Appendix A

Initial Study-Notice of Preparation and Received Comment Letters

Preliminary Initial Study – Environmental Checklist

Paso Basin Land Use Planting Ordinance ED21-040 (LRP2021-00001)

Preliminary Initial Study in Support of the Project Notice of Preparation (NOP)

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED: The proposed project could have a "Potentially Significant Impact" for environmental factors checked below. The purpose of the following discussion is to provide a summary of the environmental impact issue areas that will be analyzed further in the proposed project Environmental Impact Report (EIR).

☐ Aesthetics	☒ Greenhouse Gas Emissions	☐ Public Services
☒ Agriculture & Forestry Resources (only Agriculture)	☐ Hazards & Hazardous Materials	☐ Recreation
☒ Air Quality	☒ Hydrology & Water Quality	☒ Transportation
☒ Biological Resources	☒ Land Use & Planning	☒ Tribal Cultural Resources
☒ Cultural Resources	☐ Mineral Resources	☒ Utilities & Service Systems (only water supply)
☒ Energy	☒ Noise	☐ Wildfire
☒ Geology & Soils	☐ Population & Housing	

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.

Kylie Hensley		August 6, 2021
Prepared by (Print)	Signature	Date
Airlin Singewald		August 11, 2021
Reviewed by (Print)	Signature	Date

Preliminary 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. The County Planning Department uses the checklist to summarize the results of the research accomplished during the initial environmental review of the project.

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

A. Project

DESCRIPTION: A request by the County of San Luis Obispo to adopt the Paso Basin Land Use Management Area Planting Ordinance ("Planting Ordinance"), consisting of: amendments to the County Land Use Ordinance (Title 22) and Agriculture and Conservation and Open Space Elements of the County General Plan (LRP2021-00001) to require ministerial land use approval ("a planting permit") until 2045 for new or expanded planting of irrigated crops irrigated with water from groundwater wells located within the Paso Basin Land Use Management Area (PBLUMA), as shown in Figure 1 below, with a two-tier framework:

- Tier 1 – authorizing plantings estimated to allow up to 25 acre-feet per year (AFY) of total groundwater use for crop irrigation per site, including existing crop plantings, and
- Tier 2 - authorizing plantings estimated to maintain neutral groundwater use on site based on a 6-year rolling lookback period from the application date.

New or expanded plantings not falling within Tier 1 or Tier 2 would not be allowed. The estimated water use for crop irrigation is to be based on crop-specific water duty factors (AFY/acre) and crop acreage.

In this context, "water neutrality" refers to a balanced water supply inventory, where new uses (of groundwater) that are replacing previous uses or relying on unused water supply credits do not result in an overall increase in water demands to the groundwater basin.

It is assumed the new and expanded plantings allowed by the proposed ordinance would be predominantly in the rural agricultural areas of the PBLUMA rather than the urban and village areas based on the primary intended land use.

Preliminary Initial Study – Environmental Checklist

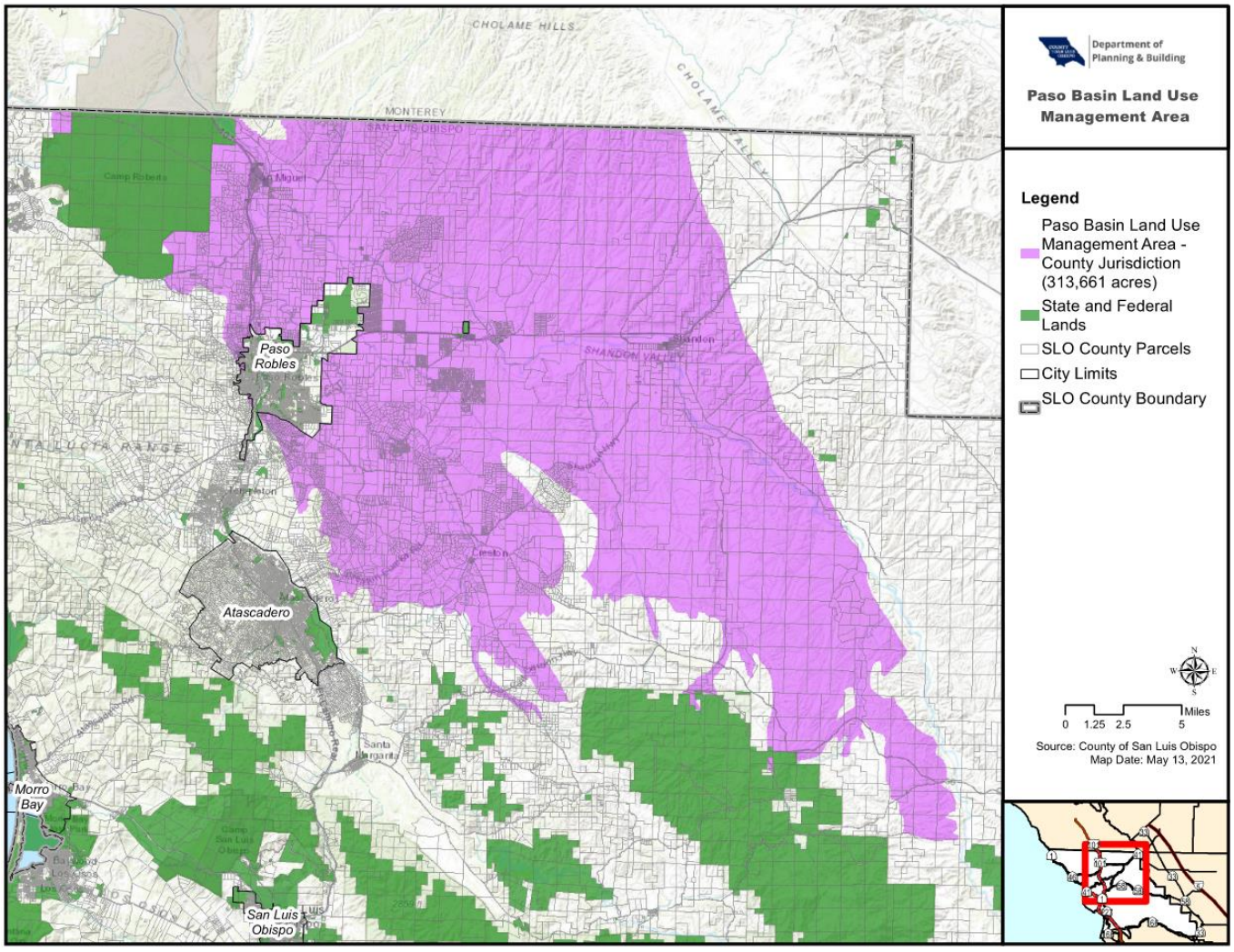

Figure 1: Paso Basin Land Use Management Area (PBLUMA)

Like the current Agricultural Offset Requirements, implementation of the amendments may require simultaneous minor amendments to other County ordinances to ensure enforcement. For example, the references in Section 8.40.040 (of the Well Construction Ordinance) requiring submission of evidence of compliance with Section 22.30.204 (Agricultural Offset Requirements) will likely need to be updated to reference the amendments.

The proposed ordinance would only regulate new or expanded planting of irrigated crops using groundwater from the PBLUMA. Existing uses of groundwater from this area for irrigated crop plantings would be allowed to continue their existing water uses and are not included in the scope of this environmental review.

Project Goal

The goals of the project are to 1) allow farms to plant irrigated crops that have not been able to under the Agricultural Offset Requirements and 2) to continue to exercise the County's land use authority to regulate planting of irrigated crops utilizing groundwater from within the PBLUMA.

Preliminary Initial Study – Environmental Checklist

AUTHORIZATION

This project was initially authorized by the County Board of Supervisors ("Board") on January 26, 2021. The Board provided further direction on the ordinance framework on April 6, 2021 and approved funding for staffing and an EIR consultant and an EIR contract with Rincon Consultants on June 22, 2021.

ASSESSOR PARCEL NUMBER(S): Many

Latitude: 35° 44' 48.264" N **Longitude:** 120° 41' 43.692" W **SUPERVISORIAL DISTRICT #** 1, 5

B. Existing Setting

Plan Area: North County **Sub:** Shandon-Carrizo (North), El Pomar-Estrella, Salinas River, Las Pilitas, Los Padres (North), Adelaida, and Nacimiento **Comm:** Shandon, San Miguel, Creston, Whitley Gardens

Land Use Category: Agriculture Rural Lands Residential Rural

Combining Designation: Airport Review, Flood Hazard , Geologic Study, Sensitive Resource Area

Parcel Size: Not applicable

Topography: Nearly level to steeply sloping

Vegetation: Oak woodland, Chaparral, Grasses

Existing Uses: agricultural uses, undeveloped, seasonal grazing , residential, industrial, commercial

Surrounding Land Use Categories and Uses:

North: Monterey County / agriculture

East: Agriculture / grazing

South: Agriculture, Rural Lands, Open Space, Residential Rural / agriculture, single family residences, Los Padres National Forest

West: Agriculture, Public Facilities, Rural Lands, Residential Rural / agriculture, single family residences, Camp Roberts, City of Paso Robles, City of Atascadero

Paso Basin Land Use Management Area (PBLUMA)

The PBLUMA includes 313,661 acres located within the Shandon-Carrizo (North), El Pomar-Estrella, Salinas River, Las Pilitas, Los Padres (North), Adelaida, and Nacimiento Sub Areas of the North County Planning Area and includes the communities of Shandon, San Miguel, Creston, and Whitley Gardens. The PBLUMA was created using the boundary from the 2002 Fugro groundwater study (excluding the Atascadero Sub-basin), per Board direction, modified to exclude State and Federal lands and land within the City of Paso Robles and Monterey County. The PBLUMA would be defined in the new planting ordinance adopted by the County Board of Supervisors and differs from and is not to be confused with the Salinas Valley – Paso Robles Area Subbasin (Paso Robles Subbasin) boundary defined by the California Department of Water Resources (DWR) and used for Sustainable Groundwater Management Act (SGMA) purposes (see below). In this document, the term Paso Basin will be used to refer to the groundwater resource, the term Paso Robles Subbasin will be used to refer to SGMA efforts, and the term PBLUMA will refer to the area subject to the proposed Paso Basin Land Use Planting Ordinance.

Sustainable Groundwater Management Act (SGMA)

California depends on groundwater for a major portion of its annual water supply, particularly during times of drought. This reliance on groundwater has resulted in unsustainable groundwater usage in many of California's basins, including the Paso Basin in San Luis Obispo County.

On September 16, 2014, California Governor Jerry Brown signed into law a three-bill legislative package (composed of Assembly Bill [AB] 1739, Senate Bill [SB] 1168, and SB 1319), collectively known as the Sustainable Groundwater Management Act (SGMA). SGMA was enacted to bring all groundwater basins in California into sustainable conditions, with balanced levels of use and recharge. To accomplish this, SGMA identifies deadlines for the formation of Groundwater Sustainability Agencies (GSAs), development of Groundwater Sustainability Plans (GSPs), and achievement of sustainable groundwater conditions, with deadlines corresponding to basin designations and priority rankings determined by DWR and published in DWR's Bulletin 118. SGMA requires that all high- and medium-priority groundwater basins be managed by a designated GSA or collection of GSAs in accordance with a GSP (or coordinated GSPs) or GSP alternative, unless the basin is identified as an exempt adjudicated area (and thereby managed in accordance with an Adjudication Judgement) and certain conditions are met.

SGMA requires each GSA of a basin identified by DWR as subject to critical conditions of overdraft to adopt a GSP for its basin by January 31, 2020, and achieve sustainable groundwater conditions within 20 years, by 2040. The critically overdrafted designation is applied by DWR to basins where continuation of current water management practices would likely result in significant adverse effects associated with groundwater overdraft, including the consideration of environmental, social, and economic impacts; such typically result from a chronic lowering of groundwater levels, which indicate a persistent depletion of supply if continued over the planning and implementation horizon. For high- and medium-priority groundwater basins (not critically overdrafted), GSAs must adopt a GSP by January 31, 2022 and achieve sustainable groundwater conditions by 2042. The long-term planning required by SGMA is meant to provide a buffer between the effects of drought and climate change on available water supplies, and the reliability of such water supplies through droughts of varying intensities.

Existing Paso Basin Conditions

DWR has designated the Paso Robles Subbasin as one of 21 groundwater basins in the state that are critically overdrafted. As noted above, GSPs for critically overdrafted basins were required to be adopted by January 31, 2020. There are currently four local agencies within the Paso Basin that have become GSAs under the process described in SGMA and that are collectively responsible for implementing a basin-wide GSP, including: the County of San Luis Obispo, City of Paso Robles, Shandon-San Juan Water District, and San Miguel Community Services District, shown in Figure 2 below. On February 11, 2019, DWR published its Final 2018 Basin Boundary Modifications, which revised the Paso Robles Subbasin boundary that was previously established in DWR's 2003 Bulletin 118; this is important to note because SGMA applies DWR's most recent boundaries, which are not reflected in maps of the Paso Basin that were published before 2019. As currently defined by DWR and therefore applied under SGMA, the northern boundary of the Paso Basin (as a subbasin of the Salinas Valley Groundwater Basin) coincides with the San Luis Obispo County-Monterey County boundary such that the Paso Basin is located entirely within San Luis Obispo County and formal consultation between the San Luis Obispo County GSAs and the Monterey County GSA is optional.

Preliminary Initial Study – Environmental Checklist

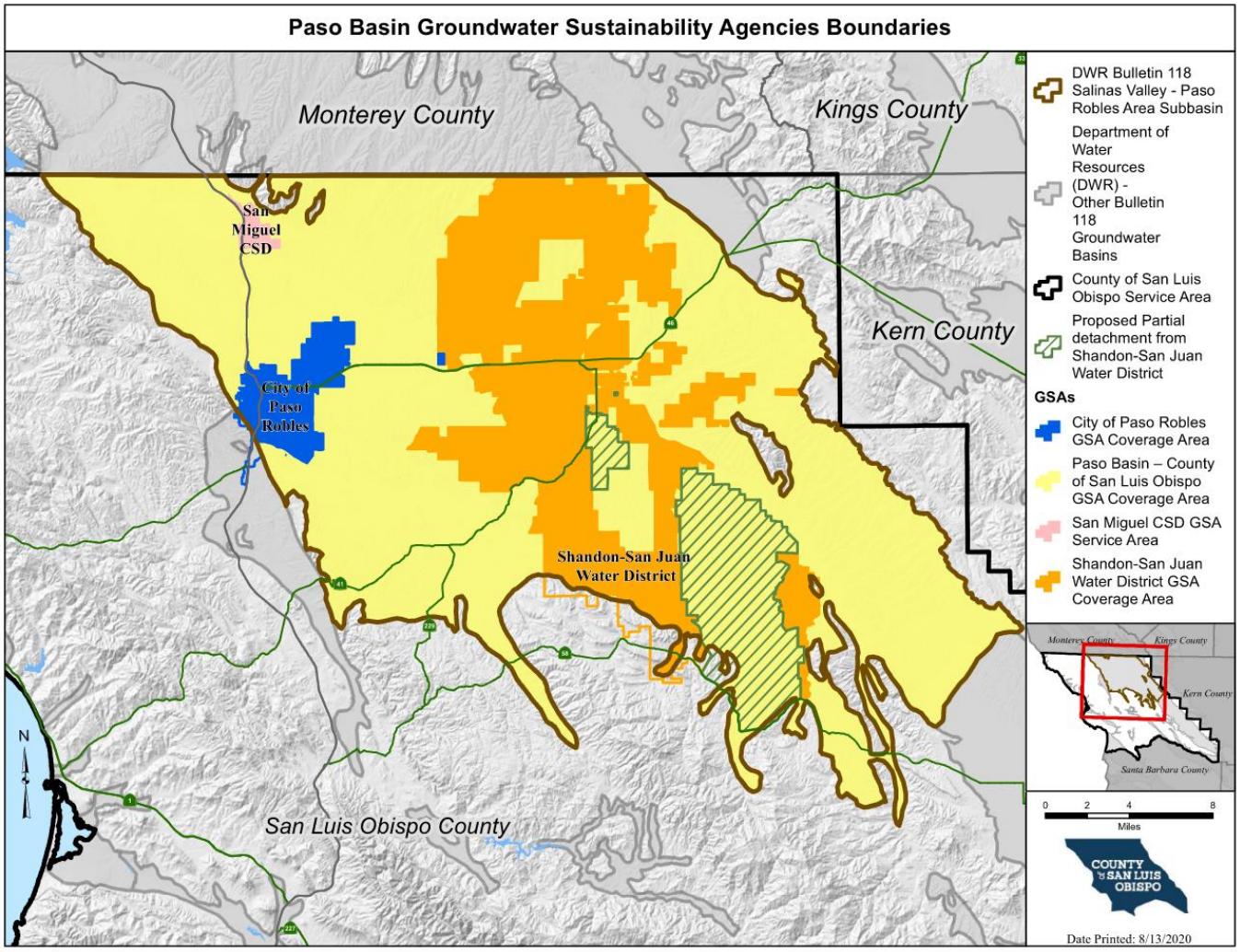

Figure 2: Paso Robles Subbasin GSAs

The Paso Basin is designated as a water supply with a Level of Severity (LOS) III pursuant to the County's Resource Management System, indicating that water demand in the basin equals or exceeds the dependable supply, or the time required to correct the problem is longer than the time available before the dependable supply is reached; this is consistent with the DWR's determination that the Paso Basin is critically overdrafted. The Paso Robles Subbasin GSAs published a GSP for the Paso Basin on November 13, 2019 and each individually adopted the GSP as required by SGMA for submittal to DWR before the January 31, 2020 deadline. The GSP projects a 13,700-acre-feet per year (AFY) deficit in groundwater storage in the Paso Basin (i.e., each year, approximately 13,700 acre-feet more water exits the Paso Basin than is recharged to it). The Paso Robles Subbasin Water Year 2020 Annual Report[1] prepared to meet SGMA reporting requirements estimates 90% of groundwater extractions is used for the agriculture sector.

[1] The Paso Robles Subbasin Water Year 2020 Annual Report is available at: https://www.slocounty.ca.gov/Departments/Public-Works/Forms-Documents/Committees-Programs/Sustainable-Groundwater-Management-Act-(SGMA)/Paso-Robles-Groundwater-Basin/Annual-Reports/Paso-Basin-WY2020-Annual-Report.pdf

Existing Agricultural Offset Requirements

The proposed Planting Ordinance would follow the County's existing agricultural offset requirements currently set to expire on January 1, 2022 and remain in effect until 2045. The County Board of Supervisors has directed the existing offset requirements be extended to avoid a gap between the new Planting Ordinance.

The County adopted an urgency ordinance for the Paso Basin in August 2013 before SGMA went into effect in response to declining groundwater levels, groundwater wells going dry, drought conditions, and large acreages of new irrigated crop plantings being planted on properties overlying the groundwater basin. The urgency ordinance required new development and new irrigated crop plantings to offset new water use at a 1:1 ratio. The urgency ordinance expired in August 2015.

The County adopted Agricultural Offset Requirements (Land Use Ordinance, Title 22, Section 22.30.204) in October 2015 to continue exercising land use authority to maintain water neutrality for irrigated crop production in the Paso Basin. In this context, "water neutrality" refers to a balanced water supply inventory, where new uses (of groundwater) that are replacing previous uses or relying on unused water supply credits do not result in an overall increase in water demands to the groundwater basin. The existing ordinance requires growers in the Paso Basin to apply for and receive Agricultural Offset Clearance from the County Department of Planning and Building (Department) before planting new or expanded irrigated crops, and requires water use for the crops to be offset at a 1:1 ratio per the crop-specific water duty factors specified in the ordinance.

In addition, the ordinance allows an exemption for the continuation of annual and rotational crop production and replanting of the same crop type and acreage if the crops have been irrigated within the last 5 years ("lookback period") and a one-time planting using up to 5 AFY per site for unirrigated properties outside areas identified by the County monitoring network to be experiencing severe groundwater elevation decline.

The ordinance was intended to be a temporary measure set to expire when the GSP was adopted. In November 2019, the ordinance was amended to extend the termination date to January 1, 2022 to avoid a gap in management actions, accounting for the time needed to implement the GSP. The ordinance was also amended at this time to no longer allow transferring of planting credits between sites (known as "Off-Site Offsets").

Paso Robles Subbasin GSP and GSA Authority

The Paso Robles Subbasin GSP calls for the development and implementation of an area-specific pumping reduction program and certain basin-wide management actions (i.e. monitoring and outreach and promotion of best management practices, stormwater capture and voluntary fallowing) to achieve groundwater sustainability by 2040. GSP implementation requires development of a long-term governance structure as well as developing and adopting the regulations for identified programs and management actions. Regulations adopted by individual GSAs related to pumping limitations would need to be substantially identical to assure a consistent methodology for identifying those areas across the Subbasin. The specific GSP policies and monitoring program are to be discussed in more detail in the Agriculture and Hydrology and Water Quality analysis sections of this Initial Study and the EIR.

GSP implementation by GSA authorities would occur in tandem with administration of the proposed Planting Ordinance by County land use authority. SGMA specifies that nothing in SGMA or in a GSP shall be interpreted as superseding county land use authority; however, GSAs have the express statutory authority to control groundwater extractions by regulating or limiting extractions from individual wells, subject to certain limitations and water rights considerations. Therefore, GSA management actions may limit the ability of

groundwater pumpers to irrigate plantings allowed by the proposed planting ordinance. In addition, the project will likely regulate plantings in certain areas where water use is unlikely to be limited by the GSAs (only area-specific pumping limitations are contemplated in the GSP) and regulate plantings for which an adequate allocation exists under GSP regulations.

A planting permit issued under the proposed ordinance would not be construed as bestowing any vested right or entitlement to pump groundwater from the Paso Basin. In addition, the use of groundwater from the Paso Basin in connection with allowed planting would be subject to the Paso Robles Subbasin GSP and any amendments thereto as well as any regulations and requirements that may be adopted to implement said Plan, including, but not limited to, monitoring and reporting requirements, groundwater pumping fees, and mandatory pumping limitations. For more information about the GSP, visit www.slocounty.ca.gov/sgma.

County Grading Standards

The County's grading standards include measures to minimize environmental impacts and streamline permitting for agricultural operations. In most cases, agricultural grading activities do not require a formal permit from the County and can take place as part of an exemption, self-reporting program ("Agricultural Grading"), or through collaboration with the local Resource Conservation District ("Alternative Review"). The PBLUMA is within the jurisdiction of the Upper Salinas-Las Tablas Resource Conservation District. Agricultural Grading requires applicants to complete an educational program, certification program, or enroll in the irrigated agricultural discharge waiver program to promote best practices to reduce sedimentation and preserve water quality.

The following activities are exempt from requiring a County permit:

- Small agricultural projects with less than 50 cubic yards of cut and less than 50 cubic yards of fill and less than 1 acre of native vegetation removal,
- Cultivation of land,
- Grading on previously cultivated lands,
- Removal of vegetation in an area previously grazed,
- New agricultural roads within or on the perimeter of fields for crops,
- Water sources and water lines, and
- Drainage improvements for existing fields.

The following activities require an Agricultural Grading permit:

- Grading to create a new field,
- Drainage improvements for new fields up to 30% slope, and
- Ponds, dams, and reservoirs less than 1 acre-foot and water is retained entirely below grade.

The following activities require Alternative Review:

- Vineyards and orchards on slopes over 30%,
- New agricultural roads,
- Widening/lengthening and existing agricultural road outside of fields,
- Drainage improvements for new fields exceeding 30% slope, and

- Ponds, dams, and reservoirs 1 acre-foot or more or if a dam is proposed to retain water above natural grade.

