

RESOLUTION NO.: 09-009

A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF EL PASO DE ROBLES
APPROVING A MITIGATED NEGATIVE DECLARATION FOR
PLANNED DEVELOPMENT 08-011
(Clayton)
APN: 025-433-001

WHEREAS, Planned Development PD 08-011, has been filed by Frank and Betty Clayton requesting to import approximately 62,500 cubic yards of fill dirt on their property located on the northeast corner of Highway 46 East and Paso Robles Blvd.; and

WHEREAS, the fill would be placed on the lower 2.96 acres area of the larger 6-acre site; and

WHEREAS, the site is zoned C2,PD, and according to Section 21.23B.030(A)(6) Review Requirements of the Zoning Code, the Planning Commission has the authority to allow the pre-grading of a site, prior to the submittal of a development plan, subject to the development plan (PD) public hearing review process; and

WHEREAS, public notice of the proposed Mitigated Negative Declaration was given as required by Section 21092 of the Public Resources Code; and

WHEREAS, based on the information contained in the Initial Study prepared for this planned development plan application, the proposed mitigation measures, the mitigation contract signed by the applicant, the staff report, and testimony received as a result of the public notice, the City, using its own independent judgment, finds that all potentially significant effects of the project on the environment can and will be avoided or mitigated to a level of insignificance by:

1. Imposing the specified mitigation measures on future development; and
2. Compliance with the Mitigation Contract that allows for further, development specific, CEQA review; and

WHEREAS, a public hearing was conducted by the Planning Commission on February 24, 2009, to consider facts as presented in the staff report prepared for this project, and to accept public testimony regarding this proposed project; and

WHEREAS, based on the information and analysis contained in the Initial Study (Exhibit A) prepared for this project and testimony received as a result of the public notice, the Planning Commission finds that there is no substantial evidence that there would be a significant impact on the environment as a result of the development and operation of the proposed project.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission of the City of El Paso de Robles does hereby approve a Mitigated Negative Declaration for Planned Development 08-011 subject to the applicant complying with the following mitigation measures:

BIOLOGICAL CONDITIONS (KIT FOX MITIGATION)

1. The following Kit Fox mitigation measures shall be completed as indicated by Dan Meade in his letter received on March 16, 2006, and as Revised on November 5, 2008:

BR-1 Prior to issuance of grading and/or construction permits, the applicant shall submit evidence to the City of Paso Robles (see contact information below) that states that one or a combination of the following four San Joaquin kit fox mitigation measures has been implemented:

- a. Provide for the protection in perpetuity, through acquisition of fee or a conservation easement of **8.8** acres of suitable habitat in the kit fox corridor area (e.g. within the San Luis Obispo County kit fox habitat area, northwest of Highway 58), either on-site or off-site, and provide for a non-wasting endowment to provide for management and monitoring of the property in perpetuity. Lands to be conserved shall be subject to the review and approval of the California Department of Fish and Game (Department) and the City.

This mitigation alternative (a.), requires that all aspects of this program must be in place before City permit issuance or initiation of any ground disturbing activities.

- b. Purchase **8.8** credits in a Department-approved conservation bank, which would provide for the protection in perpetuity of suitable habitat within the kit fox corridor area and provide for a non-wasting endowment for management and monitoring of the property in perpetuity.

At this time, there is no approved conservation bank that is operational in San Luis Obispo County. A conservation bank is expected to be operational in the near future.

Purchase of credits must be completed prior to City permit issuance and initiation of any ground disturbing activities.

- c. Deposit funds into an approved in-lieu fee program, which would provide for the protection in perpetuity of suitable habitat in the kit fox corridor area within San Luis Obispo County, and provide for a non-wasting endowment for management and monitoring of the property in perpetuity.

Mitigation alternative (c) above, can be completed by providing funds to The Nature Conservancy (TNC) pursuant to the Voluntary Fee-Based Compensatory Mitigation Program (Program). The Program was established in agreement between the Department and the TNC to preserve San Joaquin kit fox habitat, and to provide a

voluntary mitigation measure alternative to project proponents who must mitigate the impacts of projects in accordance with the California Environmental Quality Act (CEQA). The fee, payable to “The Nature Conservancy”, would total **\$22,440**. This fee must be paid after the Department provides written notification about your mitigation options but prior to City permit issuance and initiation of any ground disturbing activities.

- d. If none of the above measures (a, b, or c) are available, the applicant may enter into a Mitigation Agreement with the Department, including depositing of funds into an escrow account (or other means of securing funds acceptable to the Department) which would ensure the protection in perpetuity of **8.8** acres of suitable habitat within the kit fox corridor area and provide for a non-wasting endowment for management and monitoring in perpetuity. The Department can provide a draft agreement to review; a signed Mitigation Agreement shall be submitted to the City prior to City permit issuance and initiation of any ground disturbing activities.

BR-2 Prior to issuance of grading and/or construction permits, the applicant shall provide evidence that they have retained a qualified biologist acceptable to the City Planning Division. The retained 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 City 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, diking, excavation, stock piling of dirt or gravel, etc.) that proceed longer than 14 days, for the purpose of monitoring compliance with required Mitigation Measures BR-3 through BR11. 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 City.
- c. **Prior to or during project activities**, if any observations are made of San Joaquin Kit fox, or any known or potential San Joaquin kit fox dens are discovered within the project limits, the qualified biologist shall re-assess the probability of incidental take (e.g. harm or death) to kit fox. At the time a den is discovered, the qualified biologist shall contact the U.S. Fish and Wildlife Service and the Department for guidance on

possible additional kit fox protection measures to implement and whether or not a Federal and/or State incidental take permit is needed. If a potential den is encountered during construction, work shall stop until such time the U.S. Fish and Wildlife Service/Department determine it is appropriate to resume work.

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

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

1. **Within 30 days prior to initiation of site disturbance and/or construction**, fenced exclusion zones shall be established around all known and potential kit fox dens. Exclusion zone fencing shall consist of either large flagged stakes connected by rope or cord, or survey laths or wooden stakes prominently flagged with survey ribbon. Each exclusion zone shall be roughly circular in configuration with a radius of the following distance measured outward from the den or burrow entrances:

- a) Potential kit fox den: 50 feet
- b) Known or active kit fox den: 100 feet
- c) Kit fox pupping den: 150 feet

2. All foot and vehicle traffic, as well as all construction activities, including storage of supplies and equipment, shall remain outside of exclusion zones. Exclusion zones shall be maintained until all project-related disturbances have been terminated, and then shall be removed.

3. 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-3 Prior to issuance of grading and/or construction permits, the applicant shall clearly delineate as a note on the project plans, that: *“Speed signs of 25 mph (or lower) shall be posted for all construction traffic to minimize the probability of road mortality of the San Joaquin kit fox”*. Speed limit signs shall be installed on the project site **within 30 days prior to initiation of site disturbance and/or construction**,

In addition, **prior to permit issuance and initiation of any ground disturbing activities**, conditions BR-3 through BR-11 of the Developer's Statement/Conditions of Approval shall be clearly delineated on project plans.

BR-4 During the site disturbance and/or construction phase, grading and construction activities after dusk shall be prohibited unless coordinated through the City, during which additional kit fox mitigation measures may be required.

BR-5 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 City, as well as any related biological report(s) prepared for the project. The applicant shall notify the City 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.

BR-6 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.

BR-7 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.

BR-8 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.

BR-9 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.

BR-10 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 City. 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.

BR-11 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:

- a. If a wire strand/pole design is used, the lowest strand shall be no closer to the ground than 12".
- b. 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 City to verify proper installation. Any fencing constructed after issuance of a final permit shall follow the above guidelines.

BR-12 A pre-construction survey shall be conducted within 30 days of beginning work to identify if badgers are using the site. The results of the survey shall be sent to the project manager, CDFG and the lead agency.

If the pre-construction survey finds potential badger dens, they shall be inspected to determine whether they are occupied. The survey shall cover the entire property, and shall examine both old and new dens. If potential badger dens are too long to completely inspect, from the entrance, a fiber optic scope shall be used to examine the den to the end. Inactive dens may be excavated by hand with a shove to prevent re-use of dens during construction. If badgers are found in dens on the property between February and July, nursing young may be present. To avoid disturbance and the possibility of direct take of adults and nursing young, and to prevent badger from becoming trapped in burrows during construction activity, no grading shall occur within 100-feet of active badger dens between February and

July. Between July 1st and February 1st all potential badger dens shall be inspected to determine if badgers are present. During the winter badgers do not truly hibernate, but are inactive and sleep in their dens for several days at a time. Because they can be torpid during the winter, they are vulnerable to disturbances that may collapse their badger dens throughout the year. If badger dens are found on the property during the pre-construction survey, the CDFG wildlife biologist for the area shall be contacted to review current allowable management practices.

BR-13 – Lighting Mitigation. To reduce these types of impacts to a less than significant level, night lighting should be shielded from shining off the property and be reduced to low levels after midnight.

BR 14 – Water Quality Mitigation. Install hydrocarbon filtration systems in storm drain systems. Use best management practices during construction to prevent sediment from leaving the site.

BR-13: Plant valley oak and cottonwood along the west bank of the Huer huero Creek in a band approximately 50-feet wide from the Highway 46 bank north along the top of the bank for approximately 400 feet. Trees should be planted approximately 20-feet on center with cottonwoods closer to the bank than the oaks. Plantings do not need to be planted in areas where vegetation currently occurs.

GEOLOGIC RESOURCES MITIGATION MEASURES

2. **Geo 1:** A soils engineer shall be retained to prepare a report with recommendations for preparation of the site, specifications for the imported material and recommendations for its placement. If the material is placed randomly, without prior site preparation or compaction, it will eventually have to be removed and replaced resulting in another significant earth moving project.
3. **Geo-2:** Prior to placement of fill, a soils engineer must provide a preliminary report providing recommendations for site preparation, specifications for imported soil, and specifications for the placement of the imported soil.
4. **Geo-3:** At the completion of each phase of imported material, a soils engineer shall provide a written statement that the material was placed in accordance with the recommendations of the preliminary report.

5. **Geo-4:** The City shall be notified 24 hours prior to placement of fill and the source of the fill material shall be identified.

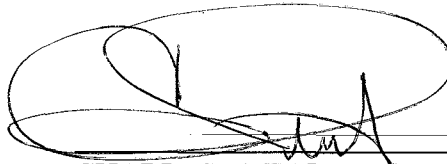
PASSED AND ADOPTED THIS 24th day of February, 2009, by the following roll call vote:

AYES: Nemeth, Gregory, Johnson, Treatch, Garcia, Holstine

NOES: None

ABSENT: Peterson

ABSTAIN: None



CHARLES TREATCH, CHAIRMAN

ATTEST:



RON WHISENAND, PLANNING COMMISSION SECRETARY

**ENVIRONMENTAL INITIAL STUDY CHECKLIST FORM
CITY OF PASO ROBLES
PLANNING DIVISION**

- 1. PROJECT TITLE:** Planned Development PD 08-011
- Concurrent Entitlements:** None
- 2. LEAD AGENCY:** City of Paso Robles
1000 Spring Street
Paso Robles, CA 93446
- Contact:** Darren R. Nash, Associate Planner
Phone: (805) 237-3970
- 3. PROJECT LOCATION:** Northeast Corner of Highway 46 East and Paso Robles Blvd.
- 4. PROJECT PROPONENT:** Frank and Betty Clayton
- Contact Person:** Frank Clayton
Phone: (805) 239-1726
- 5. GENERAL PLAN DESIGNATION:** Commercial Service (CS) within the Airport Overlay Area
- 6. ZONING:** Highway Commercial, Planned Development (C2,PD)
- 7. PROJECT DESCRIPTION:** Request to import 62,500 cubic yards of compacted fill dirt into lower 2.96-acre portion of the approximate 6 acre site. The fill dirt would raise this portion of the site approximately 10-feet. See attached preliminary grading and drainage plan (Attachment B)

8. ENVIRONMENTAL SETTING:

The 3.15-acre site triangular shaped site is bounded on the west by Paso Robles Blvd., on the south by Highway 46 East, on the east by the Huerhuero Creek.

Topographically the property consists of low riparian flood terrace, the intermittent Huerhuero Creek that is deep sand, a steep river terrace slope partially wooded by valley oak and blue oak, and upland grassland adjacent to Paso Robles Blvd. The proposed fill would be placed in the lower riparian flood terrace.

9. RELATED ENVIRONMENTAL DOCUMENTATION:

With the submittal of the project, the following documents were submitted:

Cultural Resources Survey, by C.A. Singer & Assoc. Inc. dated November 1, 2000

Preliminary Biological Assessment, by Althouse and Meade, Inc. dated November 2000

Revision letters from Althouse and Meade, Inc. dated January 7, 2002, March 16, 2006 & November 5, 2008.

Arborist Report by A & T Arborists, dated February 7, 2006

10. PERSONS PARTICIPATING IN THE PREPARATION OF THE INITIAL STUDY:

Darren Nash: Associate Planner, John Falkenstien: City Engineer.

11. CONTEXT OF ENVIRONMENTAL ANALYSIS FOR PROJECT:

This environmental initial study analyzes the potential impacts associated with the 62,500 cubic feet of fill dirt on the lower 3-acre portion of the site.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a “Potentially Significant Impact” or is “Potentially Significant Unless Mitigated,” as indicated by the checklist on the following pages.

- | | | |
|---|---|--|
| <input type="checkbox"/> Land Use & Planning | <input type="checkbox"/> Transportation/Circulation | <input type="checkbox"/> Public Services |
| <input type="checkbox"/> Population & Housing | <input checked="" type="checkbox"/> Biological Resources | <input type="checkbox"/> Utilities & Service Systems |
| <input checked="" type="checkbox"/> Geological Problems | <input type="checkbox"/> Energy & Mineral Resources | <input type="checkbox"/> Aesthetics |
| <input type="checkbox"/> Water | <input type="checkbox"/> Hazards | <input type="checkbox"/> Cultural Resources |
| <input type="checkbox"/> Air Quality | <input type="checkbox"/> Noise | <input type="checkbox"/> Recreation |
| | <input type="checkbox"/> Mandatory Findings of Significance | |

DETERMINATION

(To be completed by the Lead Agency)

On the basis of this initial evaluation:

I find that the proposed project **COULD NOT** have a significant effect on the environment, and a **NEGATIVE DECLARATION** will be prepared.

I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures described on an attached sheet have been added to the project. **A NEGATIVE DECLARATION** will be prepared.

I find that the proposed project **MAY** have a significant effect on the environment, and an **ENVIRONMENTAL IMPACT REPORT** is required.

I find that the proposed project **MAY** have a significant effect(s) on the environment, but one or more effects (1) have been adequately analyzed in an earlier document pursuant to applicable legal standards, and (2) have been addressed by mitigation measures based on the earlier analysis as described on attached sheets, if the effect is a “potentially significant impact” or is “potentially significant unless mitigated.” An **ENVIRONMENTAL IMPACT REPORT** is required, but it must analyze only the effect(s) that remain to be addressed.

Signature: _____

Darren R. Nash
Printed Name

Date: January 14, 2009

Associate Planner
Title

EVALUATION OF ENVIRONMENTAL IMPACTS:

1. A brief explanation is required for all answers except “No Impact” answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A “No Impact” answer is adequately supported if the referenced information sources show that the impact simply does not apply to the project. A “No Impact” answer should be explained where it is based on project-specific factors as well as general standards.
2. All answers must take account of the whole action involved. Answers should address off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
3. “Potentially Significant Impact” is appropriate, if an effect is significant or potentially significant, or if the lead agency lacks information to make a finding of insignificance. If there are one or more “Potentially Significant Impact” entries when the determination is made, preparation of an Environmental Impact Report is warranted.
4. “Potentially Significant Impact Unless Mitigated” applies where the incorporation of mitigation measures has reduced an effect from “Potentially Significant Impact” to a “Less than Significant Impact.” The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section XVII, “Earlier Analyses,” may be cross-referenced).
5. Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). Earlier analyses are discussed in Section XVII at the end of the checklist.
6. References to information sources for potential impacts (e.g., general plans, zoning ordinances) have been incorporated into the checklist. A source list has been provided in Section XVII. Other sources used or individuals contacted have been cited in the respective discussions.
7. The following checklist has been formatted after Appendix I of Chapter 3, Title 14, California Code of Regulations, but has been augmented to reflect the needs and requirements of the City of Paso Robles.

(Note: Standard Conditions of Approval - The City imposes standard conditions of approval on projects which are considered to be components of or modifications to the project, some of these standard conditions also result in reducing or minimizing environmental impacts to a level of insignificance. However, because they are considered part of the project, they have not been identified as mitigation measures.)

I. LAND USE AND PLANNING. Would the Proposal:

- a) Conflict with general plan designation or zoning? (Source: 1,2)

Discussion: The C2,PD Zoning and the CS General Plan designations would allow pre-project grading with the approval of a Planned Development. Therefore, the application for pre-project grading would not be in conflict with the General Plan or Zoning. The applicants have submitted the necessary applications for PD 08-011.

- b) Conflict with applicable environmental plans or policies adopted by agencies with jurisdiction over the project?

Discussion: There are no other environmental plans or policies by other agencies besides the City of Paso Robles that apply to this property, therefore conflicts with environmental plans or policies by other agencies will be less than significant. The use of the lower portion of the site, near the Huer Huero Creek has been reviewed by the project Biologist for potential impacts and by the California Department of Fish and Game. This area of the City which is located along the Huer Huero Creek is considered sensitive habitat for the San Joaquin Kit Fox. See Section VII of this Initial Study for further information on Biological Impacts.

- c) Be incompatible with existing land use in the vicinity? (Source: 1,2)

Discussion: The property is bounded by Highway 46 East, with recreational uses to the south of the Highway, the Huer Huero Creek to the east (with a commercial water park located directly across the creek) and Paso Robles Blvd, which does not have any developed land uses on it since it is presently zoned AG. With the Highway Commercial Zoning, projects oriented to the highway are anticipated. The applicants are requesting to fill the site to make the site more desirable for commercial development in the future. The pre-grading would not be incompatible with existing uses in the vicinity, therefore impacts on compatibility resulting from this project would be less than significant. In the future, at the time of a proposed development project; further analysis of land use compatibility will be evaluated.

- d) Affect agricultural resources or operations (e.g., impacts to soils or farmlands, or impacts from incompatible uses)?

Discussion: The site has been disked or cleared regularly for weed control. It has not been used for agricultural purposes. Additionally, the pre-grading project will not impair surrounding Ag operations in the vicinity. Therefore, the subject project will not affect agricultural resources or operations.

- e) Disrupt or divide the physical arrangement of an established community (including a low-income or minority community)?

Discussion: The site is currently vacant, as well as the surrounding properties. The development of this project would not impact physical arrangements of established communities.

II. POPULATION AND HOUSING. Would the proposal:

- a) Cumulatively exceed official regional or local population projections? (Source: Paso Robles General Plan.)

Discussion: There is no residential uses proposed for the site, therefore the pre-grading project will not impact or exceed population projections.

- b) Induce substantial growth in an area either directly or

indirectly (e.g., through projects in an undeveloped area or extension of major infrastructure)?

Discussion: It is not anticipated that this project would induce substantial growth since the scope of this project only includes grading/fill activities.

c) Displace existing housing, especially affordable housing?

Discussion: See II a. and b.

III. GEOLOGIC PROBLEMS. Would the proposal result in or expose people to potential impacts involving:

a) Fault rupture?

