December 18, 2023

Draft Finding of No Significant Impact

In accordance with the National Environmental Policy Act (NEPA), codified at 42 U.S.C. 4321 et seq., an Environmental Assessment has been prepared for proposed construction of two wireless communications towers in San Luis Obispo County, California. This project is subject to NEPA review because it is being funded with Federal funding available from the U.S. Department of Justice, Office of Community Oriented Policing Services.

Proposed Action

The County of San Luis Obispo (County) is proposing to construct two new communications towers and associated infrastructure at two separate locations in unincorporated San Luis Obispo County to improve radio dispatch communications throughout portions of Paso Robles, San Miguel, and Templeton and in the vicinity of San Antonio and Nacimiento Lakes. The County is proposing these improvements at the Polonio Pass Communications Facility (Polonio Pass Project) and the Portnoff Hill Communications Facility (Portnoff Hill Project).

Project Locations

The Polonio Pass project site consists of a 2,500-square-foot area on a privately owned 228.6-acre parcel (Assessor's Parcel Number [APN] 017-111-014], located approximately 3 miles east of the intersection of State Route (SR) 46 and SR 41, near the community of Cholame, San Luis Obispo County, California.

The Portnoff Hill project site consists of a 2,500-square-foot area on a privately owned 93.3-acre parcel (APN 026-233-037), located approximately 3 miles west of the city of Paso Robles, San Luis Obispo County, California.

Public Comments

Interested parties may obtain a copy of the Environmental Assessment from or may submit written comments relating to this Draft Finding of No Significant Impact to the following address:

San Luis Obispo County Department of Public Works
Attn: Monica Stillman, mjstillman@co.slo.ca.us
976 Osos Street, Room 206
San Luis Obispo, CA 93408
Website: https://slocounty.ca.gov/PW/Polonio-Portnoff-Comm-Tower-EA

No administrative action will be taken on the project before January 17, 2024, which is 30 calendar days after the public notice of this Draft Finding of No Significant Impact.

Environmental Consequences

The Environmental Assessment evaluates the environmental consequences of a range of issues as they relate to the proposed project. No, or less than significant effects were identified as a result of the implementation of the proposed project for the following environmental issues: (1) air quality; (2) water quality; (3) solid waste management; (4) land use; (5) transportation; (6) natural environment; (7) human population; (8) construction; (9) energy impacts; (10) coastal zone management act; (11) historic preservation; (12) wild and scenic rivers; (13) endangered species; (14) floodplain management; (15) farmland protection; (16) coastal barrier resources; (17) environmental justice; and (18) ecosystem services. The following mitigation measures were identified in the Environmental Assessment.

Portnoff Hill Project

- Implementation of standard San Luis Obispo Air Pollution Control District (SLOAPCD) fugitive dust measures and diesel-idling restrictions to avoid the exposure of sensitive receptors to substantial pollutant concentrations. (SLOAPCD) fugitive dust measures and diesel-idling restrictions to avoid the exposure of sensitive receptors to substantial pollutant concentrations.

- Implementation of standard SLOAPCD naturally occurring asbestos (NOA) measures to avoid the release of NOA during construction activities.

- Implementation of San Joaquin fit fox measures identified by San Luis Obispo County in coordination with the U.S. Fish and Wildlife Service (USFWS) and the California Department of Fish and Wildlife (CDFW), including preconstruction and construction surveys conducted by a qualified biologist to determine if San Joaquin kit fox dens are present, establishing buffers around active or potential dens, and coordinating with the USFWS in the event San Joaquin kit fox are observed on-site.

Polonio Pass Project

- Preconstruction surveys for giant kangaroo rat by a qualified biologist to determine if giant kangaroo rat burrows are present. If giant kangaroo rat is identified within the proposed area of disturbance, appropriate buffers will be determined by the qualified biologist and coordination with the relevant regulatory agencies for special-status species.

Polonio Pass Project and Portnoff Hill Project

- Preparation and implementation of an Erosion and Sedimentation Control Plan with appropriate measures to minimize the potential for erosion of disturbed soils and soil stockpiles during and upon completion of construction. Construction contractors would be required to comply with applicable federal and state environmental and workplace safety laws for the handling, transport, and storage of hazardous materials, including California Code of Regulations (CCR) Title 22, Division 4.5, to reduce the potential for accidental spills.

- Preconstruction surveys for nesting birds by a qualified biologist to determine presence if work is planned to occur between February 1 and September 15. If nesting birds are identified within the proposed area of disturbance, appropriate buffers will be determined by the qualified biologist and coordination with the relevant regulatory agencies for special-status species.

- Mitigation measures also include following identified best management practices (BMPs) for the long-term protection of California condors in the vicinity of the project sites and sets forth proper protocol if California condors are present during construction activities or in the event that cultural resources or human remains are encountered during ground-disturbing activities.

Determination

The U.S. Department of Justice, Office of Community Oriented Policing Services has determined that the proposed communications infrastructure would not significantly affect the quality of the human or physical environment and that less-than-significant impacts would occur to the human environment. Therefore, it is not expected that an environmental impact statement will be prepared for this proposal.

County of San Luis Obispo Public Safety Radio Communications Tower Projects: Polonio Pass and Portnoff Hill

Environmental Assessment

County of San Luis Obispo Public Safety Radio Communications Tower Projects: Polonio Pass and Portnoff Hill Environmental Assessment

Contents

Appendices

Figures

Tables

1 INTRODUCTION

The County of San Luis Obispo (County) is proposing to construct two new communications towers and associated infrastructure at two separate locations in unincorporated San Luis Obispo County (Proposed Action) (Figure 1) to improve radio dispatch communications throughout portions of Paso Robles, San Miguel, and Templeton and in the vicinity of San Antonio and Nacimiento Lakes. The County is proposing these improvements as two separate projects evaluated in this Environmental Assessment (EA)—the Polonio Pass Communications Facility Project (Polonio Pass project) and the Portnoff Hill Communications Facility Project (Portnoff Hill project).

The Polonio Pass project site consists of a 2,500-square-foot area on a privately owned 228.6-acre parcel (Assessor's Parcel Number [APN] 017-111-014], located approximately 3 miles east of the intersection of State Route (SR) 46 and SR 41, near the community of Cholame, San Luis Obispo County, California (Figure 2). The Portnoff Hill project site consists of a 2,500-square-foot area on a privately owned 93.3-acre parcel (APN 026-233-037), located approximately 3 miles west of the city of Paso Robles, San Luis Obispo County, California (Figure 3).

The County is seeking federal funding for these projects through the U.S. Department of Justice (DOJ) Office of Community Oriented Policing Services (COPS) Technology and Equipment Program (TEP) grant. The COPS TEP grant provides funding to state, local, tribal, territorial, and other entities to develop and acquire effective equipment, technologies, and interoperable communications that assist in responding to and preventing crime. The goal of COPS TEP is to increase the community policing capacity and crime prevention efforts of law enforcement agencies. The objective is to provide funding for projects that improve police effectiveness and the flow of information among law enforcement agencies, local government service providers, and the communities they serve. The DOJ would provide the funding for this project and is serving as the lead federal agency for National Environmental Policy Act (NEPA) compliance.

2 PURPOSE OF AND NEED FOR THE PROJECT

There is a current need for enhanced radio reception in the northern portion of San Luis Obispo County, including rural areas along the SR 46 corridor and farther north. This lack of radio coverage affects the San Luis Obispo County Sheriff's Department, San Luis Obispo County Fire Department, medical responders, and other first responders due to poor radio reception that interferes with the ability to adequately communicate dispatch and other emergency response needs. The purpose of the Proposed Action is to establish new communications infrastructure to improve radio dispatch communications and increase public safety within the northern portion of San Luis Obispo County. The additional radio coverage would allow law enforcement, firefighters, and medical personnel to request additional resources and conduct other communications. The Proposed Action would also provide interoperability to neighboring counties responding to the same incident. In addition, the new digital infrastructure would support the County's high-speed broadband fiber network with high-speed broadband via microwave for enhanced operational redundancy. Overall, the proposed improvements will benefit the safety of first responders and the public.

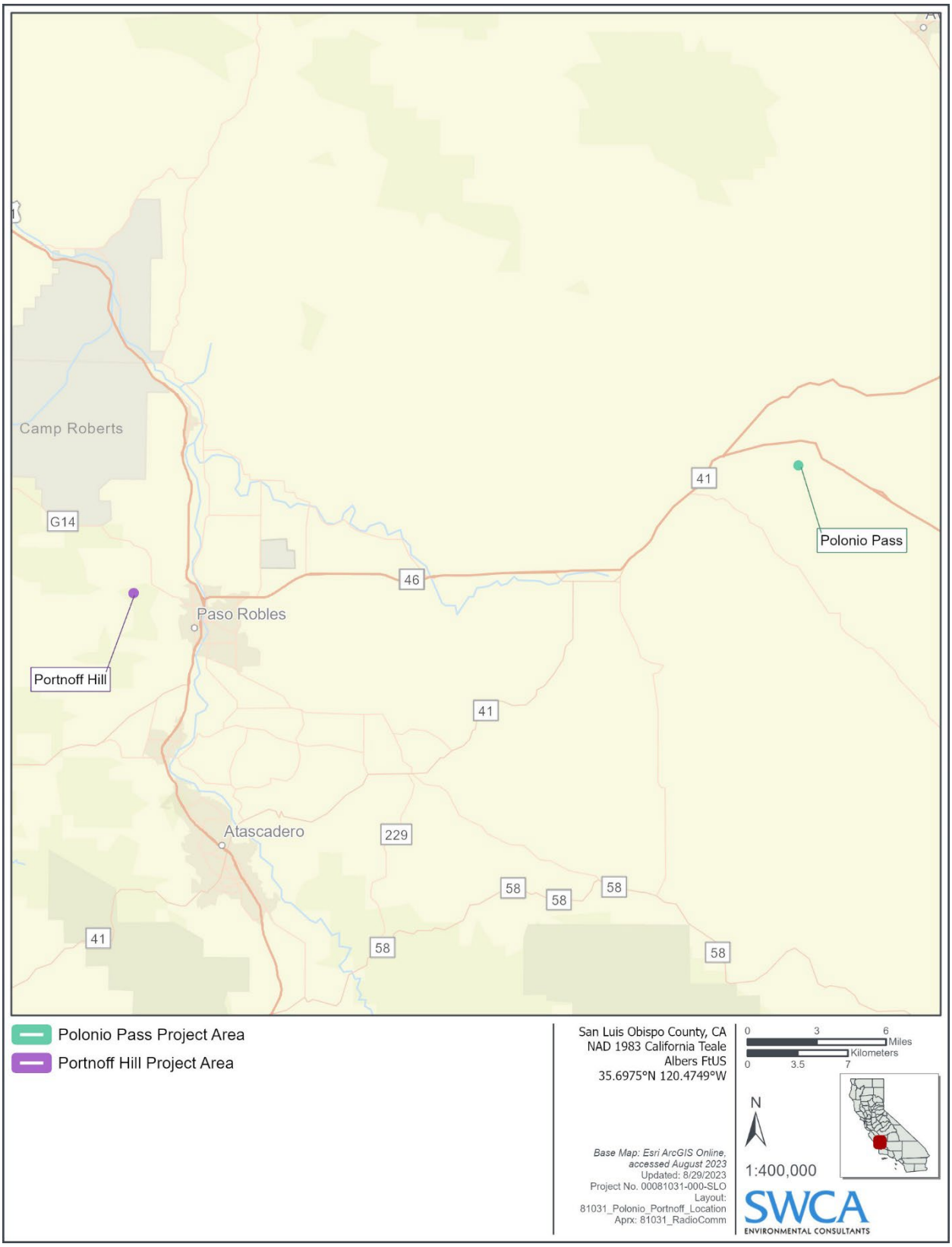

Figure 1. Proposed Action Locations.