More complex projects such as nursery facilities and grading for an agricultural structure require a regular grading permit subject to environmental review, subject to mitigation measures for environmental impacts, such as monitoring for cultural resources and sensitive species.

C. Environmental Analysis

The Preliminary Initital Study Checklist ("Initial Study") provides introductory information about the potential environmental impacts of the proposed project that will be analyzed in the EIR. Impacts determined in this Initial Study to be less than significant will not be further discussed in the EIR.

The EIR will include a description of the physical environmental conditions in the PBLUMA (Figure 1), as they exist at the time the Notice of Preparation is published, for impact areas determined in this Initial Study to be potentially significant. This description of the physical environmental conditions will serve as the baseline physical conditions by which the County determines whether the impacts of the proposed ordinance are considered significant. Since agriculture is dynamic, the EIR may look at the recent trend in irrigated crop production, rather than a single snapshot in time, to establish the existing baseline environmental setting. The current agricultural offset ordinance has influenced the existing environmental setting because it limits new or expanded irrigated crops.

The EIR will also outline assumptions to characterize a realistic scenario for the scope of Tier 1 and Tier 2 permits that would be issued under the proposed ordinance to inform the impact analysis, considering factors such as soil type, parcel size, and existing land use. It is assumed the new and expanded plantings allowed by the proposed ordinance would be predominantly in the rural agricultural areas of the PBLUMA rather than the urban and village areas based on the primary intended land use.

I. AESTHETICS

		Potentially Significant Impact to be Addressed in the EIR	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Except as provided in Public Resources Code Section 21099, would the project:					
(a)	Have a substantial adverse effect on a scenic vista?	☐	☐	☒	☐
(b)	Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	☐	☐	☒	☐
(c)	In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site	☐	☐	☒	☐

		Potentially Significant Impact to be Addressed in the EIR	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Except as provided in Public Resources Code Section 21099, would the project:					
	and its surroundings? (Public views are those that are experienced from publicly accessible vantage point.) If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?				
(d)	Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	☐	☐	☒	☐

Setting

The PBLUMA (Figure 1) is characterized by agricultural and open spaces punctuated with the rural communities of San Miguel, Shandon, Creston, and Whitley Gardens. The agricultural uses are predominately wine grape vineyards and grazing lands. The open spaces range from rolling, wooded hills to steep, grassy hills.

A scenic vista is generally defined as a high-quality view displaying good aesthetic and compositional values that can be seen from public viewpoints. 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.

The County of San Luis Obispo General Plan Conservation and Open Space Element (COSE) identifies several goals for visual resources in rural parts of the county, listed below:

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

County planning documents do not identify sensitive resource areas for visual resources in the PBLUMA. There are no officially designated state scenic highways in the project area, although the PBLUMA includes a portion of State Route (SR) 46 that is listed as eligible for designation as a state scenic highway by the California Department of Transportation (Caltrans). No standards regulating planting of irrigated crops are associated with this designation. Portions of the PBLUMA along Highway 101 between the communities of San Miguel and Templeton are subject to the Salinas River Highway Corridor Design Standards of the County Land Use Ordinance (Section 22.10.095); these standards do not apply to the planting of irrigated crops.

The County Land Use Ordinance (Section 22.14.080) includes a combining desingation for Historic Sites (“H”) and requires Minor Use Permit approval for all new structures and uses within an H combining designation, and also for any modifications to existing historic structures within an H combining designation, including

restoration or alteration that changes the historic or architectural character of the structure, demolition or relocation, except for minor exterior or interior alterations that do not materially change the historic character of the structure. The standards also require an environamental determination evaluating the potential effect of the proposed project upon the visual character of the historic site or district.

Discussion

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

The new and expanded plantings of irrigated crops allowed by the proposed ordinance would maintain an agricultural landscape and preserve rural separation between communities, consistent with the goals of the County COSE. The Planting Ordinance would allow planting irrigated crops on fallowed lands that meet the permit criteria, as well as on lands that have been historically uncultivated. This impact 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 new and expanded plantings of irrigated crops allowed by the proposed ordinance would maintain an agricultural landscape. There are no officially designated state scenic highways in the project area, although the PBLUMA includes a portion of State Route (SR) 46 that is listed as eligible for designation as a state scenic highway by the California Department of Transportation (Caltrans). County planning documents do not identify sensitive resource areas for visual resources in the PBLUMA.Therefore, this impact 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.

It is assumed the new and expanded plantings allowed by the proposed ordinance would be predominantly in the rural agricultural areas of the PBLUMA rather than the urban and village areas based on the primary intended land use. The new and expanded plantings of irrigated crops allowed by the proposed ordinance would maintain an agricultural landscape and preserve rural separation between communities, consistent with the goals of the County COSE. The Planting Ordinance would allow planting irrigated crops on fallowed lands that meet the permit criteria, as well as on lands that have been historically uncultivated. This impact 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?

Cultivation of irrigated crops may involve temporary intermittent night lighting, which is consistent with current agricultural practices in the PBLUMA and would be a less than significant impact to nighttime views.

II. AGRICULTURE AND FORESTRY RESOURCES

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

Setting

Farmland

The California Department of Conservation (CDOC) Farmland Mapping and Monitoring Program (FMMP). produces maps and statistical data used for analyzing impacts on California's agricultural resources. Agricultural land is rated according to soil quality and current land use. For environmental review purposes under CEQA, the FMMP categories of Prime Farmland, Farmland of Statewide Importance, Unique Farmland, Farmland of Local Importance, and Grazing Land are considered "agricultural land." Non-agricultural designations include Urban and Built-up Land, Other Land, and Water. The PBLUMA contains important agricultural resources for the County, in terms of soil quality and current land use. A discussion of soil quality and current agricultural and non-agricultural land uses in the PBLUMA will be included in the EIR.

Agriculture Element

The County General Plan Agriculture Element includes goals and policies to conserve agricultural resources and protect agricultural lands. These goals and policies will be included in the EIR. The EIR will also identify any amendments needed to address any potential inconsistencies with the proposed project, such as updating references to the Agricultural Offset Ordinance with references to the proposed ordinance.

Land Use Policies

The County Land Use Ordinance (Title 22), Article 2, Section 22.06 allows crop production in all land use designations and identifies crop production as exempt from requiring a land use permit, except for new and expanded irrigated crops using water from the Paso Basin, which require an Agricultural Offset Clearance (Section 22.30.204), and hemp production, which needs to meet the requirements of the hemp cultivation standards (Section 22.30.244). The proposed project would replace the Agricultural Offset Clearance Requirements. The Land Use Ordinance also includes minimum parcel size requirements intended to preserve agricultural properties and prohibits land divisions in the Paso Basin until the water supply is certified as Level of Severity I.

California Land Conservation Act

The California Land Conservation Act (LCA) of 1965, also known as the Williamson Act, offers financial incentives for landowners to maintain their properties in agricultural production to encourage the preservation of the state's agricultural lands and prevent their premature conversion to urban uses. Under provisions of the Williamson Act, private landowners may voluntarily enter into a long-term contract (minimum of 10 years) with cities and counties to form agricultural preserves and maintain their property in agricultural or open space uses in return for a reduced property tax assessment based on the agricultural value of the property. The term of an LCA contract is generally ten years and the contract automatically renews itself for another ten-year period, unless a Notice of Non-Renewal is filed or the contract is cancelled. State Government Code Section 51282 provides specific findings that must be made for the approval of LCA contract cancellations. The EIR will include a summary of land in the County under land conservation contract.

Forest Land

Forest land is defined in Public Resources Code section 12220(g) as "land that can support 10-percent native tree cover of any species, including hardwoods, under natural conditions, and that allows for management of one or more forest resources, including timber, aesthetics, fish and wildlife, biodiversity, water quality, recreation, and other public benefits." The County General Plan COSE identifies the PBLUMA as containing oak woodlands and includes goals to maintain the acreage of native woodlands, forests, and trees at 2008 levels (BR 3).

Timberland

The subject area does not include a significant amount of land that is available for, and capable of, growing a crop of trees of a commercial species used to produce lumber and other forest products.

Discussion

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

The new and expanded plantings of irrigated crops allowed by the proposed ordinance would maintain an agricultural landscape and preserve rural separation between communities, consistent with the goals of the County COSE. The Planting Ordinance would allow planting irrigated crops on fallowed lands that meet the permit criteria, as well as on lands that have been historically uncultivated. The ordinance would also limit the amount of irrigated crops that could be planted on each site and contribute to groundwater supply impacts, which could potentially impact agricultural operations. This impact would be potentially significant and will be assessed in the EIR.

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

The Planting Ordinance would not change any land use designations. The Planting Ordinance would allow planting irrigated crops on fallowed lands that meet the permit criteria, as well as on lands that have been historically uncultivated. The ordinance could prevent properties under Williamson Act contract from re-establishing irrigated crops to maintain contract compliance if they have not been irrigating for more than 6 years and if they need more than the 25 AFY allowed by a Tier 1 Planting Permit. This impact is potentially significant and will be discussed further in the EIR.

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

The Planting Ordinance would not change any land use designations. This impact would be less than significant.

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

The removal of oak woodlands to allow for irrigated crop production would be subject to the Oak Woodland Ordinance, as described in the Biological Resources section. This standard requires a discretionary permit subject to environmental review for clear-cutting of an acre or more. Compliance with this standard would reduce the potential impact to less than significant.

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

The Planting Ordinance would allow planting irrigated crops on fallowed lands that meet the permit criteria, as well as on lands that have been historically uncultivated. The ordinance would allow greater groundwater extraction for crop irrigation than the current baseline conditions. Water supply impacts could impact the ability of agricultural operations to continue, which may result in the conversion of Farmland to non-agricultural use. This impact is potentially significant and will be further evaluated in

the EIR. The potential for conversion of forest land to non-forest use due to the groundwater supply impacts would be less than significant.

III. AIR QUALITY

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

Setting

Air quality is defined by the concentration of pollutants in relation to their impact on human health. Concentrations of air pollutants are determined by the rate and location of pollutant emissions released by pollution sources, and the atmosphere's ability to transport and dilute such emissions. Natural factors that affect transport and dilution include terrain, wind, and sunlight. Therefore, ambient air quality conditions within the local air basin are influenced by natural factors, such as topography, meteorology, and climate, in addition to the amount of air pollutant emissions released by existing air pollutant sources.

The PBLUMA 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).

San Luis Obispo County Clean Air Plan

The SLOAPCD's San Luis Obispo County 2001 Clean Air Plan (CAP) is a comprehensive planning document intended to evaluate long-term emissions and cumulative effects and provide guidance to the SLOAPCD and other local agencies on how to attain and maintain the state standards for ozone and PM10 (fine particulate matter 10 microns or less in diameter). The CAP presents a detailed description of the sources and pollutants which impact the jurisdiction's attainment of state standards, future air quality impacts to be expected under

current growth trends, and an appropriate control strategy for reducing ozone precursor emissions, thereby improving air quality.

Based on the SLOAPCD Naturally Occurring Asbestos screening map, the project would not be within close proximity to any serpentine rock outcrops and/or soil formations which may have the potential to contain naturally occurring asbestos. The San Andreas fault is within one to twelve miles of the eastern border of the PBLUMA.

Discussion

New stationary emissions sources associated with the project include increased operation of the pumps and generators used to withdraw groundwater from the basin and deliver it to the planting fields for the new and expanded plantings. Other emissions may result from increased trips for transporting labor, materials, and harvested crops on unpaved agricultural roads and diesel particulate emissions from diesel-powered equipment associated with the ongoing cultivation of new and expanded crops (e.g., grading, tilling, harvesting).

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

The Planting Ordinance may result in agricultural grading and use of heavy farm equipment, which would generate diesel emissions and reactive organic gases (ROG), resulting in ozone. This is a potentially significant cumulative impact and will be assessed further in the EIR to determine consistency with applicable thresholds in the CAP.

(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 Planting Ordinance may result in agricultural grading and use of heavy farm equipment, which would generate diesel emissions and ROG, resulting in ozone. This is a potentially significant cumulative impact and will be assessed further in the EIR.

(c) Expose sensitive receptors to substantial pollutant concentrations?

Sensitive receptors are people or other organisms that may have a significantly increased sensitivity or exposure to air pollution by virtue of their age and health (e.g. schools, day care centers, hospitals, nursing homes), regulatory status (e.g. federal or state listing as a sensitive or endangered species), or proximity to the source. New plantings allowed by the proposed project could be within close proximity (approx. 1,000 feet) to sensitive receptors including school sites and single-family residences. This is a potentially significant impact and will be assessed in the EIR.

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

Farming activities, including irrigated crop production, often create emissions leading to odors (e.g., due to crop type or chemical application); however, these odors are consistent with existing agricultural practices and temporary and intermittent and would occur in rural and agricultural areas with low residential density. Therefore, this impact would be less than significant.

IV. BIOLOGICAL RESOURCES

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

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Setting

Riparian, woodland and grassland habitats are primary resources of the planning area, especially due to their importance as wildlife movement corridors. Habitat in the planning area supports diverse flora and fauna, including endangered species such as the San Joaquin Kit Fox, the California Red-Legged Frog, and the Least Bell's Vireo.

The EIR will include a programmatic review of the biological resources that occur within the PBLUMA (Figure 1), including vegetation and land cover; known locations of special status species and federally designated critical habitats; sensitive natural communities; wildlife movement corridors; and wetlands, drainages, and riparian habitats. The COSE identifies biological resources within the planning areas of the county, considering Federal and State regulations and policies and local policies (COSE Chapter 3 and Appendix 3). The EIR will evaluate any updates in identified resources based on State and Federal designations and findings from environmental surveys and CEQA documents subsequent to preparation of the COSE. The EIR will include consideration of the Paso Robles Subbasin GSP identification of groundwater-dependent ecosystems in this evaluation, defined as ecological communities or species that depend on groundwater emerging from aquifers or occurring near the ground surface (GSP Section 4.7.2 and Appendix C).

The County Land Use Ordinance (Title 22) was amended in April 2017 to include an Oak Woodland Ordinance (Section 22.58) to regulate the clear-cutting of oak woodlands. This ordinance applies to sites located outside of urban or village reserve lines within the inland portions of the county. "Clear-cutting" is defined as the removal of 1 acre or more of contiguous trees within an oak woodland from a site or portion of a site for any reason, including harvesting of wood, or to enable the conversion of land to other land uses. The ordinance applies to clear-cutting of oak woodland only and does not apply to the removal of other species of trees, individual oak trees (except for Heritage Oaks), or the thinning, tree trimming, or removal of oak woodland trees that are diseased, dead, or creating a hazardous condition.

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 Wildlife or U.S. Fish and Wildlife Service?*

The proposed Planting Ordinance would allow for more pumping than under the existing ordinance, which could result in the loss of habitat for candidate, sensitive, or special status species. This is a potentially significant impact that will be assessed further in the EIR.

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

The proposed Planting Ordinance could adversely affect riparian habitats by allowing for more pumping than under the existing ordinance. This is a potentially significant impact that will be assessed further in the EIR.

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

The proposed Planting Ordinance could adversely affect wetlands by allowing for more pumping than under the existing ordinance. This is a potentially significant impact that will be assessed further in the EIR.

(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 proposed Planting Ordinance could adversely affect wildlife movement by allowing for more pumping than under the existing ordinance. This is a potentially significant impact that will be assessed further in the EIR.

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

The Planting Ordinance will not supersede any local policies or ordinances protecting biological resources. Besides the current offset ordinance and hemp cultivation standards, the County land use ordinance does not require permits for crop production. This impact would 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 approved local, regional, or state habitat conservation plan for the PBLUMA. This impact would be less than significant.

V. CULTURAL RESOURCES

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

Setting

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, and immigrant settlers. Cultural resources include sites of important events, traditional cultural places and sacred sites, and places associated with an important person and may lack obvious physical characteristics.

Discussion

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

The PBLUMA contains listed historic sites within the community of San Miguel and within and north of the community of Creston. Some of these sites are located on lands designated for Agriculture land use with and without existing irrigated crop production. This impact would be potentially significant and will be evaluated further in the EIR.

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

The Planting Ordinance may lead to grading on previously uncultivated lands, which would be exempt from requiring a grading permit that would be subject to environmental review and necessitate an archaeology report. This grading could disturb archaeological resources, especially near creeks where archaeological resources are more likely to be present. The cumulative impacts could be potentially significant and will be evaluated further in the EIR.

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

The Planting Ordinance may lead to grading on previously uncultivated lands, which would be exempt from requiring a grading permit that would be subject to environmental review and necessitate an archaeology report. This grading could disturb archaeological resources, especially near creeks where archaeological resources are more likely to be present. The cumulative impacts could be potentially significant and will be evaluated further in the EIR.

VI. ENERGY

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

Setting

Pacific Gas & Electric Company (PG&E) is the primary electricity provider for urban and rural communities within San Luis Obispo County. Approximately 39% of electricity provided by Pacific Gas and Electric (PG&E) is sourced from renewable resources and an additional 47% is sourced from non-renewable greenhouse gas (GHG)-free resources (PG&E 2019).

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

The COSE establishes goals and policies that aim to reduce vehicle miles traveled (VMT), conserve water, increase energy efficiency and the use of renewable energy, and reduce GHG emissions. The COSE provides the basis and direction for the development of the *County of San Luis Obispo EnergyWise Plan* (EWP), which outlines in greater detail the County's strategy to reduce government and community-wide GHG emissions through a number of goals, measures, and actions, including energy efficiency and development and use of renewable energy resources.

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 plantings allowed by the Planting Ordinance would use energy resources to operate pumps to extract and distribute groundwater, and to operate agricultural equipment. This impact is potentially significant and will be assessed further in the EIR.

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

The Planting Ordinance would not change land use designations or otherwise conflict with or obstruct the development of renewable energy facilities or implementation of energy efficiency plans. This impact would be less than significant.

VII. GEOLOGY AND SOILS

		Potentially Significant Impact to be Addressed in the EIR	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
(a)	Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:	☐	☐	☒	☐
	(i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	☐	☐	☒	☐
	(ii) Strong seismic ground shaking?	☒	☐	☐	☐

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		Potentially Significant Impact to be Addressed in the EIR	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
(iii)	Seismic-related ground failure, including liquefaction?	☒	☐	☐	☐
(iv)	Landslides?	☒	☐	☐	☐
(b)	Result in substantial soil erosion or the loss of topsoil?	☐	☐	☒	☐
(c)	Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	☐	☐	☒	☐
(d)	Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?	☐	☐	☒	☐
(e)	Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	☐	☐	☒	☐
(f)	Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☒	☐	☐	☐

Setting

The eastern boundary of the PBLUMA is located within one to twelve miles from the San Andreas Fault. Faults generally produce damage in two ways: surface rupture and ground shaking.

Surface Rupture

Surface rupture refers to displacement of the ground surface along a fault trace, and is a potential hazard where future development would cross or be constructed astride known fault zones. Damage associated with fault-related surface rupture is normally confined to a narrow band along the trend of the fault, and fault displacement usually involved forces so great that it is generally not feasible (structurally and economically) to design and build structures to accommodate this rapid displacement.

Ground Shaking

Seismically induced ground shaking covers a wide area and is greatly influenced by the distance of the site to the seismic source, soil conditions, and depth to groundwater. Ground shaking has the potential to result in the damage or destruction of buildings, infrastructure, and possible injury or loss of life. Ground shaking can

also trigger secondary seismic phenomenon such as liquefaction, lateral spreading, seismically induced settlement and slope instability.

Liquefaction

Liquefaction is defined as the sudden loss of soil strength due to a rapid increase in soil pore water pressure resulting from seismic ground shaking. Liquefaction potential is dependent on such factors as soil type, depth to ground water, degree of seismic shaking, and the relative density of the soil. When liquefaction of the soil occurs, buildings and other objects on the ground surface may tilt or sink, and lightweight buried structures (such as pipelines) may float toward the ground surface. The County's Liquefaction map indicates the rural and agricultural portion of the PBLUMA ranges from low to high liquefaction potential.

Landslides

Landslides result when the driving forces that act on a slope (i.e., the weight of the slope material, and the weight of objects placed on it) are greater than the slope's natural resisting forces (i.e., the shear strength of the slope material). Slope instability may result from natural processes, such as the erosion of the toe of a slope by a stream, or by ground shaking caused by an earthquake. The County's Landslide Risk map indicates the rural and agricultural portion of the PBLUMA ranges from low to very high potential for landslides, with the higher risk areas being along steeper slopes.Expansive Soils

During periods of water saturation, soils with high clay content tend to expand. Conversely, during dry periods, the soils tend to shrink. These volume changes with moisture content can cause cracking of structures built on expansive soils.

Erosive Soils

Soil erosion is the removal of soil by water and wind. The rate of erosion is estimated from four soil properties: texture, organic matter content, soil structure, and permeability. Other factors that influence erosion potential include the amount of rainfall and wind, the length and steepness of the slope, and the amount and type of vegetative cover.

Federal and State Regulations

The Alquist-Priolo Earthquake Hazard Zone Act was developed by the State to regulate development near active faults and mitigate the surface fault rupture and other hazards. The Act identifies active earthquake fault zones and restricts building habitable structures over known active or potentially active faults.

Local Regulations

San Luis Obispo County has mapped and established a Geologic Study Area (GSA) combining designation in potentially hazardous areas to ensure new development considers geologic and soil conditions that may create a danger to life and property. There are no Geologic Study Areas in the PBLUMA outside of the urban and village reserve lines. The County Grading standards are outlined in detail in the Existing Setting section. A County grading permit subject to environmental review or approval by the local Resource Conservation District is required for vineyards and orchards on slopes over 30%; new and expanded agricultural roads; and ponds, dams, and reservoirs 1-acre foot or more. The Resource Conservation District approval is contingent on the following findings:

- The proposed grading design meets Natural Resources Conservation Service (NRCS) Field Office Technical Guide Criteria;
- The proposed grading design is consistent with the characteristics and constraints of the site;

- The extent and nature of proposed grading is appropriate for the use proposed and will not create site disturbance to an extent greater than that required to establish use;
- Proposed grading will not result in accelerated erosion, stream sedimentation, significantly reduced groundwater recharge or other adverse effects or hazards to life or property;
- Proposed erosion and sedimentation control measures are appropriate for the degree of site disturbance proposed and characteristics of the site and will result in the establishment of a permanent vegetative cover on denuded areas not otherwise permanently stabilized; and
- The project, as proposed, will not cause a significant environmental impact.

Discussion

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

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

The Planting Ordinance only regulates the planting of irrigated crops. The Alquist-Priolo Earthquake Hazard Zone Act developed by the State identifies active earthquake fault zones and restricts building habitable structures over known active or potentially active faults, reducing this impact to less than significant.

(ii) *Strong seismic ground shaking?*

There are no properties in the County's Geologic Study Area in the rural and agricultural portions of the PBLUMA. The Planting Ordinance only regulates the planting of irrigated crops and development of associated infrastructure, which could be damaged by ground shaking. This impact is potentially significant and will be assessed in the EIR.

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

The Planting Ordinance could allow new and expanded plantings in areas of the PBLUMA with low to high risk of liquefaction, which could damage irrigation pipelines and associated infrastructure. This impact is potentially significant and will be assessed in the EIR.

(iv) *Landslides?*

The Planting Ordinance could allow new and expanded plantings in areas of the PBLUMA with low to very high risk of landslides, which could damage supporting infrastructure. This impact is potentially significant and will be assessed in the EIR.

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

The following activities associated with new plantings would require an Agricultural Grading permit, which requires an education component to promote best practices to conserve topsoil and minimize soil erosion: grading to create a new field; drainage improvements for new fields up to 30% slope; and constructing ponds, dams, and reservoirs less than 1 acre-foot with retention entirely below grade.