Discussion: This portion of San Luis Obispo County (generally the Paso Robles area) is located at the far southerly end of the Salinas Valley which also extends up into Monterey County. There are two known fault zones on either side of this valley. The San Marco-Rinconada Fault system runs on the west side of the valley. The San Andreas Fault is on the east side of the valley and runs through the community of Parkfield east of Paso Robles. The City of Paso Robles recognizes these geologic influences in the application of the California Building Code to all new development within the City. Soils reports and structural engineering in accordance with local seismic influences would be applied in conjunction with any new development proposal including the proposed fill site. On-going fill for the site with required re-compaction will be required to be consistent with applicable building and engineering codes. Based on standards applied and conditions of approval, the potential for fault rupture and exposure of persons or property to seismic hazards is not considered significant.

b) Seismic ground shaking?

Discussion: See the response to Section III(a). Based on that response, the potential for exposure of persons or property to seismic hazards is not considered significant.

c) Seismic ground failure, including liquefaction?

Discussion: The City's General Plan contains public safety policies that would require special attention to projects with potential for liquefaction. Also, see the response to Section III(a). Based on the above discussion, the potential for exposure of persons or property to seismic hazards, including liquefaction is not considered significant.

d) Seiche, tsunami, or volcanic hazard?

Discussion: The project site is not located in an area identified at risk for seiche, tsunami, or volcanic hazards.

e) Landslides or Mud flows?

Discussion: See discussion for III (a). The proposed fill area is setback from the creek bank anywhere from 15-feet to 80-feet at a maximum of a 3:1 slope. Since the slope is relatively gentle, and there is an adequate setback from the toe of the slope to the creek bank, with the required erosion control and drainage requirements landslides and mudflow will not be a significant impact.

- f) Erosion, changes in topography or unstable soil conditions from excavation, grading, or fill?

Discussion: This pre-grading project will alter the existing topography of the lower 2.96 acres of the site by raising it approximately 10-feet in elevation. However, it is not anticipated that this grading project will have a significant impact on erosion or unstable soil conditions, since the City will be applying standard erosion control measures and techniques for slope stabilization. The following mitigation measures will be applied to the project:

Geo 1: A soils engineer shall be retained to prepare a report with recommendations for preparation of the site, specifications for the imported material and recommendations for its placement. If the material is placed randomly, without prior site preparation or compaction, it will eventually have to be removed and replaced resulting in another significant earth moving project.

Geo-2: Prior to placement of fill, a soils engineer must provide a preliminary report providing recommendations for site preparation, specifications for imported soil, and specifications for the placement of the imported soil.

Geo-3: At the completion of each phase of imported material, a soils engineer shall provide a written statement that the material was placed in accordance with the recommendations of the preliminary report.

Geo-4: The City shall be notified 24 hours prior to placement of fill and the source of the fill material shall be identified.

- g) Subsidence of the land?

Discussion: See the discussion in Sections III (a) and (f) above. No significant adverse impacts are anticipated.

- h) Expansive soils?

Discussion: See the discussion in Sections III (a) and (f) above. No significant adverse impacts are anticipated.

- i) Unique geologic or physical features?

Discussion: The area of the site that is proposed to be filled is approximately 20-feet lower than the upper plateau, and is bounded by the Huer Huero creek on the eastern edge. The area is similar to other sites along the river that has been developed such as the water park across the river to the east and the tennis club that is currently under construction approximately 1,000 ft. to the south on the Huer Huero Creek. The site does not have any significant geological or physical features.

IV. WATER. Would the proposal result in:

- a) Changes in absorption rates, drainage patterns, or the rate and amount of surface runoff? (Source: 6,9, 20)

Discussion: The site currently sheet flows from the west to the east into the creek. With the proposed fill the project will be designed to continue to drain to the river. The City is obligated under their Phase II Municipal Storm water permit with the Regional Water Quality Control Board to require that this project be developed in accordance with Best Management Practices to mitigate impacts to the quality of storm water run-off to the maximum extent possible. The applicant has provided a Storm Water Pollution Prevention Plan (SWPPP) in accordance with Board requirements. Since the project does not involve the placement of impervious surfaces, post-construction storm water quality is adequately addressed in the SWPPP. Therefore, there will not be a significant impact to absorption rates, drainage patterns, or the rate and amount of surface runoff.

- b) Exposure of people or property to water related hazards such

as flooding?

Discussion: The applicant has submitted a floodplain analysis and letter from a civil engineer stating that the placement of the fill material as designed will not violate the City's Floodplain Ordinance. Specifically, the analysis demonstrates that the placement of the fill material will not displace flood waters onto other properties or raise the height of the flood in a 100-year storm.

c) Discharge into surface waters or other alteration of surface water quality (e.g. temperature, dissolved oxygen, turbidity)?

Discussion: See section IV.a.

d) Changes in the amount of surface water in any water body?

Discussion: See Sec. IV a, discussion

e) Changes in currents, or the course or direction of water movement?

Discussion: There will be no work done within the creek and is located out of the Army Corps of Engineers jurisdiction, therefore, this project will not impact currents, or the course or direction of water movement.

f) Change in the quantity of ground waters, either through direct additions or withdrawals, or through interception of an aquifer by cuts or excavations or through substantial loss of groundwater recharge capability?

g) Altered direction or rate of flow of groundwater?

h) Impacts to groundwater quality?

i) Substantial reduction in the amount of groundwater otherwise available for public water supplies?

Discussion f-i: Since there is no development proposed for this site, and since no excavation will occur below the existing ground elevation, there will not be significant impact to ground water quantity, quality, flow or reduction to water supply.

V. AIR QUALITY. Would the proposal:

a) Violate any air quality standard or contribute to an existing or projected air quality violation? (Source: 10)

Discussion: The San Luis Obispo County area is a non-attainment area for the State standards for ozone and suspended particulate matter. The SLO County Air Pollution Control District (APCD) administers a permit system to ensure that stationary sources do not collectively create emissions which would cause local and state standards to be exceeded. The potential for future project development to create adverse air quality impacts falls generally into two categories: Short term and Long term impacts.

Short term impacts are associated with the grading and development portion of a project where earth work generates dust, but the impact ends when construction is complete. Long term impacts are related to the ongoing operational characteristics of a project and are generally related to vehicular trip generation and the level of offensiveness of the onsite activity being developed.

The Air Pollution Control district confirmed that based on the size of the project is relatively small and that there would not be a significant amount of daily trips created by the project, that the project would not exceed local significance threshold of 10 lbs/day of emissions from trucks that are anticipated to import the fill materials, and therefore this project will have less than a significant impact on Air Quality.

- b) Expose sensitive receptors to pollutants? (Source: 10,13)

Discussion: With the City's standard requirements for dust control during excavation, it is not anticipated that this project will expose sensitive receptors, such as the people at the neighboring Ravine Water Park, or the traffic on Highway 46 East.

- c) Alter air movement, moisture, or temperature? (Source: 10,13)

Discussion: Once the grading activities have concluded, there will be no use of the site that could alter air movement, moisture or temperature.

- d) Create objectionable odors? (Source: 10)

Discussion: Once the grading activities have concluded, there will be no immediate use of the site and future development will need to be reviewed. This grading project will not create objectionable odors.

VI. TRANSPORTATION/CIRCULATION. Would the proposal result in:

- a) Increased vehicle trips or traffic congestion? (Source: 13)

Discussion: The largest trucks can move about 20 yards per load, therefore this application will involve at least 3,250 truck trips. Over the course of one year (260 working days) the average trips generated would be 12.5 trips per day, which is a marginal increase in traffic on the existing network. Additionally, the project, which is a pre-grading project, will not be a continuous operation, and after the site is filled there will be no further traffic impacts from this grading project. It is not anticipated that vehicle trips or traffic congestion will be increased to a significant level.

- b) Hazards to safety from design features (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? (Source: 16)

Discussion: There is no development proposed with this project. There will be trucks entering and leaving the site, from the existing driveway on Paso Robles Street, which currently has a negligible amount of traffic.

- c) Inadequate emergency access or inadequate access to nearby uses? (Source: 16)

Discussion: The Emergency Services Department has reviewed the project in terms of circulation and access related to the project and had determined that the project as designed is acceptable and there are no concerns regarding emergency access.

- d) Insufficient parking capacity on-site or off-site?

Discussion: There is no parking required for this pre-grading project.

- e) Hazards or barriers for pedestrians or bicyclists?

Discussion: There would not be any hazards to pedestrians or bicyclists.

f) Conflicts with adopted policies supporting alternative transportation (e.g., bus turnouts, bicycle racks)?

Discussion: There would not be any conflicts with alternative transportation.

g) Rail, waterborne or air traffic impacts?

Discussion: There is no railroad or waterborne operations in the vicinity of this project, and since there is no development proposed with this grading project, there will not be an impact to air traffic.

VII. BIOLOGICAL RESOURCES. Would the proposal result in impacts to:

a) Endangered, threatened or rare species or their habitats (including but not limited to: plants, fish, insects, animals, and birds)? (Source: 14)

Discussion: A biological assessment was performed by Althouse and Meade on November of 2000, with update letters on January 7, 2006, March 16, 2006 and November 5, 2008. Kit Fox issues were raised. The applicant along with the City communicated with the California Department of Fish and Game, where the applicants and the Fish and Game settled on a mitigation ratio, therefore impacts to San Joaquin Kit Fox will be mitigated to a less than significant level.

BR-1 – BR-12: Based on the site disturbance being 2.96 acres, and the site being within the 3:1 mitigation ratio area (and also based on the Kit Fox Habitat Evaluation Form), the project will be required to mitigate for 8.8 acres of habitat. See the mitigation measures related to Kit Fox within the resolution to approve PD 08-011.

b) Locally designated species (e.g., heritage trees)? (Source: 13)

Discussion: The project is not proposing to work within the Critical Root Zones (CRZ) of any oak trees, therefore there will not be impacts to locally designate species (oak trees). Note: previous projects on this site did propose impacts to oaks with improvements to Paso Robles Blvd. and widening of the road coming down to the lower area of the site. Improvements to Paso Robles Blvd. or to the existing road are not necessary as part of this project.

c) Locally designated natural communities (e.g., oak forest, coastal habitat, etc.)?

Discussion: There are no locally designated natural communities such as oak forests or coastal habitat located on this site.

d) Wetland habitat (e.g., marsh, riparian and vernal pool)?

Discussion: The biological assessment indicates that there is no evidence of wetland habitat or vernal pools on this site, therefore this project will not result in impacts to these resources.

e) Wildlife dispersal or migration corridors?

Discussion: This site is located adjacent to the Huer Huero Creek which, along with the adjacent open lands serves as a wildlife corridor. Althouse & Meade in their Biological Assessment of the site in November 2000 indicated that it is very likely that the corridor serves as a movement corridor for the San Joaquin Kit Fox which is a federally listed endangered species.

The report indicated that the site has been used in the recent years for off-road vehicle activities, by equestrians as a access point to the creek and as a dumping area for refuse.

The study indicated that Bob Stafford, wildlife biologist for the California Department of Fish and Game, was contacted regarding the impacts of the project on the wildlife corridor, including impacts on the San Joaquin Kit Fox. Mr. Stafford concurred that impacts to the kit fox could be mitigated to a less than significant level by enhancement of the corridor. Mitigation for impacts include the following:

BR-13: Plant valley oak and cottonwood along the west bank of the Huerhuero Creek in a band approximately 50-feet wide from the Highway 46 bank north along the top of the bank for approximately 400 feet. Trees should be planted approximately 20-feet on center with cottonwoods closer to the bank than the oaks. Plantings do not need be planted in areas where vegetation currently occurs.

VIII. ENERGY AND MINERAL RESOURCES. Would the proposal:

- a) Conflict with adopted energy conservation plans?

Discussion: This project is for pre-grading, there is no development proposed at this time, therefore there will not be an impact.

- b) Use non-renewable resource in a wasteful and inefficient manner?

Discussion: This project is for pre-grading, there is no development proposed at this time, therefore there will not be an impact.

- c) Result in the loss of availability of a known mineral resource that would be of future value to the region and the residents of the State?

Discussion: This project is for pre-grading, there is no development proposed at this time, therefore there will not be an impact.

IX. HAZARDS. Would the proposal involve:

- a) A risk of accidental explosion or release of hazardous substances (including, but not limited to: oil, pesticides, chemicals or radiation)?

Discussion: This project is for pre-grading, there is no development proposed at this time, therefore there will not be an impact.

- b) Possible interference with an emergency response plan or emergency evacuation plan?

Discussion: There is no plans that would relate to this site.

- c) The creation of any health hazard or potential hazards?

Discussion: This project is for pre-grading, there is no development proposed at this time, therefore there will not be an impact.

- d) Increased fire hazard in areas with flammable brush, grass, or trees?

Discussion: The addition of fill material to this site will not increase fire hazard.

X. NOISE. Would the proposal result in:

- a) Increases in existing noise levels? (Source 1, 19)

Discussion: Besides the actual noise from the excavation activities, since there is no development proposed with this project, therefore there is no impact to noise levels.

- b) Exposure of people to severe noise levels? (Source 1)

Discussion: See response on section a.

XI. PUBLIC SERVICES. Would the proposal have an effect upon, or result in a need for new or altered government services in any of the following areas:

- a) Fire protection?

Discussion: This project is for pre-grading, there is no development proposed at this time, therefore there will not be an impact.

- b) Police Protection?

Discussion: This project is for pre-grading, there is no development proposed at this time, therefore there will not be an impact.

- c) Schools?

Discussion: This project is for pre-grading, there is no development proposed at this time, therefore there will not be an impact.

- d) Maintenance of public facilities, including roads?

Discussion: This project is for pre-grading, there is no development proposed at this time, therefore there will not be an impact.

- e) Other governmental services?

Discussion: This project is for pre-grading, there is no development proposed at this time, therefore there will not be an impact.

XII. UTILITIES AND SERVICE SYSTEMS. Would the proposal result in a need for new systems or supplies, or substantial alterations to the following utilities:

- a) Power or natural gas?

Discussion: This project is for pre-grading, there is no development proposed at this time, therefore there will not be an impact.

- b) Communication systems?

Discussion: This project is for pre-grading, there is no development proposed at this time, therefore there will not be an impact.

- c) Local or regional water treatment or distribution facilities?

Discussion: This project is for pre-grading, there is no development proposed at this time, therefore there will not be an impact.

- d) Sewer or septic tanks? (Source: 7)

Discussion: This project is for pre-grading, there is no development proposed at this time, therefore there will not be an impact.

- e) Storm water drainage? (Source: 6)

Discussion: See Section IVa.

- f) Solid waste disposal?

Discussion: This project is for pre-grading, there is no development proposed at this time, therefore there will not be an impact.

- g) Local or regional water supplies?

Discussion: This project is for pre-grading, there is no development proposed at this time, therefore there will not be an impact.

XIII.AESTHETICS. Would the proposal:

- a) Affect a scenic vista or scenic highway? (Source: 1,9)

Discussion: The project is located in the area of the City that the General Plan and Economic Strategy considers a gateway area to the City.

The project proposes to raise an approximate 3-acre portion of the site 10-feet in elevation. As a result of the site being raised 10-feet, since the area of the site where the fill will be placed is still approximately 20-feet below the highway, this project is not anticipated to be a significant aesthetic impact.

- b) Have a demonstrable negative aesthetic effect? (Source: 1,9)

Discussion: See above.

- c) Create light or glare? (Source: 1,9)

Discussion: There is no lighting proposed with this project, therefore there will not an impacts from light and glare.

XIV.CULTURAL RESOURCES. Would the proposal:

- a) Disturb paleontological resources?

Discussion: N/A

- b) Disturb archaeological resources?

Discussion: The Paso Robles area has been classified as territory occupied by the Migueleno Salinan and the Obispeno Chumash Native California populations. Past community populations have been evidenced at several sites within the Paso Robles area and unincorporated portions of the surrounding County.

A Cultural Resources Survey was done by C.A.Singer & Associates, Inc. on November 1, 2000 for the Ravine Water park. At that time the subject Clayton property was included in the waterpark site, and therefore included in the Cultural Survey. The report concludes that the project at this location should have no direct or measurable indirect impact to cultural resources.

If, during any future construction excavation, any buried or isolated cultural materials are unearthed, work in the affected area should stop until these materials can be examined by a qualified Archeologist and appropriate recommendations made regarding their treatment and/or disposition. Such examination should be conducted under the coordination of the City of Paso Robles.

- c) Affect historical resources?

Discussion: The property is vacant, there are no historic resources.

- d) Have the potential to cause a physical change which would affect unique ethnic cultural values?

Discussion: See discussion on XIV.b.

- e) Restrict existing religious or sacred uses within the potential impact area?

Discussion: There are no know religious or sacred uses on this site.

XV.RECREATION. Would the proposal:

- a) Increase the demand for neighborhood or regional parks or other recreational facilities?

Discussion: This project is for pre-grading, there is no development proposed at this time, therefore there will not be an impact.

- b) Affect existing recreational opportunities?

Discussion: This project is for pre-grading, there is no development proposed at this time, therefore there will not be an impact.

XVI.MANDATORY FINDINGS OF SIGNIFICANCE.

- a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?

Discussion: With the analysis conducted with this initial study and with the mitigation measures identified in the other sections of this check list for the project, it is not anticipated that this project will have a significant impact in relation to this section.

- b) Does the project have the potential to achieve short-term, to the disadvantage of long-term environmental goals?

Discussion: With the analysis conducted with this initial study and with the mitigation measures identified in the other sections of this check list for the project, it is not anticipated that this project will have a significant impact in relation to this section.

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

Discussion: With the analysis conducted with this initial study and with the mitigation measures identified in the other sections of this check list for the project, it is not anticipated that this project will have a significant impact in relation to this section.

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

Discussion: With the analysis conducted with this initial study and with the mitigation measures identified in the other sections of this check list for the project, it is not anticipated that this project will have a significant impact in relation to this section.

11. EARLIER ANALYSIS AND BACKGROUND MATERIALS

Earlier analyses may be used where, pursuant to tiering, program EIR, or other CEQA process, one or more effects have been adequately analyzed in an earlier EIR or negative declaration. Section 15063 (c)(3)(D). The earlier documents that have been used in this Initial Study are listed below.