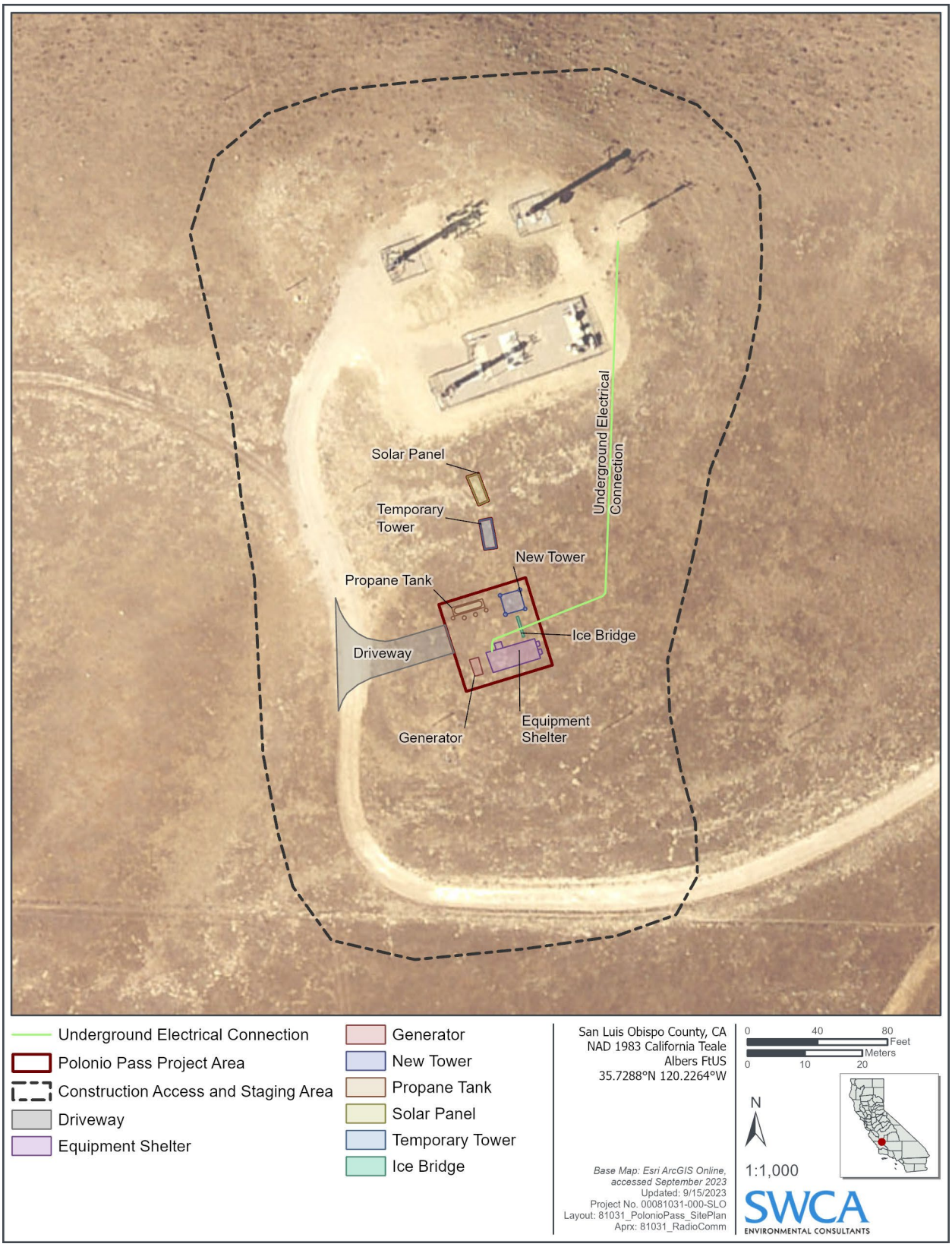

Figure 2. Polonio Pass Project Site Plan.

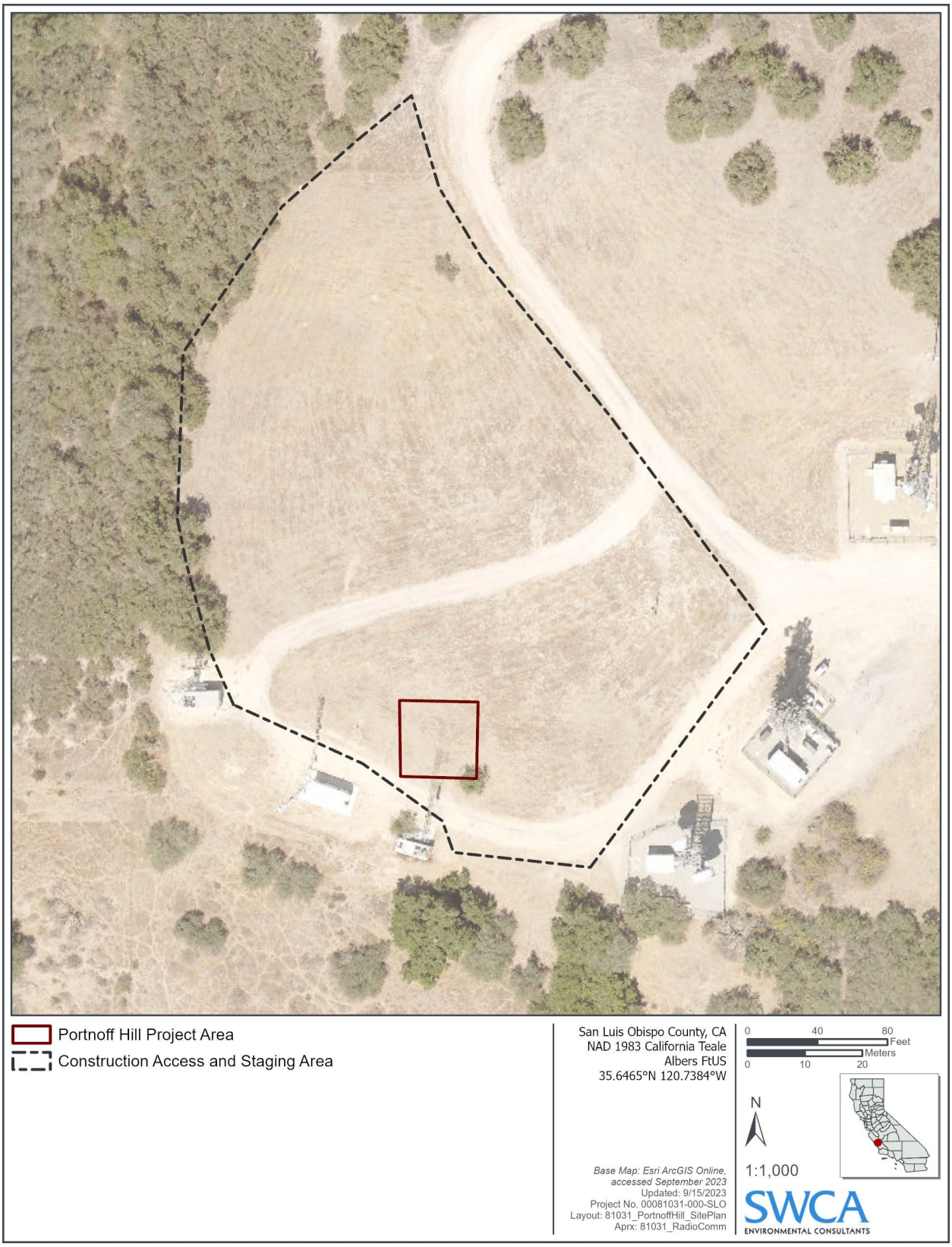

Figure 3. Portnoff Hill Project Site Plan.

3 ALTERNATIVES

3.1 No Action Alternative

Under the No Action Alternative, the development of two new communications facilities would not occur and the radio reception in the northern portion of San Luis Obispo County would not be enhanced. The No Action Alternative does not meet the basic project purpose of enhancing and expanding emergency and first responder communications and response for the benefit of public safety. Given the degree of need for enhanced radio reception for first responders in the county, the costs of foregoing the Proposed Action would exceed the benefits.

3.2 Proposed Action Alternative

3.2.1 Polonio Pass

The County is proposing to install a new communications tower at an existing communications facility located on a privately owned 228.6-acre parcel (APN 017-111-014) approximately 3 miles east of the intersection of SR 46 and SR 41, near the community of Cholame (see Figure 2). The County leases an approximately 2,500-square-foot portion of the 228.6-acre parcel for the communications facility. The new communications infrastructure would include a new communications tower, a prefabricated equipment shelter, an ice bridge to protect power lines, and a propane generator with a 1,000-gallon propane tank, which would be enclosed within a 2,500-square-foot fence.

The new 100-foot-tall tower would be stabilized using drilled, cast-in-place concrete caissons or a mat foundation and would support approximately 18 mounted antennas to improve radio dispatch communications throughout the northern portion of San Luis Obispo County. The prefabricated equipment shelter, generator, and propane tank would be constructed on new concrete foundations. The Polonio Pass project would also require the installation of underground and overhead utility lines. Underground utility connections would require the excavation of an approximately 240-foot-long trench with a maximum depth of 5 feet to provide connections between the generator, propane tank, and equipment shelter. Overhead utility lines would be approximately 28 feet in height. Following construction of proposed site improvements, gravel may be used to cover the surface of the new communications facility.

The Polonio Pass project site would be accessed via an existing 10-foot-wide unimproved access road off SR 46. The Polonio Pass project includes the construction of an approximately 1,050-square-foot aggregate base or gravel turnout to the site to provide all-weather access. A temporary staging area would be located adjacent to the communications facility in a previously disturbed area. Construction activities would also require the removal of a temporary communications tower with solar panel equipment located on the Polonio Pass project site. The Polonio Pass project would require approximately 3,760 square feet of site disturbance. Clearing and grubbing of existing herbaceous

vegetation would be required; however, no tree removal is anticipated. Construction is anticipated to occur over an approximately 3-month period.

Operational maintenance activities would require one vehicle trip to and from each communications facility approximately four to six times per year. Operational maintenance activities would be conducted by existing County employees consistent with existing operations.

3.2.2 Portnoff Hill

The County proposes to install a new communications tower at an existing communications facility located on a privately owned 93.3-acre parcel (APN 026-233-037) approximately 3 miles west of the city of Paso Robles (see Figure 3). The County leases an approximately 2,500-square-foot portion of the 93.3-acre parcel for the communications facility. The new communications infrastructure would include a new communications tower, a prefabricated equipment shelter, an ice bridge to protect power lines, and a propane generator with a 1,000-gallon propane tank, which would be enclosed within a 2,500-square-foot fence.

The new 120-foot-tall tower would be stabilized using drilled, cast-in-place concrete caissons or a mat foundation and would support approximately 18 mounted antennas to improve radio dispatch communications throughout the northern portion of San Luis Obispo County. The prefabricated equipment shelter, generator, and propane tank would be constructed on new concrete foundations. The Portnoff Hill project would also require the installation of underground utility lines. Underground utility connections would require the excavation of an approximately 125-foot-long trench with a maximum depth of 5 feet to provide connections between the existing Pacific Gas and Electric Company (PG&E) power pole and the equipment shelter. Following construction of proposed site improvements, gravel may be used to cover the surface of the new communications facility.

The Portnoff Hill project site would be accessed via an existing 14-foot-wide unimproved access road off Adelaida Road. The Portnoff Hill project includes the construction of an approximately 1,050-square-foot aggregate base or gravel turnout to the site to provide all-weather access. A temporary staging area would be located adjacent to the communications facility in a previously disturbed area. The Portnoff Hill project would require a total of approximately 4,640 square feet of site disturbance. Clearing and grubbing of existing herbaceous vegetation would be required; however, no tree removal is anticipated. Construction is anticipated to occur over an approximately 3-month period.

Operational maintenance activities would require one vehicle trip to and from each communications facility approximately four to six times per year, consistent with existing operations. Operational maintenance activities would be conducted by existing County employees consistent with existing operations.

3.3 Other Alternatives and Alternatives Considered but Dismissed

The proposed communications infrastructure will be located on existing communications facility sites that provide suitable communication connectivity with regional towers. Construction access, staging, and ground disturbance would not impact environmentally sensitive resources at either location. For these reasons, the County did not consider other on- or off-site alternatives for the new communications infrastructure.

4 AFFECTED ENVIRONMENT AND ENVIRONMENTAL CONSEQUENCES

This section presents relevant information about existing resources that may be affected by the Proposed Action. Resources that are described include Air Quality, Solid Waste Management, Transportation, Natural Environment, Construction, Energy, Historic Preservation, and Endangered Species.