The following activities require Alternative Review in collaboration with the local Resource Conservation District to preserve resources such as topsoil and minimize environmental impacts such as soil erosion: vineyards and orchards on slopes over 30%; new agricultural roads; widening/lengthening and existing agricultural road outside of fields; drainage improvements for new fields exceeding 30% slope; and constructing ponds, dams, and reservoirs 1 acre-foot or more or if a dam if proposed to retain water above natural grade.

The following activities associated with new plantings would be exempt from permitting requirements: grading on previously cultivated lands and removal of vegetation in an area previously grazed.

Activities associated with crop production with the potential to result in substantial soil erosion or the loss of topsoil require either an Agricultural Grading permit or Alternative Review based on County grading standards, which require best practices to conserve topsoil and minimize soil erosion. These measures would reduce the impact of the Planting Ordinance 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?*

The Planting Ordinance would allow for plantings that may require grading. There are no Geologic Study Areas in the PBLUMA outside of the urban and village reserve lines. Any grading on slopes over 30% would require approval by the local Resource Conservation District or a grading permit from the County. In addition, the Paso Robles Subbasin GSP does not identify subsidence as a significant issue of concern. Therefore, the impact of the Planting Ordinance would be less than significant.

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

New irrigated crops on expansive soil would not create substantial direct or indirect risks to life or property. Any grading to construct agricultural structures or agricultural worker housing would require a County grading permit subject to environmental review, which would evaluate risk from expansive soils. The impact associated with the Planting Ordinance would be less than significant.

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

As discussed in more detail in the Utilities section below, any wastewater disposal systems used for agricultural workers associated with the plantings allowed by the proposed ordinance – whether for the agricultural operations or for agricultural worker housing – would be subject to the standards of the Environmental Health Department and the Local Agency Management Plan on-site wastewater system permitting standards. The Local Agency Management Plan requires permit approval for on-site wastewater treatment system according to standards based on soil capability that have been approved by the Regional Water Quality Control Board. This impact would be less than significant.

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

Agricultural grading associated with plantings allowed by the proposed ordinance may disturb a paleontological resource. This impact may be potentially significant and will be assessed further in the EIR.

VIII. GREENHOUSE GAS EMISSIONS

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

Setting

Greenhouse gases (GHGs) are any gases that absorb infrared radiation in the atmosphere and are different than the criteria pollutants discussed in Section III, Air Quality, above. The primary GHGs that are emitted into the atmosphere as a result of human activities are carbon dioxide (CO_2), methane (CH_4), nitrogen oxides (NOx), and fluorinated gases. These are most commonly emitted through the burning of fossil fuels (oil, natural gas, and coal), agricultural practices, decay of organic waste in landfills, and a variety of other chemical reactions and industrial processes (e.g., the manufacturing of cement).

In October 2008, the California Air Resources Board (CARB) published the Climate Change Proposed Scoping Plan, which is the state's plan to achieve GHG reductions in California required by Assembly Bill (AB) 32. The Scoping Plan included CARB-recommended GHG reductions for each emissions sector of the state's GHG inventory. Senate Bill (SB) 32 and Executive Order (EO) S-3-05 extended the state's GHG reduction goals and require CARB to regulate sources of GHGs to meet the following goals:

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

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

When assessing the significance of potential impacts for CEQA compliance, an individual project's GHG emissions will generally not result in direct significant impacts because the climate change issue is global in nature. However, an individual project could be found to contribute to a potentially significant cumulative impact. The EWP, adopted in 2011, serves as the County's GHG reduction strategy. The GHG-reducing policy provisions contained in the EWP were prepared for the purpose of complying with the requirements of AB 32 and achieving the goals of the AB 32 Scoping Plan, which have a horizon year of 2020. Therefore, the EWP is

not considered a qualified GHG reduction strategy for assessing the significance of GHG emissions generated by projects with a horizon year beyond 2020.

Discussion

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

The irrigated crop production allowed by the proposed ordinance would lead to increased consumption of fossil fuels for agricultural operations, including operation of agricultural equipment and transportation of materials, labor, and harvested crops. The EIR will evaluate the potential contribution of the proposed project to cumulative impacts related to climate change, and will detail the criteria for determining a project's contribution to cumulative GHG emissions/climate change impacts, as well as take into consideration statewide reduction requirements of AB 32 and SB 32. This impact is potentially significant and will be assessed further in the EIR.

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

The GHG emissions associated with the consumption of fossil fuels for plantings allowed by the proposed ordinance may exceed significance thresholds in the EWP and 2017 Climate Change Scoping Plan released by the CARB. This impact is potentially significant and will be assessed further in the EIR.

IX. HAZARDS AND HAZARDOUS MATERIALS

		Potentially Significant Impact to be Addressed in the EIR	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
(a)	Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☒	☐
(b)	Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	☐	☐	☒	☐
(c)	Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☒	☐

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		Potentially Significant Impact to be Addressed in the EIR	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
(d)	Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	☐	☐	☒	☐
(e)	For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?	☐	☐	☒	☐
(f)	Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☒	☐
(g)	Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?	☐	☐	☒	☐

Setting

Irrigated crop production often involves use of pesticides, which are hazardous materials, and pose health risks to agricultural workers and sensitive receptors near application sites.

The County has adopted general emergency plans for multiple potential natural disasters, including the Local Hazard Mitigation Plan, County Emergency Operations Plan, Earthquake Plan, Dam and Levee Failure Plan, Hazardous Materials Response Plan, County Recovery Plan, and Tsunami Response Plan. The PBLUMA specifically is at high to very high risk for fires, drought, and extreme temperatures. Portions of the PBLUMA north and south of the community of San Miguel are subject to risk from dam inundation.

Discussion

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

Increased irrigated crop production would lead to an increase in the transportation and use of pesticides. Pesticide application is subject to federal Worker Protection Standards and the California pesticide safety regulations for workers, developed by the California Department of Pesticide Regulation and implemented by the County Agricultural Commissioner's office. These regulations are intended to maintain worker health and safety and prevent pesticide illness. Transportation of hazardous waste is regulated by the Hazardous Materials Transportation Act. The impact would be

less than significant due to federal and state regulations to facilitate safe transport of hazardous materials and agricultural worker health and safety.

(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?*

Increased irrigated crop production would lead to an increase in the transportation and use of pesticides. The impact would be less than significant due to federal and state regulations to facilitate safe transport of hazardous materials and agricultural worker trainings for pesticide handling protocols.

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

In 2017, the Department of Pesticide Regulation (DPR) adopted regulations (California Code of Regulations, Title 3, Sections 6690-6692) addressing agricultural pesticide applications within ¼ mile of public K-12 schools and licensed child day care centers. Effective January 1, 2018, these regulations provide minimum distance standards for certain agricultural pesticide applications within ¼ mile of a school during the hours of 6:00 a.m. and 6:00 p.m. Monday through Friday and require annual grower notifications to school sites. Impact would be less than significant with compliance with existing regulations for pesticide application within the vicinity of a school.

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

The Hazardous Waste and Substances Site List (Cortese List), which is a list of hazardous materials sites compiled pursuant to California Government Code (CGC) Section 65962.5, is a planning document used by the state, local agencies, and developers to comply with CEQA requirements related to the disclosure of information about the location of hazardous materials release sites. The PBLUMA includes several sites from the Cortese List in the community of San Miguel – two military evaluation sites that need evaluation and one voluntary cleanup site with no further action needed (California Department of Toxic Substance Control [DTSC] 2021). It is not anticipated that sites within the community of San Miguel would apply for permits to plant under the proposed ordinance, given the urban nature of the sites. The impact would be less than significant.

(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?*

A portion of the PBLUMA northeast of the City of Paso is within two miles of the Paso Robles Municipal Airport. The City of Paso Robles planning documents indicate these PBLUMA properties are within the 55 decibel (dBA) airport noise contours. The County noise standards set a 70 dBA maximum for daytime exterior noise levels. This impact would be less than significant because none of the agricultural properties within the PBLUMA are within the 60-75 dBA airport noise contours.

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

The proposed ordinance would not alter land use designations or interfere with emergency response or evacuation plans. Any new road construction associated with plantings allowed by the Planting Ordinance would be subject to the County grading standards (described in detail in the Geology and Soils section), which require CAL FIRE and Public Works review on a project-by-project basis to ensure emergency access requirements are met. This impact 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?

As discussed in more detail in the Wildfire section below, the PBLUMA is located in high and very high Fire Hazard Severity Zones (CAL FIRE 2021). Irrigated cropland can serve as a buffer between wildlands and urban areas, helping to reduce the risk of loss, injury, or death from wildland fires. This impact would be less than significant.

X. HYDROLOGY AND WATER QUALITY

		Potentially Significant Impact to be Addressed in the EIR	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
(a)	Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	☒	☐	☐	☐
(b)	Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	☒	☐	☐	☐
(c)	Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:	☐	☐	☒	☐
	(i) Result in substantial erosion or siltation on- or off-site;	☐	☐	☒	☐
	(ii) Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site;	☐	☐	☒	☐

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		Potentially Significant Impact to be Addressed in the EIR	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
(iii)	Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or	☐	☐	☒	☐
(iv)	Impede or redirect flood flows?	☐	☐	☒	☐
(d)	In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	☐	☐	☒	☐
(e)	Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	☒	☐	☐	☐

Setting

Groundwater Policies

The GSP and current offset ordinance are described in detail in the project description above.

The COSE includes the following water resources policies regarding use of groundwater for agriculture:

> *Policy WR 1.7 Agricultural operations.* Groundwater management strategies will give priority to agricultural operations. Protect agricultural water supplies from competition by incompatible development through land use controls. In groundwater basins certified at [Level of Severity] II or III for water supply, establish groundwater management strategies (including adjudications) that consider all groundwater use.
>
> *Policy WR 1.14 Avoid net increase in water use.* Avoid a net increase in non-agricultural water use in groundwater basins that are certified at Level of Severity II or III for water supply. In addition, place limitations on further land divisions in these areas and establish and implement water offset programs for all groundwater users until plans are in place and funded to ensure that the safe yield will not be exceeded.

The County Health and Sanitation Ordinance (Title 8), Chapter 8.95 – Exportation of Groundwater requires a permit for the exportation of more than 0.5 AFY per site of groundwater outside its groundwater basin boundary or outside of the County. Permit approval requires findings that the export will not cause or contribute to significant detrimental impacts to groundwater resources, including impacts to health, safety, and welfare of overlying property owners.

Any new groundwater wells constructed to serve new or expanded irrigated crops allowed by the proposed ordinance would be subject to the County Health and Sanitation Ordinance (Title 8), Chapter 8.40 – Construction, Repair, Modification and Destruction of Wells incorporates State standards (DWR Bulletin No.

74) to prevent improperly constructed wells from causing groundwater quality deterioration. A hydrogeologist report is required for applications to construct wells at certain proposed depths to evidence (as required by an incorporated State standard) that multiple aquifers of varying qualities will not be penetrated or, where they will, the strata producing the lower-quality water will be adequately sealed. The ordinance also requires evidence of compliance with the Agricultural Offset Clearance Requirements for permit applications. The project will update the ordinance to require compliance with the new Planting Ordinance instead.

Groundwater Storage Deficit

The Paso Robles Subbasin GSP (Section 6.5.3.3 Future Sustainable Yield) projects a long-term imbalance between inflows (e.g., recharge) and outflows (e.g., pumping) and an average groundwater storage deficit of 13,700 AFY. The Paso Robles Subbasin Water Year 2020 Annual Report prepared to meet SGMA reporting requirements identifies the following emerging Subbasin conditions:

- *Groundwater levels are declining in some parts of the Subbasin, indicating that the amount of groundwater pumping is more than the natural recharge; and*
- *The calculated water budget of the Paso Robles Formation aquifer indicates that the amount of groundwater in storage is in decline and will continue to decline in the near future if there is no net decrease in groundwater demand on the aquifer.*

The annual report estimates above-average precipitation water years for 2017 and 2019; 45,400 AFY increase in groundwater storage from 2017-2020; and 80,800 AFY decrease in groundwater storage in water year 2020.

Drought

On July 13, 2021, the County adopted a resolution issuing a proclamation of local emergency due to drought conditions. The proclamation stated the following:

- *In February 2020 and 2021, the County of San Luis Obispo recorded the driest back-to-back months in 150 years; …*
- *According to the U.S. Drought Monitor on June 24, 2021, the entire County of San Luis Obispo is listed as suffering from "extreme" drought conditions, classified as drought level category D3, indicating major crop and pasture losses within the agricultural community and widespread water shortages or restrictions;*
- *On March 5, 2021, the United States Department of Agriculture issued a Drought Disaster Designation for all 58 counties in California, designating 47 as primary disaster areas and 11 as contiguous disaster areas, including San Luis Obispo County, which will likely move to a primary disaster area over the next several weeks; …. and*
- *The long-term ramifications of the drought will have a significant impact on San Luis Obispo County and pose a danger to the health and welfare of its residents, livestock, and agriculture.*

Discussion

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

Any new or expanded plantings of irrigated crops allowed by the proposed ordinance would be subject to the requirements of the Central Coast Regional Water Quality Control Board's Irrigated Lands Program, which regulates discharges from irrigated agricultural lands to protect surface water and groundwater and applies to owners and operators of irrigated land used for commercial crop production.

Any new groundwater wells constructed to serve new or expanded irrigated crops allowed by the proposed ordinance would be subject to the County Health and Sanitation Ordinance (Title 8), Chapter 8.40 – Construction, Repair, Modification and Destruction of Wells incorporates State standards (DWR Bulletin No. 74) to prevent improperly constructed wells from causing groundwater quality deterioration, as described in more detail above.

The groundwater pumping allowed by the Planting Ordinance could cause changes in groundwater quality due to variances of water chemistry at different depths and locations within the groundwater basin. This impact is potentially significant and will be addressed in the EIR.

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

Tier 1 permits would allow for increased groundwater pumping beyond what is allowed under the current regulation, up to 25 AFY per site throughout the PBLUMA. This impact is potentially significant and will be assessed further in the EIR.

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

(i) *Result in substantial erosion or siltation on- or off-site;*

Compliance with the County grading standards described in the project description would reduce this potential impact to less than significant, as discussed in threshold b of the Geology and Soils section.

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

The plantings allowed by the proposed ordinance may require new agricultural roads, drainage improvements, and other grading activities that could increase surface runoff, but are subject to grading standards to minimize surface runoff and the risk of flooding. Drainage improvements for new fields up to 30% slope require an Agricultural Grading permit, which encourages best management practices to reduce the risk of surface runoff. Drainage improvements for new fields exceeding 30% slope and new agricultural roads require approval from the local Resource Conservation District. These permitting pathways require growers to follow best management practices to address drainage concerns on-site, which reduce the impact of new and expanded plantings of irrigated crops resulting in flooding on- or off-site; therefore, this impact would be less than significant.

(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*

The Irrigated Lands program requires monitoring of stormwater runoff and implementing measures to minimize pollutants for irrigated agricultural operations. The County grading standards require an Agricultural Grading permit for drainage improvements for new fields. Compliance with the Regional Water Board Irrigated Lands program and the County grading requirements (outlined in the project description) would reduce this risk associated with activities serving new plantings allowed by the Planting Ordinance to less than significant levels.

(iv) Impede or redirect flood flows?

Drainage improvements and grading associated with plantings allowed by the proposed ordinance would be subject to the County grading requirements outlined in the project description. These standards require growers to follow best management practices to address drainage concerns and stormwater on-site, which reduce the potential impact to less than significant.

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

The PBLUMA is located in the inland portion of the County and not subject to tsunami or seiche risk. Portions of the PBLUMA along waterways may be subject to flood hazard; however, use of hazardous agricultural materials such as pesticides are subject to regulations regarding safe storage protocols. The Regional Water Quality Control Board's Irrigated Lands Program requires growers to conduct sampling of stormwater for rain events tthat reduce the potential for the release of pollutions due to flood inundation to less than significant levels.

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

Although the GSP does not assume that the County will continue to restrict new crops beyond expiration of the current regulation, it does assume no net increase in pumping demand on the basin in its future water budget analysis. Therefore, the increased pumping that would be allowed by the Tier 1 permits under the proposed Planting Ordinance is not accounted for in the GSP. The GSP currently projects an average annual groundwater storage deficit of 13,700 AFY, which would increase to account for Tier 1 permits issued under the proposed ordinance. The increased pumping may lead to increased negative outcomes for the sustainability indicators of the GSP monitoring network, which may include: chronic lowering of groundwater levels, reduction in groundwater storage, degraded water quality, land subsidence, and depletion of interconnected surface water. This impact will be further evaluated in the EIR, as it is potentially significant.

XI. LAND USE AND PLANNING

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

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Setting

The Land Use, COSE, and Agriculture Elements of the County General Plan include goals and policies intended to balance environmental protections with support of agricultural production. The County Land Use Ordinance (Title 22) includes the following standards related to irrigated crop production and water use in the PBLUMA:

Article 2 – Allowable Land Uses and Permit Requirements

The County Land Use Ordinance (Title 22), Article 2, Section 22.06 allows crop production in all land use designations and identifies crop production as exempt from requiring a land use permit, except for crops which require an Agricultural Offset Clearance (Section 22.30.204), and hemp production, which needs to meet the requirements of the hemp cultivation standards (Section 22.30.244). The project would amend these standards to reference the new planting ordinance instead of the Agricultural Offset Clearance Requirements.

Article 4 – Standards for Specific Land Uses

The proposed ordinance is replacing Section 22.30.204, the Agricultural Offset Clearance Requirements.

Article 9 – Planning Area Standards

The planning area standards for the Paso Robles Groundwater Basin (Section 22.94.025) prohibit General Plan amendments that would result in a net increase in water use for non-agricultural purposes and all land divisions except for public use or conservation purposes until the Paso Basin water supply is certified as Level of Severity I.

Discussion

(a) Physically divide an established community?

The new plantings allowed by the proposed ordinance would not physically divide an established community because the PBLUMA is primarily rural and agricultural with distinct urban and village areas protected by land use standards in the land use ordinance and community plans. It is assumed the new plantings would be in the rural and agricultural areas of the PBLUMA. Impacts related to physically division of an established community would be less than significant.

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

The EIR will include a compatibility analysis for the proposed ordinance with County General Plan policies and implementing regulations. This impact is potentially significant and will be assessed further in the EIR.

XII. MINERAL RESOURCES

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

Setting

The County Land Use Ordinance provides regulations for development in delineated Energy and Extractive Resource Areas (EX) and Extractive Resource Areas (EX1). The purpose of this combining designation is to protect significant resource extraction and energy production areas identified by the County of San Luis Obispo General Plan Land Use Element from encroachment by incompatible land uses that could hinder resource extraction or energy production operations, or land uses that would be adversely affected by extraction or energy production. The land use standards require a discretionary land use permit for any proposed land uses not directly related to energy or extraction operations with required findings that the proposed use will not adversely affect the continuing operation or expansion of the energy or extraction use. Crop production is exempt from this permit requirement. A small portion of the PBLUMA is located within an EX or EX1 combining designation – the property with APN 071-101-001 located south of Highway 58 on the southern PBLUMA boundary and west of Creston Road between Feenstra Road and Highway 41.

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?

The County land use ordinance includes standards to protect mineral resources from land uses that would adversely affect the continuing operation or expansion of the extraction use. These standards exempt crop production from requiring discretionary review to ensure mineral resources are protected. Crop production does not damage underlying mineral resources or restrict the ability of the resources to be extracted in the future. This impact 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?

As outlined in the setting above, the PBLUMA contains extractive resource areas, as defined in the County General Plan. Crop production in these areas does not interfere with the availability of the site to be used for mineral extraction in the future. The impact would be less than significant.

XIII. NOISE

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

Setting

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

Noise-sensitive uses identified by the County include the following:

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

- Libraries and museums;
- Hotels and motels;
- Bed and breakfast facilities;
- Outdoor sports and recreation; and
- Offices.

The County Land Use Ordinance establishes acceptable standards for exterior and interior noise levels and describe how noise shall be measured. Exterior noise level standards are applicable when a land use affected by noise is one of the sensitive uses listed in the Noise Element. Exterior noise levels are measured from the property line of the affected noise-sensitive land use. The maximum allowable exterior noise level standards will be outlined in the EIR.

The County General Plan Noise Element Policy 3.3.5.a. states: "Noise from agricultural operations conducted in accordance with accepted standards and practices is not required to be mitigated." The noise standards in the Land Use Ordinance do not apply to noise sources associated with agricultural land uses, including but not limited to wind machines used for direct climate control, water well pumps and pest-repelling devices, provided that the pest-repelling devices are used in accordance with accepted standards and practices.

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?*

Agricultural activities associated with the plantings allowed by the produced ordinance would generate noise, such as from the operation of pumps and diesel equipment. The County General Plan Noise Element Policy 3.3.5.a. states: "Noise from agricultural operations conducted in accordance with accepted standards and practices is not required to be mitigated." The noise standards in the Land Use Ordinance do not apply to noise sources associated with agricultural land uses, including but not limited to wind machines used for direct climate control, water well pumps and pest-repelling devices, provided that the pest-repelling devices are used in accordance with accepted standards and practices. Noise generated from any construction activities for ag worker housing, etc, that may be induced by the ordinance would be subject to the County noise standards and noise thresholds. Therefore, this impact would be less than significant.

(b) *Generation of excessive groundborne vibration or groundborne noise levels?*

Construction and agricultural operations may generate groundborne vibration or groundborne noise levels that could exceed federal standards. This impact is potentially significant and will be assessed in the EIR.

(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?*

As stated in the Hazards section above, a portion of the PBLUMA northeast of the City of Paso Robles is within two miles of the Paso Robles Municipal Airport. The City of Paso Robles planning documents indicate these PBLUMA properties are within the 55 decibel (dBA) airport noise contours. The County noise standards set a 70 dBA maximum for daytime exterior noise levels. This impact would be less

than significant because none of the agricultural properties within the PBLUMA are within the 60-75 dBA airport noise contours.

XIV. POPULATION AND HOUSING

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

Setting

The majority of residential development in the PBLUMA is on rural properties. The County Land Use Ordinance includes residential density standards that limit the number of residences that may be built per parcel based on land use designation. Properties in the Agriculture land use designation are generally allowed two primary residences, one accessory dwelling unit, and one junior accessory unit per parcel. The standards for Agricultural Worker housing allow additional residences if certain minimum parcel size and agricultural use requirements are met. Properties under Williamson Act contract are allowed one primary residence per minimum parcel size for conveyance. Any agricultural worker housing needed to house workers to serve the new plantings allowed by the Planting Ordinance would be subject to these standards.

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 Planting Ordinance would regulate irrigated crop production only. Any increase in population from any housing construction induced by the ordinance, such as to serve agricultural workers, would be within County growth projections. This impact would be less than significant.

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

The Planting Ordinance would regulate irrigated crop production only. The Planting Ordinance would not directly displace people or housing, although groundwater supply impacts may affect residential groundwater wells, which is discussed further in the Hydrology and Water Quality section and the Utilities-Water Supply section. This impact is considered less than significant.

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XV. PUBLIC SERVICES

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

Setting

Fire protection services in unincorporated San Luis Obispo County are provided by CAL FIRE, which has been under contract with the County to provide full-service fire protection since 1930.

Police protection and emergency services in the unincorporated portions of the county are provided by the San Luis Obispo County Sheriff's Office.

San Luis Obispo County has a total of 12 school districts that currently enroll approximately 34,000 students in over 75 schools. The PBLUMA includes multiple school districts.

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

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

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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 projection?

The Planting Ordinance would regulate irrigated crop production only. Any new housing or agricultural roads associated with new plantings allowed by the Planting Ordinance would be subject to County standards for new construction and grading that require consultation with CAL FIRE to ensure emergency access standards are met. Agricultural uses are already allowed within the PBLUMA. The Planting Ordinance would not significantly increase activities beyond the capacities of CAL FIRE services. This impact would be less than significant.

