accessible recreational facilities, nor would it necessitate the construction or expansion of such facilities to an extent which would have an adverse physical effect on the environment.

### Mitigation

There is no evidence that measures above what will already be required by ordinance or codes are needed.

### Sources

See Exhibit A.

## 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 County has established the acceptable Level of Service (LOS) on roads in rural area as LOS "C" or better (LOS "D" in urban areas). Residential traffic currently utilizes State Route 1, Willow Road, Pomeroy Road, West Tefft Street, State Route 166, and U.S. Highway 41 to access the project site. The project is located outside of the County's Airport Review combining designation (AR). There are no bike lanes or public transit stops nearby. The project is not located within a road fee area and is not within an urban reserve line. Truck trips will transport contaminated soil from the project site to covered trucks, which would take the soil offsite to the disposal facility at Kettleman Hills Hazardous Waste Facility in Kettleman City, California, for its final destination.

## Initial Study – Environmental Checklist

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### Discussion

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

The proposed project would be completed onsite and would not conflict with plans, ordinances, or policies which address the circulation system. No activities associated with this permit shall be allowed to occur within the public right-of-way including, but not limited to, project signage, tree planting, fences, etc., without a valid encroachment permit issued by the Department of Public Works or other applicable agencies. Trucks and all staging equipment will be located onsite, once contaminated soils are loaded onto trucks, they will be transported directly to the disposal facility in Kettleman City using existing road ways. Therefore, impacts would be *less than significant*.

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

The proposed project is the remediation of contaminated soils and will not result in a long-term use and therefore will not increase the Vehicle Miles Traveled (VMT) as a result. Therefore, the project would not conflict or be inconsistent with CEQA Guidelines section 15064.3 subdivision (b) and would have a *less than significant impact*.

- (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 will not result in the creation of additional roadways with geometric design features. Access between the remediation site and the disposal facility will be provided by existing roads onsite. Existing access is adequate for the proposed project and therefore, impacts would be *less than significant*.

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

The project would not result in any permanent development or additional road. The temporary access road improvements will facilitate truck access to each remediation site and will not impact the existing road system (Highway 41). The remediation activities would not require road closure, and the project would not physically block the residents or employees from evacuating during an emergency or prevent emergency vehicles from entering the property. Therefore, impacts would be *less than significant*.

### Conclusion

The proposed project would not result in a significant increase in the use of the existing roads servicing the area nor would it increase or create any hazard or obstruction to emergency access.

### Mitigation

There is no evidence that measures above what will already be required by ordinance or codes are needed.

### Sources

See 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 checked="" type="checkbox"/>	<input 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, Assembly Bill 52 (AB 52) added tribal cultural resources to the categories of resources that must be evaluated under CEQA. Tribal cultural resources are defined as either of the following:

- 1) Sites, features, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are either of the following:
  - a. Included or determined to be eligible for inclusion in the California Register of Historical Resources; or
  - b. Included in a local register of historical resources as defined in subdivision (k) of California Public Resources Code Section 5020.1.



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

AB 52 consultation letters were sent to four tribes on November 1, 2019: Northern Chumash Tribal Council, Salinan Tribe of San Luis Obispo and Monterey Counties, Xolon Salinan Tribe, and yak tit'yu tit'yu yak tiłhini. A response was submitted by the Xolon Salinan Tribe on December 4, 2019, asking to be notified if any unforeseen cultural materials are discovered. No other comments were received.

As noted in Section V. Cultural Resources, the project is located in an area historically occupied by the Obispoño Chumash.

### 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)?*

As noted in Section V. Cultural Resources, no known archaeological resources are present on the project site. The records search did not reveal any previously recorded resources within a 0.25-mile radius of the site and no cultural resources were observed on the project site during the pedestrian survey of the site conducted on December 12, 2019. It is unlikely that any tribal cultural resources will be found on the site. Therefore, the impact is *less than significant*.

- (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.*

Archeological studies done within a one mile radius of the confirms the absence of known archaeological sites near the study area.

In the unlikely event resources are uncovered during grading activities, implementation of LUO Section 22.10.040 (Archaeological Resources) would be required, which states:

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

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

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

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

### Conclusion

No significant impacts on tribal cultural resources would occur. In the event of an unanticipated discovery of tribal resources during earth-moving activities, compliance with the LUO would ensure potential impacts would be reduced to less than significant.

### Mitigation

No mitigation measures beyond those required by ordinance are required.

### Sources

See Exhibit A.

## XIX. UTILITIES AND SERVICE SYSTEMS

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<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 type="checkbox"/>	<input checked="" 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"/>

## Initial Study – Environmental Checklist

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
(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 project site is a remediation project, located in an industrial area and will not result in a permanent use or development, therefore not requiring water or sewer connections. Once remediation activities are complete, the site will be vacant.

The subject property is within the Paso Robles Ground Water Basin and is not within a domestic water service jurisdiction. The parcel is currently developed with two single family residences and agricultural assessor buildings, however the project site is within a vacant area to the west of the residences and highway 41 with no utility service connections.

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

### 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 not receive water or wastewater services. The proposed project would not result in the necessity of new or expanded water, wastewater, electric, natural gas, or telecommunications connections or facilities. Since no expansion or relocation of facilities would be required for construction or operation of the proposed project, *no impacts* would occur.

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

The project is the remediation of contaminated soils. Water trucks are proposed to prevent airborne dust from leaving the site. Reclaimed water will be used whenever possible. No water will be required for the continued use of the site as open space. Once remediation is complete, the water usage would remain unchanged when compared to the historic usage. Since water usage would be consistent with historical use, the impacts from having insufficient water supplies available to serve the project and reasonably foreseeable future development would be *less than significant*.

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

The proposed project would not result in the production of any wastewater and all wastewater during construction would be collected in portable restroom facilities that would be serviced offsite. The 234-

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acre and 642-acre parcels are not served by a wastewater treatment provider, and the proposed project would have *no impacts* on capacity of a wastewater treatment provider's facilities.

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

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

The project is the remediation of hydro-carbon impacted soils from four areas along the petroleum pipeline vicinity. Waste transport and disposal include transportation by truck, and disposal at Kettleman Hills Hazardous Waste Facility in Kettleman City, California. Once the remediation is complete, the site would not result in the production of solid waste and therefore would comply with all federal, state, and local management and reduction statutes and regulations related to solid waste. Since the waste produced by the project will be taken to an out of state facility, impacts to local waste reduction goals will be *less than significant*.

### Conclusion

Portable restrooms would be provided during construction and handled by the portable restroom provider. Solid waste may be generated during construction of the facility and would be removed from the site by the project contractor. Contaminated soil will be removed by truck to a disposal site at the Kettleman Hills Hazardous Waste Facility. No significant impacts related to utilities and service systems would occur, and therefore mitigation is not required.

### Mitigation

No mitigation measures above what are already required by ordinance are necessary.

### Sources

See Exhibit A.

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

## Initial Study – Environmental Checklist

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
(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

The proposed project site is located in High Fire Hazard Severity Zones and have an average annual windspeed of approximately 6.0 to 8.2 miles per hour (mph) (WeatherSpark 2019). Existing conditions that may exacerbate fire risk include the gently to steeply sloping topography in some areas and the moderate average windspeed.

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

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

### Discussion

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

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

## Initial Study – Environmental Checklist

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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 proposed project sites are located in an area of moderate wind, with an average annual wind speed of approximately 6.0 to 8.2 miles per hour (mph) (WeatherSpark 2019). The project sites is surrounded by predominantly agricultural and rural area covered by bare soils and native and nonnative grasses. This scrub could be a source of fuel, especially during the summer months when vegetation is drier. The remediation site has gently to steeply sloping topography while the rest of the parcels contain steep slopes, all of which exacerbate fire risk. All of these conditions have resulted in the project sites being classified in a High Fire Hazard Severity Zone. The proposed project would have the highest fire risk during grading activities as construction vehicles have the ability to spark wildfires when operating machinery around dry vegetation. This risk would be temporary however, and there would be no long-term fire risk from the implementation of the project. Therefore, impacts would be *less than significant*.