<i>Referen ce</i> Number	Document Title	Available for Review At
1	City of Paso Robles General Plan	City of Paso Robles Community Development Department 1000 Spring Street, Paso Robles, CA 93446
2	Seismic Safety Element for City of Paso Robles	City of Paso Robles Community Development Department 1000 Spring Street, Paso Robles, CA 93446
3	Final Environmental Impact Report City of Paso Robles General Plan	City of Paso Robles Community Development Department 1000 Spring Street, Paso Robles, CA 93446
4	Soil Survey of San Luis Obispo County, California Paso Robles Area	USDA-NRCS, 65 Main Street-Suite 108 Templeton, CA 93465
5	Uniform Building Code	City of Paso Robles Community Development Department 1000 Spring Street, Paso Robles, CA 93446
6	City of Paso Robles Standard Conditions of Approval For New Development	City of Paso Robles Community Development Department 1000 Spring Street, Paso Robles, CA 93446
7	City of Paso Robles Zoning Code	City of Paso Robles Community Development Department 1000 Spring Street, Paso Robles, CA 93446
8	City of Paso Robles, Water Master Plan	City of Paso Robles Community Development Department 1000 Spring Street, Paso Robles, CA 93446
9	City of Paso Robles, Sewer Master Plan	City of Paso Robles Community Development Department 1000 Spring Street, Paso Robles, CA 93446
10	Federal Emergency Management Agency Flood Insurance Rate Map	City of Paso Robles Community Development Department 1000 Spring Street, Paso Robles, CA 93446
11	Paso Robles Municipal Airport Land Use Plan	San Luis Obispo County Airport Land Use Commission (ALUC) 976 Osos Street, Room 300, San Luis Obispo, CA 93408

Attachments:

- Exhibit A – Vicinity Map
- Exhibit B – Grading & Drainage Plan
- Exhibit C – Mitigation Summary Table
- Exhibit D – Althouse and Meade Letter dated November 5, 2008
- Exhibit E - Althouse and Meade March 15, 2006 Addendum
- Exhibit F – Althouse and Meade January 7, 2002 Addendum
- Exhibit G - Althouse and Meade November 2000 Preliminary Biological Study
- Exhibit H – Army Corps of Engineers Letter dated September 15, 2008
- Exhibit I – Kit Fox Evaluation Form dated January 31, 2006
- Exhibit J – Cultural Resource Survey, November 2000

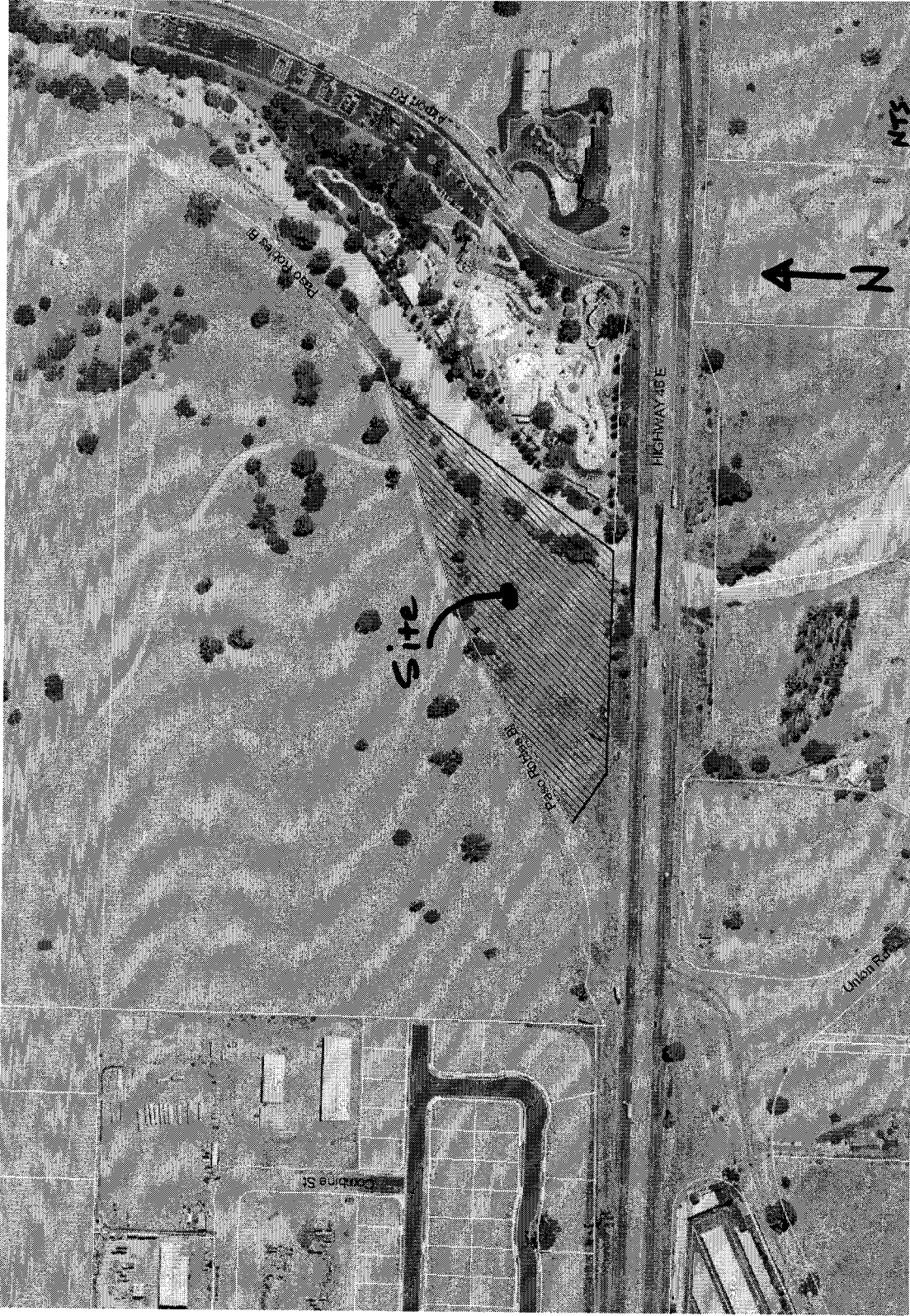


Exhibit A
Vicinity Map
PD 08-011
(Clayton)

PROPOSED PROJECT RUNOFF WATER

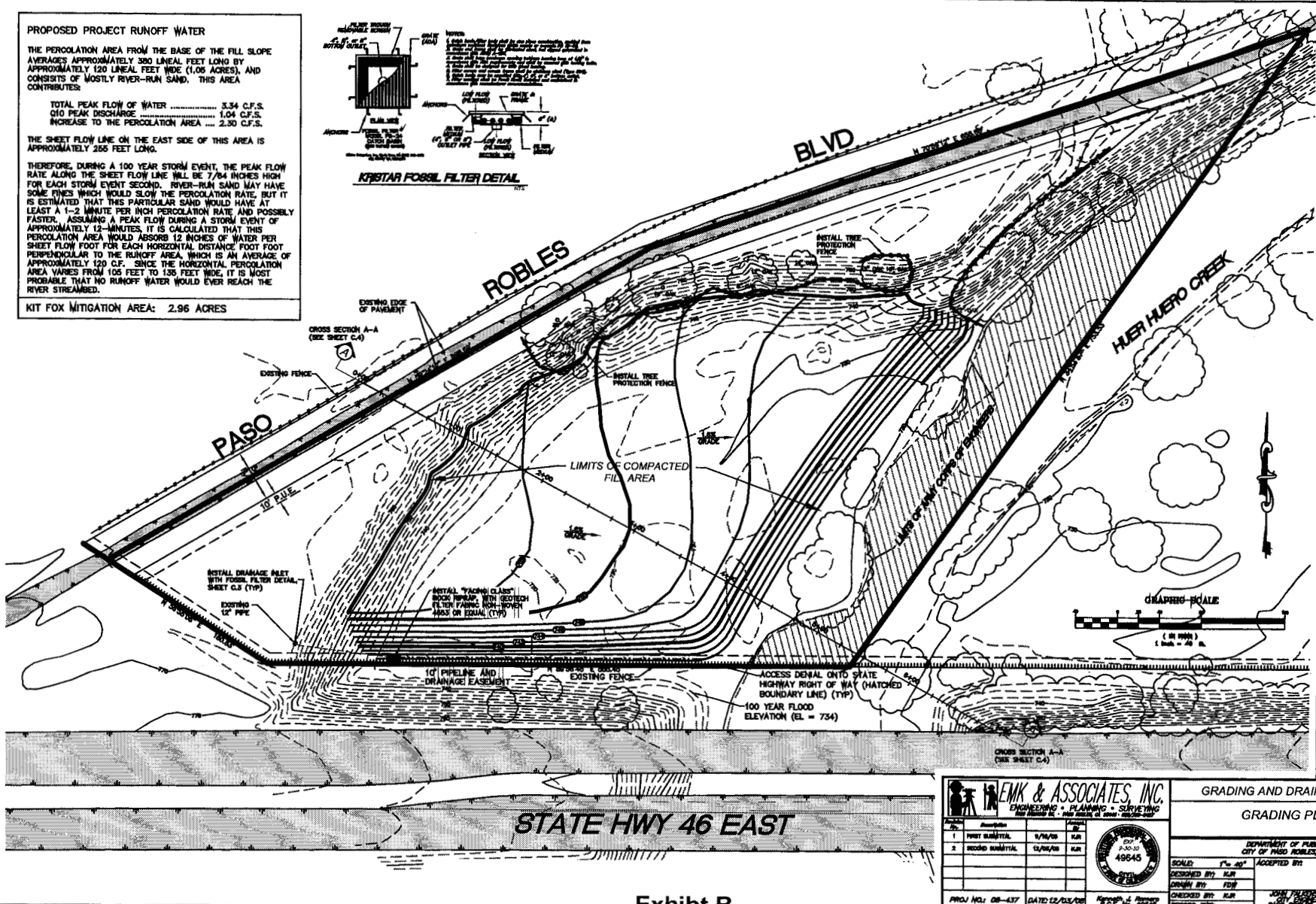
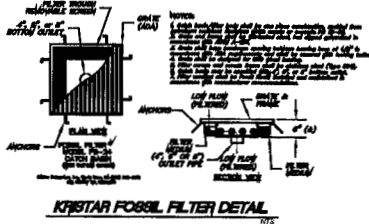
THE PERCOLATION AREA FROM THE BASE OF THE FILL SLOPE AVERAGES APPROXIMATELY 320 LINEAL FEET LONG BY APPROXIMATELY 120 LINEAL FEET WIDE (1.05 ACRES), AND CONSISTS OF MOSTLY RIVER-RUN SAND. THIS AREA CONTRIBUTES:

TOTAL PEAK FLOW OF WATER 3.34 C.F.S.
 Q10 PEAK DISCHARGE 1.04 C.F.S.
 INCREASE TO THE PERCOLATION AREA 2.30 C.F.S.

THE SHEET FLOW LINE ON THE EAST SIDE OF THIS AREA IS APPROXIMATELY 255 FEET LONG.

THEREFORE, DURING A 100 YEAR STORM EVENT, THE PEAK FLOW RATE ALONG THE SHEET FLOW LINE WILL BE 7/84 INCHES HIGH FOR EACH STORM EVENT SECOND. RIVER-RUN SAND MAY HAVE SOME FINES WHICH WOULD SLOW THE PERCOLATION RATE, BUT IT IS ESTIMATED THAT THIS PARTICULAR SAND WOULD HAVE AT LEAST A 1-2 MINUTE PER INCH PERCOLATION RATE, AND POSSIBLY FASTER. ASSUMING A PEAK FLOW DURING A STORM EVENT OF APPROXIMATELY 12-MINUTES, IT IS CALCULATED THAT THIS PERCOLATION AREA WOULD ABSORB 12 INCHES OF WATER PER SHEET FLOW FOOT FOR EACH HORIZONTAL DISTANCE. FOOT FOOT PERPENDICULAR TO THE RUNOFF AREA, WHICH IS AN AVERAGE OF APPROXIMATELY 120 C.F. SINCE THE HORIZONTAL PERCOLATION AREA VARIES FROM 105 FEET TO 135 FEET WIDE, IT IS MOST PROBABLE THAT NO RUNOFF WATER WOULD EVER REACH THE RIVER STREAMBED.

KIT FOX MITIGATION AREA: 2.96 ACRES



EMK & Associates, Inc.
 ENGINEERING • PLANNING • SURVEYING
 1005 RAILROAD ST. • PASO ROBLES, CA 94348 • 805/738-9427
 ENGINEERING MANAGER: DON W. ORRER R.C.E. # 211346

GRADING PLAN

SCALE: 1" = 40'
 DATE: 12/03/08
 JOB NO: 08-437

EMK & ASSOCIATES, INC.
 ENGINEERING • PLANNING • SURVEYING
 1005 RAILROAD ST. PASO ROBLES, CA 94348
 TEL: 805-738-9427 FAX: 805-738-9428

PROJ. NO: 08-437 DATED: 12/03/08

GRADING AND DRAINAGE PLAN	
GRADING PLAN	
DEPARTMENT OF PUBLIC WORKS CITY OF PASO ROBLES, CALIFORNIA	
SCALE: 1" = 40'	ACCEPTED BY: _____ DATE: _____
DESIGNED BY: KJR	DRAWN BY: _____
CHECKED BY: KJR	JOHN F. [unreadable] PASO ROBLES, CALIF.
RECORD ENG:	SHEET C.3 OF 6

Exhibit B
 Grading & Drainage Plan
 PD 08-011
 (Clayton)

Exhibit C

Mitigation Summary Table

Geologic Resources Mitigation Measures

- Geo 1:** A soils engineer shall be retained to prepare a report with recommendations for preparation of the site, specifications for the imported material and recommendations for its placement. If the material is placed randomly, without prior site preparation or compaction, it will eventually have to be removed and replaced resulting in another significant earth moving project.
- Geo-2:** Prior to placement of fill, a soils engineer must provide a preliminary report providing recommendations for site preparation, specifications for imported soil, and specifications for the placement of the imported soil.
- Geo-3:** At the completion of each phase of imported material, a soils engineer shall provide a written statement that the material was placed in accordance with the recommendations of the preliminary report.
- Geo-4:** The City shall be notified 24 hours prior to placement of fill and the source of the fill material shall be identified.

Biologic Resources Mitigation Measures

- BR-1-12:** Based on the site disturbance being 2.96 acres, and the site being within the 3:1 mitigation ratio area (and also based on the Kit Fox Habitat Evaluation Form), the project will be required to mitigate for 8.8 acres of habitat. See the mitigation measures related to Kit Fox within the resolution to approve PD 08-011.
- BR-13:** Plant valley oak and cottonwood along the west bank of the Huerhuero Creek in a band approximately 50-feet wide from the Highway 46 bank north along the top of the bank for approximately 400 feet. Trees should be planted approximately 20-feet on center with cottonwoods closer to the bank than the oaks. Plantings do not need to be planted in areas where vegetation currently occurs.

ALTHOUSE AND MEADE, INC.

BIOLOGICAL AND ENVIRONMENTAL SERVICES

1875 Wellsona Road • Paso Robles, CA 93446 • Telephone (805) 467-1041 • Fax (805) 467-1021

November 5, 2008
File #517.01

Paso Robles

NOV 10 2008

Planning Division

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Darren Nash
Associate Planner
City of Paso Robles
1000 Spring Street
Paso Robles, CA 93446

Re: Clayton property, APN 025-433-001, 6.33 acres

Dear Mr. Nash:

Althouse & Meade, Inc. conducted a biological assessment of the Clayton property (APN 025-433-001) in 2000 as part of a broader study that included the Ravine water park property. We provided an update to that report in the form a letter dated January 7, 2002, and an addendum dated March 15, 2006. The addendum contained mitigation measures specific to the project proposed at that time. We were contacted by the property owner, Frank Clayton, on November 3, 2008, with a request for a letter discussing whether conditions on the site have changed with respect to biological resources. The currently proposed project as described by the owner is the deposition of approximately ten feet of fill on the area previously designated in the proposed trailer facility site plan as a based storage area for trailers. Grading of the slope between the upper terrace and the lower terrace would also occur. The deposition of fill will alter habitat on the property.

I visited the site on November 5, 2008, to assess conditions. There has been no substantial change of habitat type or vegetation on the property since our 2006 report. The dominant vegetation type in the area of proposed fill is California annual grassland. An approximately 1000 square foot patch of buckwheat scrub (*Eriogonum fasciculatum*), a common habitat type, is located on the hillslope between the upper terrace on the property and the lower terrace. Blue oaks are located on the slope to the north of the proposed activity. It appears that the lower terrace of the property has not been plowed as in other years. There was no sign of use of the property by fox or coyote, however ground squirrel burrows are present. Because the property is within the habitat range of San Joaquin kit fox, a pre-construction survey should be conducted on the site, and other kit fox mitigation measures as described in previous reports for the property should be implemented.

Based on the previous surveys in 2000 and 2006 it is unlikely that any rare plants are present on the site. An appropriately timed floristic survey of the property has not been conducted since 2000. Protection and mitigation measures described in our 2000 and 2006 reports would still apply to the property. These measures include protection of oaks, kit fox, and erosion control.

Sincerely,

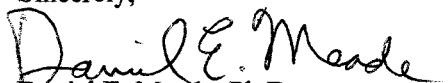

Daniel E. Meade, Ph.D.

Exhibit D

Althouse & Meade letter dated Nov. 2008

PD 08-011

(Clayton)

MAR 16 2006

ALTHOUSE AND MEADE, INC.

Planning Division

BIOLOGICAL AND ENVIRONMENTAL SERVICES

1875 Wellsona Road • Paso Robles, CA 93446 • Telephone (805) 467-1041 • Fax (805) 467-1021

March 15, 2006

File #517.01

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(805) 705-2479 (cell)
dan@althouseandmeade.comDarren Nash
Associate Planner
City of Paso Robles
1000 Spring Street
Paso Robles, CA 93446

Re: Clayton property, APN 025-433-001, 6.33 acres, PP 05-024

Dear Mr. Nash:

The following information updates a previous biological assessment study (attached) conducted by Althouse and Meade, Inc. in 2000. The biological assessment for The Ravine/Waterpark project (APN 025-431-023) included the 6.33 acre property now owned by Frank Clayton located at Paso Robles Boulevard, Paso Robles. Subsequent to the 2000 Biological Assessment, Althouse and Meade, Inc. produced a supplemental letter dated January 7, 2002 that examined a proposed trailer sales facility on the Clayton property. Here, we report the current conditions on the Clayton property, review reports of rare species, and provide mitigation measure recommendations for the current proposed development.

Proposed project

The applicant proposes to develop two areas of the site: the high terrace adjacent to Highway 46 and Paso Robles Boulevard (~0.5 acres), and the low flood terrace (1.68 acres) of the Huerhuero Creek (Figure 1). Project improvements include a trailer sales building, parking lot, landscaping, fencing, overflow parking area and a road to connect upper and lower portions of the property (as per project plans dated 12-8-05, and revised on March 14, 2006).

The project varies from previous reviewed plans in that it will occupy the flood terrace of Huerhuero Creek and fill this area for use as a trailer storage lot. Drainage from the parking lot and the upper terrace would sheet flow across the parking lot and percolate before entering Huerhuero Creek.

Project plans call for a 2" by 3" welded wire fence for the creek side of the lower parking area raised 6 inches above the ground. This would be a wildlife friendly fence allowing kit fox passage. No lighting is specified for the lower parking area. Road base would be applied to the lower parking area in two phases.

Existing conditions

A site visit was conducted on the property on January 31, 2006 and again on February 27, 2006. Habitat on the site has not changed since the Biological Assessment report was submitted in 2000. The dominant habitat type on the property is California annual grassland. This habitat covers all the areas of proposed development. Annual late spring plowing of the bottom land of the property is conducted for fire prevention. This disturbance maintains annual grassland composed of mostly introduced grasses. Blue oaks occur on the slope between the upper and lower terraces. These trees are not proposed for removal. Project plans show two trees impacted by road construction activities.

A band of coyote bush and willow occurs along the lower bank of Heurhuero Creek. This vegetation forms the riparian boundary of the creek.

The property is within the habitat of San Joaquin kit fox, a federally listed threatened species. The project will permanently remove 2.92 acres of habitat for San Joaquin kit fox.

Rare species

A search of the California Natural Diversity Data Base (CNDDDB) found one additional species that was not reported from the area until 2001 and was not considered in the Althouse and Meade, Inc. report for The Ravine/Waterpark project. This species is vernal pool fairy shrimp (*Branchinecta lynchi*), a federally listed Threatened species. This species occurs in astatic rainwater pools in grassland depressions. It has been reported from within 0.6 mile of the Clayton property. The Clayton property does not have vernal pool habitat, or any other areas of standing water that can support fairy shrimp.