Police protection?

Agricultural activities are already allowed in the PBLUMA. The Planting Ordinance would regulate irrigated crop production only, consistent with existing land use patterns in the area, and would not result in a substantial increase in needed services from the County Sheriff's Office. This impact would be less than significant.

Schools?

The Planting Ordinance would regulate irrigated crop production only. Any new housing induced by the Planting Ordinance would be consistent with the County's residential density and agricultural worker housing standards and would be subject to impact fees to the relevant school district. This impact would be less than significant.

Parks?

The Planting Ordinance would regulate irrigated crop production only. Any new housing induced by the Planting Ordinance would be consistent with the County's residential density and agricultural worker housing standards and would be subject to impact fees to the Parks Department to comply with the Quimby Act. This impact would be less than significant.

Other public facilities?

Agricultural activities are already allowed in the PBLUMA. The Planting Ordinance would regulate irrigated crop production only, consistent with existing land use patterns in the area, and would not result in a substantial increase in needed public facilities. Impacts would be less than significant.

XVI. RECREATION

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

Setting

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

Public facilities fees, Quimby fees, and developer conditions are several ways the County currently funds public parks and recreational facilities. Public facility fees are collected upon construction of new residential units and currently provide funding for new community-serving recreation facilities.

The County Bikeways Plan identifies and prioritizes bikeway facilities throughout the unincorporated area of the county, including bikeways, parking, connections with public transportation, educational programs, and funding (County of San Luis Obispo 2016). The Bikeways Plan is updated every 5 years and was last updated in 2016. The plan identifies goals, policies, and procedures geared towards realizing significant bicycle use as a key component of the transportation options for San Luis Obispo County residents.

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 Planting Ordinance would regulate irrigated crop production only. Any new housing induced by the Planting Ordinance would be consistent with the County's residential density and agricultural worker housing standards and would be subject to impact fees to the Parks Department to comply with the Quimby Act that may be used to maintain recreational facilities. This impact 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 Planting Ordinance would regulate irrigated crop production only. The Planting Ordinance does not include the construction of recreational facilities. Any housing development induced by the ordinance would be subject to County development standards, including payment of impact fees for recreational facilities. This impact would be less than significant.

XVII. TRANSPORTATION

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

Setting

The County Department of Public Works maintains updated traffic count data for all County-maintained roadways. In addition, Traffic Circulation Studies have been conducted within several community areas using traffic models to reasonably simulate current traffic flow patterns and forecast future travel demands and traffic flow patterns. Caltrans maintains annual traffic data on state highways and interchanges within the county, and the San Luis Obispo Council of Governments (SLOCOG) holds several key roles in transportation planning within the county. As the Regional Transportation Planning Agency (RTPA) for the PBLUMA, SLOCOG is responsible for conducting a comprehensive, coordinated transportation program; preparing a Regional Transportation Plan (RTP); programming state funds for transportation projects; and administering and allocating transportation development act funds required by state statutes. The 2019 RTP, adopted June 5, 2019, is a long-term blueprint of San Luis Obispo County's transportation system. The plan identifies and analyzes transportation needs of the region and creates a framework for project priorities.

In 2013, SB 743 was signed into law with the intent to "more appropriately balance the needs of congestion management with statewide goals related to infill development, promotion of public health through active transportation, and reduction of greenhouse gas emissions" and required the Governor's Office of Planning

and Research (OPR) to identify new metrics for identifying and mitigating transportation impacts within CEQA. As a result, in December 2018, the California Natural Resources Agency certified and adopted updates to the State CEQA Guidelines. The revisions included new requirements related to the implementation of SB 743 and identified VMT per capita, VMT per employee, and net VMT as new metrics for transportation analysis under CEQA (as detailed in Section 15064.3[b] of the CEQA Guidelines). Beginning July 1, 2020, the newly adopted VMT criteria for determining significance of transportation impacts must be implemented statewide.

The County's Framework for Planning (Inland) includes the County of San Luis Obispo General Plan Land Use and Circulation Elements. The framework establishes goals and strategies to meet pedestrian circulation needs by providing usable and attractive sidewalks, pathways, and trails to establish maximum access and connectivity between land use designations. In addition, projects are required to pay standard road improvement fees to address their fair share of cumulative growth impacts and future infrastructure needs.

Discussion

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

The Planting Ordinance would not remove or block any existing or planned circulation system or change land use designations or residential density standards. Any agricultural road or housing construction induced by the Planting Ordinance would be consistent with existing land use and circulation planning documents. This impact would be less than significant.

(b) Conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?

There are vehicle miles associated with the new and expanded plantings that would be allowed by the Planting Ordinance, such as transporting agricultural workers, materials, and harvested crops. The increase in VMT could potentially be significant and will be addressed in the EIR.

(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 new plantings allowed by the proposed ordinance would use farm equipment. It is assumed the plantings will occur in rural and agricultural areas where such equipment is compatible with the existing land use and circulation patterns. Any construction of new agricultural roads would be subject to the County grading standards and require approval by the local Resource Conservation District. This level of review would minimize hazardous design features such as sharp curves. This impact would be less than significant.

(d) Result in inadequate emergency access?

The Planting Ordinance would allow plantings consistent with existing land use designations. Any road grading or housing construction induced by the Planting Ordinance would be subject to County grading and construction standards that require consultation with CAL FIRE and County Public Works to ensure emergency access requirements are met on a project-by-project basis. This impact would be less than significant.

XVIII. TRIBAL CULTURAL RESOURCES

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

Setting

Pursuant to the requirements of Senate Bill 18 (SB 18 – 2004), any city or county that is considering an amendment to a General Plan or Specific Plan must invite representatives from affected local tribes to participate in meaningful consultation with the local government for the purpose of discussing tribal concerns related to the proposed project. The proposed project would include amendments to the County General Plan's Agriculture Element and COSE.

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

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

a. Included or determined to be eligible for inclusion in the CRHR; or
b. Included in a local register of historical resources as defined in California PRC Section 5020.1(k).

2. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth California PRC Section 5024.1(c).

Recognizing that tribes have expertise with regard to their tribal history and practices, AB 52 requires lead agencies to provide notice to tribes that are traditionally and culturally affiliated with the geographic area of a proposed project if they have requested notice of projects proposed within that area.

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:

(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)?

The EIR will include an analysis of historical tribal cultural resources within the PBLUMA that could be affected by the proposed ordinance, informed by any tribal consultation. This impact could be potentially significant.

(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.

The County will conduct outreach to California Native American tribes that are traditionally and culturally affiliated with the PBLUMA prior to the release of a Draft EIR, pursuant to the requirements of AB 52 and SB 18. The EIR will include an analysis of tribal cultural resources within the PBLUMA that could be affected by the proposed ordinance, informed by any tribal consultation.

XIX. UTILITIES AND SERVICE SYSTEMS

		Potentially Significant Impact to be Addressed in the EIR	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
(a)	Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	☒	☐	☐	☐
(b)	Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	☒	☐	☐	☐
(c)	Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	☐	☐	☒	☐
(d)	Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	☐	☐	☒	☐
(e)	Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	☐	☐	☒	☐

Setting

The PBLUMA contains several community water providers that serve urban and village communities (e.g., San Miguel Community Services District, Green River Mutual Water Company, Shandon County Service Area 16). The majority of residences and agricultural operations in the PBLUMA rely on on-site groundwater wells and individual on-site wastewater treatment systems. Groundwater wells are subject to construction and modification standards per Title 8 of the County Code, as discussed in the Hydrology and Water Quality section above. On-site wastewater treatment systems are regulated by the County Local Agency Management Plan (LAMP), approved by the Regional Water Quality Control Board.

The initial version of the current offset ordinance adopted as an urgency ordinance in 2013 was partially in response to reports of residential wells going dry from declining groundwater levels. During the current

drought, residents are reporting wells going dry. The state maintains a tracking website for dry wells: https://mydrywatersupply.water.ca.gov.

The GSP identifies six potential sources of water for projects to make new water supplies available to the Paso Robles Subbasin: recycled water from wastewater treatment plants operated by the San Miguel Community Services District and the City of Paso Robles, State Water Project water, Nacimiento Water Project water, Salinas Dam/Santa Margarita Reservoir water, local recycled water, and flood flows/stormwater from local rivers and streams (GSP Section 9.5) but does not recommend any supplemental water projects for immediate implementation. The GSP states these conceptual projects may be implemented by willing entities and depends on them and the success of any required funding votes. The GSP focuses on reducing groundwater extractions through voluntary fallowing and area-specific pumping reductions, discussed in more detail in the project description and Agricultural Resources section above.

PG&E is the primary electricity provider and both PG&E and SoCalGas provide natural gas services for urban and rural communities within the county. There are three landfills in San Luis Obispo County: Cold Canyon Landfill, located near the city of San Luis Obispo; Chicago Grade Landfill, located near the community of Templeton; and Paso Robles Landfill, located east of the city of Paso Robles. Solid waste generated in the PBLUMA goes to the Chicago Grade Landfill and the Paso Robles Landfill.

State Bill (SB) 1383 is a statewide effort to reduce emissions of short-lived climate pollutants. The law requires reduction of statewide disposal of organic waste by 50% by January 1, 2020 and 75% by January 1, 2025 based on 2014 levels and recovery of a minimum of 20% of edible food safe for human consumption, which is currently being disposed of, by 2025. Agricultural waste is organic waste and may include edible food safe for human consumption, depending on the crop. The County Integrated Waste Management Authority (IWMA) is coordinating local efforts to meet the SB 1383 mandates, and the Food Bank Coalition of San Luis Obispo County administers a gleaning program that allows farmers to donate unused produce to be harvested by volunteers and distributed to food insecure populations for a tax write-off instead of disposing in a landfill.

Discussion

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

The proposed ordinance may result in the construction of new groundwater wells, pumps, and distribution pipelines for irrigation, stormwater drainage improvements, electric power connections, and natural gas connections to serve new and expanded plantings. The impact regarding these facilities may be significant and will be addressed in the EIR. Irrigated crops do not typically require wastewater treatment or the construction of new telecommunications facilities; therefore, the impact for these facilities would be less than significant.

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

Because the Paso Basin already has a 13,700 AFY projected average groundwater storage deficit (i.e., each year, approximately 13,700 acre-feet more water exits the Paso Basin than is recharged to it), facilitating additional use could result in adverse effects on water supply to other existing uses of the basin (agricultural and non-agricultural). This impact is potentially significant and will be assessed further in the EIR.

(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?*

Irrigated crop production does not require wastewater treatment. Any wastewater associated with agricultural operations or agricultural worker housing in support of the new plantings would likely be served by on-site wastewater treatment systems rather than a wastewater treatment provider, due to rural location, and be subject to the Local Agency Management Plan and Environmental Health Standards. This impact is less than significant.

(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?*

New and expanded irrigated crop production may increase the generation of solid agricultural waste. Agricultural waste management systems require approval by the local Resource Conservation District based on County grading standards, and agricultural operations will need to comply with the SB 1383 mandate; therefore, the impact would be less than significant.

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

New and expanded irrigated crop production may increase the generation of solid agricultural waste. Agricultural waste management systems require approval by the local Resource Conservation District based on County grading standards, and agricultural operations will need to comply with the SB 1383 mandate; therefore, the impact would be less than significant.

XX. WILDFIRE

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

Preliminary Initial Study – Environmental Checklist

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

Setting

In central California, the fire season usually extends from roughly May through October; however, recent events indicate that wildfire behavior, frequency, and duration of the fire season are changing in California. Fire Hazard Severity Zones (FHSZs) are defined by CAL FIRE based on the presence of fire-prone vegetation, climate, topography, assets at risk (e.g., high population centers), and a fire protection agency's ability to provide service to the area (CAL FIRE 2007). FHSZs throughout the county have been designated as "Very High," "High," or "Moderate." The PBLUMA is located in high and very high FHSZs (CAL FIRE 2021). Emergency response times for sites within the PBLUMA range from less than 5 to 15-20 minutes.

The *San Luis Obispo County Emergency Operations Plan* (EOP) addresses several overall policy and coordination functions related to emergency management. The Safety Element establishes goals, policies, and programs to reduce the threat to life, structures, and the environment caused by fire. Policy S-13 identifies that new development should be carefully located, with special attention given to fuel management in higher fire risk areas, and that new development in fire hazard areas should be configured to minimize the potential for added danger.

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 proposed ordinance would not alter land use designations or interfere with emergency response or evacuation plans because the proposed project would be limited to water usage by new or expanded crops and would not include the removal or blockage of roadways designated in such plans. Also, irrigated cropland can serve as a buffer between wildlands and urban areas, helping to reduce the risk of loss, injury, or death from wildland fires. This impact would be less than significant.

(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 Planting Ordinance does not include the construction of housing but may induce housing that would be subject to fire safety codes. Irrigated cropland can serve as a buffer between wildlands and urban areas, helping to reduce the risk of loss, injury, or death from wildland fires. This impact 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?

Establishing new irrigated crops as allowed by the proposed ordinance may require installation of new agricultural roads. These roads would be consistent with existing development patterns and subject to County grading standards and would therefore not exacerbate fire risk or result in significant temporary or ongoing environmental impacts. In addition, irrigated cropland can serve as a buffer between wildlands and urban areas, helping to reduce the risk of loss, injury, or death from wildland fires. This impact 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 new and expanded crops would not result in runoff from the agricultural lands, based on discussion in Hydrology and Water Quality section; therefore, if the land around new or expanded crop areas are burned by a wildfire, there should not be water runoff from the croplands that would result in runoff, post-fire slope instability, or drainage changes off-site. This impact would be less than significant.

Notice of Preparation
Environmental Impact Report

To:

Interested Parties

From:

County of San Luis Obispo
976 Osos Street Room 200
San Luis Obispo, CA 93408

CEQA Lead Agency:

County of San Luis Obispo
976 Osos Street Room 200
San Luis Obispo, CA 93408
Contact: Kylie Hensley, Planner
Phone: (805) 781-4979
Email: **khensley@co.slo.ca.us**

Subject: Notice of Preparation (NOP) of an Environmental Impact Report for the Paso Basin Land Use Planting Ordinance (County File LRP2021-00001)

In accordance with the California Environmental Quality Act (CEQA), the County of San Luis Obispo (County), as CEQA Lead Agency, will prepare an Environmental Impact Report (EIR) for the project identified below. The County is soliciting information from all responsible and trustee agencies, all other public agencies with jurisdiction by law with respect to the project, as well as public input regarding the topics and alternatives that should be included in the EIR.

The County has prepared an Initial Study for the project, which identifies potentially significant environmental impacts to be assessed in the EIR, and is available on the project website: www.slocounty.ca.gov/Departments/Planning-Building/Grid-Items/Community-Engagement/Active-Planning-Projects/Paso-Basin-Land-Use-Ordinance.aspx.

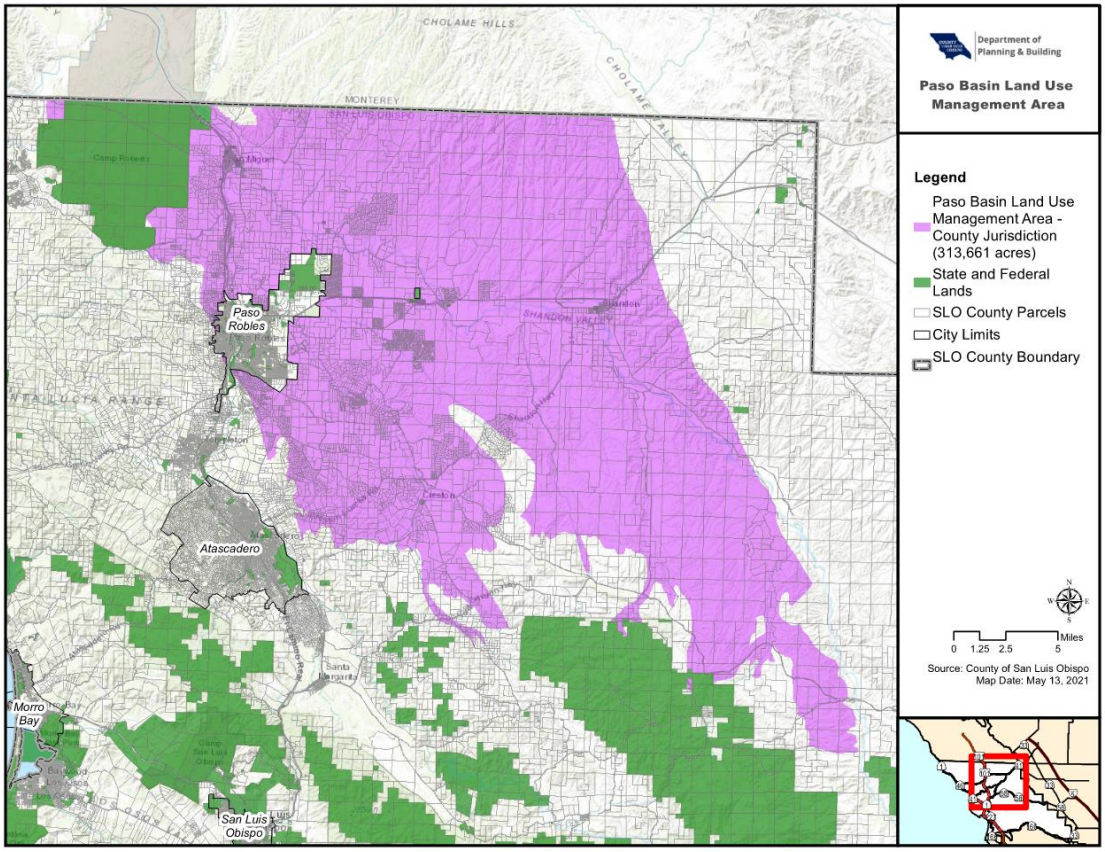
30-DAY SCOPING PERIOD: August 12 – September 13, 2021
Please send any comments relative to the scoping of the EIR analysis within 30 days of this NOP publication date (by September 13, 2021) to Kylie Hensley, Planner, at the contact information shown above.

VIRTUAL SCOPING MEETING: September 1, 2021 at 6:00-7:30PM
The proposed project may have statewide, regional, or areawide significance; therefore a CEQA scoping meeting is required pursuant to Public Resources Code (PRC) Section 21083.9(a)(2) and State CEQA Guidelines Section 15082(c)(1). A virtual CEQA scoping meeting will be held by teleconference and by telephone on Wednesday, September 1, 2021 at 6:00-7:30PM. To join,

- Visit https://zoom.us/join or call 669-900-9128, and
- Enter the **Meeting ID: 898 9088 1384**.

PROJECT DESCRIPTION: The San Luis Obispo County Board of Supervisors has directed staff to develop a land use ordinance and amend General Plan policies to require ministerial land use approval ("a planting permit") until 2045 for new or expanded planting of irrigated crops irrigated with water from groundwater wells located within the Paso Basin Land Use Management Area (see attached map), with a two-tier framework: 1) plantings using up to 25 acre-feet per year (AFY) of total groundwater per site, and 2) plantings maintaining neutral groundwater use on site with a 6-year rolling lookback period. Plantings using groundwater outside of these two tiers would not be allowed. General Plan elements to be revised include the Agricultural Element and Conservation and Open Space Element.

PROJECT LOCATION: The Paso Basin Land Use Management Area includes 313,661 acres located within the County's jurisdiction in the North County Planning Area and includes the communities of Shandon, San Miguel, Creston, and Whitley Gardens. The area is shown in the map below. **A larger GIS version of the map with USGS information is available at the project website listed above.**



The County appreciates your attention to this NOP.

Project Title: Paso Basin Land Use Planting Ordinance
Project Applicant: County of San Luis Obispo

Date: August 9, 2021 Signature: /s/ Kylie Hensley
Kylie Hensley, Planner

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State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Central Region
1234 East Shaw Avenue
Fresno, California 93710
(559) 243-4005
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director

Governor's Office of Planning & Research

September 20 2021

STATE CLEARINGHOUSE

September 17, 2021

Kyle Hensley, Planner
County of San Luis Obispo
976 Osos Street Room 200
San Luis Obispo, California 93408
khensley@co.slo.ca.us

Subject: Paso Basin Land Use Planting Ordinance (Project)
Notice of Preparation (NOP)
State Clearinghouse No. 2021080222

Dear Mr. Hensley:

The California Department of Fish and Wildlife (CDFW) received a NOP for an Environmental Impact Report (EIR) from the County of San Luis Obispo (County) for the above-referenced Project pursuant the California Environmental Quality Act (CEQA) and CEQA Guidelines.[1]

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, CDFW appreciates the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

CDFW ROLE

CDFW is California's **Trustee Agency** for fish and wildlife resources and holds those resources in trust by statute for all the people of the State (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a)). CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species (*Id.*, § 1802). Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

[1] CEQA is codified in the California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

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CDFW is also submitting comments as a **Responsible Agency** under CEQA (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381). CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, for example, the Project may be subject to CDFW's lake and streambed alteration regulatory authority (Fish & G. Code, § 1600 et seq.). Likewise, to the extent implementation of the Project as proposed may result in "take" as defined by State law of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.), related authorization as provided by the Fish and Game Code will be required.

CDFW has jurisdiction over fully protected species of birds, mammals, amphibians and reptiles, and fish, pursuant to Fish and Game Code sections 3511, 4700, 5050, and 5515. Take of any fully protected species is prohibited and CDFW cannot authorize their incidental take.

PROJECT DESCRIPTION SUMMARY

Proponent: County of San Luis Obispo

Description: The County proposes to adopt the Paso Basin Land Use Management Area Planting Ordinance consisting of amendments to the County Land Use Ordinance (Title 22) and Agriculture and Conservation and Open Space Elements of the County General Plan (LRP2021-00001) to require ministerial land use approval ("a planting permit") until 2045 for new or expanded planting of irrigated crops irrigated with water from groundwater wells located within the Paso Basin Land Use Management Area with a two-tier framework. Tier 1 would authorize plantings estimated to allow up to 25 acre-feet per year (AFY) of total groundwater use for crop irrigation per site, including existing crop plantings. Tier 2 would authorize plantings estimated to maintain neutral groundwater use on site based on a 6-year rolling lookback period from the application date. New or expanded plantings not falling within Tier 1 or Tier 2 would not be allowed. The estimated water use for crop irrigation is to be based on crop-specific water duty factors (AFY/acre) and crop acreage. The ordinance would only regulate new or expanded planting of irrigated crops using groundwater from the Paso Basin Land Use Management Area. Existing uses of groundwater from this area for irrigated crop plantings would be allowed to continue their existing water uses.

Project Goal: The goals of the Project are to 1) allow farms to plant irrigated crops that they have not been able to under the Agricultural Offset Requirements and 2) to continue to exercise the County's land use authority to regulate planting of irrigated crops utilizing groundwater from within the Paso Basin Land Use Management Area.

Location: The Paso Basin Land Use Management Area includes 313,661 acres located within the Shandon-Carrizo (North), El Pomar-Estrella, Salinas River, Las

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Pilitas, Los Padres (North), Adelaida, and Nacimiento Sub Areas of the North County Planning Area and includes the communities of Shandon, San Miguel, Creston, and Whitley Gardens.

Timeframe: Paso Basin Land Use Management Area Planting Ordinance would expire in 2045.

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist the County in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife, i.e., biological resources. Editorial comments or other suggestions may also be included to improve the document. Based on a review of the Project description, a review of California Natural Diversity Database (CNDDB) records, a review of aerial photographs of the Project boundary and surrounding habitat, several special-status species could potentially be impacted by Project activities. The Salinas River watershed and associated riparian and oak woodland habitats are present within the Project boundary.