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

The project site will be accessed by an existing dirt path taking access off of Highway 41. A section of access road will be improved for truck access as shown in these plans. Existing access roads will be used to access each excavation area unless as shown on the plans. Vegetation may be mowed but not removed from the existing access roads. A Cal Fire station is located at 501 W. Center St, Shandon, approximately 3.8 miles north of the project parcel 0.3 miles east of the remediation. 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 project would not result in the construction of structures and employees would rarely be onsite. Therefore, there would be a less than significant impact to people and structures in regard to flooding and landslides from post-fire slope instability. The proposed project has a moderate landslide risk and shall submit a drainage plan, consistent with County standards. Therefore, it is not expected that the project would result in substantial increases to the rate or amount of surface runoff which could result in flooding on or off site. The remediation site would be outside of the 100-year flood hazard area. The project would be at a great enough distance from the potential flood area to not be considered at risk of hazards associated with periodic flooding, including the possible release of pollutants. Therefore, impacts would be *less than significant*.

### Conclusion

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

### Mitigation

None beyond ordinance requirements needed.

### Sources

See Exhibit A.

## Initial Study – Environmental Checklist

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

The project has the potential to impact Air Quality and Biological Resources. Mitigation measures have been placed within each of these sections to address potential impacts and their implementation would reduce impacts to *less than significant levels with mitigation*.



## Initial Study – Environmental Checklist

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

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

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

Environmental impacts that may have an adverse effect on human beings, either directly or indirectly, are analyzed in each environmental resource section above. There is no evidence that measures above what will already be required by ordinance or codes are needed. Therefore, impacts would be *less than significant*.

### Conclusion

With the implementation of mitigation measures in addition to the required ordinance and code, the project would cause less than significant impacts and thus, the project impacts would be less than significant.

### Mitigation

No mitigation needed.

### Sources

See Exhibit A.

## Initial Study – Environmental Checklist

### Exhibit A - Initial Study References and Agency Contacts

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

Contacted	Agency	Response
<input checked="" type="checkbox"/>	County Public Works Department	None
<input checked="" type="checkbox"/>	County Environmental Health Services	In File
<input checked="" type="checkbox"/>	County Agricultural Commissioner's Office	None
<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	In File
<input type="checkbox"/>	County Sheriff's Department	Not Applicable
<input checked="" type="checkbox"/>	Regional Water Quality Control Board	None
<input type="checkbox"/>	CA Coastal Commission	Not Applicable
<input checked="" type="checkbox"/>	CA Department of Fish and Wildlife	In File
<input checked="" type="checkbox"/>	CA Department of Forestry (Cal Fire)	None
<input type="checkbox"/>	CA Department of Transportation	Not Applicable
<input type="checkbox"/>	Community Services District	Not Applicable
<input type="checkbox"/>	Other _____	Not Applicable
<input type="checkbox"/>	Other _____	Not Applicable

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

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

<input checked="" type="checkbox"/> Project File for the Subject Application	<input type="checkbox"/> Design Plan
<input checked="" type="checkbox"/> <b>County Documents</b>	<input type="checkbox"/> Specific Plan
<input type="checkbox"/> Coastal Plan Policies	<input checked="" 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:	<input checked="" type="checkbox"/> <b>Other Documents</b>
<input checked="" type="checkbox"/> Agriculture Element	<input checked="" type="checkbox"/> Clean Air Plan/APCD Handbook
<input checked="" type="checkbox"/> Conservation & Open Space Element	<input 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 checked="" type="checkbox"/> Archaeological Resources Map
<input checked="" type="checkbox"/> Parks & Recreation Element/Project List	<input checked="" type="checkbox"/> Area of Critical Concerns Map
<input checked="" type="checkbox"/> Safety Element	<input checked="" 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 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"/> Shandon-Carrizo Sub Area	

## Initial Study – Environmental Checklist

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

Clarkson, Philip. Applied EarthWorks, Inc. Cultural Resource Study for Kuhnle Ranch Remediation, Shandon, San Luis Obispo County, California. January 2020.

Crozier, Kraig. GeoSolutions. Temporary Slope Stability Evaluation for Kuhnle Ranch Phillips 66 Company. February 6, 2020.

Kevin Merk Associates, LLC, Kuhnle Ranch Pipeline Remediation Project Shandon, San Luis Obispo County, California (APNs 017-251-072 and 037-301-002; PMT2019-00090). January 7, 2020.

Reiman, Brett. Stantec Consulting Services Inc., Biological Survey for Remedial Excavation Kuhnle Ranch, San Luis Obispo County. March 21, 2019.

Stantec Consulting Services Inc., Preliminary Jurisdictional Wetlands and Waters Delineation Kuhnle Ranch Pipeline Soil Remediation Project. July 12, 2019.

Stantec Consulting Services Inc., Revised Remedial Action Plan Kuhnle Ranch Pipeline Site Highway 41 near Wood Canyon Road Shandon, California. September 13, 2018.

Vance, Julie A. California Department of Fish and Wildlife. San Joaquin Kit Fox Mitigation Kuhnle Ranch Pipeline Remediation Project. Email. April 30, 2020.

## Initial Study – Environmental Checklist

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### Exhibit B - Mitigation Summary

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

#### AQ-1

**Dust Control.** The project proposes grading areas that are within 1,000 feet of a sensitive receptor. The following measures shall be implemented to minimize nuisance impacts and to significantly reduce fugitive dust emissions:

- a. Reduce the amount of the disturbed area where possible;
- b. Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water shall be used whenever possible;
- c. All dirt stock pile areas shall be sprayed daily as needed;
- d. Permanent dust control measures identified in the approved project plans (e.g., revegetation and landscape plans, etc.) shall be implemented as soon as possible following completion of any soil disturbing activities;
- e. Exposed ground areas that are planned to be reworked at dates greater than one month after initial grading shall be sown with a fast germinating, non-invasive grass seed and watered until vegetation is established;
- f. All disturbed soil areas not subject to revegetation shall be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the Air Pollution Control District (APCD) and for applications within close proximity to sensitive habitats, CA Department of Fish and Wildlife (CDFW)-compliant stabilizing methods shall be used”);
- g. Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site;
- h. All trucks hauling dirt, sand, soil, or other loose materials are to be covered or shall maintain at least two feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with CA Vehicle Code Section 23114;
- i. Install wheel washers where vehicles enter and exit unpaved roads onto streets, or wash off trucks and equipment leaving the site;
- j. Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water shall be used where feasible;
- k. The contractor or builder shall designate a person or persons to monitor the fugitive dust emissions and enhance the implementation of the measures as necessary to minimize dust complaints, reduce visible emissions below 20% opacity, and to prevent transport of dust offsite. Their duties shall include holidays and weekend periods when work may not

## Initial Study – Environmental Checklist

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be in progress. The name and telephone number of such persons shall be provided to the APCD Compliance Division prior to the start of any grading, earthwork or demolition.

### AQ-2

**Prior to the start of any ground disturbing activities**, the applicant shall contact the APCD Engineering & Compliance Division for specific information regarding permitting requirements. The applicant must receive an APCD permit to address proper management of the hydrocarbon contaminated soil. This permit shall include conditions to minimize emissions from any excavation, disposal or related process. To the extent feasible, Phillips 66 shall contact the APCD Engineering & Compliance Division within 120 days before the start of excavation to begin the permitting process.

### BIO-1

**Prior to issuance of grading and/or construction permits**, the applicant shall provide evidence that they have retained a qualified biologist acceptable to the County Department of Planning and Building. The retained biologist shall perform the following monitoring activities:

- a. **Within 30 days prior to initiation of site disturbance**, the biologist shall conduct a pre-activity (i.e. pre-construction) survey for known or potential kit fox dens and submit a letter to the County reporting the date the survey was conducted, the survey protocol, survey results, and what measures were necessary (and completed), as applicable, to address any kit fox activity within the project limits.
- b. The qualified biologist shall conduct weekly site visits during site-disturbance activities (i.e. grading, disk, excavation, stock piling of dirt or gravel, etc.) that proceed longer than 14 days, for the purpose of monitoring compliance with required Mitigation Measures BIO-2 through BIO-9. Site-disturbance activities lasting up to 14 days do not require weekly monitoring by the biologist unless observations of kit fox or their dens are made on-site or the qualified biologist recommends monitoring for some other reason. When weekly monitoring is required, the biologist shall submit weekly monitoring reports to the County.
- c. **Prior to or during project activities**, if any observations are made of San Joaquin Kit fox, or any known or potential San Joaquin kit fox dens are discovered within the project limits, the qualified biologist shall re-assess the probability of incidental take (e.g. harm or death) to kit fox. At the time a den is discovered, the qualified biologist shall contact the U.S. Fish and Wildlife Service and the Department for guidance on possible additional kit fox protection measures to implement and whether or not a Federal and/or State incidental take permit is needed. If a potential den is encountered during construction, work shall stop until such time the U.S. Fish and Wildlife Service/Department determine it is appropriate to resume work.

