



COUNTY GUIDE TO SAN JOAQUIN KIT FOX MITIGATION PROCEDURES UNDER CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

PLANNING & BUILDING DEPARTMENT • COUNTY OF SAN LUIS OBISPO
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This pamphlet was prepared by the San Luis Obispo County Department of Planning and Building to help project applicants understand the County permitting process and the California Environmental Quality Act (CEQA) mitigation requirements for discretionary projects that occur within the San Joaquin kit fox habitat area. Discretionary permits are permits that the County has discretion over whether or not to issue, and include land divisions such as Parcel Maps and Tract Maps, Minor Use Permits, Conditional Use Permits, Lot Line Adjustments, and General Plan Amendments.



Standard Kit Fox CEQA Mitigation Measures

The following mitigation measures are standard measures required by the County that when implemented, will avoid take and reduce impacts to kit fox habitat to an insignificant level. However, the requirements for individual permits may vary depending on the type of project, extent of disturbance, and other project specifics. The typical measures for cumulative and construction-related impacts are as follows:

- a. Mitigate for the loss of kit fox habitat either by:
 - 1) Establishing a conservation easement on-site or off-site in a suitable San Luis Obispo County location and provide a non-wasting endowment for management and monitoring of the property in perpetuity;
 - 2) Depositing funds into an approved in-lieu fee program;
 - 3) Purchasing credits in an approved conservation bank in San Luis Obispo County.
- b. Retain qualified biologist to conduct pre-construction survey of the project site and conduct a pre-construction kit fox briefing for construction workers to minimize kit fox impacts.
- c. Include kit fox protection measures on project plans.
- d. Require a maximum 25 mph speed limit at the project site during construction.
- e. Stop all construction activities at dusk.
- f. Cover excavations deeper than 2 feet at the end of each working day or provide escape ramps for kit fox.
- g. Inspect pipes, culverts or similar structures for kit fox before burying, capping, or moving.
- h. Remove food-related trash from project site.
- i. If pesticides or herbicides are used, they must be used according to local, state, and federal regulations to prevent secondary poisoning of kit foxes.
- j. If a kit fox is discovered at any time in the project area, all construction must stop and the CDFW and USFWS contacted immediately. The appropriate federal and state permits must be obtained before the project can proceed.
- k. Permanent fencing installed as part of the project must allow passage of dispersing kit foxes.

Permit Processing Steps for Projects Occurring Within the Kit Fox Habitat Area

The following steps are intended to describe the process by which the County processes permits for projects proposed within the kit fox habitat area and to assist the Applicant in estimating the timeline and potential costs involved for their project.

1. **Applicant** submits application for County discretionary permit (e.g. Land use permits, subdivisions, or grading permits on slopes equal to or greater than 10 percent).
2. If the project site occurs within the kit fox habitat area, and project site is less than 40 acres in size, County informs Applicant of the pre-determined standard mitigation ratio for the project area. The standard mitigation ratio is based on the results of previous kit fox habitat evaluations and determines the amount of mitigation acreage based on the total area of disturbance from project activities. For example, if a project results in 2 acres of permanent disturbance and the standard mitigation ratio is 3:1, Applicant must mitigate for a total of 6 acres (2 acres X 3:1 ratio = 6 acres). **Applicant** has the option of accepting the standard mitigation ratio or hiring a biologist to conduct a kit fox habitat evaluation. If the project occurs on a site at least 40 acres in size, a habitat evaluation must be done.
3. County staff reviews application and makes site visit.
4. County either sends Applicant an acceptance letter stating that the permit will be processed, or letter requesting additional information. If a kit fox habitat evaluation is to be conducted, the Applicant is provided a Partial List of Qualified Kit Fox Biologists, which is a list of biologists that have verified experience and training in conducting kit fox habitat evaluations. If Applicant chooses to hire a biologist not on the County list, the biologist must contact the County before conducting the evaluation.
5. **Applicant** hires a qualified biologist to conduct the habitat evaluation and provides the results of the evaluation and other required information to County.
6. County consults with CDFW biologist, who reviews the habitat evaluation. CDFW determines the mitigation ratio and the mitigation ratio determines the total amount of acreage needed to mitigate for loss of habitat based on the total area of permanent disturbance.
7. County prepares and sends Applicant a Developer's Statement to sign, which includes standard kit fox mitigation measures and other environmental protection measures that will reduce environmental impacts to an insignificant level.
8. If the **Applicant** agrees, they sign the Developer's Statement and return it to County. If the Applicant has questions or concerns, the County project manager should be contacted.
9. County completes environmental determination and, if appropriate, issues a Negative Declaration. The issued Negative Declaration includes impacts the project may have on the environment and a signed Developer's Statement that lists mitigation measures developed to reduce kit fox impacts to a less than significant level.
10. County publishes notice in newspaper and schedules public hearing with the appropriate hearing body (e.g. Planning Commission, Subdivision Review Board, etc.). Grading permits do not require public hearings. A 30-day public review period is required for projects requiring kit fox mitigation.