In particular, CDFW is concerned regarding potential impacts for special status species and habitats known to occupy the Project area, including the State threatened and federal endangered San Joaquin kit fox (*Vulpes macrotis mutica*); the State and federal endangered giant kangaroo rat (*Dipodomys ingens*) and least Bell's vireo (*Vireo bellii pusillus*); the State threatened Nelson's antelope squirrel (*Ammospermophilus nelsoni*), Swainson's hawk (*Buteo swainsoni*), bank swallow (*Riparia riparia*), and tricolored blackbird (*Agelaius tricolor*); the State and federal endangered and State fully-protected blunt-nosed leopard lizard (*Gambelia sila*); the State and federal threatened California tiger salamander (*Ambystoma californiense* pop.1); the federal threatened and State species of special concern California red-legged frog (*Rana draytonii*); the State rare and federal threatened Camatta Canyon amole (*Chlorogalum purpureum* var. *reductum*); the federal threatened and California Rare Plant Rank (CRPR) 1B.1 Santa Lucia purple amole (*Chlorogalum purpureum* var. *purpureum*); the CRPR 1B.1 Kellogg's horkelia (*Horkelia cuneata* var. *sericea*), dwarf calycadenia (*Calycadenia villosa*), and mesa horkelia (*Horkelia cuneata* var. *puberula*); the CRPR 1B.2 woodland woollythreads (*Monolopia gracilens*), yellow-flowered eriastrum (*Eriastrum luteum*), San Luis Obispo owl's clover (*Castilleja densiflora obispoensis*), Lemmon's jewelflower (*Caulanthus lemmonii*), shining navarretia (*Navarretia nigelliformis radians*), Eastwood's larkspur (*Delphinium parryi* ssp. *eastwoodiae*), and Indian Valley spineflower (*Aristocapsa insignis*); the CRPR 1B.3 Brewer's spineflower (*Chorizanthe breweri*) and La Panza mariposa-lily (*Calochortus simulans*); and the State species of special concern Monterey hitch (*Lavinia exilcauda harengus*), burrowing owl (*Athene cunicularia*), American badger (*Taxidea taxus*), Townsend's big-eared bat (*Corynorhinus townsendii*), pallid bat (*Antrozous pallidus*), western mastiff bat (*Eumops*

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perotis californicus), western red bat (*Lasiurus blossevillii*), Tulare grasshopper mouse (*Onychomys torridus tularensis*), Salinas pocket mouse (*Perognathus inornatus psammophilus*), San Joaquin pocket mouse (*Perognathus inornatus*), western pond turtle (*Emys marmorata*), western spadefoot (*Spea hammondii*), California glossy snake (*Arizona elegans occidentalis*), and Northern California legless lizard (*Anniella pulchra*). Suitable habitat for the rare and endemic crotch bumble bee (*Bombus crotchii*), and obscure bumble bee (*Bombus caliginosus*) also occurs in the Project vicinity.

The Salinas River supports the federal threatened and State species of special concern South-Central California Coast Steelhead (*Oncorhynchus mykiss*) (SCCCS) Distinct Population Segment (DPS) and the Salinas River is designated by the Federal Endangered Species Act (ESA) as critical habitat for the SCCCS DPS. Surface and ground water dependent ecosystems, including riparian, wetland, and oak woodland habitats, are present within the Salinas River watershed and other areas within the Project boundary.

Page 14 of the NOP (Timberland (e)), states that the Paso Basin Land Use Management Area Planting Ordinance would allow planting of irrigated crops on fallowed lands and lands historically uncultivated. Page 18 of the NOP (Biological Resources) states the proposed Planting Ordinance would allow for more groundwater pumping than under the existing ordinance and may result in the loss of habitat for candidate, sensitive, or special status species. CDFW requests that the EIR fully identify potential impacts to biological resources, including but not limited to the above-mentioned species and habitats. In order to adequately assess any potential impact to biological resources, focused biological surveys should be conducted by a qualified wildlife biologist/botanist during the appropriate survey period(s) in order to determine whether any special-status species and/or suitable habitat features may be present within the Project area. Properly conducted biological surveys, and the information assembled from them, are essential to identify any mitigation, minimization, and avoidance measures and/or the need for additional or protocol-level surveys, and to identify any Project-related impacts subject to CESA. CDFW recommends that the following be incorporated into the EIR.

I. Mitigation Measure or Alternative and Related Impact Shortcoming

Would the Project 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 CDFW or United States Fish and Wildlife Service (USFWS)?

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COMMENT 1: San Joaquin Kit Fox (SJKF)

Issues and Impacts: SJKF have been documented within the Project boundary (CDFW 2021). Based on the information provided in the NOP, the Project has the potential to temporarily disturb and permanently alter suitable habitat for SJKF and directly impact individuals if present during ground disturbing and other activities.

Habitat loss resulting from land conversion to agricultural, urban, and industrial development is the primary threat to SJKF, and the Project area in San Luis Obispo County supports areas of high and medium suitability SJKF habitat (Cypher et al. 2013). SJKF den in rights-of-way, agricultural and fallow/ruderal habitat, dry stream channels, and canal levees, etc., and populations can fluctuate over time. SJKF are also capable of occupying urban environments (Cypher and Frost 1999). SJKF may be attracted to Project areas due to the type and level of ground-disturbing activities and the loose, friable soils resulting from intensive ground disturbance. SJKF will forage in fallow and agricultural fields and utilize streams and canals as dispersal corridors; there is potential for SJKF to occupy all suitable habitat within the Project boundary and surrounding area. Without appropriate avoidance and minimization measures for SJKF, potential significant Project impacts include habitat loss, den collapse, inadvertent entrapment, reduced reproductive success, reduction in health and vigor of young, and direct mortality.

Recommended Mitigation Measure 1: SJKF Habitat Assessment

For all Project-specific components including construction and land conversion, CDFW recommends that a qualified biologist conduct a habitat assessment in advance of Project implementation, to determine if the Project area or its immediate vicinity contains suitable habitat for SJKF.

Recommended Mitigation Measure 2: SJKF Surveys and Minimization

CDFW recommends assessing presence or absence of SJKF by having qualified biologists conduct surveys of Project areas and a 500-foot buffer of Project areas to detect SJKF and their sign. CDFW also recommends following the “Standardized recommendations for protection of the San Joaquin kit fox prior to or during ground disturbance” (2011) during Project implementation.

Recommended Mitigation Measure 3: SJKF Take Authorization

SJKF activity or detection warrants consultation with CDFW to discuss how to avoid take or, if avoidance is not feasible, to acquire an Incidental Take Permit (ITP) prior to any ground disturbing activities, pursuant to Fish and Game Code section 2081 subdivision (b).

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COMMENT 2: Giant Kangaroo Rat (GKR)

Issues and Impacts: GKR have been documented to occur in the eastern portion of the Project area (CDFW 2021). The NOP acknowledges the potential for the Project to disturb and permanently alter suitable habitat for special-status species, and to directly impact individuals and local populations if present. GKR inhabits sandy-loam soils located in grassland habitat with scattered shrubs and containing requisite habitat elements such as small mammal burrows. GKR could occupy or colonize undeveloped areas of suitable habitat within the Project boundary.

Habitat loss resulting from agricultural, urban, and industrial development is the primary threat to GKR. Further, habitat fragmentation may accelerate the decline of this species. Little suitable intact habitat remains for these species (USFWS 1998, ESRP 2021a). Areas of suitable habitat within the Project vicinity represent some of the only remaining undeveloped land in the vicinity, which is otherwise intensively managed for agriculture. As a result, ground-disturbing activities and habitat conversion within the Project may have the potential to significantly impact local populations of GKR. Without appropriate avoidance and minimization measures for GKR, potential significant impacts from Project activities include loss of habitat, burrow collapse, inadvertent entrapment of individuals, reduced reproductive success such as reduced health or vigor of young, and direct mortality of individuals.

Recommended Mitigation Measure 4: GKR Habitat Assessment

CDFW recommends that a qualified biologist conduct a habitat assessment in advance of Project implementation, to determine if the Project area or its immediate vicinity contains suitable habitat for GKR.

Recommended Mitigation Measure 5: GKR Surveys

In areas of suitable habitat, CDFW recommends that a qualified biologist conduct focused daytime visual surveys for GKR using line transects with 10- to 30-meter spacing of Project areas and a 50-foot buffer around those areas. Surveys should focus on the identification of their characteristic habitat types and burrow systems (burrow openings 50 to 55 mm in diameter) (CDFW 1990).

Recommended Mitigation Measure 6: GKR Avoidance

If suitable habitat is present and surveys are not feasible, CDFW advises maintenance of a 50-foot minimum no-disturbance buffer around all small mammal burrow entrances until the completion of Project activities.

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Recommended Mitigation Measure 7: GKR Take Authorization

GKR detection or presence of characteristic habitat or burrow systems warrants consultation with CDFW to discuss how to avoid take or, if avoidance is not feasible, to acquire an ITP prior to ground-disturbing activities, pursuant to Fish and Game Code section 2081 subdivision (b).

COMMENT 3: San Joaquin Antelope Squirrel (SJAS)

Issues and Impacts: SJAS have been documented in areas of suitable habitat within the Project vicinity (CDFW 2021). Suitable SJAS habitat includes areas of grassland, upland scrub, and alkali sink habitats that contain requisite habitat elements, such as small mammal burrows.

Habitat loss resulting from agricultural, urban, and industrial development is the primary threat to SJAS (ESRP 2020b). Areas of suitable habitat within the Project represent some of the only remaining undeveloped land in the vicinity, which is otherwise intensively managed for agriculture. Ground-disturbing activities within the Project area may significantly impact local populations of SJAS. Without appropriate avoidance and minimization measures for SJAS, potential significant impacts include loss of habitat, burrow collapse, inadvertent entrapment of individuals, reduced reproductive success such as reduced health or vigor of young, and direct mortality of individuals.

Recommended Mitigation Measure 8: SJAS Habitat Assessment

CDFW recommends that a qualified biologist conduct a habitat assessment in advance of project implementation, to determine if the Project area or its immediate vicinity contains suitable habitat for SJAS.

Recommended Mitigation Measure 9: SJAS Surveys

In areas of suitable habitat, CDFW recommends that a qualified biologist conduct focused daytime visual surveys for SJAS using line transects with 10- to 30-meter spacing of Project areas and a 50-foot buffer. CDFW further advises that these surveys be conducted between April 1 and September 20, during daytime temperatures between 68° and 86° F (CDFG 1990), to maximize detectability.

Recommended Mitigation Measure 10: SJAS Avoidance

If suitable habitat is present and surveys are not feasible, CDFW advises maintenance of a 50-foot minimum no-disturbance buffer around all small mammal burrow entrances until the completion of Project activities.

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Recommended Mitigation Measure 11: SJAS Take Authorization

SJAS detection or presence of characteristic habitat or burrow systems warrants consultation with CDFW to discuss how to avoid take or, if avoidance is not feasible, to acquire an ITP prior to ground-disturbing activities, pursuant to Fish and Game Code section 2081 subdivision (b).

COMMENT 4: Least Bell's Vireo (LBV)

Issues and Impacts: LBV occurrences have been documented within the Project area, including the vicinity of the Salinas River near Paso Robles, and suitable riparian habitat for nesting occurs in the Project vicinity (CDFW 2021). Suitable LBV habitat includes rivers and streams with dense riparian vegetation. Review of aerial imagery indicates that suitable habitat for LBV occurs within the Project area.

LBV were abundant and widespread in the United States until the 1950s (Grinnell and Miller 1944). By the 1960s, they were considered scarce (Monson 1960), and by 1980, there were fewer than 50 pairs remaining (Edwards 1980), although this number had increased to 2,500 by 2004 (Kus and Whitfield 2005). Breeding habitat loss resulting from urban development, water diversion, and spread of agricultural is the primary threat to LBV. The primary cause of decline for this species has been the loss and alteration of riparian woodland habitats (USFWS 2006). Fragmentation of their preferred habitat has also increased their exposure to brown-headed cowbird (*Molothrus ater*) parasitism (Kus and Whitefield 2005). Current threats to their preferred habitat include colonization by non-native plants and altered hydrology (diversion, channelization, etc.) (USFWS 2006). Little suitable habitat for LBV remains in San Luis Obispo County. Suitable nesting habitat is present within or adjacent to the Project site. Without appropriate avoidance and minimization measures, potential significant impacts associated with subsequent activities may include nest abandonment, reduced reproductive success, and reduced health and vigor of eggs and/or young.

Recommended Mitigation Measure 12: LBV Habitat Assessment

CDFW recommends that a qualified biologist conduct a habitat assessment in advance of Project implementation, to determine if the Project site or its immediate vicinity contains suitable habitat for LBV. Although LBV inhabit riparian woodlands, the species has also been found to benefit from non-riparian systems including brushy fields, second-growth forest or woodland, scrub oak, coastal chaparral, and mesquite brushlands (Kus and Miner 1989, Poulin et al. 2011).

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Recommended Mitigation Measure 13: Focused LBV Surveys

To reduce potential Project-related impacts to LBV, CDFW recommends that a qualified wildlife biologist conduct surveys following the survey methodology developed by USFWS (2001) prior to Project initiation, within the Project area and a ½-mile buffer around the Project area. In addition, if Project activities will take place during the typical breeding season (February 1 through September 15), CDFW recommends that additional preconstruction surveys for active nests be conducted by a qualified biologist no more than 10 days prior to the start of Project activities such as construction or habitat removal.

Recommended Mitigation Measure 14: LBV Buffers

If an active LBV nest is found during protocol or preconstruction surveys, CDFW recommends implementing a maintaining a minimum 500-foot no-disturbance buffer until the breeding season has ended or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest site or parental care.

Recommended Mitigation Measure 15: LBV Nest Avoidance and Habitat Mitigation

In addition to avoiding occupied nest trees, CDFW recommends that impacts to known nest trees be avoided at all times of year. Regardless of nesting status, if potential or known LBV nesting habitat is removed, CDFW recommends it be replaced with appropriate native tree species, planted at a ratio of 3:1 (replaced to removed), in an area that will be protected in perpetuity, to offset impacts of the loss of potential nesting habitat.

Recommended Mitigation Measure 16: LBV Take Authorization

If a 500-foot no-disturbance nest buffer is not feasible, consultation with CDFW is warranted and acquisition of an ITP for LBV may be necessary prior to project implementation, to avoid unauthorized take, pursuant to Fish and Game Code section 2081 subdivision (b).

COMMENT 5: Swainson's Hawk (SWHA)

Issues and Impacts: The Project area is within the historic range of SWHA, and SWHA have been documented in areas of suitable habitat within the Project vicinity (CDFW 2021). Undeveloped and agricultural land in the surrounding area provide suitable foraging habitat for SWHA. Any trees in or near the Project area may also provide suitable nesting habitat.

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SWHA exhibit high nest-site fidelity year after year and lack of suitable nesting habitat limits their local distribution and abundance (CDFW 2016). Approval of the Project may lead to subsequent ground-disturbing activities that involve noise, groundwork, construction of structures, and movement of workers that could affect nests and has the potential to result in nest abandonment and loss of foraging habitat, significantly impacting local nesting SWHA. In addition, conversion of undeveloped and agricultural land can directly influence distribution and abundance of SWHA, due to the reduction in foraging habitat. Groundwater pumping and habitat conversion may result in loss of riparian habitat and subsequent loss of potential nesting habitat. Without appropriate avoidance and minimization measures for SWHA, potential significant impacts that may result from Project activities include: nest abandonment, loss of nest trees, loss of foraging habitat that would reduce nesting success (loss or reduced health or vigor of eggs or young), and direct mortality. All trees, including non-native or ornamental varieties, near the Project site may provide potential nesting sites.

Recommended Mitigation Measure 17: Focused SWHA Surveys

CDFW recommends that a qualified wildlife biologist conduct surveys for nesting SWHA following the entire survey methodology developed by the SWHA Technical Advisory Committee (SWHA TAC 2000) prior to Project implementation.

Recommended Mitigation Measure 18: SWHA Avoidance

CDFW recommends that if Project-specific activities will take place during the SWHA nesting season (i.e., March 1 through September 15), and active SWHA nests are present, a minimum ½-mile no-disturbance buffer be delineated and maintained around each nest, regardless of when or how it was detected, until the breeding season has ended or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or parental care for survival.

Recommended Mitigation Measure 19: SWHA Take Authorization

CDFW recommends that in the event an active SWHA nest is detected, and a ½-mile no-disturbance buffer is not feasible, consultation with CDFW is warranted to discuss how to implement the Project and avoid take. If take cannot be avoided, take authorization through the acquisition of an ITP, pursuant to Fish and Game Code section 2081 subdivision (b) is necessary to comply with CESA.

Recommended Mitigation Measure 20: Loss of SWHA Foraging Habitat

CDFW recommends compensation for the loss of SWHA foraging habitat as described in CDFW's "Staff Report Regarding Mitigation for Impacts to Swainson's

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Hawks" (CDFG 1994) to reduce impacts to foraging habitat to less than significant. The Staff Report recommends that mitigation for habitat loss occur within a minimum distance of 10 miles from known nest sites. CDFW has the following recommendations based on the Staff Report: for projects within one mile of an active nest tree, a minimum of one acre of habitat management (HM) land for each acre of development is advised; for projects within five miles of an active nest but greater than one mile, a minimum of ¾ acre of HM land for each acre of development is advised; and for projects within 10 miles of an active nest tree but greater than five miles form an active nest tree, a minimum of ½ acre of HM land for each acre of development is advised.

Recommended Mitigation Measure 21: SWHA Tree Removal

CDFW recommends that the removal of known SWHA nest trees, even outside of the nesting season, be replaced with an appropriate native tree species planting at a ration of 3:1 at or near the Project area or in another area that will be protected in perpetuity, to offset the local and temporal impacts of nesting habitat loss.

COMMENT 6: Bank Swallow (BASW)

Issues and Impacts: BASW occurrences have been documented in the Project vicinity (CDFW 2021). The NOP acknowledges the potential for the Project to disturb and permanently alter suitable habitat for special-status species and to directly impact individuals if present. In the summer, BASW are restricted to riparian, lacustrine, and coastal areas with vertical banks, bluffs, and cliffs with fine-textured or sandy soils, into which it digs nesting holes. The species' range in California has been significantly reduced since 1900 (CDFG 1989) and only about 110 to 120 colonies remain. The majority of breeding population in California occurs along banks of the Sacramento and Feather rivers. Other colonies persist along the central coast from Monterey to San Mateo counties (Remsen 1978, CDFG 1999).

Channelization and stabilization of riverbanks, and other destruction and disturbance of nesting areas, are major factors causing the marked decline in numbers in recent decades. Project activities including noise, vibration, odors, visual disturbance, and movement of workers or equipment could affect nesting individuals. Without appropriate avoidance and minimization measures, potential significant impacts associated with subsequent activities may include nest abandonment, reduced reproductive success, and reduced health and vigor of eggs and/or young.

Recommended Mitigation Measure 22: Focused BASW Surveys

To reduce potential Project-related impacts to BASW, CDFW recommends that a qualified wildlife biologist conduct focused surveys for BASW following standard

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survey methodology developed by the Bank Swallow Technical Advisory Committee (2017) prior to Project initiation, within the Project area and a 500-foot buffer around the Project area. In addition, if Project activities will take place during the typical avian breeding season (February 1 through September 15), CDFW recommends that additional preconstruction surveys for active nests be conducted by a qualified biologist no more than 10 days prior to the start of construction.

Recommended Mitigation Measure 23: BASW Buffers

If an active BASW nest or a nest colony is found during protocol or preconstruction surveys, CDFW recommends implementing and maintaining a minimum 500-foot no-disturbance buffer until the breeding season has ended or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest site or parental care for survival.

Recommended Mitigation Measure 24: BASW Take Authorization

If a 500-foot no-disturbance nest buffer is not feasible, consultation with CDFW is warranted and acquisition of an ITP for BASW may be necessary prior to project implementation, to avoid unauthorized take, pursuant to Fish and Game Code section 2081 subdivision (b).

COMMENT 7: Tricolored Blackbird (TRBL)

Issues and Impacts: TRBL are known to occur in the Project area (CDFW 2021, UC Davis 2021). Review of aerial imagery indicates that the Project area includes suitable habitat types including wetlands, ponds, and flood-irrigated agricultural land, which is an increasingly important nesting habitat type for TRBL (Meese et al. 2017).

Potential nesting habitat for TRBL is present within the Project vicinity. TRBL aggregate and nest colonially, forming colonies of up to 100,000 nests (Meese et al. 2014), and approximately 86% of the global population is found in the San Joaquin Valley (Kelsey 2008, Weintraub et al. 2016). In addition, TRBL have been forming larger colonies that contain progressively larger proportions of the species' total population (Kelsey 2008). In 2008, 55% of the species' global population nested in only two colonies in silage fields (Kelsey 2008). Nesting can occur synchronously, with all eggs laid within one week (Orians 1961). For these reasons, disturbance to nesting colonies can cause entire nest colony site abandonment and loss of all unfledged nests, significantly impacting TRBL populations (Meese et al. 2014). Without appropriate avoidance and minimization measures for TRBL, potential significant impacts associated with subsequent development include nesting habitat loss, nest and/or colony abandonment, reduced reproductive success, and reduced health and vigor of eggs and/or young.

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Recommended Mitigation Measure 25: TRBL Surveys

CDFW recommends that the Project activities be timed to avoid the typical bird-breeding season of February 1 through September 15. If Project activity that could disrupt nesting must take place during that time, CDFW recommends that a qualified biologist conduct surveys for nesting TRBL no more than 10 days prior to the start of implementation to evaluate presence or absence of TRBL nesting colonies in proximity to Project activities and to evaluate potential Project-related impacts.

Recommended Mitigation Measure 26: TRBL Colony Avoidance

If an active TRBL nesting colony is found during surveys, CDFW recommends implementation of a minimum 300-foot no-disturbance buffer, in accordance with CDFW's (2015a) "*Staff Guidance Regarding Avoidance of Impacts to Tricolored Blackbird Breeding Colonies on Agricultural Fields in 2015*", until the breeding season has ended or until a qualified biologist has determined that nesting has ceased and the young have fledged and are no longer reliant upon the colony or parental care for survival. TRBL colonies can expand over time and for this reason, CDFW recommends that an active colony be reassessed to determine its extent within 10 days prior to Project initiation.

Recommended Mitigation Measure 27: TRBL Take Authorization

In the event that a TRBL nesting colony is detected during surveys, consultation with CDFW is warranted to discuss whether the Project can avoid take and, if take avoidance is not feasible, to acquire an ITP pursuant to Fish and Game Code section 2081 subdivision (b), prior to any Project activities.

COMMENT 8: Blunt-nosed Leopard Lizard (BNLL)

Issues and Impacts: The NOP acknowledges the potential for the Project to disturb and permanently alter suitable habitat for special-status species, and to directly impact individuals and local populations if present. Portions of the Project area are within the western most boundary of BNLL distribution (USFWS 1998), and BNLL have been documented within the Project area (CDFW 2021). Suitable BNLL habitat includes areas of grassland and upland scrub that contain requisite habitat elements, such as small mammal burrows. BNLL also use open space patches between suitable habitats, including disturbed sites, unpaved access roadways, and canals. Review of aerial imagery indicates that undeveloped portions of the Project area and its vicinity are composed of these habitat features.

Habitat loss resulting from agricultural, urban, and industrial development is the primary threat to BNLL (ESRP 2021c). The Project and surrounding area contain

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undeveloped land with suitable habitat features, and ground disturbing activities and conversion of habitat may occur. Without appropriate avoidance and minimization measures for BNLL, potentially significant impacts associated with ground-disturbing activities include habitat loss, burrow collapse, reduced reproductive success, reduced health and vigor of eggs and/or young, and direct mortality.