San Joaquin kit fox will be affected by the proposed project due to the loss of potential habitat. The California Department of Fish and Game (CDFG) has revised the recommended mitigation measures since the previous Biological Assessment for the property. These revised mitigation measures are provided as an attachment.

American badger is a California Species of Concern that could occur on the property. Badgers have recently been observed along Airport Road and River Road in Paso Robles. Mitigation measures to protect badgers will reduce this potential impact to a less than significant level. These mitigation measures are provided as an attachment.

Potential Impacts to Biological Resources and Mitigation Measures

A review of the Althouse and Meade, Inc. report from November 2000, and the Althouse and Meade, Inc. letter dated January 7, 2002, and a review of current information from site visits and the record for rare species and natural communities resulted in a finding of four potential impacts to biological resources from the currently proposed project. Potential project impacts and appropriate mitigation measures were discussed with the CDFG and the City on February 28, 2006 at a meeting in the City offices. The following four potential impacts, and mitigation measures to reduce impacts to a less than significant level, are consistent with analysis of project impacts and recommendations provided by CDFG during that meeting.

1. The proposed project will permanently remove 2.92 acres from use by San Joaquin kit fox.

Mitigation measures BR-1 through BR-11 are provided to reduce this potential impact to a less than significant level (see Mitigation Measures attachment).

2. The proposed trailer parking area could affect wildlife movement along Huerhuero Creek by lighting and work activities in the bottom land adjacent to the creek bed. Impacts would consist of disruption of wildlife movement patterns due to the visual barrier of bright night lighting and the physical barrier of fencing.

BR-14 - Lighting Mitigation. To reduce these impacts to a less than significant level, night lighting should be shielded from shining off the property and be reduced to low levels after midnight.

Mitigation measure BR-11. To reduce affects of fencing to a less than significant level, fencing along the east side of the property, adjacent to Huerhuero Creek should allow animals to pass (see Mitigation measure BR-11 in attachment for kit fox mitigations).

3. Take of badgers would occur if a badger was resident on the site during construction and was entombed by grading work. To reduce this potential adverse impact to a less than significant level we recommend pre-construction surveys (see Mitigation measure BR-12 in attachment).
4. Impacts to oak trees would occur from road way and site improvements if proposed activities are within 1.5 times the outer tree canopy diameter. To reduce this potential impact to a less than significant level we recommend oak tree mitigation measures as per the standards of the City of Paso Robles (see attached Oak Tree Mitigation Measures).
5. Storm water. Run-off from hard surfaced parking areas could contaminate storm water with hydrocarbons. To reduce this potential impact to a less than significant level install hydrocarbon filtration systems in storm drain systems. Use best management practices during construction to prevent sediment from leaving the site (see Mitigation Measure BR-15 in attachment).

Mitigation measure summary

Mitigation measures are provided for the following:


San Joaquin kit fox – as attachment, Mitigation Measures BR-1 through BR-11.

Wildlife movement in the Huerhuero Creek corridor – BR-14, lighting.

Badgers – as attachment, Mitigation Measure BR-12.

Oak tree – as attachment, Mitigation Measure BR-13.

Sincerely,


Daniel E. Meade, Ph.D.

Cc: Frank Clayton

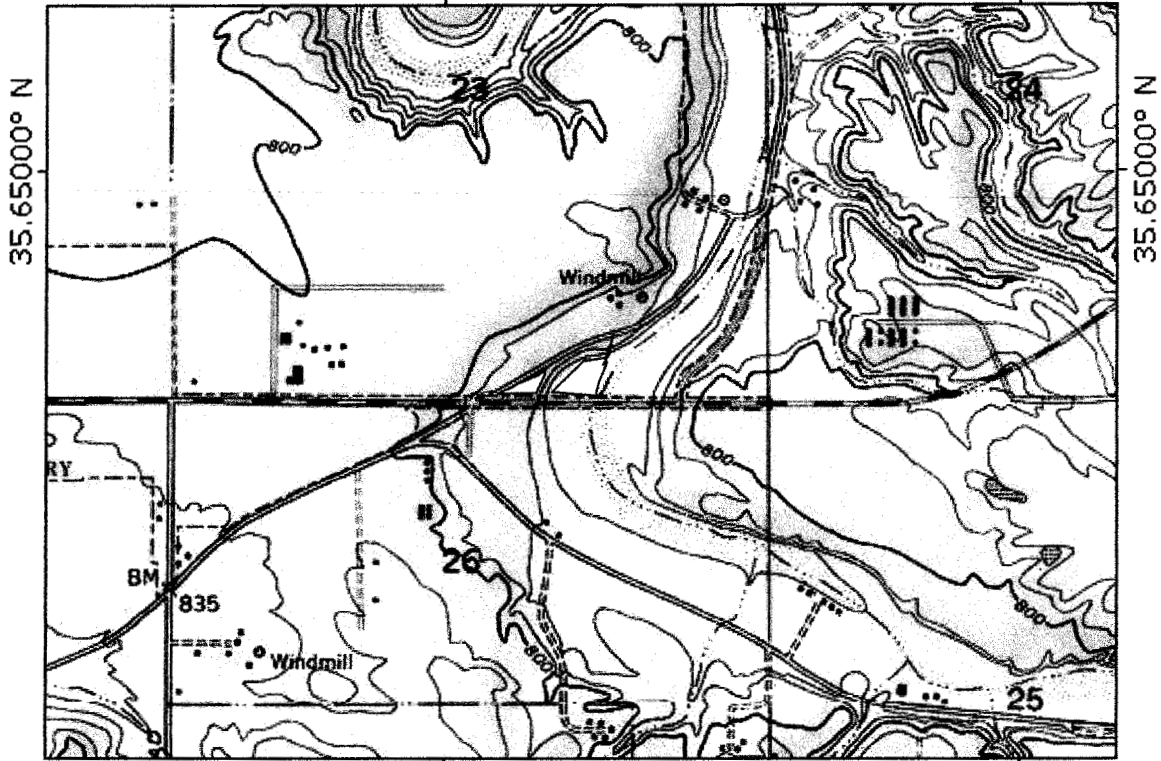
Attachments: Figures, Mitigation measures, copy of 2002 letter, copy of 2000 Biological Assessment

This letter is available electronically if requested.

TOPOI map printed on 02/23/06 from "Untitled.tpo"

120.65000° W

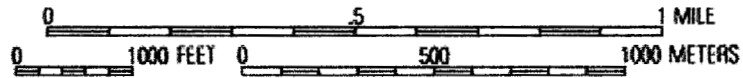
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Map created with TOPO!® ©2003 National Geographic (www.nationalgeographic.com/topo)

Figure 1. Clayton project location.

Mitigation Measures

San Joaquin kit fox mitigations as follows:

BR-1 Prior to issuance of grading and/or construction permits, the applicant shall submit evidence to the City of Paso Robles (see contact information below) that states that one or a combination of the following four San Joaquin kit fox mitigation measures has been implemented:

a. Provide for the protection in perpetuity, through acquisition of fee or a conservation easement of **8.8** acres of suitable habitat in the kit fox corridor area (e.g. within the San Luis Obispo County kit fox habitat area, northwest of Highway 58), either on-site or off-site, and provide for a non-wasting endowment to provide for management and monitoring of the property in perpetuity. Lands to be conserved shall be subject to the review and approval of the California Department of Fish and Game (Department) and the City.

This mitigation alternative (a.), requires that all aspects of this program must be in place before City permit issuance or initiation of any ground disturbing activities.

b. Purchase **8.8** credits in a Department-approved conservation bank, which would provide for the protection in perpetuity of suitable habitat within the kit fox corridor area and provide for a non-wasting endowment for management and monitoring of the property in perpetuity.

At this time, there is no approved conservation bank that is operational in San Luis Obispo County. A conservation bank is expected to be operational in the near future. Purchase of credits must be completed prior to City permit issuance and initiation of any ground disturbing activities.

c. Deposit funds into an approved in-lieu fee program, which would provide for the protection in perpetuity of suitable habitat in the kit fox corridor area within San Luis Obispo County, and provide for a non-wasting endowment for management and monitoring of the property in perpetuity.

Mitigation alternative (c) above, can be completed by providing funds to The Nature Conservancy (TNC) pursuant to the Voluntary Fee-Based Compensatory Mitigation Program (Program). The Program was established in agreement between the Department and TNC to preserve San Joaquin kit fox habitat, and to provide a voluntary mitigation alternative to project proponents who must mitigate the impacts of projects in accordance with the California Environmental Quality Act (CEQA). The fee, payable to "The Nature Conservancy", would total **\$22,440**. This fee must be paid after the Department provides written notification about your mitigation options but prior to County permit issuance and initiation of any ground disturbing activities.

d. If none of the above measures (a, b, or c) are available, the applicant may enter into a Mitigation Agreement with the Department, including depositing of funds into an escrow account (or other means of securing funds acceptable to the Department) which would ensure the protection in perpetuity of **8.8** acres of suitable habitat within the kit fox corridor area and provide for a non-wasting endowment for management and monitoring in perpetuity. The Department can provide a draft agreement to review; a signed Mitigation Agreement shall be submitted to the County prior to County permit issuance and initiation of any ground disturbing activities.

BR-2 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 Division of Environmental and Resource Management. The retained 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 Mitigation Measures BR-3 through BR11. 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 City.

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

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

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

1. **Within 30 days prior to initiation of site disturbance and/or construction**, fenced exclusion zones shall be established around all known and potential kit fox dens. Exclusion zone fencing shall consist of either large flagged stakes connected by rope or cord, or survey laths or wooden stakes prominently flagged with survey ribbon. Each exclusion zone shall be roughly circular in configuration with a radius of the following distance measured outward from the den or burrow entrances:

- a) Potential kit fox den: 50 feet
- b) Known or active kit fox den: 100 feet
- c) Kit fox pupping den: 150 feet

2. All foot and vehicle traffic, as well as all construction activities, including storage of supplies and equipment, shall remain outside of exclusion zones. Exclusion zones shall be maintained until all project-related disturbances have been terminated, and then shall be removed.

3. 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-3 Prior to issuance of grading and/or construction permits, the applicant shall clearly delineate as a note on the project plans, that: *"Speed signs of 25 mph (or lower) shall be posted*

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

In addition, **prior to permit issuance and initiation of any ground disturbing activities**, conditions BR-3 through BR-11 of the Developer's Statement/Conditions of Approval shall be clearly delineated on project plans.

BR-4 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.

BR-5 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.

BR-6 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.

BR-7 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.

BR-8 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.

BR-9 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.

BR-10 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.

BR-11 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:

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

California Department of Fish and Game
Central Coast Region
P.O. Box 47
Yountville, CA 94599
(805) 528-8670

U.S. Fish and Wildlife Service
Ventura Field Office
2493 Portola Road, Suite B
Ventura, CA 93003
(805) 644-1766

City of Paso Robles
Planning Department
Darren Nash
1000 Spring Street
Paso Robles, CA 93446
(805) 237-397

Badger Mitigation Measures

A. American badger: American badger could occur in the project areas. Project activities including grading and other excavation work could result in take of American badger adults or young, or disturbance of natal dens and abandonment by adult badgers. To mitigate for this possibility the following measure is recommended.

BR-12 A pre-construction survey shall be conducted within thirty days of beginning work to identify if badgers are using the site. The results of the survey shall be sent to the project manager, CDFG, and the lead agency.

If the pre-construction survey finds potential badger dens, they shall be inspected to determine whether they are occupied. The survey shall cover the entire property, and shall examine both old and new dens. If potential badger dens are too long to completely inspect from the entrance, a fiber optic scope shall be used to examine the den to the end. Inactive dens may be excavated by hand with a shovel to prevent re-use of dens during construction. If badgers are found in dens on the property between February and July, nursing young may be present. To avoid disturbance and the possibility of direct take of adults and nursing young, and to prevent badgers from becoming trapped in burrows during construction activity, no grading shall occur within 100 feet of active badger dens between February and July. Between July 1st and February 1st all potential badger dens shall be inspected to determine if badgers are present. During the winter badgers do not truly hibernate, but are inactive and asleep in their dens for several days at a time. Because they can be torpid during the winter, they are vulnerable to disturbances that may collapse their dens before they rouse and emerge. Therefore, surveys shall be conducted for badger dens throughout the year. If badger dens are found on the property during the pre-construction survey, the CDFG wildlife biologist for the area shall be contacted to review current allowable management practices.

Oak Tree Mitigation Measures

Project plans show impacts to two oak trees along Paso Robles Boulevard.

BR-13 -

- a. Tree canopies and trunks within 50 feet of proposed disturbance zones should be mapped and numbered by a qualified biologist and a licensed land surveyor. Data for each tree should include date, species, number of stems, diameter at breast height (dbh) of each stem, critical root zone (CRZ) diameter, canopy diameter, tree height, health, habitat notes, and nests observed.
- b. An oak tree protection plan shall be prepared and approved by the City of Paso Robles.
- c. Impacts to the oak canopy or critical root zone (CRZ) should be avoided where practicable. Impacts include pruning, any ground disturbance within the dripline or CRZ of the tree (whichever distance is greater), and trunk damage.
- d. Impacted oaks shall be mitigated for by planting one 24" boxed tree for impacts up to 25% of the root zone or canopy. Two 24" boxed trees shall be planted for trees with impacts up to 50% of the tree, and so on. The mitigation trees shall be incorporated into the landscape plan.
- e. Replacement oaks for removed trees must be equivalent to 25% of the diameter of the removed tree(s). For example, the replacement requirement for removal of two trees of 15 inches dbh (30 total diameter inches), would be 7.5 inches (30" removed x 0.25 replacement factor). This requirement could be satisfied by planting five 1.5" trees, or three 2.5 inch trees, or any other combination totaling 7.5 inches. A minimum of two 24" box, 1.5" trees shall be required for each oak tree removed.
- f. Replacement trees should be seasonally maintained (browse protection, weed reduction and irrigation, as needed) and monitored annually for at least 5 years.

BR-14 - Lighting Mitigation. To reduce these impacts to a less than significant level, night lighting should be shielded from shining off the property and be reduced to low levels after midnight.

BR-14 – Water Quality Mitigation. Install hydrocarbon filtration systems in storm drain systems. Use best management practices during construction to prevent sediment from leaving the site

ALTHOUSE AND MEADE, INC.

BIOLOGICAL AND ENVIRONMENTAL SERVICES

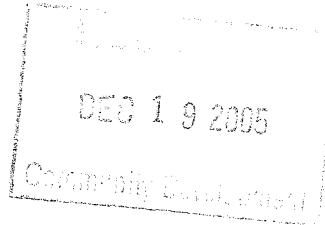
1875 Wellsona Road • Paso Robles, CA 93446 • Telephone (805) 237-9626 • Fax (805) 237-9592

Lynne Dee Althouse, Ph.D.c.
(805) 459-1660

Daniel E. Meade, Ph.D
(805) 705-2479

January 7, 2002

Cindy Chambers
Planner
City of Paso Robles
1000 Spring Street
Paso Robles, CA 93446



Dear Ms. Chambers:

In November of 2000 we completed a preliminary biological survey of the 27.8-acre property (APN 025-431-023) located at the corner of Airport Road and Highway 46 in the City of Paso Robles. The survey of biological resources for this parcel included the area at the far western corner of the property, adjacent to Paso Robles Road. This western corner of the property is the site where the development of a trailer sales facility has been proposed.

We included the site of the proposed trailer sales and service facility in our surveys for rare animal and plant species. At the time of our survey we were not aware that a development was proposed for this site. No rare species were found on this section of the property. The habitat on the site is disturbed exotic grassland and ruderal vegetation. Habitat value for wildlife on this portion of the property is low. Additionally, no trees are located in this area that will be impacted by the proposed development.

The currently proposed trailer sales and service facility consists of a building of approximately 3200 square feet, a 10' landscape buffer on two sides and a 5' landscape buffer on the remaining side of the property. The remainder of the 0.84-acre property will be paved. Drainage is down the hillslope to the east in 12" drainpipes with water released at the base of the slope onto rip-rap. Eight parking spaces are proposed. To prevent release of hydrocarbons from the parking area into the riparian corridor, we recommend the use of oil traps in the drain inlet boxes. This will prevent the release of oil in the riparian corridor.

Our recommendations in the Preliminary Biological Assessment for the Ravine / Waterpark project included mitigations for kit fox impact from the proposed water park. These recommendations included limitations on the hours of operation, restrictions on lights visible from the stream channel, and barriers to animal passage in the riparian corridor. The conditions of approval for the proposed trailer facility should include restrictions on lighting to prevent direct illumination of the riparian corridor from exterior

Exhibit F

Althouse & Meade adden. dated Jan. 2002

PD 08-011

(Clayton)

lighting. Passage of kit fox would not be significantly affected by the proposed development since it is out of the stream channel. Passage of animals across the property is perilous at present due to the necessity of crossing Highway 46 to enter or exit the property from the south. Discouragement of wildlife passage through this portion of the property will protect animals from traffic hazard.

If construction occurs during the rainy season, best management practices should be employed to insure that sediment does not leave the site from exposed ground. Straw bales, straw wattles, sediment control fencing, and erosion control fabric should be used as needed to prevent any sediment from leaving the work area.

In the Preliminary Biological Assessment for the Ravine/Waterpark project, general recommendations were made regarding habitat enhancement as mitigation for riparian corridor impacts. Due to the conceptual stage of the Waterpark proposal specific areas of restoration and total number of mitigation trees were not given. The proposed trailer sales facility development is out of the riparian corridor and will not significantly impact the riparian corridor. Therefore no mitigations for impact to riparian resources are recommended for the proposed trailer sales facility.

With the inclusion of limitations on illumination directed towards the Huerhuero Creek, protection from oil inputs to the riparian corridor by use of oil traps in the drain inlets, and best management practices to control sediment, the proposed project will not impact any rare or special status species. No further mitigations are recommended.

Sincerely,


Daniel E. Meade, Ph.D.

Paso Robles

MAR 16 2006

Planning Division

Preliminary Biological Assessment

for

The Ravine/Waterpark project

APN 025-431-023

**Highway 46 and Airport Road
Paso Robles, California**

Prepared for

**The Ravine, LLC
Brett Butterfield, John Pehl, and Jay Walsh
398 Exline Road
Paso Robles, CA 93446**

by

**ALTHOUSE AND MEADE, INC.
BIOLOGICAL AND ENVIRONMENTAL SERVICES
1135 Stoney Creek Road
Paso Robles, CA 93446**

(805) 237-9626

November 2000

00141.01

Exhibit G

Althouse & Meade Nov. 2000, Prelim. Study
PD 08-011
(Clayton)

Table of Contents

1.0 Introduction.....	1
1.1 Purpose and project description.....	1
1.2 Methods	4
2.0 Existing Conditions.....	5
2.1 Plant Communities	6
2.2 Wildlife.....	9
2.2.2 Wildlife	10
3.0 Biological Resources	10
3.1 Flora.....	10
3.1.1 Sensitive species that are expected to occur on the property.....	10
3.1.2 Sensitive plant species not expected to occur on the property.....	11
3.1.3. Plant list	11
3.2 Fauna	14
3.2.1 Special status animals that could occur on or near the project area.....	14
3.2.2 Special status species not likely to occur near the project site.	15
4.0 Potential impacts.....	16
5.0 Mitigation recommendations	17
6.0 Kit Fox Habitat Evaluation	18
7.0 References	21
Appendix – California Natural Diversity Data Base	23

1.0 Introduction

1.1 Purpose and project description

The purpose of this study is to provide a preliminary biological assessment of the property located at the corner of Airport Road and Highway 46, Paso Robles, California (APN 025-431-023). This study is considered preliminary because the field survey was conducted in November when many plant species were not identifiable. The property is approximately 27.8 acres, bisected by Airport Road. Topographically the property consists of low riparian flood terrace, the intermittent Huerhuero Creek that is deep sand, a steep river terrace slope partially wooded by valley oak and blue oak, and upland grassland east of Airport Road.