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

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

## Initial Study – Environmental Checklist

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

**BIO-2** **Prior to issuance of grading and/or construction permits**, the applicant shall clearly delineate as a note on the project plans, that: *"Speed signs of 25 mph (or lower) shall be posted for all construction traffic to minimize the probability of road mortality of the San Joaquin kit fox"*. Speed limit signs shall be installed on the project site **within 30 days prior to initiation of site disturbance and/or construction**.

In addition, **prior to permit issuance and initiation of any ground disturbing activities**, conditions BIO-2 through BIO-12 of the Developer's Statement/Conditions of Approval shall be clearly delineated on project plans.

**BIO-3** **During the site disturbance and/or construction phase**, grading and construction activities after dusk shall be prohibited unless coordinated through the County, during which additional kit fox mitigation measures may be required.

**BIO-4** **Within 30 days prior to initiation of site disturbance**, all personnel associated with the project shall attend a worker education training program, conducted by a qualified biologist, to avoid or reduce impacts on sensitive biological resources (i.e. San Joaquin kit fox). At a minimum, as the program relates to the kit fox, the training shall include the kit fox's life history, all mitigation measures specified by the county, as well as any related biological report(s) prepared for the project. The applicant shall notify the County shortly prior to this meeting. A kit fox fact sheet shall also be developed prior to the training program, and distributed at the training program to all contractors, employers and other personnel involved with the construction of the project.

**BIO-5** **During the site-disturbance and/or construction phase**, to prevent entrapment of the San Joaquin kit fox, all excavation, steep-walled holes or trenches in excess of two feet in depth shall be covered at the close of each working day by plywood or similar materials, or provided with one or more escape ramps constructed of earth fill or wooden planks. Trenches shall also be inspected for entrapped kit fox each morning prior to onset of field activities and immediately prior to covering with plywood at the end of each working day. Before such holes or trenches are filled, they shall be thoroughly inspected for entrapped kit fox. Any kit fox so

## Initial Study – Environmental Checklist

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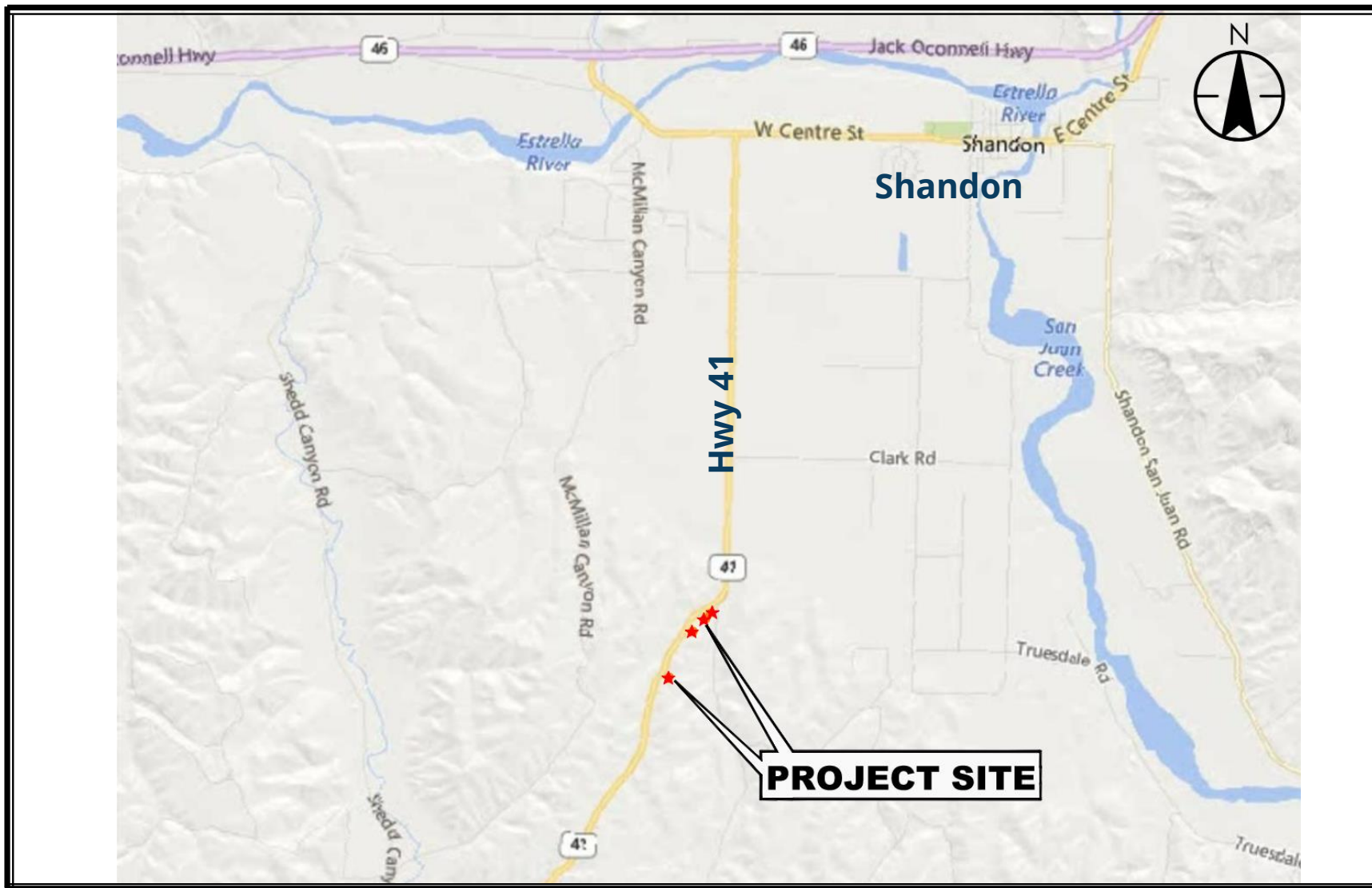
discovered shall be allowed to escape before field activities resume or removed from the trench or hole by a qualified biologist and allowed to escape unimpeded.

- BIO-6**      **During the site-disturbance and/or construction phase**, any pipes, culverts, or similar structures with a diameter of four inches or greater, stored overnight at the project site shall be thoroughly inspected for trapped San Joaquin kit foxes before the subject pipe is subsequently buried, capped, or otherwise used or moved in any way. If during the construction phase a kit fox is discovered inside a pipe, that section of pipe will not be moved, or if necessary, be moved only once to remove it from the path of activity, until the kit fox has escaped.
- BIO-7**      **During the site-disturbance and/or construction phase**, all food-related trash items such as wrappers, cans, bottles, and food scraps generated shall be disposed of in closed containers only and regularly removed from the site. Food items may attract San Joaquin kit foxes onto the project site, consequently exposing such animals to increased risk of injury or mortality. No deliberate feeding of wildlife shall be allowed.
- BIO-8**      **Prior to, during and after the site-disturbance and/or construction phase**, use of pesticides or herbicides shall be in compliance with all local, state and federal regulations. This is necessary to minimize the probability of primary or secondary poisoning of endangered species utilizing adjacent habitats, and the depletion of prey upon which San Joaquin kit foxes depend.
- BIO-9**      **During the site-disturbance and/or construction phase**, any contractor or employee that inadvertently kills or injures a San Joaquin kit fox or who finds any such animal either dead, injured, or entrapped shall be required to report the incident immediately to the applicant and County. In the event that any observations are made of injured or dead kit fox, the applicant shall immediately notify the U.S. Fish and Wildlife Service and the County by telephone. In addition, formal notification shall be provided in writing within three working days of the finding of any such animal(s). Notification shall include the date, time, location and circumstances of the incident. Any threatened or endangered species found dead or injured shall be turned over immediately to the Department for care, analysis, or disposition.
- BIO-10**      **During the site-disturbance and/or construction phase**, if construction activities should occur during the bird nesting season which is generally considered February 15 – September 1<sup>st</sup>, a preconstruction clearance survey of the site and the surrounding habitats within 500 feet of the site should be surveyed no more than 10 days prior to the start of construction. If an active nest is found within the project's zone of influence, avoidance measures will be recommended.
- BR-11**      **At the time of application for construction permits**, the application shall provide evidence to the County Department of Planning and Building that all applicable permits and/or clearances from any relevant local, state, and federal Resource Agencies for all proposed works have been obtained prior to conducting site work.
- BR-12**      **Prior to issuance of grading permit**, the Applicant shall obtain a Section 404 Nationwide Permit from USACE, a Section 401 Water Quality Certification from RWQCB, and a Section 1602 Streambed Alteration Agreement from CDFW to authorize project-related impacts in all areas potentially under the jurisdiction of these regulatory agencies and provide satisfactory evidence to the County.