Recommended Mitigation Measure 28: BNLL Surveys

CDFW recommends conducting surveys in accordance with the "Approved Survey Methodology for the Blunt-nosed Leopard Lizard" (CDFW 2019) prior to initiating any vegetation- or ground-disturbing activities. This survey protocol is designed to optimize BNLL detectability. CDFW advises that BNLL surveys be completed no more than one year prior to initiation of ground disturbance. Please note that protocol-level surveys must be conducted on multiple dates during late spring, summer, and fall of the same calendar year, and that within these time periods, there are specific protocol-level date, temperature, and time parameters that must be adhered to. In addition, the BNLL protocol specifies different survey effort requirements based on whether the disturbance results from maintenance activities or if the disturbance results in habitat removal (CDFW 2019).

Recommended Mitigation Measure 29: BNLL Take Avoidance

BNLL detection during protocol-level surveys warrants consultation with CDFW to discuss how to implement vegetation- and ground-disturbing activities and avoid take. Because BNLL is a State Fully Protected species, no take incidental or otherwise, can be authorized by CDFW.

COMMENT 9: California Tiger Salamander (CTS)

Issues and Impacts: CTS are known to occur in the Project area and its vicinity (CDFW 2021). Review of aerial imagery indicates the presence of several wetland features in the Project's vicinity that have the potential to support breeding CTS. In addition, the Project area or its immediate surroundings may support small mammal burrows, a requisite upland habitat feature for CTS.

Up to 75% of historic CTS habitat has been lost to development (Shaffer et al. 2013). Loss, degradation, and fragmentation of habitat are among the primary threats to CTS (CDFW 2015b, USFWS 2017a). The Project area is within the range of CTS and is both composed of and bordered by suitable upland habitat that could be occupied or colonized by CTS. Without appropriate avoidance and minimization measures for CTS, potential significant impacts associated with any construction or ground disturbing activity include burrow collapse; inadvertent entrapment; reduced reproductive success; reduction in health and vigor of eggs, larvae and/or young;

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and direct mortality of individuals. In addition, depending on the design of any activity, the Project has the potential to result in creation of barriers to dispersal.

Recommended Mitigation Measure 30: CTS Habitat Assessment

CDFW recommends that a qualified biologist conduct a habitat assessment well in advance of Project implementation, to determine if the Project area or its vicinity contains suitable habitat for CTS.

Recommended Mitigation Measure 31: Focused CTS Surveys

If the Project area does contain suitable habitat for CTS, CDFW recommends that a qualified biologist evaluate potential Project-related impacts to CTS prior to ground-disturbing activities using the USFWS's "Interim Guidance on Site Assessment and Field Surveys for Determining Presence or a Negative Finding of the California Tiger Salamander" (2003). CDFW advises that the survey include a 100-foot buffer around the Project area in all areas of wetland and upland habitat that could support CTS.

Recommended Mitigation Measure 32: CTS Avoidance

CDFW advises that avoidance for CTS include a minimum 50-foot no disturbance buffer delineated around all small mammal burrows and a minimum 250-foot no disturbance buffer around potential breeding pools within and/or adjacent to the Project area. CDFW also recommends avoiding any impacts that could alter the hydrology or result in sedimentation of breeding pools. If avoidance is not feasible, consultation with CDFW is warranted to determine if the Project can avoid take.

Recommended Mitigation Measure 33: CTS Take Authorization

If through surveys it is determined that CTS are occupying the Project area and take cannot be avoided, take authorization may be warranted prior to initiating ground-disturbing activities by securing the acquisition of an ITP pursuant to Fish and Game Code section 2081 subdivision (b), before Project ground or vegetation disturbing activities occur. Alternatively, in the absence of protocol surveys, the applicant can assume presence of CTS within the Project area and obtain an ITP.

COMMENT 10: California Red-Legged Frog (CRLF)

Issues and Impacts: The NOP acknowledges the potential for the Project to temporarily disturb and permanently alter suitable habitat for special-status species, including riparian and wetland habitat, and to directly impact individuals if present. CRLF have been documented within the Project Area including the Salinas River

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(CDFW 2021). CRLF primarily inhabit ponds but can also be found in other waterways including marshes, streams, and lagoons. The species will also breed in ephemeral waters (Thomson et al. 2016).

CRLF populations throughout the state have experienced ongoing and drastic declines and many have been extirpated (Thomson et al. 2016). Habitat loss from growth of cities and suburbs, invasion of nonnative plants, impoundments, water diversions, stream maintenance for flood control, degraded water quality, and introduced predators such as bullfrogs are the primary threats to CRLF (Thomson et al. 2016, USFWS 2017b). All of these impacts have the potential to result from the Project. Without appropriate avoidance and minimization measures for CRLF, potentially significant impacts associated with the Project's activities include burrow collapse, inadvertent entrapment, reduced reproductive success, reduction in health and vigor of eggs, larvae and/or young, and direct mortality of individuals.

Recommended Mitigation Measure 34: CRLF Habitat Assessment

CDFW recommends that a qualified biologist conduct a habitat assessment in advance of Project implementation, to determine if the Project Area or its immediate vicinity contain suitable habitat for CRLF.

Recommended Mitigation Measure 35: CRLF Surveys

If suitable habitat is present, CDFW recommends that a qualified biologist conduct surveys for CRLF within 48 hours prior to commencing work (two night surveys immediately prior to construction or as otherwise required by the USFWS) in accordance with the USFWS *"Revised Guidance on Site Assessment and Field Surveys for the California Red-legged Frog"* (USFWS 2005) to determine if CRLF are within or adjacent to the Project area.

Recommended Mitigation Measure 36: CRLF Avoidance

If any CRLF are found during preconstruction surveys or at any time during construction, CDFW recommends that construction cease and that CDFW be contacted to discuss a relocation plan for CRLF with relocation conducted by a qualified biologist holding a Scientific Collecting Permit from CDFW for the species. CDFW recommends that initial ground-disturbing activities be timed to avoid the period when CRLF are most likely to be moving through upland areas (e.g., November 1 and March 31). When ground-disturbing activities must take place between November 1 and March 31, CDFW recommends that a qualified biologist monitor construction activity daily for CRLF.

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COMMENT 11: Special-Status Plants

Issues and Impacts: State- and federal listed, and other special-status plant species meeting the definition of rare or endangered under CEQA section 15380, are known to occur throughout the Project boundary and surrounding area, including the species listed above, and potentially other special-status plant species.

Many of the special-status plant species listed above are threatened by grazing and agricultural, urban, and energy development. Many historical occurrences of these species are presumed extirpated (CNPS 2021). Though new populations have recently been discovered, impacts to existing populations have the potential to significantly impact populations of plant species. Without appropriate avoidance and minimization measures for special-status plants, potential significant impacts associated with subsequent Project-specific activities include loss of habitat, loss or reduction of productivity, and direct mortality.

Recommended Mitigation Measure 37: Special-Status Plant Surveys

CDFW recommends that individual Project sites be surveyed for special-status plants by a qualified botanist following the "Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities" (CDFG 2018). This protocol, which is intended to maximize detectability, includes the identification of reference populations to facilitate the likelihood of field investigations occurring during the appropriate floristic period.

Recommended Mitigation Measure 38: Special-Status Plant Avoidance

CDFW recommends that special-status plant species be avoided whenever possible by delineating and observing a no-disturbance buffer of at least 50 feet from the outer edge of the plant population(s) or specific habitat type(s) required by special-status plant species. If buffers cannot be maintained, then consultation with CDFW may be warranted to determine appropriate minimization and mitigation measures for impacts to special-status plant species.

Recommended Mitigation Measure 39: Listed Plant Species Take Authorization

If a State-listed plant species is identified during botanical surveys, consultation with CDFW is warranted to determine if the Project can avoid take. If take cannot be avoided, take authorization is warranted. Take authorization would occur through issuance of an ITP, pursuant to Fish and Game Code section 2081 subdivision (b).

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COMMENT 12: Burrowing Owl (BUOW)

Issues and Impacts: BUOW inhabit open grassland containing small mammal burrows, a requisite habitat feature used for nesting and cover. BUOW may also occur in some agricultural areas, ruderal grassy fields, vacant lots, and pastures if the vegetation structure is suitable and there are useable burrows and foraging habitat in the area (Gervais et al. 2008). BUOW occurrences have been documented in the Project vicinity, and habitat both within and bordering the Project site supports suitable habitat for BUOW (CDFW 2021).

BUOW rely on burrow habitat year-round for their survival and reproduction. The Project and surrounding area contain remnant undeveloped land but is otherwise intensively managed for agriculture; therefore, subsequent ground-disturbing activities associated with subsequent constructions have the potential to significantly impact local BUOW populations. In addition, and as described in CDFW's "*Staff Report on Burrowing Owl Mitigation*" (CDFG 2012), excluding and/or evicting BUOW from their burrows is considered a potentially significant impact under CEQA. Potentially significant impacts to nesting and non-nesting BUOW can also occur as a result of ground-impacting activity, such as grading and flooding within active and fallow agricultural areas, and as a result of noise, vibration, and other disturbance caused by equipment and crews. Potential impacts associated with Project activities and land conversion include habitat loss, burrow collapse, inadvertent entrapment, nest abandonment, reduced reproductive success, reduction in health and vigor of eggs and/or young, and direct mortality of individuals.

Recommended Mitigation Measure 40: BUOW Habitat Assessment

CDFW recommends that a qualified biologist conduct a habitat assessment in advance of implementation of Project activities, to determine if the Project area or its vicinity contains suitable habitat for BUOW.

Recommended Mitigation Measure 41: BUOW Surveys

Where suitable habitat is present on or in the vicinity of the Project area, CDFW recommends assessing presence or absence of BUOW by having a qualified biologist conduct surveys following the California Burrowing Owl Consortium (1993) "*Burrowing Owl Survey Protocol and Mitigation Guidelines"* and the CDFG (2012) "*Staff Report on Burrowing Owl Mitigation"*. Specifically, these documents suggest three or more surveillance surveys conducted during daylight, with each visit occurring at least three weeks apart during the peak breeding season of April 15 to July 15, when BUOW are most detectable. In addition, CDFW advises that surveys include a minimum 500-foot survey radius around the Project area.

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Recommended Mitigation Measure 42: BUOW Avoidance

CDFW recommends that no-disturbance buffers, as outlined by CDFG (2012), be implemented prior to and during any ground-disturbing activities, and specifically that impacts to occupied burrows be avoided in accordance with the following table unless a qualified biologist approved by CDFW verifies through non-invasive methods that either: 1) the birds have not begun egg laying and incubation; or 2) that juveniles from the occupied burrows are foraging independently and are capable of independent survival.

Location	Time of Year	Level of Disturbance		
		Low	Med	High
Nesting sites	April 1-Aug 15	200 m*	500 m	500 m
Nesting sites	Aug 16-Oct 15	200 m	200 m	500 m
Nesting sites	Oct 16-Mar 31	50 m	100 m	500 m

* meters (m)

Recommended Mitigation Measure 43: BUOW Eviction and Mitigation

If BUOW are found within these recommended buffers and avoidance is not possible, it is important to note that according to CDFG (2012), evicting birds from burrows is not a take avoidance, minimization, or mitigation method and is instead considered a potentially significant impact under CEQA. If it is necessary for Project implementation, CDFW recommends that burrow exclusion be conducted by qualified biologists and only during the non-breeding season, before breeding behavior is exhibited and after the burrow is confirmed empty through non-invasive methods, such as surveillance. CDFW then recommends mitigation in the form of replacement of occupied burrows with artificial burrows at a minimum ratio of one burrow collapsed to one artificial burrow constructed (1:1) to mitigate for evicting BUOW and the loss of burrows. BUOW may attempt to colonize or re-colonize an area that will be impacted; thus, CDFW recommends ongoing surveillance at a rate that is sufficient to detect BUOW if they return.

COMMENT 13: Special-Status Bat Species

Issues and Impacts: Townsend's big-eared bat have been documented to occur in the vicinity of the Project area (CDFW 2021). In addition, habitat features are present that have the potential to support pallid bat, western mastiff bat, and western red bat.

Western mastiff bat, pallid bat, and Townsend's big-eared bat are known to roost in buildings, caves, tunnels, cliffs, crevices, and trees. (Lewis 1994 and Gruver 2006).

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Western red bat is highly associated with riparian habitat (Peirson et al. 2004). Project activities have the potential to affect habitat upon which special-status bat species depend for successful breeding and have the potential to impact individuals and local populations. Without appropriate avoidance and minimization measures for special-status bat species, potential significant impacts resulting from ground- and vegetation-disturbing activities associated with Project activities include habitat loss, inadvertent entrapment, roost abandonment, reduced reproductive success, reduction in health and vigor of young, and direct mortality of individuals.

Recommended Mitigation Measure 44: Bat Roost Habitat Assessment

CDFW recommends that a qualified biologist conduct a habitat assessment well in advance of Project implementation to determine if the Project area or its immediate vicinity contains suitable roosting habitat for special-status bat species.

Recommended Mitigation Measure 45: Bat Surveys

If suitable habitat is present, CDFW recommends assessing presence/absence of special-status bat roosts by conducting surveys during the appropriate seasonal period of bat activity. CDFW recommends methods such as through evening emergence surveys or bat detectors to determine whether bats are present.

Recommended Mitigation Measure 46: Bat Roost Disturbance Minimization and Avoidance

If bats are present, CDFW recommends that a 100-foot no-disturbance buffer be placed around the roost and that a qualified biologist who is experienced with bats monitor the roost for signs of disturbance to bats from Project activity. If a bat roost is identified and work is planned to occur during the breeding season, CDFW recommends that no disturbance to maternity roosts occurs and that CDFW be consulted to determine measures to prevent breeding disruption or failure.

COMMENT 14: Western Pond Turtle (WPT)

Issues and Impacts: WPT are documented in the Project area (CDFW 2021), and a review of aerial imagery shows requisite habitat features that WPT utilize for nesting, overwintering, dispersal, and basking occur in the Project area. These features include aquatic and terrestrial habitats such as rivers, lakes, reservoirs, ponded areas, irrigation canals, riparian and upland habitat. WPT are known to nest in the spring or early summer within 100 meters of a water body, although nest sites as far away as 500 meters have also been reported (Thomson et al. 2016). Noise, vegetation removal, movement of workers, construction and ground disturbance as a result of Project activities have the potential to significantly impact WPT populations.

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Without appropriate avoidance and minimization measures for WPT, potentially significant impacts associated with Project activities could include nest reduction, inadvertent entrapment, reduced reproductive success, reduction in health or vigor of eggs and/or young, and direct mortality.

Recommended Mitigation Measure 47: WPT Surveys

CDFW recommends that a qualified biologist conduct focused surveys for WPT within 10 days prior to Project implementation. In addition, CDFW recommends that focused surveys for nests occur during the egg-laying season (March through August).

Recommended Mitigation Measure 48: WPT Avoidance and Minimization

CDFW recommends that any WPT nests that are discovered remain undisturbed with a no-disturbance buffer maintained around the nest until the eggs have hatched and neonates are no longer in the nest or Project areas. If WPT individuals are discovered at the site during surveys or Project activities, CDFW recommends that they be allowed to move out of the area of their own volition without disturbance.

COMMENT 15: Crotch Bumble Bee (CBB) and Obscure Bumble Bee (OBB)

Issues and Impacts: CBB and OBB, rare and endemic bumble bee species, have been documented within the Project area (CDFW 2021). Suitable habitat includes areas of grasslands and upland scrub, open grassy coastal prairies, and Coast Range meadows that contain requisite habitat elements, such as small mammal burrows. These species of bumble bee primarily nest in late February through late October underground in abandoned small mammal burrows but may also nest under perennial bunch grasses or thatched annual grasses, underneath brush piles, in old bird nests, and in dead trees or hollow logs (Williams et al. 2014, Hatfield et al. 2015). Overwintering sites utilized by mated queens include soft, disturbed soil (Goulson 2010), or under leaf litter or other debris (Williams et al. 2014).

CBB was once common throughout most of the central and southern California; however, it now appears to be absent from most of it, especially in the central portion of its historic range within California's Central Valley (Hatfield et al. 2014). OBB historically occurs along the Pacific Coast with scattered records from the east side of the Central Valley. Analyses by the Xerces Society et al. (2018) suggest there have been sharp declines in relative abundance of CBB by 98% and persistence by 80% over the last ten years. Analysis suggests very high population decline range-wide for OBB, including declines in range size by 40%, persistence by 67%, and relative abundance declines by 85%. But the level of population decline is difficult to ascertain, with more surveys needed within this species' historic range

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(Hatfield et al. 2014). Without appropriate avoidance and minimization measures, potentially significant impacts associated with ground- and vegetation-disturbing activities associated with construction of the Project include loss of foraging plants, changes in foraging behavior, burrow collapse, nest abandonment, reduced nest success, reduced health and vigor of eggs, young and/or queens, in addition to direct mortality.

Recommended Mitigation Measure 49: CBB and OBB Avoidance

CDFW recommends that all small mammal burrows and thatched/bunch grasses be surveyed for the species during the optimal flight period (April 1-July 31) during peak blooming period of preferred plant species prior to Project implementation. Avoidance of detected queens or workers is encouraged to allow CBB and OBB to leave the Project site on their own volition. Avoidance and protection of a detected nests prior to or during Project implementation is encouraged with delineation and observance of a 50-foot no-disturbance buffer.

COMMENT 16: Other State Species of Special Concern

Issues and Impacts: American badger, Tulare grasshopper mouse, Salinas pocket mouse, San Joaquin pocket mouse, California glossy snake, Northern California legless lizard, and western spadefoot are known to inhabit grassland and upland shrub areas with friable soils (Williams 1986, Thomson et al. 2016). These species have been documented to occur in the vicinity of the Project, which supports requisite habitat elements for these species (CDFW 2021).

Habitat loss threatens all of the species mentioned above (Williams 1986, Thomson et al. 2016). Habitat within and adjacent to the Project represents some of the only remaining undeveloped land in the vicinity, which is otherwise intensively managed for agriculture. Without appropriate avoidance and minimization measures for these species, potentially significant impacts associated with ground disturbance include habitat loss, nest/den/burrow abandonment, which may result in reduced health or vigor of eggs and/or young, and direct mortality.

Recommended Mitigation Measure 50: Habitat Assessment

CDFW recommends that a qualified biologist conduct a habitat assessment in advance of project implementation, to determine if Project areas or their immediate vicinity contain suitable habitat for the species mentioned above.

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Recommended Mitigation Measure 51: Surveys

If suitable habitat is present, CDFW recommends that a qualified biologist conduct focused surveys for applicable species and their requisite habitat features to evaluate potential impacts resulting from ground and vegetation disturbance.

Recommended Mitigation Measure 52: Avoidance

Avoidance whenever possible is encouraged via delineation and observance of a 50-foot no-disturbance buffer around dens of mammals like the American badger as well as the entrances of burrows that can provide refuge for small mammals, reptiles, and amphibians.

Would the Project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by CDFW or USFWS?

COMMENT 17: Wetland and Riparian Habitats

Issues and Impacts: The Project area includes stream and wetland features within an agricultural landscape that also maintains undeveloped habitats. Project activities have the potential to result in temporary and permanent impacts to these features through groundwater pumping, habitat conversion, grading, fill, and related development. Riparian and associated floodplain and wetland areas are valuable for their ecosystem processes such as protecting water quality by filtering pollutants and transforming nutrients; stabilizing stream banks to prevent erosion and sedimentation/siltation; and dissipating flow energy during flood conditions, thereby spreading the volume of surface water, reducing peak flows downstream, and increasing the duration of low flows by slowly releasing stored water into the channel through subsurface flow. The Fish and Game Commission policy regarding wetland resources discourages development or conversion of wetlands that results in any net loss of wetland acreage or habitat value. Habitat conversion, construction, grading, and fill activities within these features also has the potential to impact downstream waters as a result of Project site impacts leading to erosion, scour, and changes in stream morphology.

Recommended Mitigation Measure 53: Stream and Wetland Mapping

CDFW recommends that formal stream mapping and wetland delineation be conducted by a qualified biologist or hydrologist, as warranted, to determine the baseline location, extent, and condition of streams (including any floodplain) and wetlands within and adjacent to the Project area. Please note that while there is overlap, State and Federal definitions of wetlands differ, and complete stream

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mapping commonly differs from delineations used by the United States (U.S.) Army Corps of Engineers specifically to identify the extent of Waters of the U.S. Therefore, it is advised that the wetland delineation identify both State and Federal wetlands in the Project area as well as the extent of all streams including floodplains, if present, within the Project area. CDFW advises that site map(s) depicting the extent of any activities that may affect wetlands, lakes, or streams be included with any Project site evaluations, to clearly identify areas where stream/riparian and wetland habitats could be impacted from Project activities.

Recommended Mitigation Measure 54: Stream and Wetland Habitat Mitigation

CDFW recommends that the potential direct and indirect impacts to stream/riparian and wetland habitat be analyzed according to each Project activity. Based on those potential impacts, CDFW recommends that the EIR include measures to avoid, minimize, and/or mitigate those impacts. CDFW recommends that impacts to riparian habitat (i.e., biotic and abiotic features) take into account the effects to stream function and hydrology from riparian habitat loss or damage, as well as potential effects from the loss of riparian habitat to special-status species already identified herein. CDFW recommends that losses to stream and wetland habitats be offset with corresponding riparian and wetland habitat restoration incorporating native vegetation to replace the value to fish and wildlife provided by the habitats lost from Project implementation. If on-site restoration to replace habitats is not feasible, CDFW recommends offsite mitigation by restoring or enhancing in-kind riparian or wetland habitat and providing for the long-term management and protection of the mitigation area, to ensure its persistence.

COMMENT 18: Sustainable Groundwater Management Act (SGMA) and Groundwater Dependent Ecosystems:

Issues and Impacts: Many sensitive ecosystems and public trust resources such as streams, springs, riparian areas, and wetlands are dependent on groundwater and interconnected surface waters. The Project boundary overlaps the majority of the boundary for the Paso Robles Area Subbasin (Subbasin No. 3-004.06). A Groundwater Sustainability Plan was prepared for the Paso Robles Subbasin jointly by four Groundwater Sustainability Agencies (GSAs): City of Paso Robles GSA, Paso Basin - County of San Luis Obispo GSA, San Miguel Community Services District GSA, and Shandon - San Juan GSA. The Paso Robles Subbasin is listed as critically overdrafted and designated a high priority Subbasin by the Department of Water Resources. SGMA defines sustainable groundwater management as "management and use of groundwater in a manner that can be maintained during the planning and implementation horizon without causing undesirable results (Water Code, § 10721 (v))." Significant and undesirable results that may result from Project related activities and have adverse impacts to groundwater dependent ecosystems

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include chronic lowering of groundwater levels, reduction of groundwater storage, degraded water quality, land subsidence, and depletions of interconnected surface water that have an adverse impact on beneficial uses of surface water.

According to the NOP, the Groundwater Sustainability Plan prepared for the Paso Robles Subbasin assumes no net increase in pumping demand on the basin in future water budget analysis. The increased pumping that would be allowed by the Project is not accounted for in the Groundwater Sustainability Plan, which currently projects a groundwater storage deficit that would increase under the Project. The increased groundwater pumping due to the Project may result in significant and adverse impacts to groundwater dependent ecosystems including wetland and riparian habitats and the species dependent upon these habitats.

Analysis Recommendations:

- CDFW recommends that the EIR include an analysis of Project-related activities and groundwater pumping in relation to the Paso Robles Subbasin Groundwater Sustainability Plan, including analysis of potential undesirable results and adverse impacts to groundwater dependent ecosystems including the biological resources listed above.