The owners propose to develop sections of the low terrace and the river terrace slope as a recreational facility that includes water park structures such as slides and pools. Portions of the property would be landscaped as picnic grounds. Landscape material will be primarily turf and cottonwood trees. Hardscape will be minimal in the picnic areas. This report addresses biological resources only, and makes no attempt to provide analysis, advice or recommendations regarding the placement of hardscape, landscape, facilities, equipment, structures, or any other development on this property.

There are no plans at present for the section of the property west of the river, or for the area east of Airport Road.

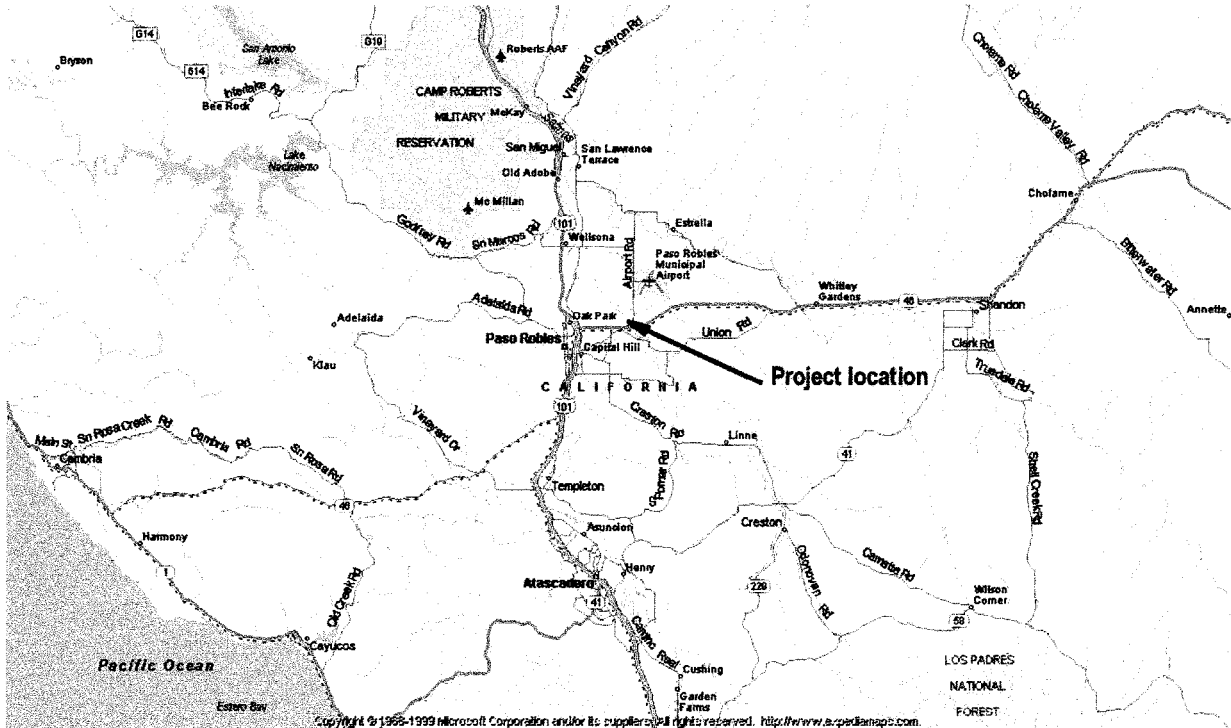


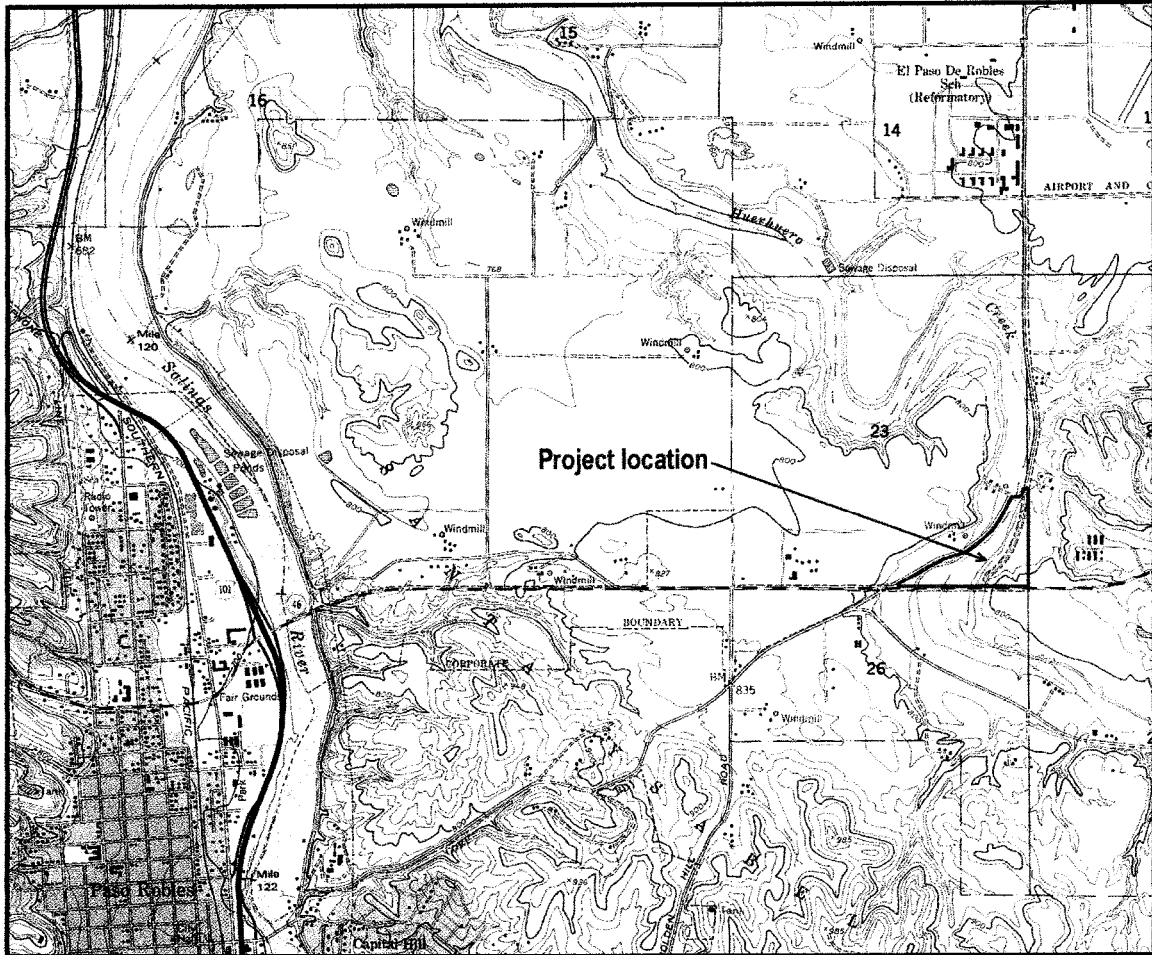
Figure 1. The proposed project is located at the intersection of Airport Road and Highway 46, Paso Robles, California.

The habitat types that will be affected by the proposed development are a riparian corridor with cottonwood (*Populus fremontii*) and willow (*Salix laevigata*) dominant, valley oak (*Quercus lobata*) riparian, mixed oak (*Q. lobata* and *Q. douglasii*) riparian, and roadside ruderal and disturbed habitat. Much of the flat ground on the low river terraces are disturbed agricultural habitat. East of the proposed development the habitat is a patchy purple needlegrass grassland/valley oak savanna.

The development plan does not require the removal of any trees on the site. Plans do not specify any disturbances west of the river, or east of Airport Road.



Figure 2. This area of the property is proposed for waterslides and visitor facilities. The proposed water park will not require the removal of any trees on the site. The white sand of Huerhuero Creek is visible through the trees at the edge of the lower terrace. This flood terrace is approximately four feet above the sand level in the creek. View is northwest.



USGS topo – Paso Robles quadrangle

Figure 3. Huerhuero Creek and Airport Road bisect the subject property near the intersection of Airport Road and state Highway 46. The Huerhuero Creek enters the Salinas River approximately 5 miles downstream of the project, or 3.1 miles by air. This riparian corridor is used by wildlife including the San Joaquin kit fox (*Vulpes macrotis mutica*), a federally listed endangered species.

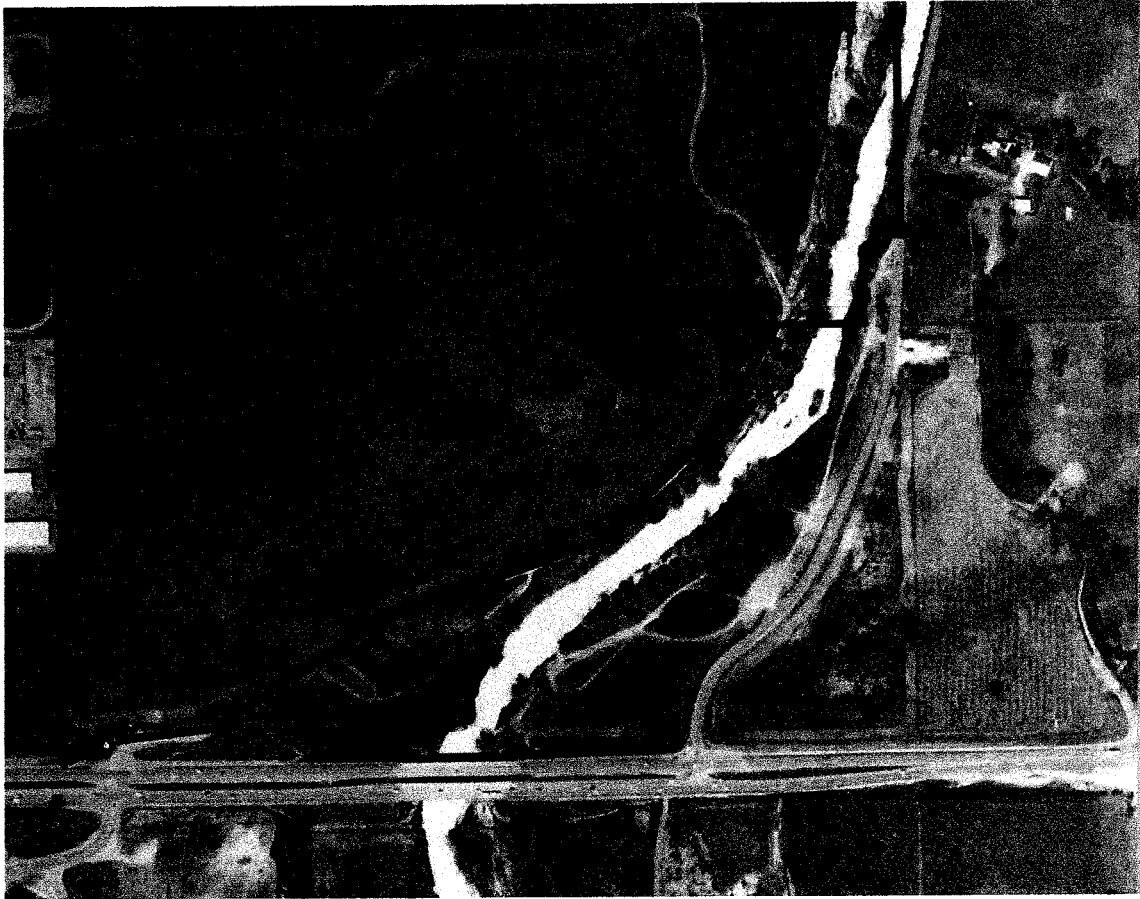


Figure 4. This aerial view of the property shows the subject property below the red outline. The property is triangular in shape, bisected by both the Huerheuro Creek and Airport Road. The western point of the property is near the junction of Union Road and Highway 46 and the eastern boundary is along the fence line visible to the east of Airport Road. Although only the section between Airport Road and the creek is proposed for development, this biological assessment examined all of the property.

1.2 Methods

Site visits and surveys for biological resources were conducted on November 7, 13, and 14, 2000. During the fall season a comprehensive survey of botanical resources cannot be accomplished due to the poor condition of many annual species. The site was walked throughout the property boundaries. A botanical inventory was compiled both in the field and from specimens collected for identification in the lab. We recorded the presence of animals, inspected burrows and holes, and noted any signs of animals observed on the property. We searched the trees for raptor nests and inspected streamside vegetation for bird nests.

The California Department of Fish and Game (CDFG), California Natural Diversity Data Base (CNDDDB, September 2000) was reviewed to determine potential special status plants, animals, and natural communities that may be found in or near the project area (see Appendix for San Luis Obispo County list). We conducted searches of the database for records of special status species that might occur on the subject property, or in the vicinity. We also reviewed our lists of rare species that are known to occur near the project location.

2.0 Existing Conditions

The subject property has been a disturbed habitat for many years. It has been used as dumping grounds for refuse, a recreation site for off road vehicles, a truck exchange area for truckers, and a common parking lot for equestrians using the Huerheuro Creek corridor. The low lying areas of the property, including those portions both west and east of the creek channel, have been disced or cleared regularly to prevent grass fires. Most recently, these sections of the property were disced in October 2000, prior to our survey. Some under story vegetation associated with the oaks and willows on the site was removed prior to our survey. The lower branches of many of the oak trees on the portion of the property west of Airport Road have been trimmed, and the canopy has been raised. Rubbish that filled several roll-off containers was removed from the site this fall. There is still some rubbish on the property, as it continues to be used by people as a depository for household garbage, trash, and debris. The section of the property east of Airport Road was not disced this year, and appears to have been undisturbed for several years. Native grass species have become established on this portion of the property.



Figure 5. This bottomland has been disced for many years. This year, the site was disced and leveled prior to our biological survey. The large cottonwood trees on the left are along the bank of the Huerheuro Creek. The trees on the right are a mix of valley oak and blue oak that form a woodland on the banks of the flood terrace. View is northwest.

2.1 Plant Communities

The California Department of Fish and Game Natural Diversity Data Base (CNDDDB) lists plants, animals, and natural communities that should be given special consideration. Terrestrial natural communities found in California have been assigned a seven-digit code that denotes characteristics of the community type, and serves to clearly identify the community type.

The subject property contains four dominant community types. Three of these communities are considered natural communities recognized by the CNDDDB. These three types are: Fremont Cottonwood (*Populus fremontii*) riparian (61.130.06), a remnant of Valley Oak woodland (71.040.08), and purple needle grass (*Nassella pulchra*) grassland (41.150.00). One of these community types, the valley oak woodland, is listed as a special status natural community in San Luis Obispo County. This means that it comes under the jurisdiction of the California Department of Fish and Game and may require mitigation for impacts to this habitat.

Fremont cottonwood (*Populus fremontii*) riparian (61.130.06)

This habitat type is found in sub-irrigated and frequently overflowed lands along rivers and streams. The dominant species requires moist, bare mineral soil for germination and establishment. This is provided after floodwaters recede, leading to uniform-aged stands. Several grand cottonwood trees are found in the flat near the creek bank (Figure 6) and numerous other cottonwoods are found at the edge of the creek bank (Figure 7 and 8). These trees serve to hold the bank during floods and provide cover for animals.



Figure 6. Large cottonwoods are on the flat near the low creek bank. View is to the east.



Figure 7. Grand cottonwoods are found along the bank of the Huerheuro Creek on the property. View is to the north.



Figure 8. Cottonwood and willows hold the bank edge of the Huerheuro Creek on the property.

Valley Oak woodland (71.040.08)

Valley oak woodlands are typically open, forming a grassy-understoryed savanna rather than closed woodland. Most stands consist of open-canopy growth form trees and seldom exceed 30% to 40% absolute cover. It is found on deep, well-drained alluvial soils, usually in valley bottoms, apparently with more moisture in summer than in blue oak woodland. It intergrades with valley oak riparian forest near rivers and with blue oak

woodland on drier slopes. Valley oak woodlands are also found on nonalluvial settings in the south coasts and transverse ranges.

The valley oaks on the property may be a remnant of a more extensive valley oak riparian habitat. Thirty-two valley oaks (diameter larger than 4 inches) are found on the property west of Airport Road. Many of these trees are large, mature individuals. The grandest of these trees is located nearest to Highway 46, and has a girth of approximately 8 feet.

This community type is listed as a special status Natural Community in the CNDDDB for San Luis Obispo County, and a community designated as high priority for inventory (CDFG, Natural Communities list, October 2000 edition).

Valley oak woodland is listed as a special status natural community in San Luis Obispo County. This means that it comes under the jurisdiction of the California Department of Fish and Game and may require mitigation for impacts to this habitat.



Figure 9. These valley oaks are at the edge of the low flood terrace, and intergrade with blue oaks beginning at the left of this view. The bottom land has been disced this season and is bare. Understory includes native and non-native grasses. This area was used extensively as a dumping ground from the bank top. View is southeast.



Figure 10. The Huerheuro Creek passes under Highway 46 at the bridge at the far right. Large cottonwoods (*Populus fremontii*) are along the creek bank, and valley oak (*Quercus lobata*) are growing in the flat and upslope to the east. This view is to the southeast.

Purple needlegrass (41.150.00)

The perennial tussock forming species *Nasella pulchra* dominates this habitat type. Native and introduced annuals occur between the perennials, often actually exceeding the bunchgrasses in cover. It is usually found on fine-textured soils, moist or even waterlogged during winter, but very dry in summer. The total cover of purple needlegrass grassland on the property is approximately 1.5 acre, scattered on the upland 10 acre portion of the property on the east side of Airport Road.

2.2 Wildlife

2.2.1 Wildlife Corridor

This property is bisected by a riparian corridor with large tracts of farmland and undeveloped grassland and woodlands nearby. The creek and adjacent open lands serve as a wildlife corridor for animal species that include deer, skunk, opossum, raccoon, red fox, grey fox, coyote, and bobcat. It is very likely that this area is a corridor for movement of San Joaquin kit fox (*Vulpes macrotis mutica*), a federally listed endangered species. The Huerheuro Creek connects to the Salinas River approximately five miles downstream of the property. Upstream, the creek connects with many wildland areas in the vicinity of Creston and beyond to the western edge of the La Panza mountain range.

This corridor is one of the probable paths for movement of kit fox from the Carrizo plains to the Camp Roberts area. At the project site most animal movement up or down the creek corridor is funneled through the bridge that carries Highway 46 across the creek. This span is very large and provides excellent passage below the roadway. Animals trying to cross the highway in other locations on the roadway surface are at great risk from the high level of traffic.

The impact of the proposed development on movement of animals through the area is unknown. A development that brings large numbers of people into areas near the river bottom for recreational purposes may inhibit animals from moving under the bridge and past the site.

2.2.2 Wildlife

Bird species likely to occur on the property include dove, scrub jay, bush tit, red-shafted flicker, acorn woodpecker, Nuttall's woodpecker, titmouse, turkey vulture, owl, and red-tailed hawk. Golden eagles are nesting approximately two miles downstream of the site.