For Grading Permits, go to Section A. For Subdivisions and Land Use Permits, go to Section B.

A. Process for Grading Permits

11. Concurrently with public review period, **Applicant** has kit fox conditions printed on project grading plans and submits with other plan corrections that may be required by Public Works and/or Building Division.
12. **Applicant** chooses a mitigation option and informs County project manager. If the conservation easement option is chosen, **Applicant** must coordinate with CDFW to establish the easement conditions, find a public agency or non-profit organization to manage the easement, and establish a non-wasting endowment for the management of the property for perpetuity. **Applicant** provides verification to County that the easement was established. If the in-lieu fee option is selected, go to step 13. If the conservation bank option is selected, go to step 14.
13. **In-Lieu Fee Option**: Concurrently with the public review period, County sends project information to CDFW. CDFW sends letter to Applicant regarding the kit fox mitigation options (as described previously in item a). **Applicant** can pay the fee after receipt of the letter from CDFW. The fee is currently paid to

the San Francisco office of The Nature Conservancy. The Nature Conservancy sends Applicant and County a letter indicating that the fee was received. Go to step 15.

14. **Conservation Bank Option:** Applicant purchases the appropriate number of credits from the Palo Prieto Conservation Bank and provides receipt to County. Go to step 15.
15. Within 30 days prior to start of any ground-disturbing activities, **Applicant** arranges for kit fox biologist to conduct pre-construction survey for kit fox dens and also provides on-site pre-construction briefing for contractor.
16. After **Applicant** has met all pre-construction requirements from the Planning and Building Department, County issues permit.
17. Prior to and during grading and/or construction, **Applicant** must ensure that all kit fox protection measures are implemented to avoid take of kit fox.

B. Process for Subdivisions and Land Use Permits (i.e. Minor Use Permits, Conditional Use Permits, Lot line Adjustments, Parcel Maps, and Tract Maps). Follow steps 1 through 10 in previous section and continue with step 18 below.

18. After 30-day public review period, a public hearing is held and the project is either approved or denied by the County.
19. If the project is approved, **Applicant** chooses a mitigation option and informs project manager. Follow steps 12-14 in the grading permit section, as appropriate.
20. For lot line adjustments, **Applicant** signs mitigation agreement prepared by County Counsel that identifies mitigation measures that must be implemented for the project. The mitigation agreement runs with the land and is applicable to future owners. For parcel and tract maps, the mitigation measures are entered onto a second map sheet. The mitigation measures run with the land and are applicable to future landowners. For Minor Use Permits and Conditional Use Permits, the kit fox mitigation measures are included as conditions of approval, and for General Plan Amendments they are included as standards.
21. If a subsequent grading/construction permit is required, **Applicant** completes items 15 through 17 of the grading permit section.

Note: It is the Applicant's responsibility to comply with all local, state, and federal regulations.

Contact Information

For questions about the County permitting process, in-lieu fee process, or purchase of conservation bank credits, please contact the following County staff: Rob Fitzroy (805) 781-5179; Holly Phipps (805) 781-1162.

For questions concerning state requirements, contact California Department of Fish and Wildlife (Brandon Anderson) at (805) 594-6141.

For questions concerning federal requirements, contact the United States Fish and Wildlife Service at (805) 644-1766.

To pay in-lieu fees, contact:

Leslie Jordan
The Nature Conservancy
201 Mission Street, 4th Floor
San Francisco, CA 94105
Phone: (415) 281-0483

To purchase conservation bank credits, contact:

Palo Prieto Conservation Bank
c/o Dan Meade at Althouse & Meade, Inc.
1602 Spring Street
Paso Robles, CA 93446
Phone: (805) 237-9626
Email: dan@alt-me.com