- CDFW recommends that the EIR analyze how the drawdown of groundwater from the Project may affect surface and subsurface water levels, including drawdown from confined aquifers.

- CDFW recommends that the EIR include specific triggers for evaluating changes to surface and ground water levels and monitoring wetland and riparian habitats that would be affected by these changes.

Recommended Mitigation Measure 55: Groundwater Dependent Ecosystem Monitoring and Mitigation:

CDFW recommends that the EIR include requirements to identify, evaluate, and monitor all areas that would be affected by increased pumping, and develop a plan to offset losses of groundwater dependent ecosystems caused by changes in hydrology associated with Project pumping. The plan should address mitigation for impacted habitat value and function, to achieve a minimum no net loss of these habitats, consistent with California Fish and Game Commission policy on Wetlands Resources.

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Editorial Comments and/or Suggestions

Lake and Streambed Alteration: Project activities that have the potential to substantially change the bed, bank, and channel of streams and associated wetlands may be subject to CDFW's regulatory authority pursuant to Fish and Game Code section 1600 et seq. Fish and Game Code section 1602 requires an entity to notify CDFW prior to commencing any activity that may (a) substantially divert or obstruct the natural flow of any river, stream, or lake; (b) substantially change or use any material from the bed, bank, or channel of any river, stream, or lake (including the removal of riparian vegetation): (c) deposit debris, waste or other materials that could pass into any river, stream, or lake. "Any river, stream, or lake" includes those that are ephemeral or intermittent as well as those that are perennial. CDFW is required to comply with CEQA in the issuance of a Lake or Streambed Alteration (LSA) Agreement; therefore, if the CEQA document approved for the Project does not adequately describe the Project and its impacts, a subsequent CEQA analysis may be necessary for LSA Agreement issuance. Additional information on notification requirements is available through the Central Region LSA Program at (559) 243-4593 or R4LSA@wildlife.ca.gov and the CDFW website: https://wildlife.ca.gov/Conservation/LSA.

Nesting birds: CDFW has jurisdiction over actions with potential to result in the disturbance or destruction of active nest sites or the unauthorized take of birds. Fish and Game Code sections that protect birds, their eggs and nests include sections 3503 (regarding unlawful take, possession or needless destruction of the nest or eggs of any bird), 3503.5 (regarding the take, possession or destruction of any birds-of-prey or their nests or eggs), and 3513 (regarding unlawful take of any migratory nongame bird).

CDFW encourages that Project implementation occur during the bird non-nesting season; however, if Project activities must occur during the breeding season (February through mid-September), the Project applicant is responsible for ensuring that implementation of the Project does not result in violation of the Migratory Bird Treaty Act or relevant Fish and Game Code sections as referenced above.

To evaluate Project-related impacts to nesting birds, CDFW recommends that a qualified biologist conduct preconstruction surveys for active nests no more than 10 days prior to the start of ground disturbance to maximize the probability that nests that could potentially be impacted by the Project are detected. CDFW also recommends that surveys cover a sufficient area around the work site to identify nests and determine their status. A sufficient area means any area potentially affected by the Project. In addition to direct impacts (i.e., nest destruction), noise, vibration, and movement of workers or equipment could also affect nests. Prior to initiation of construction activities, CDFW recommends that a qualified biologist conduct a survey to establish a behavioral baseline of all identified nests. Once construction begins, CDFW recommends that a qualified biologist continuously monitor nests to detect behavioral changes resulting

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from the Project. If behavioral changes occur, CDFW recommends that the work causing that change cease and that CDFW be consulted for additional avoidance and minimization measures.

If continuous monitoring of identified nests by a qualified biologist is not feasible, CDFW recommends a minimum no-disturbance buffer of 250 feet around active nests of non-listed bird species and a 500-foot no-disturbance buffer around active nests of non-listed raptors. These buffers are advised to remain in place until the breeding season has ended or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or parental care for survival. Variance from these no-disturbance buffers is possible when there is compelling biological or ecological reason to do so, such as when the construction area would be concealed from a nest site by topography. CDFW recommends that a qualified biologist advise and support any variance from these buffers.

Endangered Species Act Consultation: CDFW recommends consultation with the USFWS prior to Project ground disturbance, due to potential impacts to Federal listed species. Take under the ESA is more stringently defined than under CESA; take under ESA may also include significant habitat modification or degradation that could result in death or injury to a listed species, by interfering with essential behavioral patterns such as breeding, foraging, or nesting. Similarly, for potential effects to steelhead and its critical habitat, CDFW recommends consultation with the National Marine Fisheries Service (NMFS). Consultation with the USFWS and NMFS in order to comply with ESA is advised well in advance of Project implementation.

ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database that may be used to make subsequent or supplemental environmental determinations (Pub. Resources Code, § 21003, subd. (e)). Accordingly, please report any special status species and natural communities detected during Project surveys to the CNDDB. The CNDDB field survey form can be obtained at the following link: https://www.wildlife.ca.gov/Data/CNDDB/Submitting-Data . The completed form can be mailed electronically to CNDDB at the following email address: CNDDB@wildlife.ca.gov. The types of information reported to CNDDB can be found at the following link: https://www.wildlife.ca.gov/Data/CNDDB/Plants-and-Animals.

FILING FEES

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by

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CDFW. Payment of the fee is required in order for the underlying project approval to be operative, vested, and final (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089).

CONCLUSION

CDFW appreciates the opportunity to comment on the NOP to assist the County in identifying and mitigating Project impacts on biological resources. If you have questions regarding this letter, please contact Annette Tenneboe, Senior Environmental Scientist (Specialist), at (559) 580-3202 or by email at Annette.Tenneboe@wildlife.ca.gov.

Sincerely,

DocuSigned by:
Julie Vance
FA83F09FE08945A...

Julie A. Vance
Regional Manager

Attachment

cc: Office of Planning and Research, State Clearinghouse, Sacramento

ec: Annette Tenneboe, California Department of Fish and Wildlife

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Attachment 1

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE
RECOMMENDED MITIGATION MONITORING AND REPORTING PROGRAM (MMRP)

PROJECT: Paso Basin Land Use Planting Ordinance

STATE CLEARINGHOUSE No.: 2021080222

RECOMMENDED MITIGATION MEASURES	STATUS/DATE/INITIALS
Before Project Activity	
Recommended Mitigation Measure 1: SJKF Habitat Assessment	
Recommended Mitigation Measure 2: SJKF Surveys and Minimization	
Recommended Mitigation Measure 3: SJKF Take Authorization	
Recommended Mitigation Measure 4: GKR Habitat Assessment	
Recommended Mitigation Measure 5: GKR Surveys	
Recommended Mitigation Measure 7: GKR Take Authorization	
Recommended Mitigation Measure 8: SJAS Habitat Assessment	
Recommended Mitigation Measure 9: SJAS Surveys	
Recommended Mitigation Measure11: SJAS Take Authorization	
Recommended Mitigation Measure 12: LBV Habitat Assessment	
Recommended Mitigation Measure 13: Focused LBV Surveys	
Recommended Mitigation Measure 14: LVB Buffers	
Recommended Mitigation Measure 15: LBV Nest Avoidance and Habitat Mitigation	
Recommended Mitigation Measure 16: LVBI Take Authorization	
Recommended Mitigation Measure 17: Focused SWHA Surveys	
Recommended Mitigation Measure 18: SWHA Avoidance	

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RECOMMENDED MITIGATION MEASURES	**STATUS/DATE/INITIALS**
During Project Activity	
Recommended Mitigation Measure 2: SJKF Surveys and Minimization	
Recommended Mitigation Measure 6: GKR Avoidance	
Recommended Mitigation Measure 10: SJAS Avoidance	
Recommended Mitigation Measure 14: LVB Buffers	
Recommended Mitigation Measure 15: LBV Nest Avoidance and Habitat Mitigation	
Recommended Mitigation Measure 18: SWHA Avoidance	
Recommended Mitigation Measure 23: BASW Buffers	
Recommended Mitigation Measure 26: TRBL Colony Avoidance	
Recommended Mitigation Measure 32: CTS Avoidance	
Recommended Mitigation Measure 38: Special-Status Plant Avoidance	
Recommended Mitigation Measure 42: BUOW Avoidance	
Recommended Mitigation Measure 46: Bat Roost disturbance Minimization and Avoidance	
Recommended Mitigation Measure 48: WPT Avoidance and Minimization	
Recommended Mitigation Measure 49: CBB and OBB Surveys and Avoidance	
Recommended Mitigation Measure 52: Avoidance – American badger, Tulare grasshopper mouse, Salinas pocket mouse, San Joaquin pocket mouse, California glossy snake, California legless lizard, western spadefoot.	

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RECOMMENDED MITIGATION MEASURES	STATUS/DATE/INITIALS
Recommended Mitigation Measure 19: SWHA Take Authorization	
Recommended Mitigation Measure 20: Loss of SWHA Foraging Habitat	
Recommended Mitigation Measure 21: SWHA Tree Removal	
Recommended Mitigation Measure 22: Focused BASW Surveys	
Recommended Mitigation Measure 23: BASW Buffers	
Recommended Mitigation Measure 24: BASW Take Authorization	
Recommended Mitigation Measure 25: TRBL Surveys	
Recommended Mitigation Measure 26: TRBL Colony Avoidance	
Recommended Mitigation Measure 27: TRBL Take Authorization	
Recommended Mitigation Measure 28: BNLL Surveys	
Recommended Mitigation Measure 29: BNLL Take Avoidance	
Recommended Mitigation Measure 30: CTS Habitat Assessment	
Recommended Mitigation Measure 31: Focused CTS Surveys	
Recommended Mitigation Measure 32: CTS Avoidance	
Recommended Mitigation Measure 33: CTS Take Authorization	
Recommended Mitigation Measure 34: CRLF Habitat Assessment	
Recommended Mitigation Measure 35: CRLF Surveys	
Recommended Mitigation Measure 36: CRLF Avoidance	
Recommended Mitigation Measure 37: Special-Status Plant Surveys	
Recommended Mitigation Measure 38: Special-Status Plant Avoidance	
Recommended Mitigation Measure 39: Listed Plant Species Take Authorization	
Recommended Mitigation Measure 40: BUOW Habitat Assessment	

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RECOMMENDED MITIGATION MEASURES	STATUS/DATE/INITIALS
Recommended Mitigation Measure 41: BUOW Surveys	
Recommended Mitigation Measure 42: BUOW Avoidance	
Recommended Mitigation Measure 43: BUOW Eviction and Mitigation	
Recommended Mitigation Measure 44: Bat Roost Habitat Assessment	
Recommended Mitigation Measure 45: Bat Surveys	
Recommended Mitigation Measure 46: Bat Roost disturbance Minimization and Avoidance	
Recommended Mitigation Measure 47: WPT Surveys	
Recommended Mitigation Measure 48: WPT Avoidance and Minimization	
Recommended Mitigation Measure 49: CBB and OBB Surveys and Avoidance	
Recommended Mitigation Measure 50: Habitat Assessment – – American badger, Tulare grasshopper mouse, Salinas pocket mouse, San Joaquin pocket mouse, California glossy snake, California legless lizard, western spadefoot.	
Recommended Mitigation Measure 51: Surveys – American badger, Tulare grasshopper mouse, Salinas pocket mouse, San Joaquin pocket mouse, California glossy snake, California legless lizard, western spadefoot.	
Recommended Mitigation Measure 52: Avoidance – American badger, Tulare grasshopper mouse, Salinas pocket mouse, San Joaquin pocket mouse, California glossy snake, California legless lizard, western spadefoot.	
Recommended Mitigation Measure 53: Stream and Wetland Mapping	
Recommended Mitigation Measure 54: Stream and Wetland Habitat Mitigation	
Recommended Mitigation Measure 55: Groundwater Dependent Ecosystem Monitoring and Mitigation	

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California
Department of Conservation
Geologic Energy Management Division

Gavin Newsom, Governor
David Shabazian, Director

August 31, 2021

VIA EMAIL

Ms. Kylie Hensley, Planner
County of San Luis Obispo
9976 Osos Street Room 200
San Luis Obispo, CA 93408
khensley@co.slo.ca.us

Dear Ms. Hensley:

PASO BASIN LAND USE PLANTING ORDINANCE (COUNTY FILE LRP2021-00001)

Thank you for requesting comment from the California Geologic Energy Management Division (CalGEM) regarding the above project. CalGEM provides the following information for your consideration:

- There are approximately one hundred or more plugged and abandoned oil and gas prospect wells located throughout the Paso Basin Land Use Management Area. These wells, most of which are labeled as "Dry Hole" in CalGEM records, have the potential to be impacted by development activities. The locations and records for these wells can be viewed at: https://www.conservation.ca.gov/calgem/Pages/WellFinder.aspx
- Public Resources Code (PRC) section 3208.1 establishes well re-abandonment responsibility when a previously plugged and abandoned well will be impacted by planned property development or construction activities. CalGEM statutes and regulations are available here: https://www.conservation.ca.gov/index/Documents/CALGEM-SR-1%20Web%20Copy.pdf
- CalGEM categorically advises against building over, or in any way impeding access to plugged and abandoned oil wells.
- Please contact CalGEM for recommendations and comment regarding proposed development in areas where plugged and abandoned oil wells are located.

Sincerely,

Signature on behalf of Baldev Gill

Baldev Gill,
Acting Chief Deputy

JM:ji:ks

cc: chrono

NATIVE AMERICAN HERITAGE COMMISSION

Governor's Office of Planning & Research

August 20 2021

STATE CLEARING HOUSE

August 16, 2021

Kylie Hensley
County of San Luis Obispo
976 Osos Street, Room 200
San Luis Obispo, CA 93408

Re: 2021080222, Paso Basin Land Use Planting Ordinance, General Plan and Ordinance Amendment, ED21-040, LRP2021-00001 Project, San Luis Obispo County

Dear Ms. Hensley:

The Native American Heritage Commission (NAHC) has received the Notice of Preparation (NOP), Draft Environmental Impact Report (DEIR) or Early Consultation for the project referenced above. The California Environmental Quality Act (CEQA) (Pub. Resources Code §21000 et seq.), specifically Public Resources Code §21084.1, states that a project that may cause a substantial adverse change in the significance of a historical resource, is a project that may have a significant effect on the environment. (Pub. Resources Code § 21084.1; Cal. Code Regs., tit.14, §15064.5 (b) (CEQA Guidelines §15064.5 (b)). If there is substantial evidence, in light of the whole record before a lead agency, that a project may have a significant effect on the environment, an Environmental Impact Report (EIR) shall be prepared. (Pub. Resources Code §21080 (d); Cal. Code Regs., tit. 14, § 5064 subd.(a)(1) (CEQA Guidelines §15064 (a)(1)). In order to determine whether a project will cause a substantial adverse change in the significance of a historical resource, a lead agency will need to determine whether there are historical resources within the area of potential effect (APE).

CEQA was amended significantly in 2014. Assembly Bill 52 (Gatto, Chapter 532, Statutes of 2014) (AB 52) amended CEQA to create a separate category of cultural resources, "tribal cultural resources" (Pub. Resources Code §21074) and provides that a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment. (Pub. Resources Code §21084.2). Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource. (Pub. Resources Code §21084.3 (a)). **AB 52 applies to any project for which a notice of preparation, a notice of negative declaration, or a mitigated negative declaration is filed on or after July 1, 2015.** If your project involves the adoption of or amendment to a general plan or a specific plan, or the designation or proposed designation of open space, on or after March 1, 2005, it may also be subject to Senate Bill 18 (Burton, Chapter 905, Statutes of 2004) (SB 18). **Both SB 18 and AB 52 have tribal consultation requirements**. If your project is also subject to the federal National Environmental Policy Act (42 U.S.C. § 4321 et seq.) (NEPA), the tribal consultation requirements of Section 106 of the National Historic Preservation Act of 1966 (154 U.S.C. 300101, 36 C.F.R. §800 et seq.) may also apply.

The NAHC recommends consultation with California Native American tribes that are traditionally and culturally affiliated with the geographic area of your proposed project as early as possible in order to avoid inadvertent discoveries of Native American human remains and best protect tribal cultural resources. Below is a brief summary of portions of AB 52 and SB 18 as well as the NAHC's recommendations for conducting cultural resources assessments.

Consult your legal counsel about compliance with AB 52 and SB 18 as well as compliance with any other applicable laws.

CHAIRPERSON
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Luiseño

VICE CHAIRPERSON
Reginald Pagaling
Chumash

SECRETARY
Merri Lopez-Keifer
Luiseño

PARLIAMENTARIAN
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COMMISSIONER
William Mungary
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COMMISSIONER
Julie Tumamait-Stenslie
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AB 52

AB 52 has added to CEQA the additional requirements listed below, along with many other requirements:

1. Fourteen Day Period to Provide Notice of Completion of an Application/Decision to Undertake a Project: Within fourteen (14) days of determining that an application for a project is complete or of a decision by a public agency to undertake a project, a lead agency shall provide formal notification to a designated contact of, or tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice, to be accomplished by at least one written notice that includes:

- **a.** A brief description of the project.
- **b.** The lead agency contact information.
- **c.** Notification that the California Native American tribe has 30 days to request consultation. (Pub. Resources Code §21080.3.1 (d)).
- **d.** A "California Native American tribe" is defined as a Native American tribe located in California that is on the contact list maintained by the NAHC for the purposes of Chapter 905 of Statutes of 2004 (SB 18). (Pub. Resources Code §21073).

2. Begin Consultation Within 30 Days of Receiving a Tribe's Request for Consultation and Before Releasing a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report: A lead agency shall begin the consultation process within 30 days of receiving a request for consultation from a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project. (Pub. Resources Code §21080.3.1, subds. (d) and (e)) and prior to the release of a negative declaration, mitigated negative declaration or Environmental Impact Report. (Pub. Resources Code §21080.3.1(b)).

- **a.** For purposes of AB 52, "consultation shall have the same meaning as provided in Gov. Code §65352.4 (SB 18). (Pub. Resources Code §21080.3.1 (b)).

3. Mandatory Topics of Consultation If Requested by a Tribe: The following topics of consultation, if a tribe requests to discuss them, are mandatory topics of consultation:

- **a.** Alternatives to the project.
- **b.** Recommended mitigation measures.
- **c.** Significant effects. (Pub. Resources Code §21080.3.2 (a)).

4. Discretionary Topics of Consultation: The following topics are discretionary topics of consultation:

- **a.** Type of environmental review necessary.
- **b.** Significance of the tribal cultural resources.
- **c.** Significance of the project's impacts on tribal cultural resources.
- **d.** If necessary, project alternatives or appropriate measures for preservation or mitigation that the tribe may recommend to the lead agency. (Pub. Resources Code §21080.3.2 (a)).

5. Confidentiality of Information Submitted by a Tribe During the Environmental Review Process: With some exceptions, any information, including but not limited to, the location, description, and use of tribal cultural resources submitted by a California Native American tribe during the environmental review process shall not be included in the environmental document or otherwise disclosed by the lead agency or any other public agency to the public, consistent with Government Code §6254 (r) and §6254.10. Any information submitted by a California Native American tribe during the consultation or environmental review process shall be published in a confidential appendix to the environmental document unless the tribe that provided the information consents, in writing, to the disclosure of some or all of the information to the public. (Pub. Resources Code §21082.3 (c)(1)).

6. Discussion of Impacts to Tribal Cultural Resources in the Environmental Document: If a project may have a significant impact on a tribal cultural resource, the lead agency's environmental document shall discuss both of the following:

- **a.** Whether the proposed project has a significant impact on an identified tribal cultural resource.
- **b.** Whether feasible alternatives or mitigation measures, including those measures that may be agreed to pursuant to Public Resources Code §21082.3, subdivision (a), avoid or substantially lessen the impact on the identified tribal cultural resource. (Pub. Resources Code §21082.3 (b)).

7. Conclusion of Consultation: Consultation with a tribe shall be considered concluded when either of the following occurs:

a. The parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource; or

b. A party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached. (Pub. Resources Code §21080.3.2 (b)).

8. Recommending Mitigation Measures Agreed Upon in Consultation in the Environmental Document: Any mitigation measures agreed upon in the consultation conducted pursuant to Public Resources Code §21080.3.2 shall be recommended for inclusion in the environmental document and in an adopted mitigation monitoring and reporting program, if determined to avoid or lessen the impact pursuant to Public Resources Code §21082.3, subdivision (b), paragraph 2, and shall be fully enforceable. (Pub. Resources Code §21082.3 (a)).

9. Required Consideration of Feasible Mitigation: If mitigation measures recommended by the staff of the lead agency as a result of the consultation process are not included in the environmental document or if there are no agreed upon mitigation measures at the conclusion of consultation, or if consultation does not occur, and if substantial evidence demonstrates that a project will cause a significant effect to a tribal cultural resource, the lead agency shall consider feasible mitigation pursuant to Public Resources Code §21084.3 (b). (Pub. Resources Code §21082.3 (e)).

10. Examples of Mitigation Measures That, If Feasible, May Be Considered to Avoid or Minimize Significant Adverse Impacts to Tribal Cultural Resources:

a. Avoidance and preservation of the resources in place, including, but not limited to:

i. Planning and construction to avoid the resources and protect the cultural and natural context.

ii. Planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.

b. Treating the resource with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:

i. Protecting the cultural character and integrity of the resource.

ii. Protecting the traditional use of the resource.

iii. Protecting the confidentiality of the resource.

c. Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.

d. Protecting the resource. (Pub. Resource Code §21084.3 (b)).

e. Please note that a federally recognized California Native American tribe or a non-federally recognized California Native American tribe that is on the contact list maintained by the NAHC to protect a California prehistoric, archaeological, cultural, spiritual, or ceremonial place may acquire and hold conservation easements if the conservation easement is voluntarily conveyed. (Civ. Code §815.3 (c)).

f. Please note that it is the policy of the state that Native American remains and associated grave artifacts shall be repatriated. (Pub. Resources Code §5097.991).

11. Prerequisites for Certifying an Environmental Impact Report or Adopting a Mitigated Negative Declaration or Negative Declaration with a Significant Impact on an Identified Tribal Cultural Resource: An Environmental Impact Report may not be certified, nor may a mitigated negative declaration or a negative declaration be adopted unless one of the following occurs:

a. The consultation process between the tribes and the lead agency has occurred as provided in Public Resources Code §21080.3.1 and §21080.3.2 and concluded pursuant to Public Resources Code §21080.3.2.

b. The tribe that requested consultation failed to provide comments to the lead agency or otherwise failed to engage in the consultation process.

c. The lead agency provided notice of the project to the tribe in compliance with Public Resources Code §21080.3.1 (d) and the tribe failed to request consultation within 30 days. (Pub. Resources Code §21082.3 (d)).

The NAHC's PowerPoint presentation titled, "Tribal Consultation Under AB 52: Requirements and Best Practices" may be found online at: http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation_CalEPAPDF.pdf

SB 18

SB 18 applies to local governments and requires local governments to contact, provide notice to, refer plans to, and consult with tribes prior to the adoption or amendment of a general plan or a specific plan, or the designation of open space. (Gov. Code §65352.3). Local governments should consult the Governor's Office of Planning and Research's "Tribal Consultation Guidelines," which can be found online at: https://www.opr.ca.gov/docs/09_14_05_Updated_Guidelines_922.pdf.

Some of SB 18's provisions include:

1. Tribal Consultation: If a local government considers a proposal to adopt or amend a general plan or a specific plan, or to designate open space it is required to contact the appropriate tribes identified by the NAHC by requesting a "Tribal Consultation List." If a tribe, once contacted, requests consultation the local government must consult with the tribe on the plan proposal. **A tribe has 90 days from the date of receipt of notification to request consultation unless a shorter timeframe has been agreed to by the tribe.** (Gov. Code §65352.3 (a)(2)).