Mammals commonly observed in this drainage include red fox, coyote, bobcat, mule deer, skunk, opossum, raccoon, ground squirrels, deer mice, voles, and gophers.

3.0 Biological Resources

3.1 Flora

No special status listed plant species were found on this property. A complete botanical survey could not be conducted due to the season of the survey and recent disturbances on the site.

3.1.1 Sensitive species that are expected to occur on the property

Eighty-three special status plants are listed in the CNDDDB as occurring in San Luis Obispo County (see Appendix). We found none of these plant species on the subject property during the fall. To determine the potential for rare species to occur on the property that could not be found at the time of our survey we gathered information regarding known ranges from the Jepson Manual (Hickman, 1993), Hoover (1970), the CNDDDB (1999), and from our professional experience. We found that nine plant species listed in the CNDDDB are residents or potential residents in the vicinity of the project location (Table 1).

All listed plants (including 1B listed plants) are under California Department of Fish and Game jurisdiction and require protection under CEQA.

Table 1. Rare plants expected on or near the subject property.

Common name	Scientific name	Federal status	State status
Dwarf calycadenia	<i>Calycadenia villosa</i>	None	None
Dwarf soaproot	<i>Chlorogalum pomeridianum</i> var. <i>minus</i>	None	None
Camatta Canyon amole	<i>Chlorogalum purpureum</i> var. <i>reductum</i>	Proposed Threatened	Rare
Monterey spineflower	<i>Chorizanthe pungens</i> var. <i>pungens</i>	Threatened	None
Hoover's eriastrum	<i>Eriastrum hooveri</i>	Threatened	None
Salinas Valley goldfields	<i>Lasthenia leptalea</i>	None	None
Jared's pepper grass	<i>Lepidium jaredii</i> ssp. <i>jaredii</i>	Species of Concern	None
Carmel Valley bush mallow	<i>Malacothamnus palmeri</i> var. <i>involutus</i>	Species of Concern	None
Shining navarretia	<i>Navarretia nigeliformis</i> ssp. <i>radians</i>	None	None

3.1.2 Sensitive plant species not expected to occur on the property

Seventy-four other plant species are listed for San Luis Obispo County in the CNDDDB, but the project site does not contain habitat appropriate for these species, or the project site is far outside of their known range of occurrence.

3.1.3. Plant list

Table 2. This plant list is not a comprehensive list of species on the property. Many plant species were not identifiable during the survey conducted in August 2000. A spring survey should be conducted to search for rare species, and complete the species list.

Scientific Name	Type	Common Name
	N = Native W = Weed	
Trees		
<i>Populus fremontii</i>	N	Fremont cottonwood
<i>Quercus douglasii</i>	N	Blue oak
<i>Quercus lobata</i>	N	Valley oak
<i>Salix laevigata</i>	N	Red willow
Shrubs		
<i>Artemisia californica</i>	N	California sagebrush
<i>Baccharis pilularis</i>	N	Coyote bush
<i>Baccharis salicifolia</i>	N	Mulefat
<i>Brickellia californica</i>	N	Brickellbush
<i>Eriogonum fasciculatum</i>	N	Buckwheat
<i>Heteromeles arbutifolia</i>	N	Toyon
<i>Lotus scoparius</i>	N	Deerweed

<i>Phoradendron villosum</i>	N	Oak mistletoe
<i>Rosa californica</i>	N	California rose
<i>Salix lasiolepis</i>	N	Willow
<i>Senecio douglasii</i>	N	Bush groundsel
<i>Symphoricarpos mollis</i>	N	Creeping snowberry
<i>Toxicodendron diversilobum</i>	N	Poison oak
Herbs		
<i>Acourtia microcephalas</i>	N	Acourtia
<i>Agoseris heterophylla</i>	W	Agoseris
<i>Alchemilla arvensis</i>	N	Lady's mantle
<i>Amaranthus albus</i>	W	Tumbleweed
<i>Amaranthus blitoides</i>	N	Pigweed
<i>Ambrosia acanthicarpa</i>	N	Burweed
<i>Ambrosia psilostachya</i>	N	Western ragweed
<i>Amsinkia menziesii</i> ssp. <i>intermedia</i>	N	Fiddleneck
<i>Anagalis arvensis</i>	W	Scarlet pimpernel
<i>Asclepias fascicularis</i>	N	Narrow-leaf milkweed
<i>Brassica nigra</i>	W	Black mustard
<i>Capsella bursa-pastoris</i>	W	Shepherd's purse
<i>Carduus pycnocephalus</i>	W	Italian thistle
<i>Centauria melitensis</i>	W	Tocolote
<i>Centauria solstitialis</i>	W	Yellow star-thistle
<i>Cerastium fontanum</i> ssp. <i>vulgare</i>	W	Common chickweed
<i>Chamomilla suaveolens</i>	W	Pineapple weed
<i>Convolvulus arvensis</i>	W	Field bindweed
<i>Conyza canadensis</i>	W	Horseweed
<i>Crassula connata</i>	W	Pygmy weed
<i>Eplobium watsonii</i>	N	Willow herb
<i>Eremocarpus setigerus</i>	N	Turkey mullein
<i>Erigeron foliosus</i>	N	Leafy daisy
<i>Eriogonum</i> sp.	N	Annual buckwheat
<i>Erodium botrys</i>	W	Filaree
<i>Erodium cicutarium</i>	W	Filaree
<i>Eschscholzia californica</i>	N	California poppy
<i>Filago californica</i>	W	Filago
<i>Filago gallica</i>	W	Filago
<i>Galium aparine</i>	N	Goosegrass
<i>Gnaphalium beneolens</i>	W	Everlasting
<i>Gnaphalium luteo-album</i>	W	Everlasting
<i>Heliotropium curassavicum</i>	W	Heliotrope
<i>Hemizonia fitchii</i>	N	Tarweed
<i>Hemizonia pungens</i>	N	Common spikeweed
<i>Herniaria hirsuta</i> ssp. <i>cinerea</i>	W	Herniaria
<i>Hesperocnide tenella</i>	N	Western nettle
<i>Heterotheca grandiflora</i>	N	Telegraph weed
<i>Heterotheca sessilifolia</i> ssp. <i>echioides</i>	N	Goldenweed
<i>Hirschfeldia incana</i>	W	Perennial mustard
<i>Hypochoeris glabra</i>	W	Smooth cat's ear
<i>Lactuca seriola</i>	W	Wire lettuce
<i>Lasthenia californica</i>	N	Goldfields
<i>Layia platyglossa</i>	N	Tidy tips

<i>Lepidium strictum</i>	N	Peppergrass
<i>Lupinus sp.</i>	N	Pygmy lupine
<i>Lythrum hyssopifolia</i>	N	Lythrum
<i>Madia exigua</i>	N	Tarweed
<i>Madia madioides</i>	N	Tarweed
<i>Malva nicaeensis</i>	W	Mallow
<i>Marrubium vulgare</i>	W	Horehound
<i>Matricaria matricarioides</i>	W	Pineapple weed
<i>Medicago polymorpha</i>	W	Burclover
<i>Melilotus albus</i>	W	White sweet-clover
<i>Phoradendron villosum</i>	N	Oak mistletoe
<i>Plagiobothrys sp.</i>	N	Popcornflower
<i>Plantago major</i>	N	Broadleaf plantain
<i>Rumex angiocarpus</i>	N	Sheep sorrel
<i>Rumex crispus</i>	N	Dock
<i>Sanicula crassicaulis</i>	N	Sanicle
<i>Silene gallica</i>	W	Windmill pink
<i>Solidago californica</i>	N	Goldenrod
<i>Sonchus oleraceus</i>	W	Prickly sow thistle
<i>Spergula arvensis ssp. arvensis</i>	W	Starwort
<i>Spergularia sp.</i>	W	Spurrey
<i>Spergularia marina</i>	W	Spurry
<i>Stachys bullata</i>	N	Hedge nettle
<i>Stellaria media</i>	W	Chickweed
<i>Stephanomeria sp.</i>	N	Wire lettuce
<i>Trichostema lanceolatum</i>	N	Vinegarweed
<i>Verbascum thapsus</i>	W	Wooly mullein
<i>Verbena lasiostachys var. lasiostachys</i>	N	Verbena
<i>Xanthium spinosum</i>	W	Spiny cocklebur
<i>Xanthium strumarium</i>	N	Cocklebur
Grasses		
<i>Avena fatua</i>	W	Wild oats
<i>Avena sativa</i>	N	Oats
<i>Bromus diandrus</i>	W	Rip-gut brome
<i>Bromus hordeaceus</i>	W	Soft-chess brome
<i>Bromus madritensis ssp. rubens</i>	W	Red brome
<i>Bromus tectorum</i>	W	Cheatgrass
<i>Hordeum jubatum</i>	N	Perennial barley
<i>Hordeum marinum ssp. gussoneanum</i>	W	Mediterranean barley
<i>Hordeum murinum ssp. leporinum</i>	W	Foxtail barley
<i>Lolium multiflorum</i>	W	Wildrye
<i>Melica imperfecta</i>	N	Small-flowered melic
<i>Nassella pulchra</i>	N	Purple needlegrass
<i>Phalaris canariensis</i>	W	Canary grass
<i>Poa annua</i>	W	Annual bluegrass
<i>Vulpia microstachys</i>	N	Annual fescue
<i>Vulpia myuros</i>	W	Rattail fescue
<i>Vulpia octoflora</i>	N	Vulpia

3.2 Fauna

Thirty-nine special status species are listed in the CNDDDB for San Luis Obispo County. Of these species, eight have the potential for occurring on the property (section 3.2.1). An additional ten species could occur, but are very unlikely to occur on the property (section 3.2.2). For the remaining twenty-one species the subject property does not have habitat capable of supporting the species, or is far outside of the known range of the species (see Appendix for list).

No rare or sensitive animal species were found on the site.

3.2.1 Special status animals that could occur on or near the project area

Western spadefoot toad (*Scaphiopus hammondi*) is a federally listed species of concern. Spadefoot toads are not seen during most of the year, residing in burrows with infrequent nocturnal sojourns. They emerge during spring rains when they are found sometimes in large numbers on roadways. The western spadefoot occurs primarily in grassland habitats, although it is occasionally found in valley or foothill hardwood woodlands. They require ponds or vernal pools to reproduce and are usually found within one mile of these resources. Spadefoot toads could occur in gopher and squirrel burrows in the oak woodland area.

Burrowing owl (*Athene cunicularia*) is a CDFG Special Concern species (with respect to nesting sites), and a US Fish and Wildlife Service Migratory Non-game Birds Management Concern species. No active burrowing owl nests, or burrows with evidence of nesting were found in or near the project site.

Raptor species listed as special status animals by the CNDDDB for San Luis Obispo County include Cooper's hawk (*Accipiter cooperii*) and prairie falcon (*Falco mexicanus*). Both of these species are Department of Fish and Game Special Concern species. American peregrine falcon (*Falco peregrinus anatum*), a State listed endangered species, occurs along the coast of San Luis Obispo County, but has not been observed recently in the Paso Robles area. No nesting or roosting sites for raptors were found in the project area.

Tricolor blackbird (*Agelaius tricolor*) nesting colonies are federally listed species of concern, and CDFG listed species of concern. No habitat appropriate for nesting colonies of this species is found on the property.

San Joaquin kit fox (*Vulpes macrotis mutica*) is a federally listed endangered species, and a California State listed threatened species. The Huerhuero Creek drainage is one of the probable corridors for kit fox movement from the Carizzo plains to Camp Roberts. The proposed development is adjacent to the Highway 46 Bridge on the Huerhuero Creek and could inhibit the passage of kit fox.

3.2.2 Special status species not likely to occur near the project site.

Southern steelhead (*Oncorhynchus mykiss irideus*) is a federally listed threatened species in the Cambria region. Steelhead return to coastal streams in the winter and spring to spawn. Steelhead are known to occur in the Salinas River, which is approximately five miles downstream of the property. The intermittent nature of the Huerhuero Creek is not appropriate steelhead habitat. The effect of the project on steelhead is discountable.

Red-legged frog (*Rana aurora draytonii*) is a federally listed threatened species. They occur in coastal streams with deep pools, and are also found in east draining streams of the Santa Lucia Range. No habitat suitable for red-legged frogs occurs on the project site. The project is unlikely to affect potential red-legged frog habitat.

Arroyo toad (*Bufo microscaphus californicus*) is a federally listed endangered species. According to Stebbins (1995, page 217), “This toad is a habitat specialist closely restricted to broad, low-gradient stream courses with sandy banks”, typically in Southern California. No reports of the arroyo toad are found in the CNDDDB for San Luis Obispo County.

California tiger salamander (*Ambystoma californiense*) is federally listed as a candidate species in San Luis Obispo County. Tiger salamanders require vernal pools near their burrows (within approximately one kilometer) to complete their life cycle. Adult tiger salamanders can be found on the ground surface moving toward breeding areas after the ground has become saturated. This usually occurs during or very shortly after rain early in the winter (FWS 2000, Paul Collins personal communication, Shaffer *et al.* 1993), but can be later in the year when conditions are dry early in the season. For California tiger salamander, the breeding migration takes place on only a few days during rain. Males remain in the breeding ponds for six to eight weeks while females stay only about two weeks. California tiger salamanders metamorphose and leave their breeding ponds in 60 to 94 days after eggs are laid, depending on how fast the pond is drying. Juveniles leave the ponds before they are completely dry, usually during the late spring or early summer.

The closest listed occurrence of the California tiger salamander to the project site is from the Cholame area, approximately 20.8 miles to the east. The Huerhuero Creek is not appropriate breeding habitat for this species.

Southwestern pond turtle (*Clemmys marmorata pallida*) is a California Species of Concern that dwells in ponds and streams with standing water. No habitat appropriate for pond turtles occurs on or near the property.

Two-striped garter snake (*Thamnophis hammondi*) is a federally listed Species of Concern, and a CDFG Special Concern species. These snakes are more abundant along the coastal zone in creek bottoms and riparian corridors. Habitat appropriate for this species is not found on the subject property.

Black legless lizard (*Anniella pulchra nigra*) is proposed for federal listing as an endangered species, and is a CDFG special concern species. It is a snakelike lizard that prefers loose sand in washes, riverbanks, and beaches. The subspecies occurs along the coast from Monterey to Morro Bay.

Blunt-nosed leopard lizard (*Gambelia sila*) is found in the eastern portion of San Luis Obispo County. It is associated with inland grassland and scattered shrub vegetation where rainfall is less than 9 inches per year. It does not occur near the subject property.

California horned lizard (*Phrynosoma coronatum frontale*) is associated with chaparral and shrub vegetation types that are inhabited by ant colonies. There is not suitable habitat for California horned lizard on the subject property.

Western yellow-billed cuckoo (*Coccyzus americanus occidentalis*) is a state listed endangered species. It nests in dense riparian woodland of cottonwoods and willows. Only one occurrence from San Luis Obispo County is listed in the CNDDDB (No. 83), and this was of a dead specimen from an unknown location. It is very unlikely that this species will be found on the property.

4.0 Potential impacts

The section of the subject property west of Airport Road has been used in recent years for off-road vehicle activities, by equestrians as an access point to the creek, and as a dumping area for refuse. The development of the proposed water park would change this use to a recreational park use. The proposed development includes construction of slides, pools, a go-kart track, volleyball courts, and visitor facilities such as restrooms, cabanas, and picnic areas.

The proposed development would place a facility with high visitor use on a known wildlife corridor. The wildlife corridor is constricted at the south border of the property by Highway 46 and is funneled through the large overpass bridge across Huerheuro Creek. The presence of this development would have an unknown effect on the passage of animals, including the San Joaquin kit fox, a federally listed endangered species.

No rare species were found on the property.

No trees are proposed to be removed. Installation of facilities on the site may impact tree root zones from trenches, excavations for water features, paving, lawns, and foundations.

The proposed project would construct facilities on a low flood terrace of the Huerheuro Creek. The elevation of the site is approximately four feet above the bottom of the creek. This area has experienced inundation within the last thirty years. Flood conditions could wash equipment, structures, and picnic facilities from the site downstream.

Grading or movement of soil from the portion of the property east of Airport Road may remove native purple needlegrass grassland, a designated natural community.

Additional impacts from the project that are not anticipated at this time could occur.

5.0 Mitigation recommendations

Impacts to the wildlife corridor along Huerhuero Creek may be mitigated.

We contacted Bob Stafford, wildlife biologist for the California Department of Fish and Game, regarding the impact of the project on the wildlife corridor, including impacts on the endangered San Joaquin kit fox. Mr. Stafford agrees that the impact to kit fox can be mitigated to a level of insignificance by enhancement of the wildlife corridor.

Mitigation for impacts to San Joaquin kit fox habitat may include:

1. Plant valley oak (*Quercus lobata*) and cottonwood (*Populus fremontii*) along the east bank of the Huerhuero Creek in a band approximately 50 feet wide from the Highway 46 road bank north along the top of bank for approximately 400 feet. Trees should be planted approximately 20 feet on center with cottonwoods closer to the edge of bank than oaks. Plantings do not need to extend further north where the steep bank approaches the sand bottom of the creek. Blue oaks, willows and cottonwoods are found along this bank.
2. Hours of operation should be limited to allow 6 hours of quiet during the night. This should be a period of non-activity on the site and reduced lighting.

Impacts to valley oak trees, valley oak woodland, and Fremont cottonwood riparian communities will be mitigated by the following recommended actions:

Plant both valley oak and Fremont cottonwood trees on the project site as part of the landscape plan, and plant valley oak and Fremont cottonwood trees on the east side of the Huerhuero Creek in flat flood plain locations along the top of bank.

6.0 Kit Fox Habitat Evaluation

Kit Fox Habitat Evaluation Form Cover Sheet

Project Name The Ravine, Waterpark **Date** November 25, 2000

Project Location Northwest corner of Highway 46 and Airport Road, Paso Robles
Include project vicinity map and project boundary on copy of U.S.G.S. 7.5. minute map (size may be reduced)

U.S.G.S. Quad Map Name Paso Robles, Calif.

Lat/Long or UTM coordinates (if available) N 35° 38' 45.3"
W 120° 38' 34.5"

Project Description A waterpark recreational facility that will include picnic grounds, a go-kart track, visitor facilities such as changing rooms and restrooms, a ticket office, fencing, slides, and pools.

Project Size: approx. 12 Acres **Amount of Kit Fox Habitat Effected:** approx. 7 Acres

Quantity of WHR Habitat Types Impacted (i.e. – 2 acres annual grassland, 3 acres blue oak woodland)

WHR type	Fremont cottonwood	~2	Acres
WHR type	Valley oak woodland	~5	Acres

Comments: _____

Form Completed by: Daniel E. Meade

Revised 6/00

San Joaquin Kit Fox Habitat Evaluation Form

Is the project within 10 miles from a recorded San Joaquin kit fox observation or within contiguous suitable habitat as defined in Question 2(A-E)?