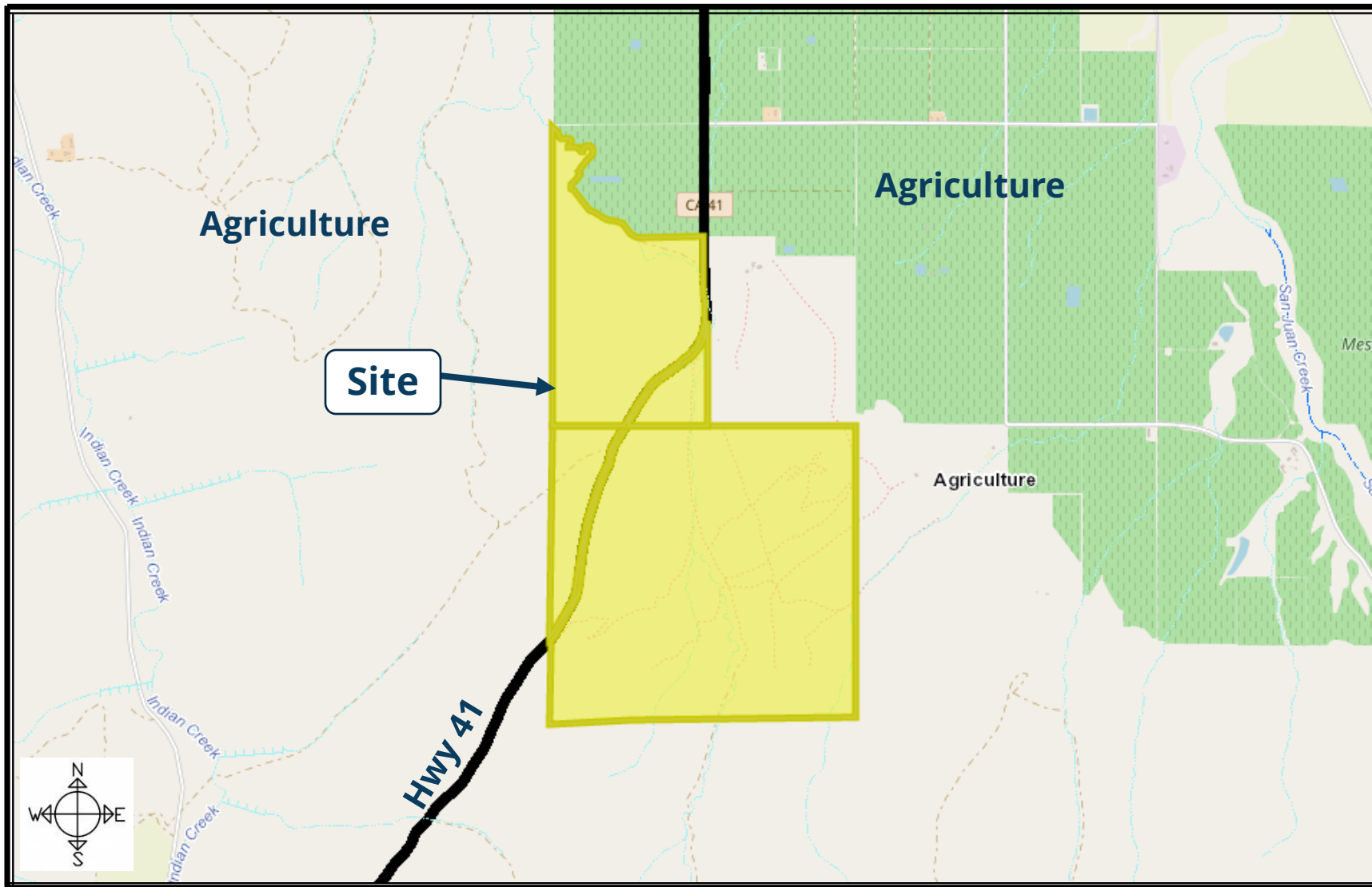
## Initial Study – Environmental Checklist

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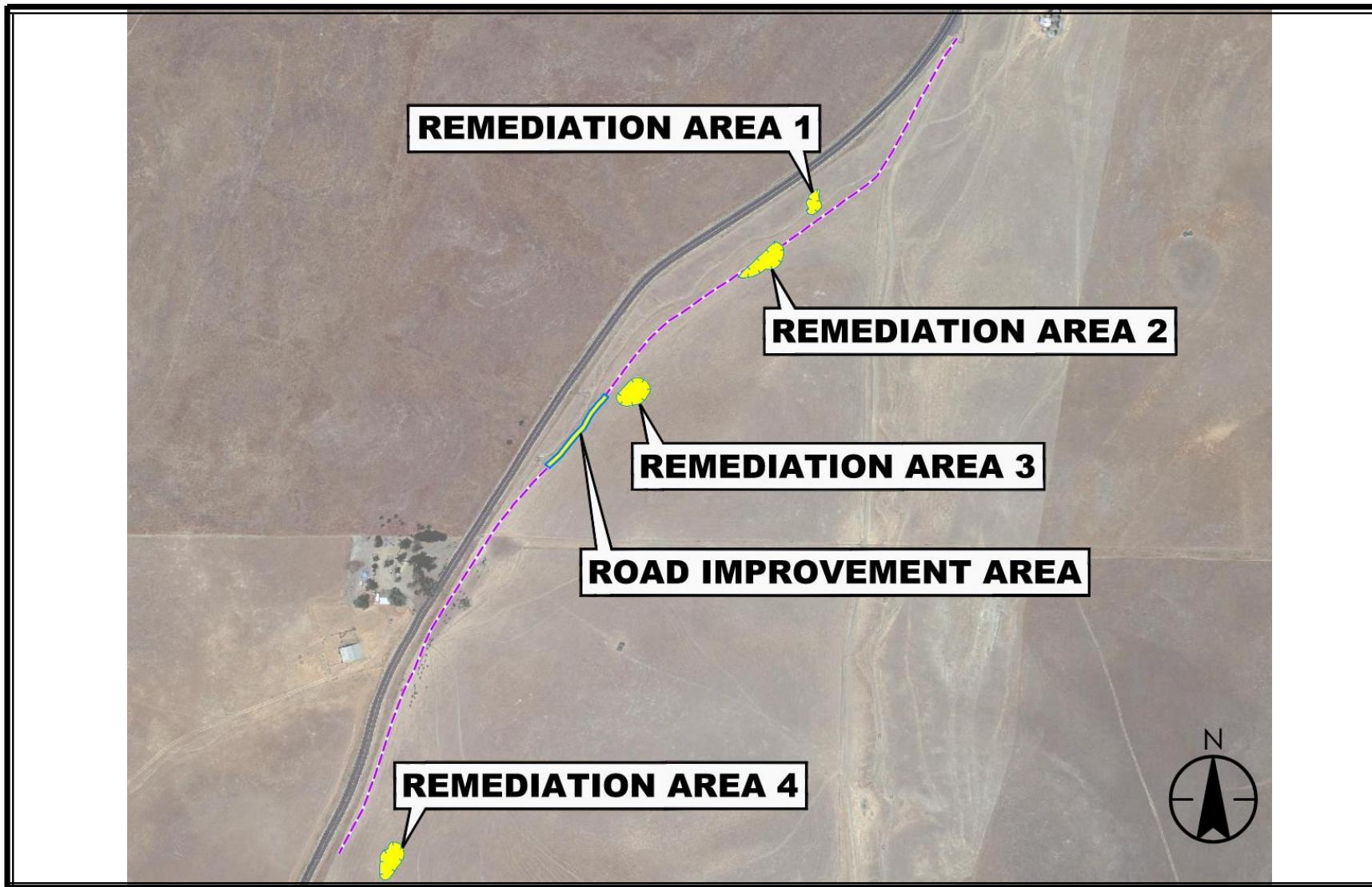
COUNTY OF SAN LUIS OBISPO