The following resources have been screened from further analysis for the following reasons:

- **Water Quality:** There are no surface water features or drainages located within or immediately adjacent to the Polonio Pass and Portnoff Hill project sites; therefore, no adverse effects related to water quality would occur as a result of the Proposed Action.
- **Land Use:** The Polonio Pass and Portnoff Hill project sites are within the County's Rural Lands (RL) land use designation with a Renewable Energy Overlay. Communications facilities are an allowable land use within the RL land use category; therefore, the Proposed Action would not conflict with existing land use designations or zoning requirements, and no adverse effects related to land use would occur as a result of the Proposed Action.
- **Human Population:** The Polonio Pass and Portnoff Hill project sites are on vacant portions of existing communication sites and no relocations would be required. Construction activities are expected to use workers from the local employment force and would not require workers to relocate to the county. Operational maintenance activities would be conducted by existing County employees; therefore, operation of the Proposed Action would not generate long-term employment opportunities that could facilitate population growth in the county, and no adverse effects related to human population would occur as a result of the Proposed Action.
- **Coastal Zone:** The Polonio Pass and Portnoff Hill project sites are not located within the coastal zone; therefore, no adverse effects related to the coastal zone would occur as a result of the Proposed Action.
- **Wild and Scenic Rivers:** The nearest Wild and Scenic River to the Polonio Pass and Portnoff Hill project sites is the Sisquoc River, located over 50 miles south; therefore, no adverse effects related to wild and scenic rivers would occur as a result of the Proposed Action.

- **Floodplain Management and Protection of Wetlands:** According to the U.S. Fish and Wildlife Service (USFWS) National Wetlands Inventory (NWI) Surface Waters and Wetlands Mapper, there are no mapped wetlands or surface water features located on or adjacent to the Polonio Pass and Portnoff Hill project sites (USFWS 2023c). According to Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps (FIRMs) 06079C0500F (effective date 8/28/2008) and 06079C0375F (effective date 8/28/2009), the Polonio Pass and Portnoff Hill project sites are within Zone X, an area of minimal flood hazard (FEMA 2023). There are no wetlands or floodplains located within or adjacent to the Polonio Pass and Portnoff Hill project sites; therefore, no adverse effects would occur to these resources as a result of the Proposed Action.
- **Farmland Protection:** According to the California Department of Conservation (CDOC) Farmland Mapping and Monitoring Program (FMMP), the Polonio Pass and Portnoff Hill project sites are designated entirely as Grazing Land (CDOC 2023). There is no designated Farmland at the Polonio Pass and Portnoff Hill project sites; therefore, no adverse effects to Farmland would occur as a result of the Proposed Action.
- **Coastal Barrier Resources:** The Polonio Pass and Portnoff Hill project sites are located in unincorporated San Luis Obispo County. No coastal barrier resources or other protected areas are located within San Luis Obispo County or the State of California; therefore, no adverse effects to coastal barrier resources would occur as a result of the Proposed Action.
- **Environmental Justice:** According to the U.S. Environmental Protection Agency (USEPA) Environmental Justice (EJ) Screen Report, there are low-income and minority populations within the vicinity of the Polonio Pass and Portnoff Hill project sites (USEPA 2023). The Proposed Action would be limited to the construction of new communications infrastructure at existing communications facilities in San Luis Obispo County to improve radio dispatch communications throughout the northern portion of the county and would not facilitate development that would negatively affect human health or result in disproportionate adverse environmental effects to low-income or minority populations; therefore, no adverse effects related to environmental justice would occur as a result of the Proposed Action.
- **Ecosystem Services:** The Proposed Action would not result in the disturbance of ecosystem services because there are no natural communities, oak woodlands, surface waters, or wetland features located at the Polonio Pass and Portnoff Hill project sites. All Proposed Action activities would be located within existing developed and disturbed areas; therefore, no adverse effects to ecosystem services would occur as a result of the Proposed Action.

4.1 Air Quality

4.1.1 Affected Environment

According to the USEPA Green Book, San Luis Obispo County is designated as non-attainment with federal health-based standards for the criteria pollutant 8-hour ozone and state health-based standards

for the criteria pollutants ozone and particulate matter 10 micrometers or less in diameter (PM_{10}). While eastern San Luis Obispo County is in non-attainment status for ozone and PM_{10}, western San Luis Obispo County is in an attainment area.

4.1.1.1 POLONIO PASS

The Polonio Pass project site is located in eastern San Luis Obispo County, which is in non-attainment status for ozone and PM_{10}.

4.1.1.2 PORTNOFF HILL

The Portnoff Hill project site is located in western San Luis Obispo County, which is in an attainment area.

4.1.2 Environmental Consequences

4.1.2.1 NO ACTION ALTERNATIVE

Under the No Action Alternative, the construction of new communications infrastructure at the Polonio Pass and Portnoff Hill project sites would not occur; therefore, no short- or long-term increases in air emissions would occur.

4.1.2.2 PROPOSED ACTION ALTERNATIVE

Polonio Pass

Construction activities for the Proposed Action would result in the generation of criteria air pollutants, including ozone precursors (reactive organic gases [ROG] and nitrogen oxides [NO_X]) and fugitive dust. The San Luis Obispo Air Pollution Control District (SLOAPCD) *CEQA Air Quality Handbook* clarifies that any project that would require grading of 4 acres or more has the potential to exceed the 2.5-ton PM_{10} quarterly threshold (SLOAPCD 2012). The Proposed Action at the Polonio Pass project site would require less than 4 acres of ground disturbance and would not exceed the 4-acre disturbance threshold for daily fugitive dust emissions. In addition, construction contractors would be required to comply with state and local diesel-idling limitations, including limiting idling to 5 minutes or less, which would reduce ROG+NO_X emissions during construction equipment and vehicle use. Therefore, construction activities are not expected to exceed SLOAPCD thresholds. Additionally, there are no sensitive receptors within 1,000 feet of the Polonio Pass project site; therefore, short-term construction emissions would not adversely affect sensitive receptors.

Portnoff Hill

Construction activities for the Proposed Action would result in the generation of criteria air pollutants, including ozone precursors (ROG and NO_X) and fugitive dust. The SLOAPCD *CEQA Air Quality Handbook* clarifies that any project that would require grading of 4 acres or more has the potential to exceed the 2.5-ton PM_{10} quarterly threshold (SLOAPCD 2012). The Proposed Action at the Portnoff Hill project site

would require less than 4 acres of ground disturbance and would not exceed the 4-acre disturbance threshold for daily fugitive dust emissions. In addition, construction contractors would be required to comply with state and local diesel-idling limitations, including limiting idling to 5 minutes or less, which would reduce ROG+NO_X emissions during construction equipment and vehicle use. Therefore, construction activities are not expected to exceed SLOAPCD thresholds. The nearest sensitive receptors to the Portnoff Hill project site are rural residences located approximately 500 feet southwest and southeast. Mitigation Measures MM-1 and MM-2 require the implementation of standard SLOAPCD fugitive dust measures and diesel-idling restrictions to avoid the exposure of sensitive receptors to substantial pollutant concentrations. Based on implementation of Mitigation Measures MM-1 and MM-2, the Proposed Action would not result in adverse effects related to air quality.

4.1.3 Mitigation Measures

4.1.3.1 POLONIO PASS

Mitigation is not necessary.

4.1.3.2 PORTNOFF HILL

MM-1 During construction of the Portnoff Hill communications facility, the following measures shall be implemented:

1. Reduce the amount of the disturbed area where possible;
2. Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site and from exceeding the SLOAPCD's limit of 20% opacity for greater than 3 minutes in any 60-minute period. Increased watering frequency would be required whenever wind speeds exceed 15 miles per hour. Reclaimed (non-potable) water should be used whenever possible. When drought conditions exist and water use is a concern, the contractor or builder should consider use of a dust suppressant that is effective for the specific site conditions to reduce the amount of water used for dust control. Please refer to the following link from the San Joaquin Valley Air District for a list of potential dust suppressants: https://ww2.valleyair.org/compliance/dust-control/reducing-dust-emissions/;
3. All dirt stockpile areas should be sprayed daily and covered with tarps or other dust barriers as needed;
4. All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible, and building pads should be laid as soon as possible after grading unless seeding, soil binders, or other dust controls are used;
5. All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least 2 feet of freeboard (minimum vertical distance

between top of load and top of trailer) or otherwise comply with California Vehicle Code (CVC) Section 23114;

6. "Track-Out" is defined as sand or soil that adheres to and/or agglomerates on the exterior surfaces of motor vehicles and/or equipment (including tires) that may then fall onto any highway or street as described in CVC Section 23113 and California Water Code 13304. To prevent track out, designate access points and require all employees, subcontractors, and others to use them. Install and operate a "track-out prevention device" where vehicles enter and exit unpaved roads onto paved streets. The track-out prevention device can be any device or combination of devices that are effective at preventing track out, located at the point of intersection of an unpaved area and a paved road. Rumble strips or steel plate devices need periodic cleaning to be effective. If paved roadways accumulate tracked out soils, the track-out prevention device may need to be modified;
7. All fugitive dust mitigation measures shall be shown on grading and building plans;
8. The contractor or builder shall designate a person or persons whose responsibility is to ensure any fugitive dust emissions do not result in a nuisance and to enhance the implementation of the mitigation measures as necessary to minimize dust complaints and reduce visible emissions below the SLOAPCD limit of 20% opacity for greater than 3 minutes in any 60-minute period. Their duties shall include holidays and weekend periods when work may not be in progress (for example, wind-blown dust could be generated on an open dirt lot). The name and telephone number of such persons shall be provided to the SLOAPCD Compliance Division prior to the start of any grading, earthwork or demolition (contact the Compliance Division at 805-781-5912);
9. Permanent dust control measures identified in the approved project revegetation and landscape plans should be implemented as soon as possible, following completion of any soil disturbing activities;
10. Exposed ground areas that are planned to be reworked at dates greater than 1 month after initial grading should be sown with a fast germinating, non-invasive grass seed and watered until vegetation is established;
11. All disturbed soil areas not subject to revegetation should be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the SLOAPCD;
12. Vehicle speed for all construction vehicles shall not exceed 15 miles per hour on any unpaved surface at the construction site;

13. Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers shall be used with reclaimed water where feasible. Roads shall be pre-wetted prior to sweeping when feasible; and
14. Take additional measures as needed to ensure dust from the project site is not impacting areas outside the project boundary.

MM-2 During all construction activities and use of diesel vehicles for proposed development of the Portnoff Hill communications facility, the applicant shall implement the following idling control techniques:

1. Idling Restrictions Near Sensitive Receptors for Both On- and Off-Road Equipment.
    a. Staging and queuing areas shall be located at the greatest distance feasible from sensitive receptor locations;
    b. Diesel idling when equipment is not in use shall not be permitted;
    c. Use of alternative fueled equipment shall be used whenever possible; and
    d. Signs that specify the no-idling requirements shall be posted and enforced at the construction site.
2. California Diesel Idling Regulations. On-road diesel vehicles shall comply with California Code of Regulations Title 13, Section 2485. This regulation limits idling from diesel-fueled commercial motor vehicles with gross vehicular weight ratings of more than 10,000 pounds and licensed for operation on highways. It applies to California- and non-California-based vehicles. In general, the regulation specifies that drivers of said vehicles:
    a. Shall not idle the vehicle's primary diesel engine when vehicle is not in use, except as noted in Subsection (d) of the regulation; and
    b. Shall not operate a diesel-fueled auxiliary power system (APS) to power a heater, air conditioner, or any ancillary equipment on that vehicle during sleeping or resting in a sleeper berth for greater than 5.0 minutes at any location when within 100 feet of a restricted area, except as noted in Subsection (d) of the regulation.

    Signs must be posted in the designated queuing areas and job sites to remind drivers of the no-idling requirement. The specific requirements and exceptions in the regulation can be reviewed at the following website: https://ww2.arb.ca.gov/sites/default/files/classic/msprog/truck-idling/13ccr2485_09022016.pdf.

4.2 Solid Waste Management

4.2.1 Affected Environment

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.

4.2.1.1 POLONIO PASS

The nearest landfill to the Polonio Pass project site is the Paso Robles Landfill, located approximately 18 miles southwest of the project site.

4.2.1.2 PORTNOFF HILL

The nearest landfill to the Portnoff Hill project site is the Paso Robles Landfill, located approximately 11.5 miles east of the project site.