2. No Statutory Time Limit on SB 18 Tribal Consultation. There is no statutory time limit on SB 18 tribal consultation.

3. Confidentiality: Consistent with the guidelines developed and adopted by the Office of Planning and Research pursuant to Gov. Code §65040.2, the city or county shall protect the confidentiality of the information concerning the specific identity, location, character, and use of places, features and objects described in Public Resources Code §5097.9 and §5097.993 that are within the city's or county's jurisdiction. (Gov. Code §65352.3 (b)).

4. Conclusion of SB 18 Tribal Consultation: Consultation should be concluded at the point in which:

- **a.** The parties to the consultation come to a mutual agreement concerning the appropriate measures for preservation or mitigation; or
- **b.** Either the local government or the tribe, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached concerning the appropriate measures of preservation or mitigation. (Tribal Consultation Guidelines, Governor's Office of Planning and Research (2005) at p. 18).

Agencies should be aware that neither AB 52 nor SB 18 precludes agencies from initiating tribal consultation with tribes that are traditionally and culturally affiliated with their jurisdictions before the timeframes provided in AB 52 and SB 18. For that reason, we urge you to continue to request Native American Tribal Contact Lists and "Sacred Lands File" searches from the NAHC. The request forms can be found online at: http://nahc.ca.gov/resources/forms/.

NAHC Recommendations for Cultural Resources Assessments

To adequately assess the existence and significance of tribal cultural resources and plan for avoidance, preservation in place, or barring both, mitigation of project-related impacts to tribal cultural resources, the NAHC recommends the following actions:

1. Contact the appropriate regional California Historical Research Information System (CHRIS) Center (http://ohp.parks.ca.gov/?page_id=1068) for an archaeological records search. The records search will determine:

- **a.** If part or all of the APE has been previously surveyed for cultural resources.
- **b.** If any known cultural resources have already been recorded on or adjacent to the APE.
- **c.** If the probability is low, moderate, or high that cultural resources are located in the APE.
- **d.** If a survey is required to determine whether previously unrecorded cultural resources are present.

2. If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.

- **a.** The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum and not be made available for public disclosure.

b. The final written report should be submitted within 3 months after work has been completed to the appropriate regional CHRIS center.

3. Contact the NAHC for:

a. A Sacred Lands File search. Remember that tribes do not always record their sacred sites in the Sacred Lands File, nor are they required to do so. A Sacred Lands File search is not a substitute for consultation with tribes that are traditionally and culturally affiliated with the geographic area of the project's APE.

b. A Native American Tribal Consultation List of appropriate tribes for consultation concerning the project site and to assist in planning for avoidance, preservation in place, or, failing both, mitigation measures.

4. Remember that the lack of surface evidence of archaeological resources (including tribal cultural resources) does not preclude their subsurface existence.

a. Lead agencies should include in their mitigation and monitoring reporting program plan provisions for the identification and evaluation of inadvertently discovered archaeological resources per Cal. Code Regs., tit. 14, §15064.5(f) (CEQA Guidelines §15064.5(f)). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American with knowledge of cultural resources should monitor all ground-disturbing activities.

b. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the disposition of recovered cultural items that are not burial associated in consultation with culturally affiliated Native Americans.

c. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the treatment and disposition of inadvertently discovered Native American human remains. Health and Safety Code §7050.5, Public Resources Code §5097.98, and Cal. Code Regs., tit. 14, §15064.5, subdivisions (d) and (e) (CEQA Guidelines §15064.5, subds. (d) and (e)) address the processes to be followed in the event of an inadvertent discovery of any Native American human remains and associated grave goods in a location other than a dedicated cemetery.

If you have any questions or need additional information, please contact me at my email address: Andrew.Green@nahc.ca.gov.

Sincerely,

Andrew Green
Cultural Resources Analyst

cc: State Clearinghouse

MONTEREY COUNTY
HOUSING AND COMMUNITY DEVELOPMENT
Erik V. Lundquist, AICP, Director

HOUSING | PLANNING | BUILDING | ENGINEERING | ENVIRONMENTAL SERVICES
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12 September 2021

SENT VIA EMAIL ONLY
khensley@co.slo.ca.us

Kylie Hensley, Planner
County of San Luis Obispo
976 Osos Street, Room 200
San Luis Obispo, CA 93408

Subject: Notice of Preparation (NOP) of an Environmental Impact Report for the Paso Basin Land Use Planting Ordinance (County File LRP2021-00001)

Dear Ms. Hensley,

The County of Monterey appreciates the opportunity to provide comments relative to the scoping of the EIR analysis of potential impacts of new and expanded irrigated crop plantings throughout the PBLUMA in the attempt to address the significant overdraft created in the Paso Robles Subbasin.

Monterey County agrees with the identified potentially significant effects identified in the Preliminary Initial Study. Monterey County resources will likely be adversely affected by the Draft Ordinance, and the Draft EIR is expected to serve as a disclosure document.

Please note specific comments as follows:

- Include an estimate of reasonably foreseeable new acreage that could be planted throughout the PBLUMA under this ordinance.
- Discuss foreseeable impacts that the ordinance may have on removing agricultural land to provide offsets to allow new plantings ("water neutrality" aspects of the ordinance).
- Ensure a clear baseline setting is established, such as analyzing expected groundwater use against the existing physical setting.
- Describe expected impacts resulting from any changes to water releases from, or reductions in storage at, Nacimiento Reservoir.
- Clarify the status of all applicable GSPs in the Draft EIR.
- Describe regulations that minimize or avoid impacts as part of the analysis in a Regulatory Setting section (or equivalent) rather than as part of the Environmental Setting, to help clarify to the public and to other agencies how regulations reduce potential impacts.
- Regarding the Agriculture and Forestry Resources section (II)—
    - Section II(a) shows that the impact is less than significant and potentially significant. Monterey County agrees with the text that this effect is potentially significant.
    - Section II(d) – Analyze whether the planting plan creates an impact on causing oak woodland removal, directly or indirectly.
    - Section II(e) – Analyze whether this plan will cause additional overdraft and result in the loss of existing irrigated cropland due to lack of groundwater availability.
- Include more than reliance on the six potential sources of water, described on page 48, to mitigate for overdraft of the groundwater basin.
- Analyze whether the draft plan has adequate protections to improve the groundwater

overdraft or propose mitigation measures that can avoid or reduce any potential impacts.
- Analyze cumulative impacts, as required by the California Environmental Quality Act, and include Monterey County as an Area of Potential Effect on topics that will have potentially environmental effects on Monterey County.
- Provide the Draft Ordinance as either the project description or as an appendix to the Draft EIR.

Although Monterey County is not a Responsible Agency under this ordinance, Monterey County resources are like to be adversely affected by irrigated planting that will result from the Draft Ordinance. Significant overdraft of the Paso Robles Subbasin of approximately 13,700 Acre-Feet per year is already occurring on an annual basis. Resource impacts give no deference to management boundaries by stopping at the County line. Monterey County is not clear that this ordinance will fully offset the overdraft, improve the situation, leave the groundwater basin in its current annual overdraft condition, or exacerbate the amount of annual overdraft.

A discussion is absent of how cumulative impacts will be analyzed. Monterey County expects the Draft EIR will disclose the reasonably foreseeable effects that implementation of the ordinance may have on Monterey County resources, including the shared groundwater aquifer and air basin, biological resources, and oak woodlands, and will identify mitigation measures that avoid or lessen the potential cumulative impacts from this ordinance. Any potential impact identified to groundwater resources would be considered by Monterey County as being cumulatively considerable, considering the existing overdrafted state of the Paso Robles Subbasin.

Again, the efforts to reduce overdraft of the Paso Robles Subbasin through management of future irrigated crops within the PBLUMA is greatly appreciated, and Monterey County has a vested interested in partnering with San Luis Obispo County to understand foreseeable impacts to shared resources.

Sincerely,

Jaime Scott Guthrie, Planner
Phone: (831) 796-6414
Email: guthriejs@co.monterey.ca.us

Shandon-San Juan Water District
Groundwater Sustainability Agency
PO Box 150, 365 Truesdale Rd.
Shandon, CA 93465 ***www.ssjwd.org***

September 13, 2021

Department of Planning and Building
ATTN: Planting Ordinance/Kylie Hensley
976 Osos Street, Room 300
San Luis Obispo, CA 93408
By email to: khensley@co.slo.ca.us

Re: Comments on EIR Scoping of Paso Basin Planting Ordinance

On behalf of the Shandon-San Juan GSA and Water District, I would like to provide input on the scope and focus of the Environmental Impact Review (EIR) for the Paso Basin Planting Ordinance (Ordinance).

The substantial changes proposed in the project are very consequential to the successful management of the Paso Robles Groundwater Basin under SGMA and our local Groundwater Sustainability Plan (GSP for the Paso Basin. The EIR needs to directly address the increased groundwater extraction created by the proposed update to the Ordinance. The proposed Ordinance increases groundwater extraction without coming up with a fair and open plan under the law for such a redistribution of property rights. It is disingenuous to increase groundwater extraction and count on SGMA and our local GSP to supply the new water sources or to more likely require all property owners to cut back existing extraction.

The EIR needs to address the poorly defined land category of "site". The EIR needs to discuss and consider the impact of the apparent wide open possibilities for large property owners to take advantage of this approach to create numerous "sites" on their properties.

The Consultant should notify the Project Coordinator as soon as possible that obvious impact of unlimited increase to the severe decline in the Paso Basin obviously severely inhibits and likely prohibits the proposed project.

If the EIR proceeds it should clearly consider using the existing GSP and State Law under SGMA as the preferred alternative. The EIR needs to directly address the significant unavoidable impact of the increased overdraft created by this ordinance.

Sincerely,

Willy Cunha
Chairman of the Board of Directors
Shandon-San Juan Groundwater Sustainability Agency
Shandon-San Juan Water District

Mail: P.O. Box 1014
San Luis Obispo, CA 93406
Office: 1012 Pacific St., Ste B-1
San Luis Obispo, CA 93401

ENVIRONMENTAL CENTER
OF SAN LUIS OBISPO

Phone: (805) 544-1777
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Online: www.ECOSLO.org

Protecting and preserving San Luis Obispo County's natural environment since 1971

To Whom It May Concern,

As a representative of the Environmental Center of San Luis Obispo (ECOSLO), I am writing in regards to our concerns around the Tier 1 permits allotted under the proposed Paso Basin Land Use Management Area Planting Ordinance (Planting Ordinance). It is ECOSLO's hope to see these impacts thoroughly assessed within the forthcoming Environmental Impact Report (EIR), as well as the equal consideration of an alternative that would not allow for groundwater pumping to exceed current regulations.

As of September 13th, 2021, the U.S. Drought Monitor lists San Luis Obispo County (SLO County) as being in "Extreme Drought" with the eastern edge of the County verging into "Exceptional Drought"- the most severe rating possible. The Initial Study of the Planting Ordinance states that the proposed Tier 1 permits would, "allow for increased groundwater pumping beyond what is allowed under the current regulation, up to 25 AFY per site" within the Paso Basin. We believe that the current state of extreme drought within SLO County in conjunction with the clear signs of decline presented within the Paso Robles Subbasin Water Year 2020 Annual Report should give pause to considerations of allowing increased groundwater pumping. While there is no doubt a need to revisit the current ordinance given all that has changed between 2013 and now, an increase in groundwater consumption might further accelerate current trends and require more drastic restrictions in the future.

As such, ECOSLO is urging that analysis be conducted on a reduced project alternative for the Planting Ordinance in the EIR. We believe that a reduced project alternative that does not allow for groundwater pumping to exceed current regulations is likely the only way to avoid a parched future for all those in the Paso Basin who rely on its water.

Thank you for your attention to this matter,

Grant Helete, Community Organizer
ECOSLO - Environmental Center of San Luis Obispo

SAN LUIS OBISPO COUNTY FARM BUREAU

4875 MORABITO PLACE, SAN LUIS OBISPO, CALIFORNIA 93401
PHONE (805) 543-3654 SLOFARMBUREAU.ORG

September 13, 2021

Department of Planning and Building
ATTN: Planting Ordinance/Kylie Hensley
976 Osos Street, Room 300
San Luis Obispo, CA 93408
By email to: khensley@co.slo.ca.us

Re: Comments on EIR Scoping of Paso Basin Planting Ordinance

On behalf of San Luis Obispo County Farm Bureau, I would like to provide input on the scope and focus of the Environmental Impact Review (EIR) for the Paso Basin Planting Ordinance (Ordinance).

Issue 1 – Estimating Increased Groundwater Pumping

a. What assumptions will the EIR use in estimating the number of potential sites who could elect to increase their water use from 5 acre feet per year (AFY) to 25 AFY?
b. How will the definition of a "site" under Section 22.80.030 actually be interpreted by the County under different ownership scenarios? Will that definition allow property owners to place properties under different ownership structures (such as in the name of a partner, family member, or other legal entity) to circumvent the intent of limiting the exemption to an individual parcel or contiguous set of parcels under common ownership? This interpretation will change the number of sites eligible for increased groundwater pumping.
c. Based on recent history, the EIR should contemplate how changes to the "Area of Severe Decline" also known as the "Red Zone" could affect findings in the EIR. For example, the Board of Supervisors revised the Red Zone criteria on November 17, 2020. The County has established a precedent that it will change the area of severe decline map when updated measurements or hydrologic analysis show the groundwater elevation levels did not decline 50 feet or more from Spring 1997 to Spring 2017. Changes in the Red Zone will change the number of sites eligible to use the 25 AFY exemption.

Issue 2 – Impact of An Expanded Timeline

a. The EIR should consider the impacts of this Ordinance's significantly longer timeframe. As stated in the Initial Study, the current Agricultural Offset Requirements in Section 22.30.204 have always been "intended to be a temporary measure set to expire when the GSP was adopted." This Ordinance has an expiration date of 2045. That is, there must be a consideration in the EIR of what essentially is a 23-year ban on new irrigated crop plantings that do no fall within the Tier 1 or Tier 2 Ordinance categories. There was no indication in the Initial Study's Environmental Checklist under Section 2. Agriculture and Forestry Resources on how a 23-year restriction on new crop plantings will be a potentially significant impact to be addressed in the EIR.
b. Page 3 of the Initial Study states "Existing uses of groundwater from this area for irrigated crop plantings would be allowed to continue their existing water uses and are not included in the scope of this environmental review." The change from the current short-term restrictions that farmers have been operating under in Section 22.30.204 to a 23 year restriction should be included in the scope of the EIR.

c. Similarly, the EIR should fully consider the potentially significant impact of how the Ordinance will affect Agriculture Resources because it "will likely regulate plantings in certain areas where water use is unlikely to be limited by the GSAs (only area-specific pumping limitations are contemplated in the GSP) and regulate plantings for which an adequate allocation exists under GSP regulations," (from Page 8 of the Initial Study).
d. Absent from the Initial Study is acknowledgement that the EIR's scope ought to assess the impact to Agriculture Resources from the Ordinance's creation of a second regulatory map. By not using the State Department of Water Resources (DWR) Bulletin 118 boundary for the Salinas Valley – Paso Robles Area Groundwater Basin, property owners are subject to a different map that comes with a different set of permitting restrictions. The EIR should consider how such a system will negatively impact farmers who must now expend resources to understand and comply with two separate regulatory structures for the next 23 years. That is, farmers will have to comply with possibly conflicting forthcoming restrictions under the Groundwater Sustainability Plan in addition to this Ordinance.

Issue 3 – Consideration of Mitigation Measures and Alternatives

a. If the goal of the Ordinance is to "allow farms to plant irrigated crops that have not been able to under the Agricultural Offset Requirements" will alternative methods to achieve this be considered in the EIR?
b. Will the EIR consider how investment in new sources of water could mitigate the impact of increased groundwater pumping?
c. Will the EIR consider how measures like a fallowing registry or the allowance of off-site offsets might mitigate increased groundwater pumping?

Sincerely,

Brent Burchett, Executive Director
San Luis Obispo County Farm Bureau

SIERRA CLUB
SANTA LUCIA

SLO County of San Luis Obispo
976 Osos Street Room 20
San Luis Obispo, CA 93408

September 13, 2021

TO: Kylie Hensley
Sent Via email: khensley@co.slo.ca.us

Re: Scoping Comments on Paso Basin Land Use Planting Ordinance ED21-040 (LRP2021-00001)

The Intial Study for the Paso Basin Land Use Planting Ordinance ED21-040 (LRP2021-00001) identifies impacts to water and water quality as potentially unmitagable. We agree with this assessment. We request that, in order to make an informed decision, the EIR identify/analyze the worst case scenario of the maximum number of additional irrigated plantings and acreage that might quaLify under the 25 AFY standard (Tier 1) and the estimate of acreage and Acre feet of water that might qualify under Tier 2.

SGMA, GSP LAND USE CONFLICTS

The EIR should specifically assess potential impacts and conflicts with the GSP and the likelihood of balancing the basin by 2040 and to show progress toward balance at the five year review periods. All additional pumping, increased groundwater deficits, and degradation of water quality puts additional, likely irreversible, strain on every residential well and increases the risk of leaving the rural populatio with dry wells and no alternative water resouce.

We suggest that consideration be given to the deficiencies in the Basin GSP cited in DWRs letter of June 3, 2021 for purposes of correlating ordinance impacts to goals of the GSP.

WATER ESOURCES

Water data for the Basin may be too outdated to give an accurate account of current water demand and actual recharge. The County needs more reliable numbers, not just estimates of Ag water demand, before eliminating the 1:1 offset requirement currently in place and opening the way for unregulated Tier 1 and 2 irrigated ag expansion.

According to the Project Description, the GSP for the Paso Basin "…projects a 13,700-acre-feet per year (AFY) deficit in groundwater storage in the Paso Basin…. The Paso Robles Subbasin

Water Year 2020 Annual Report[i] prepared to meet SGMA reporting requirements estimates 90% of groundwater extractions is used for the agriculture sector." (P. 6 Initial Study)

The Subbasin Water Year Annual Report relies on estimates of Ag water use, not actual metered withdrawals. The estimates are based on a soil/water balance model developed in 2014, and land use types and crop water demand coefficients based on a Master Water Report from 2012, and finally makes ag water estimates for WY 2016. Given the dynamic nature of actual annual rainfall, drought and above average rain years, these bases for Ag use may be outdated.

Crop water demand estimates may be outdated and should be reviewed. Very low rainfall and numerous days of recording breaking heat put additional strain on groundwater resources. Crop X that historically required 2 AFY per acre during an average rainfall year will need additional water to cover the deficit from drought conditions, excessive heat and increased evapotranspiration – a triple challenge to the crops.

Appendix E of the Annual Report relies on rainfall tables for locations in Paso Robles to determine average basin rainfall. Paso Robles has higher precipitation than most of the basin which is east of Paso Robles. Appendix E table of the Annual report lists Paso Robles rainfall for calendar year 2020 at 12.53 inches. According to rainfall totals reported by John Lindsey, PG&E meteorologist, the 2020-21 rain year totals for Shandon were 3.82 inches, for 3 locations in Creston a variation of 4.95-6.07 inches, Paso Robles Airport east of the city 6.82 inches[ii] (rain year July 2020-June 2021). We suggest the EIR review the basis for assumptions about rainfall totals and consider the wide variations over the basin.

We are concerned that estimates of annual AFY deficit and of ag extraction at 90% are an undercount. The estimate of 13,700 AFY deficit is derived from a look back at historic rainfall patterns, which do not accurately reflect current and likely future patterns of rainfall.

The Hydrographs for the 22 monitoring wells used in the Paso Robles Subbasin Water Year 2020 Annual Report show a universal downward trend. (Appendix E)

Also, comparison of rainfall averages 1900-1999 see a continuous downward trend even with periodic high rainfall years. Projections of recharge and overdraft are based on historic patterns that are not useful in predicting actual current deficits or future deficits. Since the year 2000, although we have experienced some high rainfall years, we have experienced unprecedented droughts that are likely to continue, concurrent with extensive expansion of irrigated acreage. Lower rainfall, ongoing drought and expanded irrigation translates to a basin that has not recharged and will not be able to recharge at the same rate as in the early twentieth century. The deficit will continue to grow year over year even if there is no additional irrigated acreage in the basin. The GSP declined to require the hard number cutbacks in pumping by ag of 15% that had been identified in the latest Basin study. Fifteen percent cutbacks may not be adequate to balance the basin given current weather patterns

(less rain, very dry conditions, extreme heat). Additional pumping will be destructive to the Basin and natural resources, and will permanently harm water quality.

SOILS, WOODLANDS AND GRASSLANDS

The disturbance of native grasslands, removal of tees, and forested areas will have a long-term negative effect on watershed and the recharge potential of disturbed areas, and cumulatively, the basin's ability to recharge. Hence those disturbances may cumulatively result in unmitigable impacts. (P. 18 Initial Study)

We have concerns that the threshold for "less than significant impact" regarding soil erosion and loss of topsoil based on utilizing lands up to a 30% slope may not adequately consider weather patterns that produce intense rainfall in a short time period as is occurring worldwide now and was predicted by climate change. Even though no Geologic Study Areas have been identified outside of village/urban lines, the 30% slope threshold should be reconsidered, and the EIR should identify acreage that might be included in Tier 1 or 2 that are over 20% with a goal of determining if those lands pose a threat for erosion and loss of topsoil. Much of our county policy/ordinances were adopted prior to a full recognition and understanding of climate change and without consideration of climate change induced weather patterns, which predict heavy rains over short time periods – the exact conditions for flooding and erosion. (P. 22-3 Initial Study) Modeling for 50 and 100 year floods is outdated.

The EIR should consider to what extent the ordinance is an incentive to initiate planting and irrigation in previously undisturbed areas since the ordinance will remove restrictions on water use and is in direct conflict with the goals of SGMA, GSA authority and the basin GSP.

WATER QUALITY

Increased pumping will affect water quality. The EIR should analyze the impacts of potential degradation of water quality and possible increase of salinity, boron, TDS, and sulphur in areas known to be impacted by water quality issues already. More than 15,000 residents are solely dependent on domestic wells for their water. There are over 1,000 domestic water wells in the basin that are impacted by Ag pumping.

PUBLIC SERVICES

Because of the fragmented nature of lands overlying the basin (parcellation), many eligible sites are already served by private or historic access that does not comply with current emergency and fire suppression standards. Regarding public services, will the county be conducting site

visits to determine if a previously unplanted site has adequate emergency access, and, in such a case, how will the county require an improved ag road? (P41)

BIOLOGICAL RESOURCES

The EIR should consider the impact on wildlife corridors and the free movement of species throughout the basin. Over the Paso Basin there is already a labyrinth of 8-foot fencing impeding the movement of wildlife public trust assets. Additional irrigated Ag will result in more species isolation and corridor dead-ends in conflict with the national and state goals for 30x30 land preservation and habitat connectivity.

The EIR should consider if additional herbicides, pesticides, and rodenticides might pose a threat to wildlife and protected species.

Thank you for your consideration of our comments.

Susan Harvey, Chair
Conservation Committee
Santa Lucia Chapter, Sierra Club
sierraclub8@gmail.com

P.O. Box 15755
San Luis Obispo, CA 93406

[i] The Paso Robles Subbasin Water Year 2020 Annual Report is available at: https://www.slocounty.ca.gov/Departments/Public-Works/Forms-Documents/Committees-Programs/Sustainable-Groundwater-Management-Act-(SGMA)/Paso-Robles-Groundwater-Basin/Annual-Reports/Paso-Basin-WY2020-Annual-Report.pdf

[ii] https://www.sanluisobispo.com/news/local/water-and-drought/article252533848.html