Vicinity Map  
PMTG2019-00090



COUNTY OF SAN LUIS OBISPO

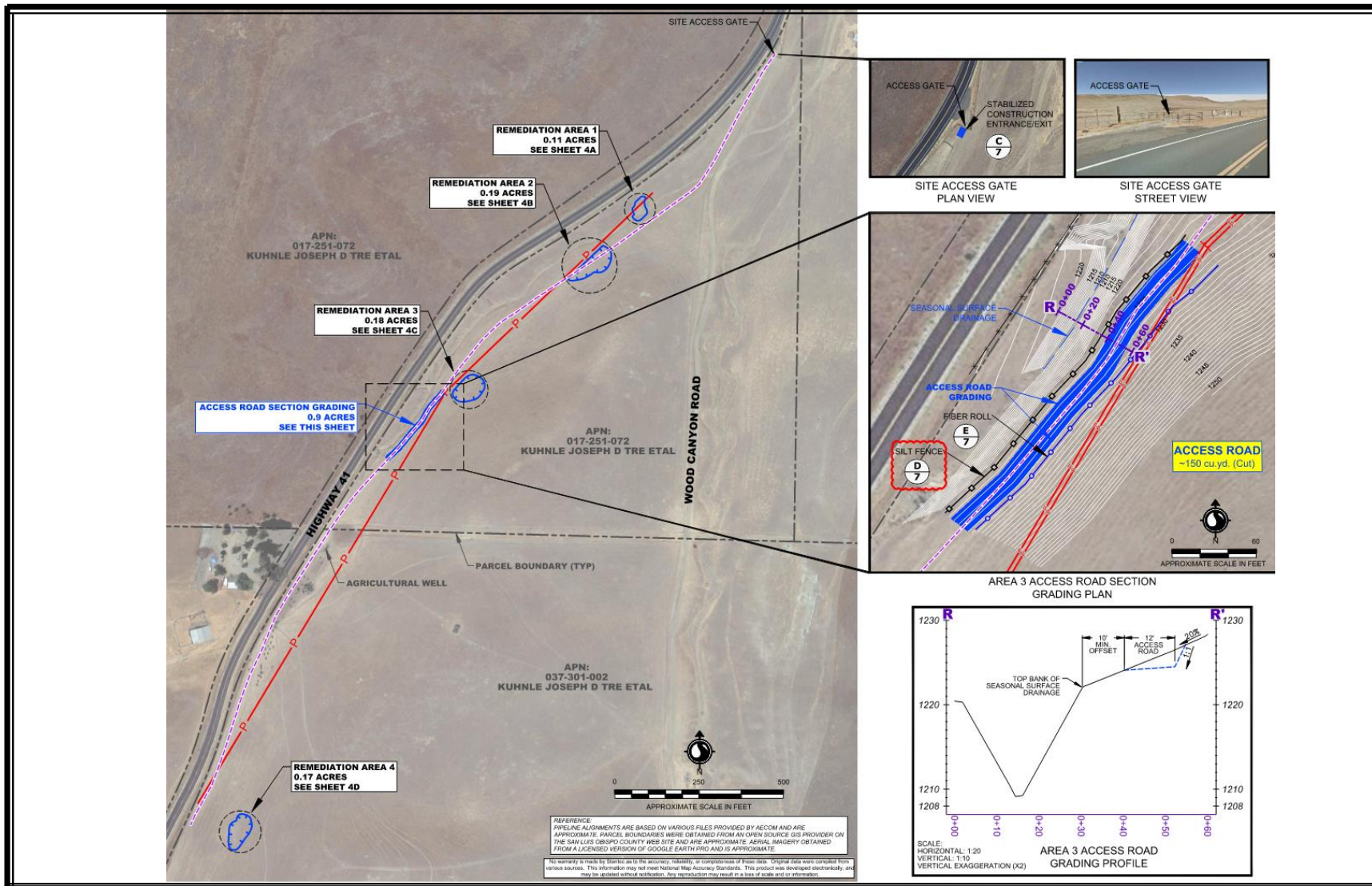
Land Use Category Map  
PMTG2019-00090



COUNTY OF SAN LUIS OBISPO

Aerial  
PMTG2019-00090

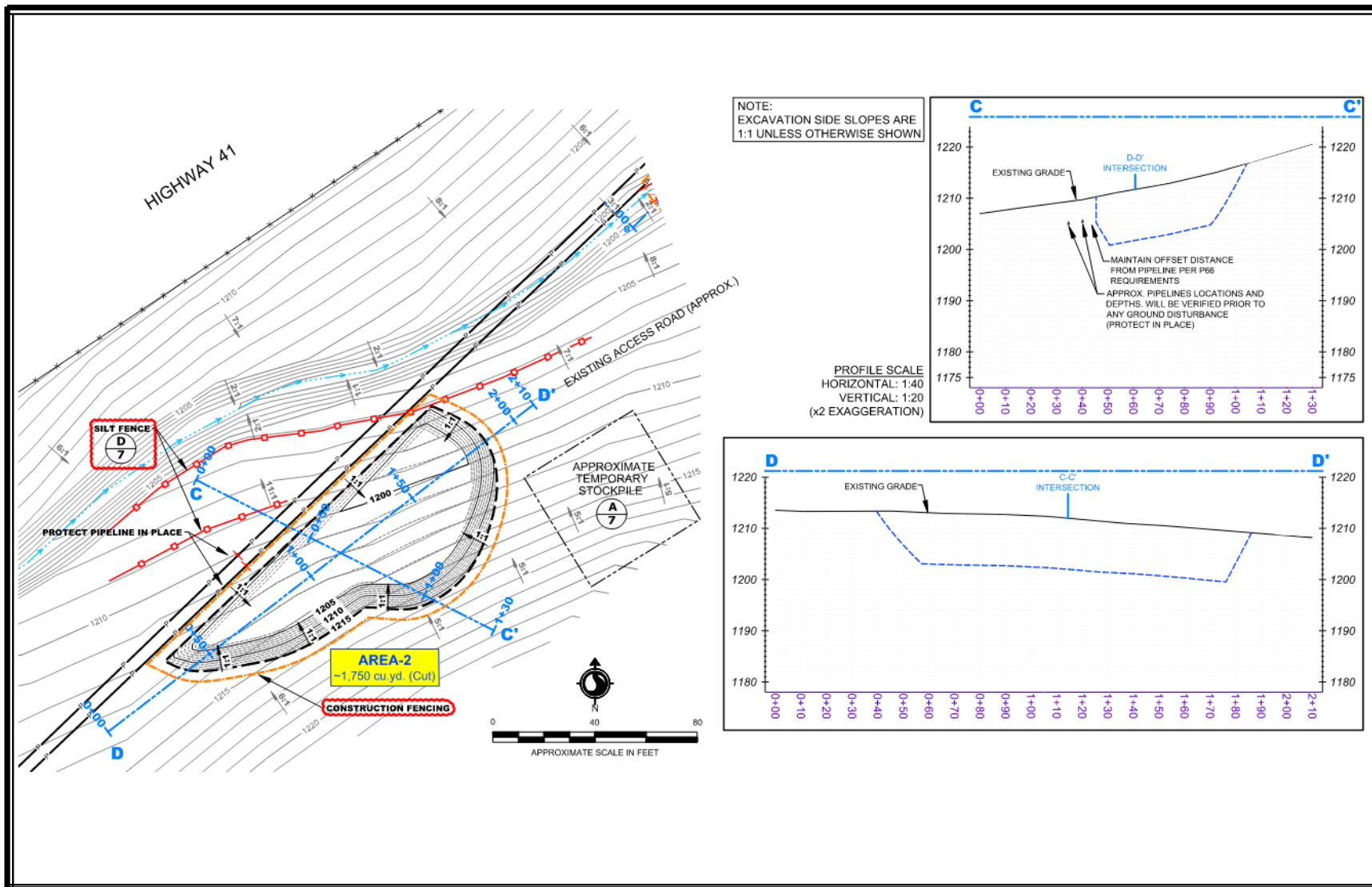




COUNTY OF SAN LUIS OBISPO

Site Map  
PMTG2019-00090



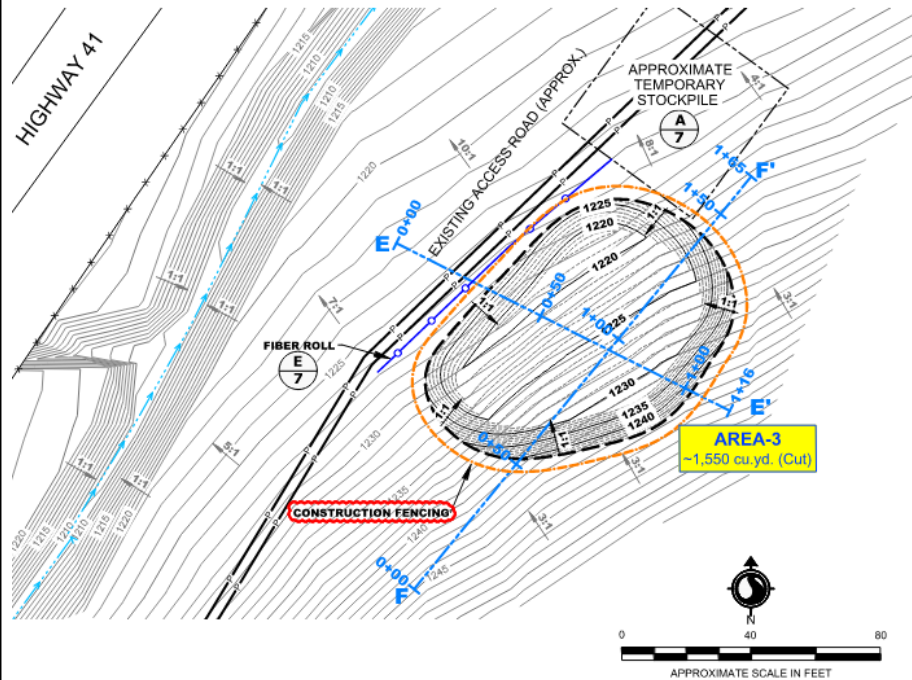


COUNTY OF SAN LUIS OBISPO

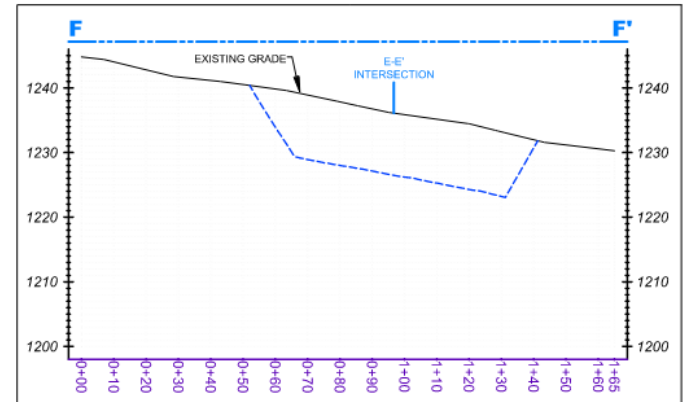
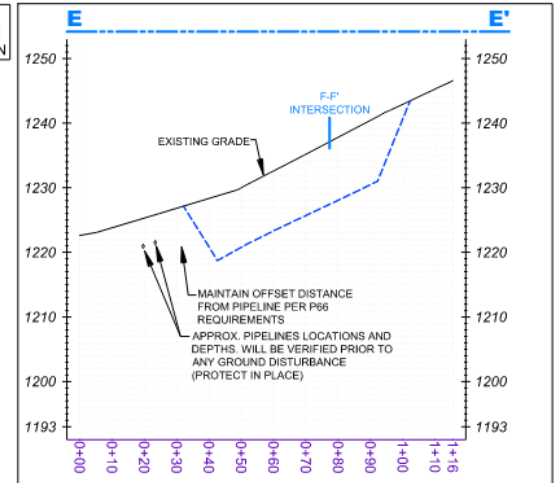
Excavation Area 2  
PMTG2019-00090



NOTE:  
EXCAVATION SIDE SLOPES ARE  
1:1 UNLESS OTHERWISE SHOWN



PROFILE SCALE  