4.2.2 Environmental Consequences

4.2.2.1 NO ACTION ALTERNATIVE

Under the No Action Alternative, the construction of new communications infrastructure at the Polonio Pass and Portnoff Hill project sites would not occur; therefore, no increase in short- or long-term solid waste generation would occur.

4.2.2.2 PROPOSED ACTION ALTERNATIVE

Polonio Pass

Construction of the Polonio Pass communications infrastructure would result in a short-term increase in construction-related waste that would be disposed of at local landfills. The Proposed Action would be required to comply with California Green Building Standards Code (CALGreen) Sections 4.408 and 5.408, which require diversion of at least 75% of construction waste. Construction activities would require the removal of a temporary communications tower with solar panel equipment, which would be returned to the County's communication shop for future deployment. Operational maintenance activities would be consistent with existing operations and would not be expected to result in an increase in long-term solid waste. Based on the marginal increase in solid waste generated by the Proposed Action and existing capacity of local landfills, there would be adequate capacity to dispose of solid waste generated by the Proposed Action.

Portnoff Hill

Construction of the Portnoff Hill communications infrastructure would result in a short-term increase in construction-related waste that would be disposed of at local landfills. The Proposed Action would be

required to comply with CALGreen Sections 4.408 and 5.408, which require diversion of at least 75% of construction waste. Operational maintenance activities would be consistent with existing operations and would not be expected to result in an increase in long-term solid waste. Based on the marginal increase in solid waste generated by the Proposed Action and existing capacity of local landfills, there would be adequate capacity to dispose of solid waste generated by the Proposed Action.

4.2.3 Mitigation Measures

Mitigation measures are not required.

4.3 Transportation

4.3.1 Affected Environment

4.3.1.1 POLONIO PASS

The Polonio Pass project site is accessed by an existing unimproved roadway off of SR 46, approximately 4 miles east of the community of Cholame.

4.3.1.2 PORTNOFF HILL

The Portnoff Hill project site is accessed by an unpaved driveway off of Adelaida Road, approximately 3 miles west of the city of Paso Robles.

4.3.2 Environmental Consequences

4.3.2.1 NO ACTION ALTERNATIVE

Under the No Action Alternative, the construction of new communications infrastructure at the Polonio Pass and Portnoff Hill project sites would not occur; therefore, there would be no increase in short- or long-term vehicle trips to the Proposed Action locations or an increase in roadway hazards.

4.3.2.2 PROPOSED ACTION ALTERNATIVE

Polonio Pass

During construction, the Proposed Action would result in a short-term increase in vehicle trips to and from the Polonio Pass project site. Operation of the Proposed Action would result in a negligible increase in vehicle trips to and from the Polonio Pass project site for maintenance activities, which would require one vehicle trip four to six times per year, consistent with existing operations. Existing roadways would have adequate capacity to accommodate the marginal increase in vehicle trips to and from the Polonio Pass project site and the Proposed Action would not result in an increase in vehicle congestion or roadway hazards. The proposed access driveway improvements would be constructed in accordance with County Public Works Department requirements to avoid hazardous roadway design.

Based on required compliance with County requirements and the limited increase in vehicle trips, the Proposed Action would not adversely affect transportation.

Portnoff Hill

During construction, the Proposed Action would result in a short-term increase in vehicle trips to and from the Portnoff Hill project site. Operation of the Proposed Action would result in a negligible increase in vehicle trips to and from the Portnoff Hill project site for maintenance activities, which would require one vehicle trip four to six times per year, consistent with existing operations. Existing roadways would have adequate capacity to accommodate the marginal increase in vehicle trips to and from the Portnoff Hill project site and the Proposed Action would not result in an increase in vehicle congestion or roadway hazards. The proposed access driveway improvements would be constructed in accordance with County Public Works Department requirements to avoid hazardous roadway design. Based on required compliance with County requirements and the limited increase in vehicle trips, the Proposed Action would not adversely affect transportation.

4.3.3 Mitigation Measures

Mitigation measures are not required.

4.4 Natural Environment

4.4.1 Affected Environment

4.4.1.1 POLONIO PASS

The Polonio Pass project site consists of a 2,500-square-foot area on a 228.96-acre parcel. The subject parcel is currently developed with three 57-foot-tall monopile towers enclosed by a chain-link fence and a temporary communications tower with solar panel equipment. The Polonio Pass project site where new infrastructures is proposed is currently undeveloped and consists of annual grassland, previously disturbed areas, and bare ground. There are no sensitive natural communities, oak woodlands, surface waters, or wetlands located on the Polonio Pass project site.

4.4.1.2 PORTNOFF HILL

The Portnoff Hill project site consists of a 2,500-square-foot area on a 93.3-acre parcel. The subject parcel is currently developed with eight communications towers equipped with antennas, supporting concrete pads, equipment buildings and cabinets, power lines, and propane tanks. Several of the individual tower sites are enclosed by chain-link fencing. The Portnoff Hill project site where new infrastructure is proposed is currently undeveloped and consists of annual grassland, previously disturbed areas, and bare ground. There are no sensitive natural communities, oak woodlands, surface waters, or wetlands located on the Portnoff Hill project site.

4.4.2 Environmental Consequences

4.4.2.1 NO ACTION ALTERNATIVE

Under the No Action Alternative, the construction of new communications infrastructure at the Polonio Pass and Portnoff Hill project sites would not occur; therefore, no changes to the existing natural environment at either Proposed Action location would occur.

4.4.2.2 PROPOSED ACTION ALTERNATIVE

Polonio Pass

The Proposed Action would not result in the disturbance of sensitive natural features because there are no sensitive natural communities, oak woodlands, surface waters, or wetland features located at the Polonio Pass project site. There are no landmarks listed on the National Registry of Natural Landmarks located at the Polonio Pass project site. Due to the lack of sensitive natural features at the Polonio Pass project site, the Proposed Action would not result in adverse effects to the natural environment.

Portnoff Hill

The Proposed Action would not result in the disturbance of sensitive natural features because there are no sensitive natural communities, oak woodlands, surface waters, or wetland features located at the Portnoff Hill project site. There are no landmarks listed on the National Registry of Natural Landmarks located at the Portnoff Hill project site. Due to the lack of sensitive natural features at the Portnoff Hill project site, the Proposed Action would not result in adverse effects to the natural environment.

4.4.3 Mitigation Measures

Mitigation measures are not required.

4.5 Construction

4.5.1 Affected Environment

4.5.1.1 POLONIO PASS

The Polonio Pass project site consists of an undeveloped 2,500-square-foot area that is located adjacent to existing communications equipment and roadways. There are no sensitive receptors within 1,000 feet of the project site. Based on a query of the California Department of Toxic Substances Control (DTSC) EnviroStor database and State Water Resources Control Board (SWRCB) GeoTracker database, there are no previously recorded hazardous materials sites located within or adjacent to the Polonio Pass project site (DTSC 2023; SWRCB 2023). The Polonio Pass project site is located in an area with potential for naturally occurring asbestos (NOA) to occur (SLOAPCD 2023). In addition, the Polonio Pass project site is not located in close proximity to roadways that could contain aerially deposited lead (ADL).

4.5.1.2 PORTNOFF HILL

The Portnoff Hill project site consists of an undeveloped 2,500-square-foot area that is located adjacent to existing communications equipment and roadways. The nearest sensitive receptors to the Portnoff Hill project site are rural residences located approximately 500 feet southwest and southeast. Based on a query of the DTSC EnviroStor database and SWRCB GeoTracker database, there are no previously recorded hazardous materials sites located within or adjacent to the Portnoff Hill project site (DTSC 2023; SWRCB 2023). The Portnoff Hill project site is not located in an area with potential for NOA to occur (SLOAPCD 2023). In addition, the Portnoff Hill project site is not located in close proximity to roadways that could contain ADL.

4.5.2 Environmental Consequences

4.5.2.1 NO ACTION ALTERNATIVE

Under the No Action Alternative, the construction of new communications infrastructure at the Polonio Pass and Portnoff Hill project sites and associated environmental effects would not occur.

4.5.2.2 PROPOSED ACTION ALTERNATIVE

Polonio Pass

Construction activities would require ground-disturbing activities and the use of construction vehicles and equipment that could result in a short-term increase in noise, erosion, and other pollutants at the Polonio Pass project site. Construction-related noise would be short-term and intermittent and would not result in a permanent increase in ambient noise in the vicinity of the Proposed Action. Further, there are no sensitive receptors within 1,000 feet of the Polonio Pass project site that could be adversely affected by short-term construction-related noise. Therefore, the Proposed Action would not result in adverse effects related to short-term construction noise. The Proposed Action would have the potential to increase short-term erosion and other pollutants at the Polonio Pass project site that could runoff into surrounding areas. Section 22.52.070(B)(4) of the County's Municipal Code specifies that Public Works projects constructed by the County or its contractors do not require a Grading Permit but must employ appropriate sedimentation and erosion control measures. Mitigation Measure MM-3 requires the preparation and implementation of an Erosion and Sedimentation Control Plan with appropriate measures to minimize the potential for erosion of disturbed soils and soil stockpiles during and upon completion of construction. Construction contractors would be required to comply with applicable federal and state environmental and workplace safety laws for the handling, transport, and storage of hazardous materials, including California Code of Regulations (CCR) Title 22, Division 4.5, to reduce the potential for accidental spills. Mitigation Measure MM-4 requires the implementation of standard SLOAPCD NOA measures to avoid the release of NOA during construction activities. Implementation of Mitigation Measures MM-3 and MM-4 and compliance with CCR requirements would reduce the potential for erosion and other pollutants to occur and adversely affect the natural environment.

Portnoff Hill

Construction activities for the Proposed Action would require ground-disturbing activities and the use of construction vehicles and equipment that could result in a short-term increase in noise, erosion, and other pollutants at the Portnoff Hill project site. The nearest sensitive receptors to the Portnoff Hill project site are rural residences located approximately 500 feet southwest and southeast. Construction-related noise would be short-term and intermittent, is expected to be limited to daylight hours, and would not result in a permanent increase in ambient noise within the vicinity of the Portnoff Hill project site. The Proposed Action would have the potential to increase short-term erosion and other pollutants at the Polonio Pass project site that could runoff into surrounding areas. Section 22.52.070(B)(4) of the County's Municipal Code specifies that Public Works projects constructed by the County, or its contractors, do not require a Grading Permit but must employ appropriate sedimentation and erosion control measures. Mitigation Measure MM-3 requires the preparation and implementation of an Erosion and Sedimentation Control Plan with appropriate measures to minimize the potential for erosion of disturbed soils and soil stockpiles during and upon completion of construction. Construction contractors would be required to comply with applicable federal and state environmental and workplace safety laws for the handling, transport, and storage of hazardous materials, including 22 CCR Division 4.5, to reduce the potential for accidental spills. Implementation of Mitigation Measure MM-3 and compliance with CCR requirements would reduce the potential for erosion and other pollutants to occur at the Portnoff Hill project site.

4.5.3 Mitigation Measures

4.5.3.1 POLONIO PASS

MM-3 Prior to the initiation of grading and site disturbance activities, an Erosion and Sedimentation Control Plan shall be prepared that describes appropriate best management practices (BMPs) for erosion prevention and sedimentation control during initial site preparation, construction, and post-construction stabilization of all disturbed areas. Measures should include that during construction, erosion control measures (e.g., silt fencing, fiber rolls, and barriers) will remain available on-site and will be used as necessary to prevent erosion of disturbed slopes and soil stockpiles. Measures will be installed prior to predicted rain events and in the event of unpredicted rain events, and properly maintained for the duration of the event. Biodegradable and certified weed-free materials shall be used. No synthetic plastic mesh products will be used for erosion control. Erosion control measures and other suitable BMPs used will be checked to ensure that they are intact and functioning effectively and maintained on a daily basis throughout the duration of construction and until disturbed areas are stabilized. Post-construction stabilization will include reestablishing ground cover in disturbed areas with a native seed mix.

MM-4 Prior to initiation of ground-disturbing activities for development of the Polonio Pass communications facility, the applicant shall retain a registered geologist to conduct a

geologic evaluation of the property, including sampling and testing for NOA in full compliance with SLOAPCD requirements and the California Air Resources Board (CARB) Airborne Toxic Control Measures (ATCM) for Construction, Grading, Quarrying, and Surface Mining Operations (17 CCR 93105). This geologic evaluation shall be submitted to the County Public Works Department upon completion.