YES – Continue with evaluation form

NO – Evaluation form/surveys not necessary

1. Importance of the project area relative to Recovery Plan for Upland Species of the San Joaquin Valley, California (Williams et al, 1998).
 - A. Project would block or degrade an existing corridor linking core populations or isolate a subpopulation (20).
 - B. Project is within a core population (15)
 - C. Project area is identified within satellite population (12)
 - D. Project area is within a corridor linking satellite populations (10)**
 - E. Project area is not within any of the previously described areas but is within known kit fox range (5)

2. Habitat characteristics of the project area.
 - A. Annual grassland or saltbush scrub present >50% of site (15)
 - B. Grassland or saltbush scrub present but comprises <50% of project area (10)
 - C. Oak savannah present on >50% of site (8)**
 - D. Fallow ag fields or grain/alfalfa crops (7)
 - E. Orchards/vineyards (5)
 - F. Intensively maintained row crops or suitable vegetation absent (0)

3. Isolation of the project area
 - A. Project area surrounded by contiguous kit fox habitat as described in Question 2a-e (15)
 - B. Project area adjacent to at least 40 acres of contiguous habitat or part of an existing corridor (10)**
 - C. Project area adjacent to <40 acres of habitat but linked by existing corridor (i.e.-river, canal, aqueduct) (7)
 - D. Project area surrounded by ag but less than 200 yards from habitat (5)
 - E. Project area completely isolated by row crops or development and is greater than 200 yards from potential habitat (0)

4. Potential for increased mortality as a result of the project implementation. Mortality may come from direct (e.g. – construction related) or indirect (e.g. – vehicle strikes due to increases in post development traffic) sources.
 - A. Increase in mortality likely (10)
 - B. Unknown mortality effects (5)**
 - C. No long term effect on mortality (0)

- 5. Amount of potential kit fox habitat affected
 - A. > 320 acres (10)
 - B. 160-319 acres (7)
 - C. 80-159 acres (5)
 - D. 40-79 acres (3)
 - E. <40 acres (1)

- 6. Results of project implementation
 - A. **Project site will be permanently converted and will no longer support foxes (10)**
 - B. Project area will be temporarily impacted but will require periodic disturbance for ongoing maintenance (7)
 - C. Project area will be temporarily impacted and no maintenance necessary (5)
 - D. Project will result in changes to agricultural crops (2)
 - E. No habitat impacts (0)

- 7. Project shape
 - A. Large block (10)
 - B. **Linear with >40 foot right-of way (5)**
 - C. Linear with <40 foot right-of-way (3)

- 8. Have San Joaquin kit foxes been observed within 3 miles of the project area within the last 10 years?
 - A. **Yes (10)**
 - B. No (0)

Scoring

1. Recovery importance	10
2. Habitat condition	8
3. Isolation	10
4. Mortality	5
5. Quantity of habitat impacted	1
6. Project results	10
7. Project shape	5
8. Recent observations	<u>10</u>
Total	59

7.0 References

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Appendix – California Natural Diversity Data Base

List of Special Status Species

San Luis Obispo County

California Department of Fish and Game

Natural Diversity Database

For information about these species or natural communities, or other species or natural communities, or for staff contacts, please see the NDDDB website at <http://www.dfg.ca.gov/whdab/cnddb.htm>

IMPORTANT NOTICE:

This list of species was produced from data presently included in the California Natural Diversity Database (CNDDDB). The CNDDDB is a positive sighting data base, and our data sets can not be considered to be complete for every species in every county. Therefore, this list must not be considered to be a comprehensive list of all special status species in the county.

Special Status Plants, Animals and Natural Communities of SAN LUIS OBISPO COUNTY

Scientific Name	Common Name	STATUS*: *(see footnotes)			
		Federal	California	CDFG	CNPS
Non-vascular Plants					
<i>Sulcaria isidiifera</i>	SPLITTING YARN LICHEN	Species of concern	None		
Vascular Plants					
<i>Allium hickmanii</i>	HICKMAN'S ONION	Species of concern	None		1B
<i>Antirrhinum ovatum</i>	OVAL-LEAVED SNAPDRAGON	None	None		4
<i>Arctostaphylos cruzensis</i>	ARROYO DE LA CRUZ MANZANITA	Species of concern	None		1B
<i>Arctostaphylos hookeri ssp hearstiorum</i>	HEARST'S MANZANITA	Species of concern	Endangered		1B
<i>Arctostaphylos luciana</i>	SANTA LUCIA MANZANITA	Species of concern	None		1B
<i>Arctostaphylos montereyensis</i>	MONTEREY MANZANITA	Species of concern	None		1B
<i>Arctostaphylos morroensis</i>	MORRO MANZANITA	Threatened	None		1B
<i>Arctostaphylos osoensis</i>	OSO MANZANITA	Species of concern	None		1B
<i>Arctostaphylos pechoensis</i>	PECHO MANZANITA	Species of concern	None		1B
<i>Arctostaphylos pilosula</i>	SANTA MARGARITA MANZANITA	Species of concern	None		1B
<i>Arctostaphylos rudis</i>	SAND MESA MANZANITA	Species of concern	None		1B
<i>Arctostaphylos tomentosa ssp daciticola</i>	DACITE MANZANITA	Species of concern	None		1B
<i>Arctostaphylos wellsii</i>	WELLS'S MANZANITA	None	None		1B
<i>Arenaria paludicola</i>	MARSH SANDWORT	Endangered	Endangered		1B
<i>Atriplex cordulata</i>	HEARTSCALE	Species of concern	None		1B
<i>Atriplex vallicola</i>	LOST HILLS CROWNSCALE	Species of concern	None		1B
<i>Baccharis plummerae ssp glabrata</i>	SAN SIMEON BACCHARIS	None	None		1B
<i>Bloomeria humilis</i>	DWARF GOLDENSTAR	Species of concern	Rare		1B
<i>Calochortus clavatus var recurvifolius</i>	ARROYO DE LA CRUZ MARIPOSA LILY	Species of concern	None		1B
<i>Calochortus obispoensis</i>	SAN LUIS MARIPOSA LILY	None	None		1B
<i>Calochortus palmeri var palmeri</i>	PALMER'S MARIPOSA LILY	Species of concern	None		1B
<i>Calycadenia villosa</i>	DWARF CALYCADENIA	None	None		1B
<i>Calystegia subcaulis ssp episcopalis</i>	CAMBRIA MORNING-GLORY	Species of concern	None		1B
<i>Camissonia hardhamiae</i>	HARDHAM'S EVENING-PRIMROSE	Species of concern	None		1B
<i>Carex obispoensis</i>	SAN LUIS OBISPO SEDGE	None	None		1B
<i>Caulanthus californicus</i>	CALIFORNIA JEWEL-FLOWER	Endangered	Endangered		1B
<i>Ceanothus hearstiorum</i>	HEARST'S CEANOTHUS	Species of concern	Rare		1B
<i>Ceanothus maritimus</i>	MARITIME CEANOTHUS	Species of concern	Rare		1B
<i>Chlorogalum pomeridianum var minus</i>	DWARF SOAPROOT	None	None		1B
<i>Chlorogalum purpureum var reductum</i>	CAMATTA CANYON AMOLE	Proposed Threatened	Rare		1B
<i>Chorizanthe breweri</i>	BREWER'S SPINEFLOWER	None	None		1B
<i>Chorizanthe pungens var pungens</i>	MONTEREY SPINEFLOWER	Threatened	None		1B
<i>Chorizanthe rectispina</i>	STRAIGHT-AWNED SPINEFLOWER	Species of concern	None		1B
<i>Cirsium fontinale var obispoense</i>	CHORRO CREEK BOG THISTLE	Endangered	Endangered		1B
<i>Cirsium loncholepis</i>	LA GRACIOSA THISTLE	Proposed Endangered	Threatened		1B
<i>Cirsium occidentale var compactum</i>	COMPACT COBWEBBY THISTLE	Species of concern	None		1B
<i>Cirsium rorthophilum</i>	SURF THISTLE	Species of concern	Threatened		1B
<i>Clarkia speciosa ssp immaculata</i>	PISMO CLARKIA	Endangered	Rare		1B

Special Status Plants, Animals and Natural Communities of
SAN LUIS OBISPO COUNTY

Scientific Name	Common Name	STATUS*: (see footnotes)			
		Federal	California	CDFG	CNPS
Vascular Plants					
<i>Cordylanthus maritimus</i> ssp. <i>maritimus</i>	SALT MARSH BIRD'S-BEAK	Endangered	Endangered		1B
<i>Delphinium parryi</i> ssp. <i>blochmaniae</i>	DUNE LARKSPUR	Species of concern	None		1B
<i>Delphinium recurvatum</i>	RECURVED LARKSPUR	Species of concern	None		1B
<i>Dithyrea maritima</i>	BEACH SPECTACLEPOD	Species of concern	Threatened		1B
<i>Dudleya abramsii</i> ssp. <i>betinae</i>	SAN LUIS OBISPO SERPENTINE DUDLEYA	Species of concern	None		1B
<i>Dudleya blochmaniae</i> ssp. <i>blochmaniae</i>	BLOCHMAN'S DUDLEYA	Species of concern	None		1B
<i>Eriastrum hooveri</i>	HOOVER'S ERIASTRUM	Threatened	None		4
<i>Erigeron blochmaniae</i>	BLOCHMAN'S LEAFY DAISY	None	None		1B
<i>Eriodictyon altissimum</i>	INDIAN KNOB MOUNTAINBALM	Endangered	Endangered		1B
<i>Eschscholzia rhombipetala</i>	DIAMOND-PETALED CALIFORNIA POPPY	Species of concern	None		1A
<i>Fritillaria agrestis</i>	STINKBELLS	None	None		4
<i>Fritillaria ojaiensis</i>	OJAI FRITILLARY	Species of concern	None		1B
<i>Fritillaria viridea</i>	SAN BENITO FRITILLARY	Species of concern	None		4
<i>Galium hardhamiae</i>	HARDHAM'S BEDSTRAW	None	None		1B
<i>Hemizonia halliana</i>	HALL'S TARPLANT	None	None		1B
<i>Hemizonia parryi</i> ssp. <i>congdonii</i>	CONGDON'S TARPLANT	Species of concern	None		1B
<i>Horkelia cuneata</i> ssp. <i>sericea</i>	KELLOGG'S HORKELIA	Species of concern	None		1B
<i>Lasthenia glabrata</i> ssp. <i>coulteri</i>	COULTER'S GOLDFIELDS	Species of concern	None		1B
<i>Layia heterotricha</i>	PALE-YELLOW LAYIA	Species of concern	None		1B
<i>Layia jonesii</i>	JONES'S LAYIA	Species of concern	None		1B
<i>Layia munzii</i>	MUNZ'S TIDY-TIPS	None	None		1B
<i>Lembertia congdonii</i>	SAN JOAQUIN WOOLLYTHREADS	Endangered	None		1B
<i>Lepidium jaredii</i> ssp. <i>album</i>	PANOCH PEPPER-GRASS	Species of concern	None		1B
<i>Lepidium jaredii</i> ssp. <i>jaredii</i>	JARED'S PEPPER-GRASS	Species of concern	None		1B
<i>Lupinus ludovicianus</i>	SAN LUIS OBISPO COUNTY LUPINE	Species of concern	None		1B
<i>Lupinus nipomensis</i>	NIPOMO MESA LUPINE	Proposed Endangered	Endangered		1B
<i>Madia radiata</i>	SHOWY MADIA	None	None		1B
<i>Malacothamnus palmeri</i> var. <i>involutus</i>	CARMEL VALLEY BUSH MALLOW	Species of concern	None		1B
<i>Monardella crispata</i>	CRISP MONARDELLA	Species of concern	None		1B
<i>Monardella frutescens</i>	SAN LUIS OBISPO MONARDELLA	Species of concern	None		1B
<i>Navarretia nigelliformis</i> ssp. <i>radians</i>	SHINING NAVARRETIA	None	None		1B
<i>Orobancha parishii</i> ssp. <i>brachyloba</i>	SHORT-LOBED BROOM-RAPE	Species of concern	None		1B
<i>Pedicularis dudleyi</i>	DUDLEY'S LOUSEWORT	Species of concern	Rare		1B
<i>Pinus radiata</i>	MONTEREY PINE	Species of concern	None		1B
<i>Plagiobothrys uncinatus</i>	HOKED POPCORN-FLOWER	Species of concern	None		1B
<i>Rorippa gambelii</i>	GAMBEL'S WATER CRESS	Endangered	Threatened		1B
<i>Sanicula maritima</i>	ADOBE SANICLE	Species of concern	Rare		1B
<i>Scrophularia atrata</i>	BLACK-FLOWERED FIGWORT	Species of concern	None		1B
<i>Senecio aphanactis</i>	RAYLESS RAGWORT	None	None		2
<i>Sidalcea hickmanii</i> ssp. <i>anomala</i>	CUESTA PASS CHECKERBLOOM	Species of concern	Rare		1B
<i>Sidalcea hickmanii</i> ssp. <i>parishii</i>	PARISH'S CHECKERBLOOM	Candidate	Rare		1B
<i>Stylocline masonii</i>	MASON'S NESTSTRAW	Species of concern	None		1B
<i>Suaeda californica</i>	CALIFORNIA SEABLITE	Endangered	None		1B
<i>Viola aurea</i>	GOLDEN VIOLET	None	None		2
Snails and Slugs					
<i>Helminthoglypta walkeriana</i>	MORRO SHOULDERBAND (SNAIL)	Endangered	None		
<i>Tryonia imitator</i>	MIMIC TRYONIA (=CALIFORNIA BRACKISHWATER SNAIL)	Species of concern	None		
Crustaceans					
<i>Branchinecta longiantenna</i>	LONGHORN FAIRY SHRIMP	Endangered	None		
<i>Branchinecta lynchi</i>	VERNAL POOL FAIRY SHRIMP	Threatened	None		

Special Status Plants, Animals and Natural Communities of
SAN LUIS OBISPO COUNTY

Scientific Name	Common Name	STATUS*: *(see footnotes)			
		Federal	California	CDFG	CNPS
Beetles					
<i>Lichnanthe albipilosa</i>	WHITE SAND BEAR SCARAB BEETLE	Species of concern	None		
<i>Polyphylla nubila</i>	ATASCADERO JUNE BEETLE	Species of concern	None		
Butterflies and Moths					
<i>Danaus plexippus</i>	MONARCH BUTTERFLY	None	None		
Fish					
<i>Eucyclogobius newberryi</i>	TIDEWATER GOBY	Endangered	None	SC	
<i>Gila orcutti</i>	ARROYO CHUB	Species of concern	None	SC	
<i>Oncorhynchus mykiss irideus</i>	SOUTHERN STEELHEAD	Endangered	None	SC	
Amphibians					
<i>Ambystoma californiense</i>	CALIFORNIA TIGER SALAMANDER	Candidate	None	SC	
<i>Rana aurora draytonii</i>	CALIFORNIA RED-LEGGED FROG	Threatened	None	SC	
<i>Scaphiopus hammondi</i>	WESTERN SPADEFOOT	Species of concern	None	SC	
Reptiles					
<i>Anniella pulchra nigra</i>	BLACK LEGLESS LIZARD	Proposed Endangered	None	SC	
<i>Clemmys marmorata pallida</i>	SOUTHWESTERN POND TURTLE	Species of concern	None	SC	
<i>Gambelia sila</i>	BLUNT-NOSED LEOPARD LIZARD	Endangered	Endangered		
<i>Phrynosoma coronatum frontale</i>	CALIFORNIA HORNED LIZARD	Species of concern	None	SC	
<i>Thamnophis hammondi</i>	TWO-STRIPED GARTER SNAKE	Species of concern	None	SC	
Birds					
<i>Accipiter cooperii (nesting)</i>	COOPER'S HAWK	None	None	SC	
<i>Agelaius tricolor (nesting colony)</i>	TRICOLORED BLACKBIRD	Species of concern	None	SC	
<i>Athene cunicularia (burrow sites)</i>	BURROWING OWL	Species of concern	None	SC	
<i>Charadrius alexandrinus nivosus (nesting)</i>	WESTERN SNOWY PLOVER	Threatened	None	SC	
<i>Coccyzus americanus occidentalis (nesting)</i>	WESTERN YELLOW-BILLED CUCKOO	None	Endangered		
<i>Cypsekoides niger (nesting)</i>	BLACK SWIFT	None	None	SC	
<i>Falco mexicanus (nesting)</i>	PRAIRIE FALCON	None	None	SC	
<i>Fratercula cirrhata (nesting colony)</i>	TUFTED PUFFIN	None	None	SC	
<i>Gymnogyps californianus</i>	CALIFORNIA CONDOR	Endangered	Endangered		
<i>Laterallus jamaicensis coturniculus</i>	CALIFORNIA BLACK RAIL	Species of concern	Threatened		
<i>Rallus longirostris obsoletus</i>	CALIFORNIA CLAPPER RAIL	Endangered	Endangered		
<i>Sterna antillarum brownii (nesting colony)</i>	CALIFORNIA LEAST TERN	Endangered	Endangered		
Mammals					
<i>Ammospermophilus nelsoni</i>	SAN JOAQUIN ANTELOPE SQUIRREL	Species of concern	Threatened		
<i>Antrozous pallidus</i>	PALLID BAT	None	None	SC	
<i>Dipodomys heermanni morroensis</i>	MORRO BAY KANGAROO RAT	Endangered	Endangered		
<i>Dipodomys ingens</i>	GIANT KANGAROO RAT	Endangered	Endangered		
<i>Neotoma fuscipes luciana</i>	MONTEREY DUSKY-FOOTED WOODRAT	Species of concern	None	SC	
<i>Neotoma lepida intermedia</i>	SAN DIEGO DESERT WOODRAT	Species of concern	None	SC	
<i>Onychomys torridus tularensis</i>	TULARE GRASSHOPPER MOUSE	Species of concern	None	SC	
<i>Perognathus inornatus inornatus</i>	SAN JOAQUIN POCKET MOUSE	Species of concern	None		
<i>Vulpes macrotis mulica</i>	SAN JOAQUIN KIT FOX	Endangered	Threatened		
Natural Communities					
Central dune scrub	N.A.	None	None		
Central foredunes	N.A.	None	None		
Central maritime chaparral	N.A.	None	None		
Coastal and valley freshwater marsh	N.A.	None	None		
Coastal brackish marsh	N.A.	None	None		
Monterey pine forest	N.A.	None	None		

Special Status Plants, Animals and Natural Communities of
SAN LUIS OBISPO COUNTY

<u>Scientific Name</u>	<u>Common Name</u>	<u>STATUS*</u> : <small>*(see footnotes)</small>			
		<u>Federal</u>	<u>California</u>	<u>CDFG</u>	<u>CNPS</u>
<u>Natural Communities</u>					
<i>Northern claypan vernal pool</i>	N.A.	None	None		
<i>Northern coastal salt marsh</i>	N.A.	None	None		
<i>Northern interior cypress forest</i>	N.A.	None	None		
<i>Serpentine bunchgrass</i>	N.A.	None	None		
<i>Valley needlegrass grassland</i>	N.A.	None	None		
<i>Valley oak woodland</i>	N.A.	None	None		
<i>Valley sink scrub</i>	N.A.	None	None		



DEPARTMENT OF THE ARMY
SAN FRANCISCO DISTRICT, CORPS OF ENGINEERS
333 MARKET STREET
SAN FRANCISCO, CALIFORNIA 94105-2197

SEP 15 2008

Regulatory Division

SUBJECT: File Number 28067S

Mr. Frank Clayton
P.O. Box 2246
Paso Robles, California 93447

Paso Robles

SEP 24 2008

Planning Division

Dear Mr. Clayton:

This letter is in response to your submittal of August 29, 2008, requesting re-issuance of the Jurisdictional Determination confirming the extent of Corps of Engineers jurisdiction at your property, bounded by State Highway 46 to the south, Paso Robles Boulevard to the north, and Huerohuero Creek to the east, in Paso Robles, San Luis Obispo County, California.