HORIZONTAL: 1:40  
VERTICAL: 1:20  
(x2 EXAGGERATION)

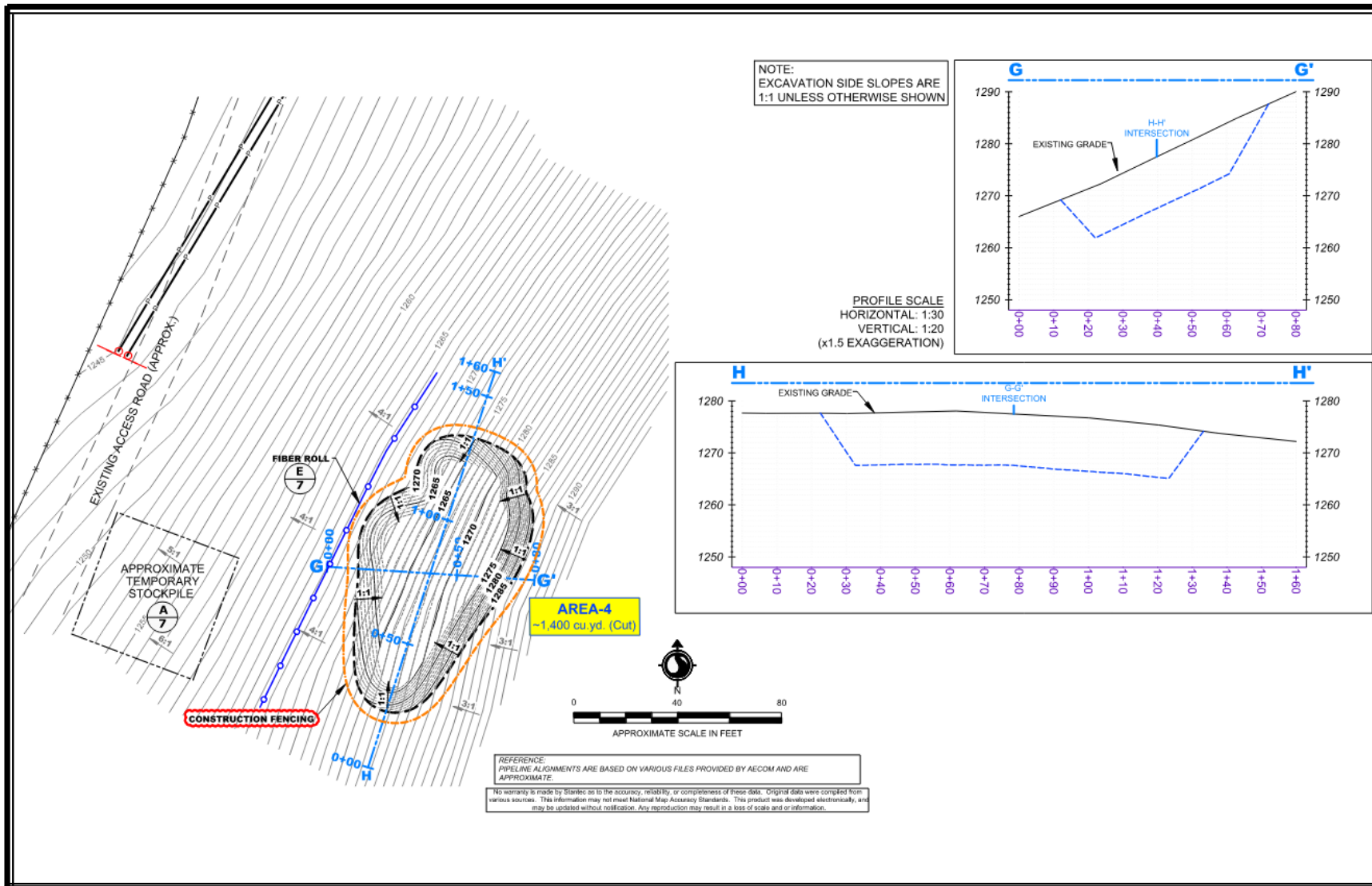


REFERENCE:  
PIPELINE ALIGNMENTS ARE BASED ON VARIOUS FILES PROVIDED BY AECOM AND ARE APPROXIMATE.  
No warranty is made by Startec as to the accuracy, reliability, or completeness of these data. Original data were compiled from various sources. This information may not meet National Map Accuracy Standards. This product was developed electronically, and may be updated without notification. Any reproduction may result in a loss of scale and/or information.