1. If the site is not exempt from the requirements of the regulation, the applicant must comply with all requirements outlined in the Asbestos ATCM. This may include development of an Asbestos Dust Mitigation Plan and an Asbestos Health and Safety Program for approval by the APCD; or
2. If the site is exempt, an exemption request must be filed with the SLOAPCD.

More information on NOA can be found at: https://www.slocleanair.org/rules-regulations/noa.php.

4.5.3.2 PORTNOFF HILL

Implement Mitigation Measure MM-3.

4.6 Energy

4.6.1 Affected Environment

PG&E is the primary electricity provider for urban and rural communities within San Luis Obispo County. The PG&E electric power mix consists of 50% renewable energy sources and 43% greenhouse gas (GHG)-free energy sources (PG&E 2021). The Polonio Pass and Portnoff Hill project sites receive electricity from PG&E.

4.6.2 Environmental Consequences

4.6.2.1 NO ACTION ALTERNATIVE

Under the No Action Alternative, the construction of new communications infrastructure at the Polonio Pass and Portnoff Hill project sites would not occur; therefore, no short- or long-term increase in energy consumption would occur.

4.6.2.2 PROPOSED ACTION ALTERNATIVE

Polonio Pass

The Proposed Action at the Polonio Pass project site would require the use of fossil fuels and electricity for the use of construction vehicles and equipment during construction activities. Construction contractors would be required to comply with state and local diesel-idling limitations, including limiting idling to 5 minutes or less, which would reduce the potential for wasteful energy consumption during construction activities. Energy for the Proposed Action would be supplied by PG&E, which consists of

50% renewable energy sources and 43% GHG-free energy sources (PG&E 2021). By using electricity from PG&E, the Proposed Action would reduce the long-term use of non-renewable energy resources. Therefore, the Proposed Action would not result in the substantial consumption of non-renewable energy resources at the Polonio Pass project site.

Portnoff Hill

The Proposed Action at the Portnoff Hill project site would require the use of fossil fuels and electricity for the use of construction vehicles and equipment during construction activities. Construction contractors would be required to comply with State and local diesel-idling limitations, including limiting idling to 5 minutes or less, which would reduce the potential for wasteful energy consumption during construction activities. Energy for the Proposed Action would be supplied by PG&E, which consists of 50% renewable energy sources and 43% GHG-free energy sources (PG&E 2021). By using electricity from PG&E, the Proposed Action would reduce the long-term use of non-renewable energy resources. Therefore, the Proposed Action would not result in the substantial consumption of non-renewable energy resources at the Portnoff Hill project site.

4.6.3 Mitigation Measures

Mitigation measures are not required.

4.7 Historic Preservation

4.7.1 Affected Environment

4.7.1.1 POLONIO PASS

The *Cultural Resources Survey Report for the Polonio Pass Communications Tower Project* (Polonio Pass CRSR) (SWCA 2023a) was prepared to identify potential cultural resources within and adjacent to the Polonio Pass project area and assist in the Proposed Action's requirements to achieve National Historic Preservation Act (NHPA) Section 106 compliance as it relates to cultural resources. The Polonio Pass CRSR includes the results and findings of background review and a pedestrian survey of the Polonio Pass project area. A California Historical Resources Information System (CHRIS) records search was conducted at the Central Coast Information Center (CCIC), located at Santa Barbara Museum of Natural History, to identify any previously recorded cultural resources within the Polonio Pass project area. The records search was negative for previously recorded resources within the Polonio Pass project area. In addition, SWCA contacted the Native American Heritage Commission (NAHC) to request a search of their Sacred Lands File (SLF), which was negative for previously recorded resources. A pedestrian field survey was conducted within the Polonio Pass project area on September 5, 2023, and no cultural resources or evidence of cultural resources were observed (SWCA 2023a).

4.7.1.2 PORTNOFF HILL

The *Cultural Resources Survey Report for the Portnoff Hill Communications Tower Project* (Portnoff Hill CRSR) (SWCA 2023b) was prepared to identify potential cultural resources within and adjacent to the Portnoff Hill project area and assist in the Proposed Action's requirements to achieve NHPA Section 106 compliance as it relates to cultural resources. The Portnoff Hill CRSR includes the results and findings of background review and a pedestrian survey of the Portnoff Hill project area. A CHRIS records search was conducted at the CCIC to identify any previously recorded cultural resources within the Portnoff Hill project area. The records search was negative for previously recorded resources within the Portnoff Hill project area. In addition, SWCA contacted the NAHC to request a search of their SLF, which was negative for previously recorded resources. A pedestrian field survey was conducted within the project area on September 5, 2023, and no cultural resources or evidence of cultural resources were observed (SWCA 2023b).

4.7.2 Environmental Consequences

4.7.2.1 NO ACTION ALTERNATIVE

Under the No Action Alternative, the construction of new communications infrastructure at the Polonio Pass and Portnoff Hill project sites would not occur; therefore, no adverse effects on cultural resources would occur.

4.7.2.2 PROPOSED ACTION ALTERNATIVE

Polonio Pass

Based on the findings of the Polonio Pass CRSR, there are no known cultural resources located within the Polonio Pass project area that could be adversely affected by proposed construction and ground-disturbing activities. There is low potential for inadvertent discovery of previously unidentified cultural resources during ground-disturbing activities. Mitigation Measures MM-5 and MM-6 have been identified to address inadvertent discovery of cultural resources and human remains during proposed ground-disturbing activities. Further, the Proposed Action would be required to comply with California Health and Safety Code Section 7050.5, which outlines the proper protocol to address unanticipated discovery of human remains. Based on implementation of Mitigation Measures MM-5 and MM-6 and required compliance with California Health and Safety Code Section 7050.5, the Proposed Action would not result in adverse effects on cultural resources at the Polonio Pass project site.

Portnoff Hill

Based on the findings of the Portnoff Hill CRSR, there are no known cultural resources located within the Portnoff Hill project area that could be adversely affected by proposed construction and ground-disturbing activities. There is low potential for inadvertent discovery of previously unidentified cultural resources during ground-disturbing activities. Mitigation Measures MM-5 and MM-6 have been identified to address inadvertent discovery of cultural resources and human remains during proposed

ground-disturbing activities. Further, the Proposed Action would be required to comply with California Health and Safety Code Section 7050.5, which outlines the proper protocol to address unanticipated discovery of human remains. Based on implementation of Mitigation Measures MM-5 and MM-6 and required compliance with California Health and Safety Code Section 7050.5, the Proposed Action would not result in adverse effects on cultural resources at the Portnoff Hill project site.

4.7.3 Mitigation Measures

The following mitigation measures shall be applied for the Polonio Pass and Portnoff Hill projects.

MM-5 In the event that cultural resources are encountered during ground-disturbing activities, all ground-disturbing activities within a 25-foot radius of the find shall cease and the County shall be notified immediately. Work shall not continue until a qualified archaeologist assesses the find and determines the need for further study. If the find includes Native American-affiliated materials, a local Native American tribal representative will be contacted to work in conjunction with the approved archaeologist to determine the need for further study. A standard inadvertent discovery clause shall be included in every grading and construction contract to inform contractors of this requirement.

MM-6 In the event that human remains are encountered during ground-disturbing activities, no further disturbance shall occur until the County Coroner has made a determination of origin and disposition pursuant to Public Resources Code 5097.98. The County Coroner shall be notified of the find immediately. If the human remains are determined to be Native American, the County Coroner shall notify the NAHC within 24 hours, which will determine and notify a Most Likely Descendant (MLD). The MLD shall complete the inspection of the site within 48 hours of notification and may recommend scientific removal and nondestructive analysis of human remains and items associated with Native American burials.

4.8 Endangered Species

4.8.1 Affected Environment

4.8.1.1 POLONIO PASS

Based on a search of the USFWS Information for Planning and Consultation (IPaC) project planning tool, dated August 29, 2023 (USFWS 2023b), 13 federally listed animal species and two federally listed plant species have been previously documented in the vicinity of the Polonio Pass project site (Table 1).

Table 1. Special-Status Species with Potential for Occurrence at the Polonio Pass Project Site

Species Name	Federal Status	Rationale for Expecting Presence or Absence
Special-Status Plants		
California jewelflower (*Caulanthus californicus*)	Endangered	**Suitable Conditions Absent.** This species typically occurs in chenopod scrub, pinyon and juniper woodland, and valley and foothill grassland habitats at an elevation between 200 and 3,280 feet, and blooms between February and May (California Native Plant Society [CNPS] 2023). The nearest recorded occurrence of this species is approximately 5.5 miles northeast of the Polonio Pass project site (California Natural Diversity Database [CNDDB] Occ. 6). During a field survey on June 27, 2023, no special-status plant species were observed at the Polonio Pass project site. Further, the Polonio Pass project site has been previously disturbed and does not support suitable habitat for this species. Therefore, this species is not expected to occur at the Polonio Pass project site.
spreading navarretia (*Navarretia fossalis*)	Threatened	**Suitable Conditions Absent.** This species typically occurs in chenopod scrub, marsh and swamps, playa, and vernal pool habitats at an elevation between 100 and 2,150 feet, and blooms between April and June (CNPS 2023). The nearest recorded occurrence of this species is approximately 20 miles southwest of the Polonio Pass project site (CNDDB Occ. 70). During a field survey on June 27, 2023, no special-status plant species were observed at the Polonio Pass project site. Further, the Polonio Pass project site has been previously disturbed and does not support suitable habitat for this species. Therefore, this species is not expected to occur at the Polonio Pass project site.
Special-Status Animals		
Buena Vista Lake ornate shrew (*Sorex ornatus relictus*)	Endangered	**Suitable Conditions Absent.** This species typically occurs near water sources in protective groundcover like deep leaf litter, cattails, and fallen logs (USFWS 2023a). The nearest recorded occurrence of this species is approximately 22.5 miles east of the Polonio Pass project site (CNDDB Occ. 6). The Polonio Pass project site does not support surface water resources or dense groundcover that could provide suitable habitat for this species. Based on the lack of suitable habitat and the distance from the nearest recorded occurrence, this species is not expected to occur at the Polonio Pass project site.

Species Name	Federal Status	Rationale for Expecting Presence or Absence
giant kangaroo rat (*Dipodomys ingens)*	Endangered	**Marginal Conditions Present.** This species typically occurs in annual grassland on gentle slopes with sandy soils (USFWS 2023a). The nearest recorded occurrence of this species is approximately 2.6 miles west of the Polonio Pass project site from 1999 (CNDDB Occ. 136). There is annual grassland habitat at the Polonio Pass project site. No evidence of occurrence of this species was detected during site surveys, and this species is not expected to occur at the Polonio Pass project site.
San Joaquin kit fox (*Vulpes macrotis mutica*)	Endangered	**Suitable Conditions Present.** This species typically occurs in grassland habitat (USFWS 2023a). The nearest recorded occurrence of this species is 2.7 miles west of the project site (CNDDB Occ.194). There is annual grassland habitat at the Polonio Pass project site. No evidence of occurrence of this species was detected during project site surveys. The project site is in an established kit fox management zone mapped by the County in coordination with the USFWS, and there is potential for this species to occur at the Polonio Pass project site.
California clapper rail (*Rallus longirostris obsoletus*)	Endangered	**Suitable Conditions Absent.** This species typically occurs in tidal and brackish marshes with unrestricted daily tidal flows (USFWS 2023a). There are no recorded occurrences of this species in the CNDDB. The Polonio Pass project site does not contain tidal or brackish marshes that could provide suitable habitat for this species. Based on the lack of suitable habitat, this species is not expected to occur at the Polonio Pass project site.
California condor (*Gymnogyps californianus*)	Endangered	**Marginal Conditions Present.** This species typically roosts on large trees or snags or on rocky outcrops and cliffs, nests in caves and ledges of steep rocky terrain or in cavities and broken tops of old growth conifers, and forages in open grasslands, oak savanna foothills, and beaches adjacent to coastal mountains (USFWS 2023a). The nearest recorded occurrence of this species is approximately 30 miles south of the Polonio Pass project site (CNDDB Occ. 4). U.S. Geological Survey (USGS) telemetry data for condors indicates that this species is active in the vicinity of the Portnoff Hill project site (USGS 2019). Therefore, there is potential for this species to occur on a transient basis at/in the vicinity of the Polonio Pass project site.

Species Name	Federal Status	Rationale for Expecting Presence or Absence
least Bell's vireo (*Vireo bellii pusillus*)	Endangered	**Suitable Conditions Absent.** This species typically occurs in willow-dominated riparian woodland habitat and may also occur in mulefat scrub, oak woodlands, and chaparral habitats (USFWS 2023a). The nearest recorded occurrence of this species is approximately 25.5 miles east of the Polonio Pass project site (CNDDB Occ. 127). The Polonio Pass project site does not support riparian woodland habitat or scrub, oak woodland, or chaparral habitats that would provide suitable habitat for this species. Based on the lack of suitable habitat and the distance from the nearest recorded occurrence, this species is not expected to occur at the Polonio Pass project site.
southwestern willow flycatcher (*Empidonax traillii extimus*)	Endangered	**Suitable Conditions Absent.** This species typically occurs in dense riparian habitats with cottonwood and willow vegetation in areas with saturated soils near standing waterbodies (USFWS 2023a). The nearest recorded occurrence of this species is approximately 93 miles southeast of the Polonio Pass project site (CNDDB Occ. 38). The Polonio Pass project site does not support dense riparian habitat that would provide suitable habitat for this species. Based on the lack of suitable habitat and the distance from the nearest recorded occurrence, this species is not expected to occur at the Polonio Pass project site.
yellow-billed cuckoo (*Coccyzus americanus*)	Threatened	**Suitable Conditions Absent.** This species typically occurs in wooded riparian habitats with dense cover (USFWS 2023a). The nearest recorded occurrence of this species is approximately 60 miles southeast of the Polonio Pass project site (CNDDB Occ. 82). The Polonio Pass project site does not support riparian habitat that would provide suitable habitat for this species. Based on the lack of suitable habitat and the distance from the nearest recorded occurrence, this species is not expected to occur at the Polonio Pass project site.
blunt-nosed leopard lizard (*Gambelia silus*)	Endangered	**Suitable Conditions Absent.** This species typically occurs in arid, open areas with patchy or sparse vegetation that is characterized by low, drought-tolerant shrubs (USFWS 2023a). The nearest recorded occurrence of this species is approximately 8.4 miles northeast of the Polonio Pass project site (CNDDB Occ. 92). There is sparse vegetation at the Polonio Pass project site; however, the project site has been previously disturbed and does not support suitable habitat for this species. Based on the disturbed nature of the project site, this species is not expected to occur at the Polonio Pass project site.

Species Name	Federal Status	Rationale for Expecting Presence or Absence
California red-legged frog (*Rana draytonii*)	Threatened	**Suitable Conditions Absent.** This species typically occurs in streams or stock ponds and in surrounding upland areas (USFWS 2023a). The nearest recorded occurrence of this species is approximately 0.75 mile northwest of the Polonio Pass project site (CNDDB Occ. 468). The Polonio Pass project site is located within designated critical habitat for this species. The Polonio Pass project site does not support surface water resources or upland dispersal habitat that would provide suitable habitat for this species. In addition, the Polonio Pass project site has been previously disturbed and there are existing roads and communications equipment located adjacent to the Polonio Pass project site that diminish likely use of the area as breeding or upland habitat. Based on the lack of suitable habitat, this species is not expected to occur at the Polonio Pass project site.
California tiger salamander (*Ambystoma californiense*)	Threatened	**Suitable Conditions Absent.** This species typically occurs in ponds, vernal pools, and other ephemeral or permanent waterbodies and surrounding upland habitats (USFWS 2023a). The nearest recorded occurrence of this species is approximately 2.8 miles southwest of the Polonio Pass project site (CNDDB Occ. 1,027). The Polonio Pass project site does not support surface water resources or upland dispersal habitat that would provide suitable habitat for this species. Based on the lack of suitable habitat, this species is not expected to occur at the Polonio Pass project site.
monarch butterfly (*Danaus plexippus*)	Candidate	**Suitable Conditions Absent.** This species typically overwinters in coniferous forest habitat and may periodically occur in areas with milkweed and flowering plants (USFWS 2023a). The nearest recorded occurrence of this species is approximately 41 miles southwest of the Polonio Pass project site (CNDDB Occ. 116). The Polonio Pass project site does not support coniferous forest habitat that could provide overwintering habitat for this species and does not support milkweed species that are favored by monarchs for breeding. Based on the lack of suitable overwintering habitat and the distance from the nearest recorded occurrence, this species is not expected to occur at the Polonio Pass project site.
vernal pool fairy shrimp (*Branchinecta lynchi*)	Threatened	**Suitable Conditions Absent.** This species typically occurs in vernal pool habitats (USFWS 2023a). The nearest recorded occurrence of this species is approximately 9 miles northwest of the Polonio Pass project site (CNDDB Occ. 866). The Polonio Pass project site does not support vernal pool habitat that could provide suitable habitat for this species. Based on the lack of suitable habitat and the distance from the nearest recorded occurrence, this species is not expected to occur at the Polonio Pass project site.

4.8.1.2 PORTNOFF HILL

Based on a search of the USFWS IPaC project planning tool, dated August 29, 2023 (USFWS 2023b), 12 federally listed animal species and four federally listed plant species have been previously documented in the vicinity of the Portnoff Hill project site (Table 2).

Table 2. Special-Status Species with Potential for Occurrence at the Portnoff Hill Project Site

Species Name	Federal Status	Rationale for Expecting Presence or Absence
Special-Status Plants		
California jewelflower (*Caulanthus californicus*)	Endangered	**Suitable Conditions Absent.** This species typically occurs in chenopod scrub, pinyon and juniper woodland, and valley and foothill grassland habitats at an elevation between 200 and 3,280 feet, and blooms between February and May (California Native Plant Society [CNPS] 2023). The nearest recorded occurrence of this species is approximately 34 miles northeast of the Portnoff Hill project site (California Natural Diversity Database [CNDDB] Occ. 19). During a field survey on June 27, 2023, no special-status plant species were observed at the Portnoff Hill project site. Further, the Portnoff Hill project site has been previously disturbed and does not support suitable habitat for this species. Therefore, this species is not expected to occur.
marsh sandwort (*Arenaria paludicola*)	Endangered	**Suitable Conditions Absent.** This species typically occurs in marsh and swamp habitats at an elevation between 10 and 560 feet, and blooms between May and August (CNPS 2023). The nearest recorded occurrence of this species is approximately 21 miles southwest of the Portnoff Hill project site (CNDDB Occ. 14). During a field survey on June 27, 2023, no special-status plant species were observed at the Portnoff Hill project site. Further, the Portnoff Hill project site has been previously disturbed and does not support suitable marsh or swamp habitat for this species. Therefore, this species is not expected to occur.
purple amole (*Chlorogalum purpureum*)	Threatened	**Suitable Conditions Absent.** This species typically occurs in chaparral, cismontane woodland, and valley and foothill grassland habitats at an elevation between 675 and 1,265 feet, and blooms between April and June (CNPS 2023). The nearest recorded occurrence of this species is approximately 9.5 miles northwest of the Portnoff Hill project site (CNDDB Occ. 16). During a field survey on June 27, 2023, no special-status plant species were observed at the Portnoff Hill project site. Further, the Portnoff Hill project site has been previously disturbed and does not support suitable habitat for this species. Therefore, this species is not expected to occur.

Species Name	Federal Status	Rationale for Expecting Presence or Absence
spreading navarretia (*Navarretia fossalis*)	Threatened	**Suitable Conditions Absent.** This species typically occurs in chenopod scrub, marsh and swamps, playa, and vernal pool habitats at an elevation between 100 and 2,150 feet, and blooms between April and June (CNPS 2023). The nearest recorded occurrence of this species is approximately 13.7 miles southeast of the Portnoff Hill project site (CNDDB Occ. 70). During a field survey on June 27, 2023, no special-status plant species were observed at the Portnoff Hill project site. Further, the Portnoff Hill project site has been previously disturbed and does not support suitable habitat for this species. Therefore, this species is not expected to occur.
Special-Status Animals		
giant kangaroo rat (*Dipodomys ingens)*	Endangered	**Marginal Conditions Present.** This species typically occurs in annual grassland on gentle slopes with sandy soils (USFWS 2023a). The nearest recorded occurrence of this species is approximately 23 miles east of the Portnoff Hill project site (CNDDB Occ. 104). There is annual grassland habitat at the Portnoff Hill project site. The project site is outside the historic range of this species and not in close proximity to documented occurrences. Therefore, this species is not expected to occur at the Portnoff Hill project site.
San Joaquin kit fox (*Vulpes macrotis mutica*)	Endangered	**Marginal Conditions Present.** This species typically occurs in grassland habitat (USFWS 2023a). The nearest recorded occurrence of this species is 3.25 miles north of the project site (CNDDB Occ. 1,179). There is annual grassland habitat at the Portnoff Hill project site. The project site is outside the established kit fox management zones mapped by the County in coordination with the USFWS. Therefore, this species is not expected to occur at the Portnoff Hill project site.
California clapper rail (*Rallus longirostris obsoletus*)	Endangered	**Suitable Conditions Absent.** This species typically occurs in tidal and brackish marshes with unrestricted daily tidal flows (USFWS 2023a). This species is not mapped in the CNDDB. The Portnoff Hill project site does not contain tidal or brackish marshes that could provide suitable habitat for this species. Based on the lack of suitable habitat, this species is not expected to occur at the Portnoff Hill project site.

Species Name	Federal Status	Rationale for Expecting Presence or Absence
California condor (*Gymnogyps californianus*)	Endangered	**Marginal Conditions Present.** This species typically roosts on large trees or snags or on rocky outcrops, and cliffs and nests in caves and ledges of steep rocky terrain or in cavities and broken tops of old growth conifers. In addition, this species typically forages in open grasslands, oak savanna foothills, and beaches adjacent to coastal mountains (USFWS 2023a). The nearest recorded occurrence of this species is approximately 54.4 miles north of the Portnoff Hill project site (CNDDB. Occ 10). USGS telemetry data for condors indicates that this species is active in the vicinity of the Portnoff Hill project site (USGS 2019). Therefore, there is potential for this species to fly over the Portnoff Hill project site.
least Bell's vireo (*Vireo bellii pusillus*)	Endangered	**Suitable Conditions Absent.** This species typically occurs in willow-dominated riparian woodland habitat and may also occur in mulefat scrub, oak woodlands, and chaparral habitats (USFWS 2023a). The nearest recorded occurrence of this species is approximately 2 miles southeast of the Portnoff Hill project site (CNDDB Occ. 127). The Portnoff Hill project site does not support riparian woodland habitat or scrub, oak woodland, or chaparral habitats that would provide suitable habitat for this species. Based on the lack of suitable habitat and the distance from the nearest recorded occurrence, this species is not expected to occur at the Portnoff Hill project site.
southwestern willow flycatcher (*Empidonax traillii extimus*)	Endangered	**Suitable Conditions Absent.** This species typically occurs in dense riparian habitats with cottonwood and willow vegetation in areas with saturated soils near standing waterbodies (USFWS 2023a). The nearest recorded occurrence of this species is approximately 120 miles east of the Portnoff Hill project site (CNDDB Occ. 38). The Portnoff Hill project site does not support dense riparian habitat that would provide suitable habitat for this species. Based on the lack of suitable habitat and the distance from the nearest recorded occurrence, this species is not expected to occur at the Portnoff Hill project site.
yellow-billed cuckoo (*Coccyzus americanus*)	Threatened	**Suitable Conditions Absent.** This species typically occurs in wooded riparian habitats with dense cover (USFWS 2023a). The nearest recorded occurrence of this species is approximately 91.6 miles northeast of the Portnoff Hill project site (CNDDB Occ. 210). The Portnoff Hill project site does not support riparian habitat that would provide suitable habitat for this species. Based on the lack of suitable habitat and the distance from the nearest recorded occurrence, this species is not expected to occur at the Portnoff Hill project site.