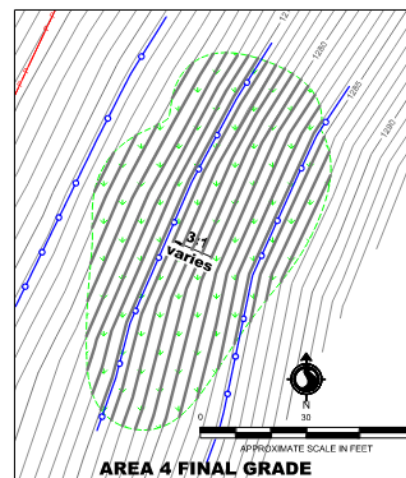
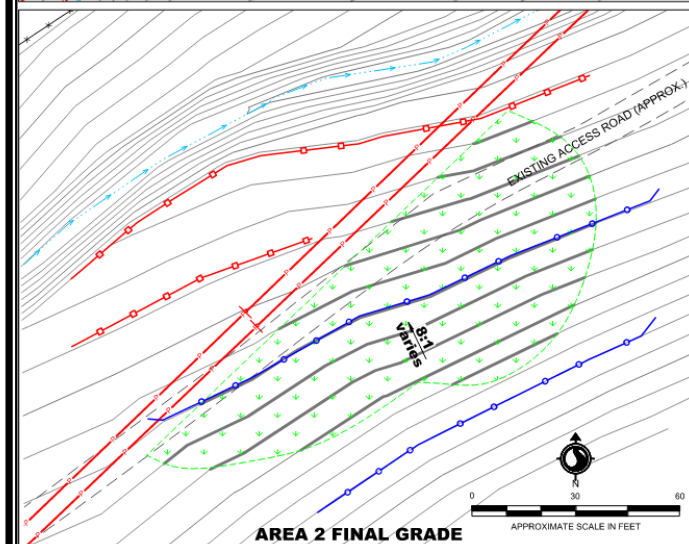
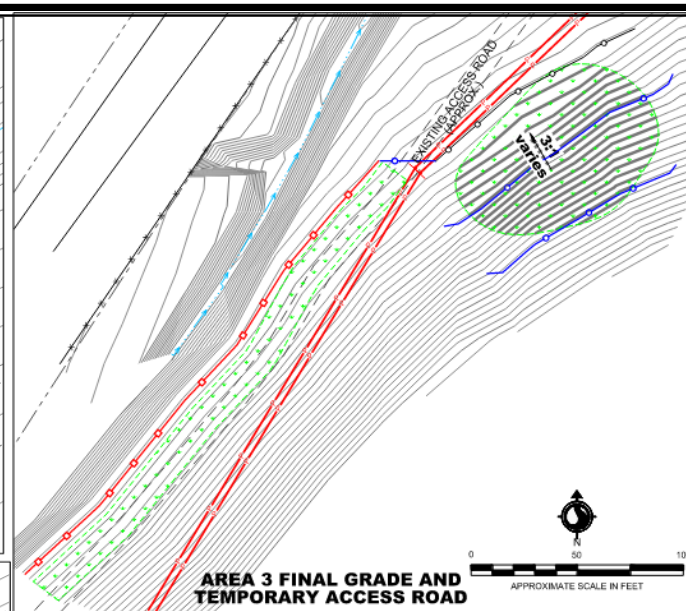
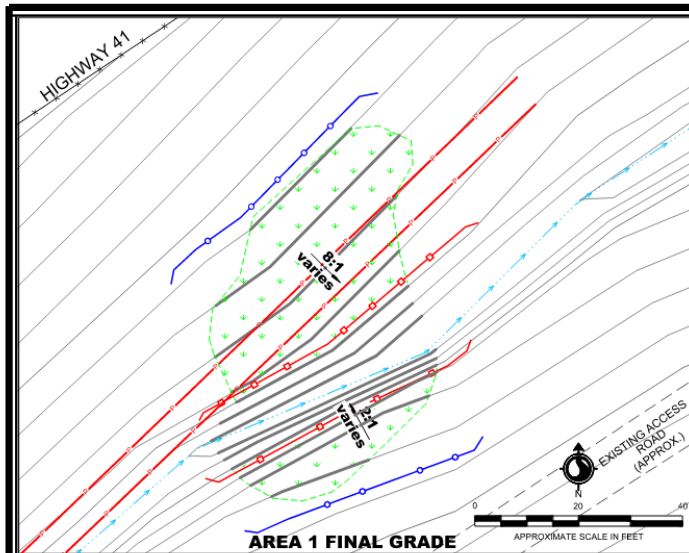
COUNTY OF SAN LUIS OBISPO

Excavation Area 3  
PMTG2019-00090



COUNTY OF SAN LUIS OBISPO

Excavation Area 4  
PMTG2019-00090



#### **NATIVE SEED MIX:**

Common Name	Seed Rate - PLS Lbs/Ac
California Brome	4.00
Blue Wildrye	3.00
Low Barley	3.00
Creeping Wildrye	3.00
California Oniongrass	5.00
Coast Range Melic	2.00
Nodding Stipa	4.00
Purple Needlegrass	6.00
Foothill Needlegrass	1.00



**COUNTY OF SAN LUIS OBISPO**

**Hydroseeding Plan  
PMTG2019-00090**

**DEVELOPER'S STATEMENT FOR  
KUHNLE RANCH PIPELINE SITE  
MAJOR GRADING PERMIT PMTG2019-00090**

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

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

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

## **Exhibit B - Mitigation Summary**

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

### **Air Quality**

#### **AQ-1**

**Dust Control.** The project proposes grading areas that are within 1,000 feet of a sensitive receptor. The following measures shall be implemented to minimize nuisance impacts and to significantly reduce fugitive dust emissions:

- a. Reduce the amount of the disturbed area where possible;
- b. Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water shall be used whenever possible;
- c. All dirt stock pile areas shall be sprayed daily as needed;
- d. Permanent dust control measures identified in the approved project plans (e.g., revegetation and landscape plans, etc.) shall be implemented as soon as possible following completion of any soil disturbing activities;
- e. Exposed ground areas that are planned to be reworked at dates greater than one month after initial grading shall be sown with a fast germinating, non-invasive grass seed and watered until vegetation is established;
- f. All disturbed soil areas not subject to revegetation shall be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the Air Pollution Control District (APCD) and for applications within close proximity to sensitive habitats, CA Department of Fish and Wildlife (CDFW)-compliant stabilizing methods shall be used”);
- g. Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site;

- h. All trucks hauling dirt, sand, soil, or other loose materials are to be covered or shall maintain at least two feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with CA Vehicle Code Section 23114;
- i. Install wheel washers where vehicles enter and exit unpaved roads onto streets, or wash off trucks and equipment leaving the site;
- j. Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water shall be used where feasible;
- k. The contractor or builder shall designate a person or persons to monitor the fugitive dust emissions and enhance the implementation of the measures as necessary to minimize dust complaints, reduce visible emissions below 20% opacity, and to prevent transport of dust offsite. Their duties shall include holidays and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the APCD Compliance Division prior to the start of any grading, earthwork or demolition.

**AQ-2**      **Prior to the start of any ground disturbing activities**, the applicant shall contact the APCD Engineering & Compliance Division for specific information regarding permitting requirements. The applicant must receive an APCD permit to address proper management of the hydrocarbon contaminated soil. This permit shall include conditions to minimize emissions from any excavation, disposal or related process. To the extent feasible, Phillips 66 shall contact the APCD Engineering & Compliance Division within 120 days before the start of excavation to begin the permitting process.

## **Biological Resources**

### **San Joaquin Kit Fox**

The Kit Fox Evaluation, which was completed for the Kuhnle remediation project, DRC2019-0090, on January 7, 2020 by Kevin Merk Associates LLC, indicates your project will impact 1 acre of San Joaquin kit fox habitat. The evaluation form was reviewed by Julie Vance of the California Department of Fish and Game on April 30, 2020. The evaluation, resulted in a score of 74, which requires that all impacts to kit fox habitat be mitigated at a ratio of 3 acres conserved for each acre impacted (3:1). However, the applicant is not required to provide compensatory mitigation for the temporary disturbance of 1 acre because no permanent disturbance will result from the proposed project. The mitigation options identified in BR-1 through BR-9 apply to the proposed project only; should your project change, your mitigation obligation may also change, and a reevaluation of your mitigation measures would be required.

**BIO-1**      **Prior to issuance of grading and/or construction permits**, the applicant shall provide evidence that they have retained a qualified biologist acceptable to the County Department of Planning and Building. The retained biologist shall perform the following monitoring activities:

- a. **Within 30 days prior to initiation of site disturbance**, the biologist shall conduct a pre-activity (i.e. pre-construction) survey for known or potential kit fox dens and submit a letter to the County reporting the date the survey was conducted, the survey protocol, survey results, and what measures were necessary (and completed), as applicable, to address any kit fox activity within the project limits.

- b. The qualified biologist shall conduct weekly site visits during site-disturbance activities (i.e. grading, disking, excavation, stock piling of dirt or gravel, etc.) that proceed longer than 14 days, for the purpose of monitoring compliance with required Mitigation Measures BIO-2 through BIO-9. Site-disturbance activities lasting up to 14 days do not require weekly monitoring by the biologist unless observations of kit fox or their dens are made on-site or the qualified biologist recommends monitoring for some other reason. When weekly monitoring is required, the biologist shall submit weekly monitoring reports to the County.
- c. **Prior to or during project activities**, if any observations are made of San Joaquin Kit fox, or any known or potential San Joaquin kit fox dens are discovered within the project limits, the qualified biologist shall re-assess the probability of incidental take (e.g. harm or death) to kit fox. At the time a den is discovered, the qualified biologist shall contact the U.S. Fish and Wildlife Service and the Department for guidance on possible additional kit fox protection measures to implement and whether or not a Federal and/or State incidental take permit is needed. If a potential den is encountered during construction, work shall stop until such time the U.S. Fish and Wildlife Service/Department determine it is appropriate to resume work.

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

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

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

**BIO-2**

**Prior to issuance of grading and/or construction permits**, the applicant shall clearly delineate as a note on the project plans, that: "*Speed signs of 25 mph (or*



lower) shall be posted for all construction traffic to minimize the probability of road mortality of the San Joaquin kit fox". Speed limit signs shall be installed on the project site **within 30 days prior to initiation of site disturbance and/or construction.**

In addition, **prior to permit issuance and initiation of any ground disturbing activities**, conditions BIO-2 through BIO-12 of the Developer's Statement/Conditions of Approval shall be clearly delineated on project plans.

**BIO-3** During the site disturbance and/or construction phase, grading and construction activities after dusk shall be prohibited unless coordinated through the County, during which additional kit fox mitigation measures may be required.

**BIO-4** Within 30 days prior to initiation of site disturbance, all personnel associated with the project shall attend a worker education training program, conducted by a qualified biologist, to avoid or reduce impacts on sensitive biological resources (i.e. San Joaquin kit fox). At a minimum, as the program relates to the kit fox, the training shall include the kit fox's life history, all mitigation measures specified by the county, as well as any related biological report(s) prepared for the project. The applicant shall notify the County shortly prior to this meeting. A kit fox fact sheet shall also be developed prior to the training program, and distributed at the training program to all contractors, employers and other personnel involved with the construction of the project.

**BIO-5** During the site-disturbance and/or construction phase, to prevent entrapment of the San Joaquin kit fox, all excavation, steep-walled holes or trenches in excess of two feet in depth shall be covered at the close of each working day by plywood or similar materials, or provided with one or more escape ramps constructed of earth fill or wooden planks. Trenches shall also be inspected for entrapped kit fox each morning prior to onset of field activities and immediately prior to covering with plywood at the end of each working day. Before such holes or trenches are filled, they shall be thoroughly inspected for entrapped kit fox. Any kit fox so discovered shall be allowed to escape before field activities resume or removed from the trench or hole by a qualified biologist and allowed to escape unimpeded.

**BIO-6** During the site-disturbance and/or construction phase, any pipes, culverts, or similar structures with a diameter of four inches or greater, stored overnight at the project site shall be thoroughly inspected for trapped San Joaquin kit foxes before the subject pipe is subsequently buried, capped, or otherwise used or moved in any way. If during the construction phase a kit fox is discovered inside a pipe, that section of pipe will not be moved, or if necessary, be moved only once to remove it from the path of activity, until the kit fox has escaped.


**BIO-7** During the site-disturbance and/or construction phase, all food-related trash items such as wrappers, cans, bottles, and food scraps generated shall be disposed of in closed containers only and regularly removed from the site. Food items may attract San Joaquin kit foxes onto the project site, consequently exposing such animals to increased risk of injury or mortality. No deliberate feeding of wildlife shall be allowed.

**BIO-8** Prior to, during and after the site-disturbance and/or construction phase, use of pesticides or herbicides shall be in compliance with all local, state and federal regulations. This is necessary to minimize the probability of primary or secondary poisoning of endangered species utilizing adjacent habitats, and the depletion of prey upon which San Joaquin kit foxes depend.



- BIO-9**      **During the site-disturbance and/or construction phase**, any contractor or employee that inadvertently kills or injures a San Joaquin kit fox or who finds any such animal either dead, injured, or entrapped shall be required to report the incident immediately to the applicant and County. In the event that any observations are made of injured or dead kit fox, the applicant shall immediately notify the U.S. Fish and Wildlife Service and the County by telephone. In addition, formal notification shall be provided in writing within three working days of the finding of any such animal(s). Notification shall include the date, time, location and circumstances of the incident. Any threatened or endangered species found dead or injured shall be turned over immediately to the Department for care, analysis, or disposition.
- BIO-10**      **During the site-disturbance and/or construction phase**, if construction activities should occur during the bird nesting season which is generally considered February 15 – September 1<sup>st</sup>, a preconstruction clearance survey of the site and the surrounding habitats within 500 feet of the site should be surveyed no more than 10 days prior to the start of construction. If an active nest is found within the project's zone of influence, avoidance measures will be recommended.
- BR-11**      **At the time of application for construction permits**, the application shall provide evidence to the County Department of Planning and Building that all applicable permits and/or clearances from any relevant local, state, and federal Resource Agencies for all proposed works have been obtained prior to conducting site work.
- BR-12**      **Prior to issuance of grading permit**, the Applicant shall obtain a Section 404 Nationwide Permit from USACE, a Section 401 Water Quality Certification from RWQCB, and a Section 1602 Streambed Alteration Agreement from CDFW to authorize project-related impacts in all areas potentially under the jurisdiction of these regulatory agencies and provide satisfactory evidence to the County.

The applicant understands that any changes made to the project description subsequent to this environmental determination must be reviewed by the Environmental Coordinator and may require a new environmental determination for the project. By signing this agreement, the owner(s) agrees to and accepts the incorporation of the above measures into the proposed project description.

  
\_\_\_\_\_  
Signature of Agent(s)

8/4/2020

\_\_\_\_\_  
Date

Todd Porter, PE - Agent Stantec  
\_\_\_\_\_  
Name (Print)