Species Name	Federal Status	Rationale for Expecting Presence or Absence
California red-legged frog (*Rana draytonii*)	Threatened	**Suitable Conditions Absent.** This species typically occurs in streams or stock ponds and in surrounding upland areas (USFWS 2023a). The nearest recorded occurrence of this species is approximately 7.6 miles northwest of the Portnoff Hill project site (CNDDB Occ. 381). The Portnoff Hill project site is not located within designated critical habitat for this species. The Portnoff Hill project site does not support surface water resources or upland dispersal habitat that would provide suitable habitat for this species. Based on the distance from the nearest recorded occurrence and the lack of suitable habitat, this species is not expected to occur at the Portnoff Hill project site.
California tiger salamander (*Ambystoma californiense*)	Threatened	**Suitable Conditions Absent.** This species typically occurs in ponds, vernal pools, and other ephemeral or permanent waterbodies and surrounding upland habitats (USFWS 2023a). The nearest recorded occurrence of this species is approximately 25.8 miles east of the Portnoff Hill project site (CNDDB Occ. 1,070). The Portnoff Hill project site does not support surface water resources or upland dispersal habitat that would provide suitable habitat for this species. Based on the lack of suitable habitat and distance from the nearest recorded occurrence, this species is not expected to occur at the Portnoff Hill project site.
foothill yellow-legged frog (*Rana boylii*)	Proposed Endangered	**Suitable Conditions Absent.** This species typically occurs in valley-foothill habitats, streams or stock ponds, and surrounding upland areas (USFWS 2023a). The nearest recorded occurrence of this species is approximately 30 miles north of the project site (CNDDB Occ. 172). The Portnoff Hill project site does not support surface water resources or upland dispersal habitat that would provide suitable habitat for this species. Based on the lack of suitable habitat and distance from the nearest recorded occurrence, this species is not expected to occur at the Portnoff Hill project site.
monarch butterfly (*Danaus plexippus*)	Candidate	**Suitable Conditions Absent.** This species typically overwinters in coniferous forest habitat and may periodically occur in areas with milkweed and flowering plants (USFWS 2023a). The nearest recorded occurrence of this species is approximately 20.4 miles southwest of the Portnoff Hill project site (CNDDB Occ. 113). The Portnoff Hill project site does not support coniferous forest habitat that could provide overwintering habitat for this species or milkweed species that are favored by monarchs for breeding. Based on the lack of suitable overwintering habitat and the distance from the nearest recorded occurrence, this species is not expected to occur at the Portnoff Hill project site.

Species Name	Federal Status	Rationale for Expecting Presence or Absence
vernal pool fairy shrimp (*Branchinecta lynchi*)	Threatened	**Suitable Conditions Absent.** This species typically occurs in vernal pool habitats (USFWS 2023a). The nearest recorded occurrence of this species is approximately 5.4 miles north of the Portnoff Hill project site (CNDDB Occ. 83). The Portnoff Hill project site does not support vernal pool habitat that could provide suitable habitat for this species. Based on the lack of suitable habitat and the distance from the nearest recorded occurrence, this species is not expected to occur at the Portnoff Hill project site.

4.8.2 Environmental Consequences

4.8.2.1 NO ACTION ALTERNATIVE

Under the No Action Alternative, the construction of new communications infrastructure at the Polonio Pass and Portnoff Hill project sites would not occur; therefore, no adverse effects on federally listed species would occur.

4.8.2.2 PROPOSED ACTION ALTERNATIVE

Polonio Pass

A field survey of the Polonio Pass project site was conducted by two biologists from SWCA Environmental Consultants (SWCA) on June 27, 2023. During the field survey, no federally listed plant or animal species were observed at the Polonio Pass project site. There are no standing or pooled waterbodies within or adjacent to the Polonio Pass project site that could support suitable habitat for special-status amphibian species. In addition, the Proposed Action would not reduce the availability of California red-legged frog habitat because the Polonio Pass project site has been previously disturbed and there are existing roads and communications equipment located adjacent to the Polonio Pass project site that diminish likely use of the area as breeding or upland California red-legged frog habitat. The potential for California red-legged frog to disperse through the Polonio Pass project area is considered unlikely.

The Polonio Pass project site is in a San Joaquin kit fox management zone mapped by the County in coordination with the USFWS and CDFW. The Polonio Pass project site supports annual grassland habitat that is potentially suitable for San Joaquin kit fox. No evidence of San Joaquin kit fox was detected during the biological site survey of the Polonio Pass project site, and the nearest documented occurrence of San Joaquin kit fox is 2.7 miles west of the Polonio Pass project site (CNDDB Occ. 194). The County has developed San Joaquin kit fox mitigation measures in coordination with the USFWS and CDFW to avoid and minimize potential for adverse effects that would be implemented during construction and to address potential incidental take (Appendix A). Mitigation Measure MM-7 requires the implementation of San Joaquin fit fox measures identified by the County in coordination with the USFWS and CDFW, including preconstruction and construction surveys conducted by a qualified

biologist to determine if San Joaquin kit fox dens are present, establishing buffers around active or potential dens, and coordinating with the USFWS in the event San Joaquin kit fox are observed on-site.

The grassland habitat at the Polonio Pass project site provides potentially suitable habitat for giant kangaroo rat. The Polonio Pass project site is within a region mapped by the USFWS for the species in San Luis Obispo County (https://www.fws.gov/species/giant-kangaroo-rat-dipodomys-ingens). No evidence of giant kangaroo rat was detected during the biological site survey of the Polonio Pass project site, and the nearest recorded occurrence of this species is approximately 2.6 miles west of the Polonio Pass project site from 1999 (CNDDB Occ. 136). Further, Mitigation Measure MM-8 requires preconstruction surveys for giant kangaroo rat by a qualified biologist to determine if giant kangaroo rat burrows are present. Based on the distance from the nearest recorded occurrence, potential occurrence at the project site is considered low and no mitigation measures are proposed.

The Polonio Pass project site consists of previously disturbed areas located adjacent to existing communications infrastructure, which are subject to periodic, relatively infrequent human disturbance for maintenance activities. Habitat types at the Polonio Pass project site do not support other special-status animal species.

There are no trees within or adjacent to the Polonio Pass project site that could support nesting habitat for migratory bird species. However, the existing communication infrastructure and grassland habitat located within the Polonio Pass project area may provide marginal nesting habitat for migratory bird species. All Polonio Pass project activities would be required to comply with the Migratory Bird Treaty Act (MBTA). Mitigation Measure MM-9 requires preconstruction nesting bird surveys and identifies the proper protocol if nesting birds are observed nesting within the Polonio Pass project area.

U.S. Geological Survey (USGS) telemetry data for condors indicates that California condors are active in the vicinity of the Polonio Pass project site (USGS 2019). Installation of a new communications tower would have the potential to adversely affect California condor flight paths. Mitigation Measure MM-10 identifies best management practices (BMPs) for the long-term protection of California condors in the vicinity of the Polonio Pass project site, and Mitigation Measure MM-11 outlines the proper protocol to be implemented if California condors are present at the Polonio Pass project site during construction activities.

Based on the lack of suitable habitat for other special-status plant and animal species at the Polonio Pass project site and implementation of Mitigation Measures MM-7 through MM-11, the Proposed Action would not adversely affect federally listed species.

Portnoff Hill

A field survey of the Portnoff Hill project site was conducted by two biologists from SWCA on June 27, 2023. During the field survey, no federally listed plant or animal species were observed at the Portnoff Hill project site. There are no standing or pooled waterbodies within or adjacent to the Portnoff Hill project site that could support suitable habitat for special-status amphibian species. The Portnoff Hill project site consists of previously disturbed areas, which are subject to periodic, relatively infrequent

human disturbance for maintenance activities. The site is fragmented by surrounding development and paved roads that place human disturbance in close proximity to the site.

The Portnoff Hill site supports annual grassland habitat that is potentially suitable for San Joaquin kit fox; however, the site is outside the San Joaquin kit fox management zones mapped by the County in coordination with the USFWS and CDFW. The nearest recorded occurrence of this species is 3.25 miles north of the Portnoff Hill project site (CNDDB Occ. 1,179). Based on the distance from the nearest recorded occurrence and close proximity of human disturbance, San Joaquin kit fox is not expected to occur at the Portnoff Hill project site, and no mitigation measures are proposed.

The grassland habitat at the Portnoff Hill project site also provides potentially suitable habitat for giant kangaroo rat. No evidence of giant kangaroo rat was detected during the biological site survey of the Portnoff Hill project site, and the nearest documented occurrence is 23 miles east of the Portnoff Hill project site (CNDDB Occ. 104), which is a substantial distance from the site. Therefore, this species is not expected to occur at the Portnoff Hill project site, and no mitigation measures are proposed.

Habitat types at the Portnoff Hill project site do not support other special-status animal species.

There are oak woodlands located adjacent to the project site that could provide nesting habitat for migratory bird species; however, no tree removal is proposed. Construction activities could potentially affect nests in adjacent vegetation areas or grassland habitat. All project activities would be required to comply with the MBTA. Mitigation Measure MM-9 requires preconstruction nesting bird surveys and identifies the proper protocol if nesting birds are observed nesting within the project area.

USGS telemetry data for condors indicates that California condors are active in the vicinity of the Portnoff Hill project site (USGS 2019). Installation of a new communications tower would have the potential to adversely affect California condor flight paths. Mitigation Measure MM-10 identifies BMPs for the long-term protection of California condors in the vicinity of the Portnoff Hill project site, and Mitigation Measure MM-11 outlines the proper protocol to be implemented if California condors are present at the Portnoff Hill project site during construction activities. Based on the lack of suitable habitat for special-status plant and animal species at the Portnoff Hill project site and implementation of Mitigation Measures MM-9 through MM-11, the Proposed Action would not adversely affect federally listed species.

4.8.3 Mitigation Measures

4.8.3.1 POLONIO PASS

MM-7 To minimize impacts to San Joaquin kit fox that may occur at the Polonio Pass project site, the County will implement the San Luis Obispo County Planning and Building Department Kit Fox Conditions for Grading and Building Permits (Appendix A). These include, among other things, retaining a qualified biologist to conduct a preconstruction survey, construction monitoring, and preconstruction kit fox briefing for construction workers; establishing standard exclusion zones around all known and potential kit fox

dens prior to site disturbance or construction; and coordinating with the USFWS in the event kit fox are observed in the project area for likelihood of incidental take and/or additional kit fox protection measures.

MM-8 Prior to initiation of any site preparation/construction activities, a qualified biologist shall survey the grassland habitat at the Polonio Pass project site for giant kangaroo rat burrows. If giant kangaroo rat burrows are identified within the proposed area of disturbance, appropriate buffers will be determined by the qualified biologist based on the burrow location and coordination with the relevant regulatory agencies for special-status species.

MM-9 Prior to initiation of any site preparation/construction activities, if work is planned to occur between February 1 and September 15, a qualified biologist shall survey the area for nesting birds within 2 weeks prior to initial project activities beginning, including ground disturbance and/or vegetation removal/trimming. If nesting birds are located on or near the proposed project site, an appropriate avoidance plan will be implemented until they have successfully fledged, or the nest is no longer deemed active. Appropriate buffers will be determined by qualified biologists based on the active nest location, the species, and coordination with the relevant regulatory agencies for special-status species.

MM-10 The following measures shall be shown on final construction plans and implemented at the communications facility site to protect bird species covered by the MBTA and/or federal Endangered Species Act of 1973, as amended (ESA):

1. Any observations of California condors within the proposed action area will be reported within 48 hours to the Los Padres National Forest biologist with information including the date, time, location, and wing/tag numbers, if readable. If possible, any photos will be sent with the report;
2. New towers shall be the same or lesser to tower heights and no more than 199 feet above ground level, and shall not require any guy wires;
3. Anti-perching materials shall be placed along the top of open horizontal surfaces at tower tops or protruding arms;
4. All microwave dishes shall be covered with radome covers, and anti-perching materials shall be placed along the top quarter-arch of the front edge of dishes capable of supporting a perching condor;
5. All trash, garbage, or excess scrap material shall be removed from the communication site or placed in enclosed structures not accessible to condors or other large birds;
6. All lose wires or netting shall be secured to prevent accidental entrapment; and

7. Cyclone-type fencing or other similar security fencing shall be located to avoid the potential for accidental entrapment of condors or eagles.

MM-11 If California condors are observed within the Project area during construction activities, the following protocol shall be implanted to protect bird species covered by the MBTA and/or ESA:

1. If California condors enter the permitted area, any personnel present will be instructed to assess current work activities to ensure that none of them present a hazard to California condors (e.g., moving vehicles, equipment loading, etc.). Any activities identified as presenting a potential hazard will be stopped or blocked to prevent California condor access to the specific activity;
2. USFWS-approved methods for hazing California condors away from the site may be utilized. Hazing will only occur once personnel on-site have confirmed that there are no conditions present creating a risk for collision by hazed California condors taking flights to exit the area. Acceptable hazing includes clapping, yelling, and stomping, but does not include any physical contact with the birds or any action that will pose a risk to the bird's safety; and
3. Any California condors hazed from the work area will be observed until they have safely left the immediate vicinity. This is to ensure that hazing has not resulted in creating conditions hazardous for California condors.

4.8.3.2 PORTNOFF HILL

Implement Mitigation Measures MM-9 through MM-11.

4.9 Other Impacts

4.9.1 Affected Environment

4.9.1.1 POLONIO PASS

The Polonio Pass project site is located in a rural area of San Luis Obispo County. According to the *County of San Luis Obispo General Plan Conservation and Open Space Element* (COSE), there are no sensitive visual resources located in the vicinity of the Polonio Pass project site (County of San Luis Obispo 2010). According to the California Department of Forestry and Fire Protection (CAL FIRE) Fire Hazard Severity Zone (FHSZ) viewer, the Polonio Pass project site is located in a High FHSZ (CAL FIRE 2023). The Polonio Pass project site is in a seismically active region; therefore, there is potential for seismic-related hazards to occur. According to the *County of San Luis Obispo General Plan Safety Element*, the Polonio Pass project site is located in an area with moderate potential for landslide and low potential for liquefaction (County of San Luis Obispo 2013).

4.9.1.2 PORTNOFF HILL

The Portnoff Hill project site is located in a rural area of San Luis Obispo County. According to the County's COSE, there are no sensitive visual resources located in the vicinity of the Portnoff Hill project site (County of San Luis Obispo 2010). According to the CAL FIRE FHSZ viewer, the Portnoff Hill project site is located in a Very High FHSZ (CAL FIRE 2023). The Portnoff Hill project site is in a seismically active region; therefore, there is potential for seismic-related hazards to occur. According to the County's Safety Element, the Portnoff Hill project site is located in an area with low potential for landslide and liquefaction (County of San Luis Obispo 2013).

4.9.2 Environmental Consequences

4.9.2.1 NO ACTION ALTERNATIVE

Under the No Action Alternative, the construction of new communications infrastructure at the Polonio Pass and Portnoff Hill project sites would not occur; therefore, no changes to the existing environment at either Proposed Action location would occur.

4.9.2.2 PROPOSED ACTION ALTERNATIVE

Polonio Pass

The Proposed Action would result in the development of a new 100-foot-tall communications tower at the Polonio Pass project site. There are no sensitive visual resources located in the vicinity of the Polonio Pass project site; therefore, the construction of the new communications infrastructure would not have an adverse effect on sensitive visual resources. Further, the Proposed Action would be consistent with the level and scale of existing communications infrastructure located at the Polonio Pass project site and would not result in a substantial change to the existing visual character of the Polonio Pass project site.

There are no noise-sensitive land uses within 1,000 feet of the Polonio Pass project site. The installation of the proposed equipment would result in a marginal increase in noise; however, due to distance from the nearest noise-sensitive land uses, long-term noise impacts would not be significant.

The Proposed Action would be required to comply with the California Building Code (CBC), California Fire Code (CFC), and County Public Works Department requirements to avoid risk associated with wildfire, seismic hazards, and other ground-failure events; therefore, the Proposed Action would not result in adverse effects related to seismic hazards, potential ground-failure events, or wildfire at the Polonio Pass project site.

Portnoff Hill

A visual evaluation was prepared for a previously proposed communication tower at the Portnoff Hill project site to evaluate the potential visual effects that may result from the construction of a 100-foot-tall communications tower at this location (SWCA 2014; Appendix A). The visual evaluation concluded that the construction of an additional tower on the Portnoff Hill project site would not appreciably

increase the visual profile of the existing communications facilities on the Portnoff Hill project site, nor would it increase the noticeability of the existing hilltop development. Views of the Proposed Action's new tower on the Portnoff Hill project site from U.S. Route 101, SR 46, and portions of Paso Robles would be generally indistinguishable from the existing 100-foot tower positioned directly behind the proposed tower. Therefore, the Proposed Action would result in an incremental alteration of the Portnoff Hill project site and would not result in a reduction of the quality or value of the scenic vista or result in a substantial change to the existing visual character of the Portnoff Hill project site.

The nearest noise-sensitive land uses to the Portnoff Hill project site are rural residences located approximately 500 feet southwest and southeast. The installation of the proposed equipment at the Portnoff Hill project site would result in a marginal increase in noise; however, due to the distance from the nearest noise-sensitive land uses, long-term noise impacts would not be significant.

The Proposed Action would be required to comply with the CBC, CFC, and County Public Works Department requirements to avoid risk associated with wildfire, seismic hazards, and other ground-failure events; therefore, the Proposed Action would not result in adverse effects related to seismic hazards, potential ground-failure events, or wildfire at the Portnoff Hill project site.

4.9.3 Mitigation Measures

Mitigation measures are not required.

4.10 State Environmental Policy Act

4.10.1 Polonio Pass

The Polonio Pass project would also be funded by the County, which requires compliance with the California Environmental Quality Act (CEQA), with the County serving as the CEQA lead agency. The Polonio Pass project is anticipated to qualify for a Class 1 (Existing Facilities) Categorical Exemption under CEQA. Pursuant to State CEQA Guidelines Section 15301, a Class 1 (Existing Facilities) exemption consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features involving negligible or no expansion of existing or former use.

4.10.2 Portnoff Hill

The Portnoff Hill project would also be funded by the County, which requires compliance CEQA with the County serving as the CEQA lead agency. The Portnoff Hill project is anticipated to qualify for a Class 1 (Existing Facilities) Categorical Exemption under CEQA. Pursuant to State CEQA Guidelines Section 15301, a Class 1 (Existing Facilities) exemption consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features involving negligible or no expansion of existing or former use.

5 CUMULATIVE IMPACTS

Reasonably foreseeable future communications facility projects within San Luis Obispo County have the potential to result in adverse environmental impacts. The County has proposed the Co-Located Dispatch Facility, which would install a 140-foot-high communication tower on County-owned land bordering U.S. Route 101 just south of the Main Street interchange in Templeton, approximately 5 miles from the Polonio Pass project site. The County prepared a single-issue Environmental Impact Report (EIR) to evaluate the aesthetic impacts of the project (County of San Luis Obispo 2022). Other reasonably foreseeable future telecommunications projects within San Luis Obispo County would be subject to separate environmental review and approval to avoid adverse environmental impacts. Mitigation Measures MM-1 through MM-11 have been identified to reduce project-specific impacts. Therefore, the Proposed Action would not contribute to cumulative impacts from similar existing and proposed projects, and impacts would be less than cumulatively considerable.

6 AGENCIES AND PERSONS CONSULTED

The following agencies were informally consulted during the preparation of this EA:

- California Department of Fish and Wildlife: California Natural Diversity Database
- California Department of Toxic Substances Control: EnviroStor
- U.S. Environmental Protection Agency: Green Book Nonattainment Areas
- U.S. Fish and Wildlife Service: Information for Planning and Consultation

7 LIST OF PREPARERS

The persons responsible for the review of the proposed action, the supporting information and analyses, and the preparation of this EA are listed below:

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APPENDIX A

County of San Luis Obispo Kit Fox Measures for Grading and Building Plans

KIT FOX CONDITIONS FOR GRADING AND BUILDING PLANS

PLANNING & BUILDING DEPARTMENT • COUNTY OF SAN LUIS OBISPO
976 OSOS STREET • ROOM 200 • SAN LUIS OBISPO • CALIFORNIA 93408 • (805) 781-5600

For projects within the San Joaquin kit fox habitat area, the following conditions must be printed on grading and building plans. In addition, the plans must clearly show a construction site speed limit of 25 mph (or lower).

BR-x **San Joaquin Kit Fox - Retaining Qualified Project Biologist. Prior to issuance of grading and/or construction permits**, the applicant shall provide evidence that they have retained a qualified biologist acceptable to the County. The biologist shall perform the following monitoring activities:

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

b. The qualified biologist shall conduct weekly site visits during site-disturbance activities (i.e. grading, disking, excavation, stock piling of dirt or gravel, etc.) that proceed longer than 14 days, for the purpose of monitoring compliance with required 'Project Construction Conditions' BR-x. Site- disturbance activities lasting up to 14 days do not require weekly monitoring by the biologist unless observations of kit fox or their dens are made on-site or the qualified biologist recommends monitoring for some other reason (see BR-2-c3). When weekly monitoring is required, the biologist shall submit weekly monitoring reports to the County.

c. **Prior to or during project activities,** if any observations are made of San Joaquin Kit fox, or any known or potential San Joaquin kit fox dens are discovered within the project limits, the qualified biologist shall re-assess the probability of incidental take (e.g. harm or death) to kit fox. At the time a den is discovered, the qualified biologist shall contact the U.S. Fish and Wildlife Service and CDFW for guidance on possible additional kit fox protection measures to implement and whether or not a Federal and/or State incidental take permit is needed. If a potential den is encountered during construction, work shall stop until such time the U.S. Fish and Wildlife Service/Department determine it is appropriate to resume work.

   If incidental take of kit fox during project activities is possible, **before project activities commence,** the applicant must consult with the U.S. Fish and Wildlife Service and CDFW (see contact information in BR-x). The results of this consultation may require the applicant to obtain a Federal and/or State permit for incidental take during project activities. The applicant should be aware that the 1) presence of kit foxes or 2) known or potential kit fox dens at the project site could result in further delays of project activities.

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

d. **Within 30 days prior to initiation of site disturbance and/or construction**, exclusion zone boundaries shall be established around all known and potential kit fox dens. Exclusion zone boundaries shall consist of either large flagged stakes connected by rope or cord, or survey laths or wooden stakes prominently flagged with survey ribbon. Each exclusion zone shall be

roughly circular in configuration with a radius of the following distance measured outward from the den or burrow entrances:

1. Potential kit fox den: 50 feet
2. Known or active kit fox den: 100 feet
3. Kit fox pupping den: 150 feet

e. All foot and vehicle traffic, as well as all construction activities, including storage of supplies and equipment, shall remain outside of exclusion zones. Exclusion zones shall be maintained in good working order until all project-related construction activities have been terminated. At such time these boundary markers shall be removed.

If kit foxes or known or potential kit fox dens are found on site, daily monitoring during ground disturbing activities shall be required by a qualified biologist.

BR-x San Joaquin Kit Fox – Project Construction Conditions. Prior to issuance of grading and/or construction permits, the applicant shall incorporate the following measures **prior to and during construction**. All of these measures shall be placed on applicable construction drawings. In addition, an educational training program shall be implemented for all on-site construction personnel:

a. Clearly delineate as a note on the construction drawings that: "*Speed signs of 25 mph (or lower) shall be posted for all construction traffic to minimize the probability of road mortality of the San Joaquin kit fox".* Speed limit signs shall be installed on the project site **within 30 days prior to initiation of site disturbance and/or construction.**

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

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

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

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

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

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

h. **During the site-disturbance and/or construction phase,** any contractor or employee that inadvertently kills or injures a San Joaquin kit fox or who finds any such animal either dead, injured, or entrapped shall be required to report the incident immediately to the applicant and County. In the event that any observations are made of injured or dead kit fox, the applicant shall immediately notify the U.S. Fish and Wildlife Service and the Department by telephone (see contact information below). In addition, formal notification shall be provided in writing within three working days of the finding of any such animal(s). Notification shall include the date, time, location and circumstances of the incident. Any threatened or endangered species found dead or injured shall be turned over immediately to the Department for care, analysis, or disposition.

i. **Prior to final inspection, or occupancy, whichever comes first,** should any long internal or perimeter fencing be proposed or installed, the applicant shall do the following to provide for kit fox passage:

   1. If a wire strand/pole design is used, the lowest strand shall be no closer to the ground than 12".

   2. If a more solid wire mesh fence is used, 8" x 12" openings near the ground shall be provided every 100 yards.

Upon fence installation, the applicant shall notify the County to verify proper installation. Any fencing constructed after issuance of a final permit shall follow the above guidelines.

Contact Information

For questions about the County permitting process, in-lieu fee process, or purchase of conservation bank credits, please contact Rob Fitzroy at (805) 781-5179 or Holly Phipps (805) 781-1162 in the County Department of Planning and Building.

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

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