Enclosed is a map dated August 21, 2003, showing the extent and location of Corps of Engineers jurisdiction on your property (Enclosure 1). This jurisdictional delineation is based upon the conditions of the site as seen during a site visit performed by our staff on August 7, 2003, and is being re-issued on the basis that conditions have not changed since the time that the site was visited. A change in those conditions may also change the extent of our jurisdiction. This jurisdictional delineation will expire in five years from the date of this letter. However, if there has been a change in circumstances that affects the extent of Corps jurisdiction, a revision may be done before that date.

All proposed discharges of dredged or fill material into waters of the United States must be authorized by the Corps of Engineers pursuant to Section 404 of the Clean Water Act (CWA) (33 U.S.C. 1344). Waters of the United States generally include tidal waters, lakes, ponds, rivers, streams (including intermittent streams), and wetlands.

If your proposed work is within our jurisdiction, a Corps permit will be required. Your permit application must include plans showing the location, extent and character of the proposed activity. Permit information and applications are available at the San Francisco District website: <http://www.spn.usace.army.mil/regulatory/apply.html>. You should note, in planning your work, that upon receipt of a properly completed application and plans, it may be necessary to advertise the proposed work by issuing a public notice for a period of 30 days.

Exhibit H

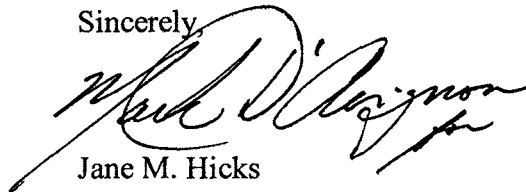
Army Corps of Eng. Letter dated Sept. 2008
PD 08-011
(Clayton)

If an individual permit is required, it will be necessary for you to demonstrate to the Corps that your proposed fill is necessary because there are no practicable alternatives, as outlined in the U.S. Environmental Protection Agency's Section 404(b)(1) Guidelines. A copy is enclosed to aid you in preparation of this alternative analysis.

You are advised that the Corps has established an Administrative Appeal Process, as described in 33 CFR Part 331 (65 FR 16,486; March 28, 2000), and outlined in the enclosed flowchart and "Notification of Administrative Appeal Options, Process, and Request for Appeal" form (NAO-RFA). If you do not intend to accept the approved jurisdictional determination, you may elect to provide new information to the District Engineer for reconsideration or submit a completed NAO-RFA form to the Division Engineer to initiate the appeal process. You will relinquish all rights to appeal, unless the Corps receives new information or a completed NAO-RFA form within sixty (60) days of the date of the NAO-RFA.

If you have any questions, please contact Ian Liffmann of our Regulatory Division by phone at (415) 503-6769, or by email at ian.liffmann@usace.army.mil. All correspondence should reference the file number at the head of this letter.

Sincerely,

A handwritten signature in black ink, appearing to read "Jane M. Hicks", written over a horizontal line.

Jane M. Hicks
Chief, Regulatory Division

Enclosures

Kit Fox Habitat Evaluation Form
Cover Sheet

Paso Robles
MAR 16 2006
Planning Division

Project Name Clayton Trailer Sales Facility

Date 1/31/06

Project Location

Highway 46 and Paso Robles Boulevard
Paso Robles

Include project vicinity map and project boundary on copy of U.S.G.S. 7.5. minute map (size may be reduced)

U.S.G.S. Quad Map Name **Paso Robles**

Lat/Long or UTM coordinates (if available) **N 35.64483°**

W 120.64739°

Project Description: **Commercial building for trailer sales and service**

Project Size: **3.15 acres**

Amount of Kit Fox Habitat Affected: **3.15 acres**

Quantity of WHR Habitat Types Impacted (i.e. – 2 acres annual grassland, 3 acres blue oak woodland)

WHR type Annual grassland

3.15 acres

Comments:

Form Completed by:

Revised 03/02

Exhibit I
Kit Fox Evaluation, dated Jan 2006
PD 08-011
(Clayton)

San Joaquin Kit Fox Habitat Evaluation Form

Is the project within 10 miles from a recorded San Joaquin kit fox observation or within contiguous suitable habitat as defined in Question 2(A-E)?

YES – Continue with evaluation form

NO – Evaluation form/surveys are not necessary

1. Importance of the project area relative to Recovery Plan for Upland Species of the San Joaquin Valley, California (Williams et al, 1998).
 - A. Project would block or degrade an existing corridor linking core populations or isolate a subpopulation (20).**
 - B. Project is within a core population (15)
 - C. Project area is identified within satellite population (12)
 - D. Project area is within a corridor linking satellite populations (10)
 - E. Project area is not within any of the previously described areas but is within known kit fox range (5)

2. Habitat characteristics of the project area.
 - A. Annual grassland or saltbush scrub present >50% of site (15)**
 - B. Grassland or saltbush scrub present but comprises <50% of project area (10)
 - C. Oak savannah present on >50% of site (8)
 - D. Fallow ag fields or grain/alfalfa crops (7)
 - E. Orchards/vineyards (5)
 - F. Intensively maintained row crops or suitable vegetation absent (0)

3. Isolation of project area
 - A. Project area surrounded by contiguous kit fox habitat as described in Question 2a-e (15)
 - B. Project area adjacent to at least 40 acres of contiguous habitat or part of an existing corridor (10)**
 - C. Project area adjacent to <40 acres of habitat but linked by existing corridor (i.e.- river, canal, aqueduct) (7)
 - D. Project area surrounded by ag but less than 200 yards from habitat (5)
 - E. Project area completely isolated by row crops or development and is greater than 200 yards from potential habitat (0)

4. Potential for increased mortality as a result of the project implementation. Mortality may come from direct (e.g. – construction related) or indirect (e.g. –vehicle strikes due to increases in post development traffic) sources.
 - A. Increase in mortality likely (10)
 - B. Unknown mortality effects (5)**
 - C. No long term effect on mortality (0)

5. Amount of potential kit fox habitat affected
 - A. > 320 acres (10)
 - B. 160-319 acres (7)
 - C. 80-159 acres (5)
 - D. 40-79 acres (3)
 - E. <40 acres (1)

6. Results of project implementation
 - A. **Project site will be permanently converted and will no longer support foxes (10)**
 - B. Project area will be temporarily impacted but will require periodic disturbance for ongoing maintenance (7)
 - C. Project area will be temporarily impacted and no maintenance necessary (5)
 - D. Project will result in changes to agricultural crops (2)
 - E. No habitat impacts (0)

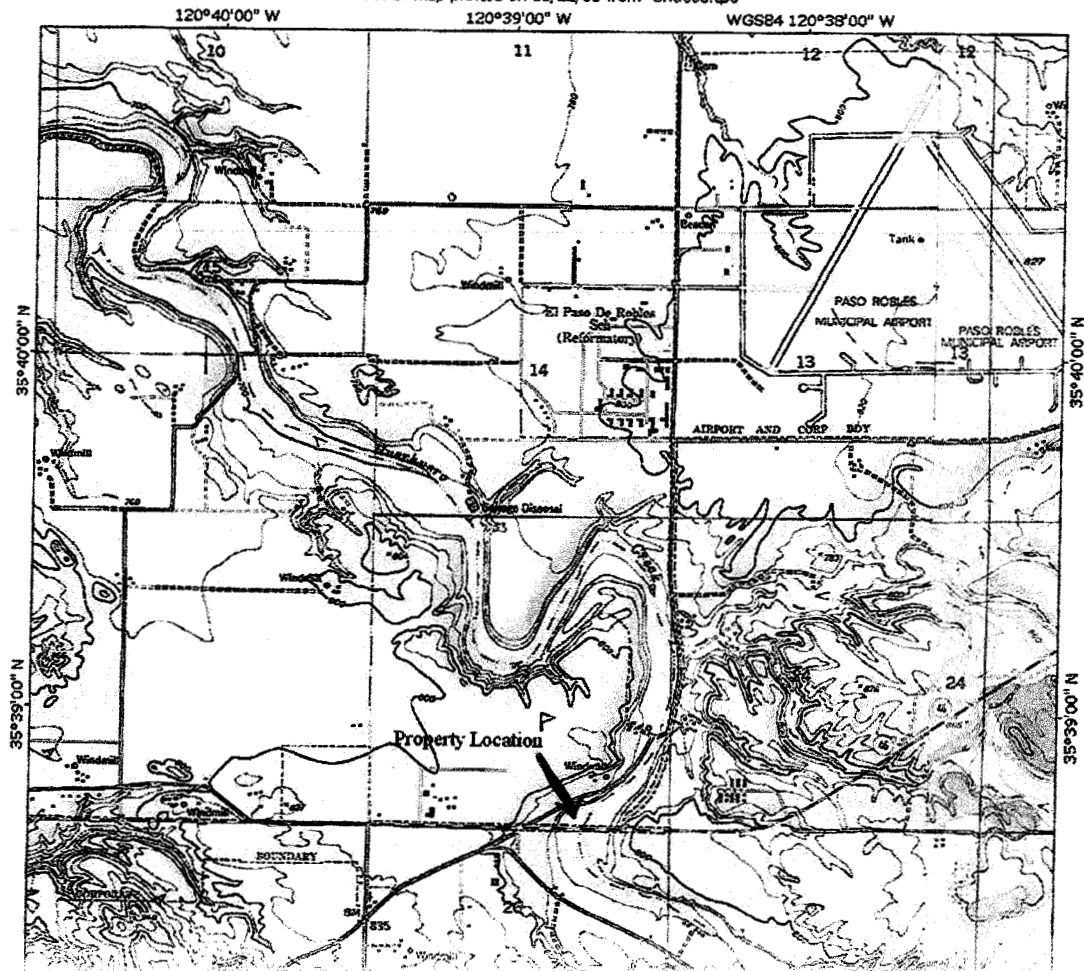
7. Project shape
 - A. **Large block (10)**
 - B. Linear with >40 foot right-of way (5)
 - C. Linear with <40 foot right-of-way (3)

8. Have San Joaquin kit foxes been observed within 3 miles of the project area within the last 10 years?
 - A. Yes (10)
 - B. **No (0)**

Scoring

1. Recovery importance	20
2. Habitat condition	15
3. Isolation	10
4. Mortality	5
5. Quantity of habitat impacted	1
6. Project results	10
7. Project shape	10
8. Recent observations	<u>0</u>
Total	71

TOPO! map printed on 11/22/05 from "Untitled.tpo"





C.A. SINGER & ASSOCIATES, Inc.
Archaeology · Cultural Resources & Lithic Studies

RECEIVED

DEC 19 2005

Community Development

Mr. J. Walsh
Paso Robles RV Ranch
398 Exline Road
Paso Robles, CA 93446

November 1, 2000

Subject: Cultural resources survey and impact assessment for a 35 acre property at Highway 46 and Airport Road in the City of El Paso De Robles, San Luis Obispo County, California [APN 025-431-023].

Dear Mr. Walsh:

As requested, a cultural resources survey and impact assessment has been completed for a 35 acre property located about four kilometers east of the Salinas River in northern San Luis Obispo County. The subject property, situated just north of State Highway 46 and within the boundary of the City of El Paso De Las Robles, is triangular in outline and includes a small section of Huerhuero Creek. The property is bounded on the west by Paso Robles Boulevard and on the south by State Highway 46. Bisecting the property are the normally dry channel of Huerhuero Creek, and Airport Road to the east. The attached map, a portion of the USGS Paso Robles, Calif., 7.5' topographic quadrangle, shows the location and dimensions of the area examined.

Archaeological records and reports for the Paso Robles area were reviewed prior to the reconnaissance survey. Documents including a report for the neighboring Huerhuero Golf Course Project, immediately north of the present project (Singer 1996), and a report for Tract 2269, located to the northwest (Singer 1997). An archaeological study was deemed necessary by the City of El Paso de Robles because prehistoric and historic archaeological sites are known to exist in the general area, and because development of the property could have an impact on resources located there, or resources located nearby. Therefore, a Phase I investigation was undertaken to determine if cultural resources would be affected by changes likely to occur if the property is developed as an recreational vehicle (RV) park.

The field survey was completed by Doug Greenfield, Staff Archaeologist, on November 1, 2000. At the time of the survey the area was not under cultivation and no stock was on the property. Like other land in the region the natural vegetation on the property has been thoroughly altered by 150+ years of agricultural use. Cattle grazing and cultivation of cereals and other crops has modified the flora of the Estrella-Salinas Tablelands, while extraction of groundwater has changed the biology and altered the habitats within the Huerhuero Creek channel.

This report focuses on the prehistoric background of the region, describes the results of the reconnaissance survey, discusses the findings, and concludes with a summary and final recommendations regarding planned development of the property. An archaeological records search was not done for this specific property because two earlier studies encompassed the present area. A complete record search for the area was compiled in 1987 by Teresa Rudolph, Staff Archaeologist, Archaeological Information Center, Department of

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Exhibit J
Cultural Resources Survey, Nov. 2000
PD 08-011
(Clayton)

Anthropology, University of California, Santa Barbara (UCSB). Although prepared for a nearby study, the Union/46 Specific Plan (Singer 1987), it included the project area; basic information has not changed since then.

The subject property is located in the southern end of the Salinas River Valley, about four kilometers east of the river. It includes a small section of Huerhuero Creek, a minor tributary of the Salinas, as well as portions of tableland both east and west of the channel. Prior to European colonization, the Paso Robles area was territory occupied by two cultural groups, Migueleño Salinan and Obispeño Chumash people, neighboring populations that shared a common linguistic and cultural background. Ethnohistoric research by Robert O. Gibson (1983) has suggested that at the time of the Spanish colonization, in the late 18th Century, the area fell within the sphere of Chumash economic and political influence. The Obispeño Chumash were the northernmost of the Chumash speaking peoples of California (Heizer 1978; Kroeber 1953). According to Gibson, the principal village in this region may have been a rancheria called "Las Gallinas" [Sp. 'the chickens']. Gibson (1983: 103ff, 261f) presents several lines of evidence to demonstrate the presence of Chumash communities in the southern reaches of the Salinas River drainage, however, the true nature of these communities cannot be deduced from historical records. Furthermore, most prehistoric archaeological sites and their former inhabitants cannot be assigned contemporary "ethnic identities".

Ancient Chumash and Salinan populations followed an annual cycle of marine and river fishing, fowling, terrestrial hunting, bulb, seed and nut harvesting, and collection of numerous indigenous plants. Communities called *rancherias* generally consisting of several related families, or larger extended kin groups. People lived in permanent villages and towns along the coast, and in the interior canyons and river valleys. An extensive commerce had flourished since earliest times, centering first around the exchange of luxury items, and later extending to consumer products and foods. Over the millennia, populations adapted to changes in climate, shifts in plant and animal resources, and altered social conditions. Before colonization local native California societies had evolved into large and complex, monetized, non-agricultural systems (Gibson 1983; King 1982). Aboriginal societies began to collapse soon after the introduction of European diseases, immediately after contact and colonization. Native societies disintegrated in large part due to epidemic diseases with high mortality rates, and the exacerbating effects of Spanish, Mexican and American colonial practices.

The popular view of California Indians as "simple folk" has not yet been replaced by the recognition that most aboriginal societies, like the Chumash and the Salinan, had particularly sophisticated and complex social, political, and economic systems long before European colonists set foot in North America. All of California's native societies, some 70 or more in number when the Spanish arrived, were uniquely adapted to their particular environments, and lived in relative harmony with their neighbors. Many aspects of ancient society survive among contemporary Chumash and Salinan populations. One such tradition is a very firm attachment to the sea and the land of their ancestors, while another is a persistent interest in traditional sites and archaeological materials.

According to the Archaeological Information Center at UCSB (Singer 1987), the subject property had never been systematically surveyed for cultural resources, and no archaeological sites had been recorded anywhere on or next to the property. Several other resource surveys performed in the immediate area yielded no prehistoric or early historic resources; cultural materials consisted entirely of historic ranching refuse and associated agricultural features (Singer 1996, 1997; Singer and Atwood 1988). The nearest prehistoric site, an isolated core of dark gray, grainy chert, was discovered in a field about 1 km south of the subject property (Singer and Atwood 1988: 5, and Appendix B).

Following the review of documents, maps and records, an on-foot reconnaissance survey was conducted. First, the entire periphery of the property was inspected. Next, a series of linear transects were walked across the open fields and terraces above Huerhuero Creek. Finally, the floodplain, low banks, and channel of Huerhuero Creek were examined. Field notes were made that describe the topography, the geology, the flora, and the cultural materials and features encountered.

Geographically, the property is part of the flat tablelands that extend eastward from the Salinas River. Elevations in the area range from ca. 730 feet, within the channel of Huerhuero Creek, to ca. 790 feet, on the elevated tablelands. The tablelands represent an ancient Quaternary alluvial fan composed of Paso Robles Formation sediments, primarily of sands and silts, but containing durable gravels and fossils of marine mammals (Chipping 1987). Well rounded gravels include shales, both Franciscan and Monterey cherts, metacherts, quartzites, andesites, rhyolites, massive quartz and quartzite. Some of these gravels were suitable material for prehistoric stone tool production, however, no concentrated deposits of quality material were discovered on the property. Although gravels were most prominent in the channel of Huerhuero Creek none exceed 25 cm in diameter, quality knapping material is scarce. Soils encountered on the tablelands were light to medium brown in color, silty to clayey in texture, dry and compact. Loose, dry sediments, gravels, sands, silts, and clays were observed within the channel of Huerhuero Creek; wet sediments were present in several marshy areas. Overall ground visibility was fairly good. Surficial soils were observed next to trees, around rodent holes, within erosion gullies, along the terrace edge, and within the creek channel. Stratigraphic profiles were noted on the walls of the Huerhuero Creek channel.

Agricultural practices, which began around 1800 AD, have virtually destroyed the native plant communities and modified the biological habitats on the property. Grazing of horses, sheep, and cattle, and production of cereals have profoundly affected the local environment. Native grasses no longer exist; young oak trees are absent; sagebrush and other shrubs are gone. What remains are a few mature oaks, a modified woodland savanna that is now largely grassland. Two species of oak are present in the area, Valley Oaks [*Quercus lobata*] and Blue Oaks [*Quercus douglasii*]. However, only Blue Oaks were noted on the property near the Huerhuero Creek channel; most of the property is treeless. Poplars and willows were noted in the channel of Huerhuero Creek but no attempt was made to identify other riparian plants. The brushy understory that forms part of an oak woodland is poorly represented. A short list of understory species, compiled by Richard L. Wessel for the Chandler Specific Plan Project (Singer and Atwood 1988), includes Goldenbush [*Haplopappus* sp.], Goosefoot [*Chenopodium* sp.], Horehound [*Marubium vulgare*], Black Mustard [*Brassica nigra*], Turkey Mullein [*Eremocarpus setigerus*], and Vinegar Weed [*Trichostema lanceolatum*].

Prehistoric archaeological remains were not found on the surface of the property, and the possibility of finding buried or subterranean remains is very remote. On the other hand, two areas yielded historic remains. One area appears to be a dump site used for disposal of domestic refuse and farming materials. The old dump is located on the flat tableland, west of the creek channel, about 100 meters east of Paso Robles Boulevard. Items noted here include a large Pismo clam shell, a fragment of amethyst bottle glass, a length of link-chain, and a small carriage or buggy axle. The second area is also on the tableland west of the channel. Around 60 meters north of the dump, and 60 meters east of Paso Robles Boulevard, a rusting, cast iron anvil? was found. Standing about 25 cm high, the piece has four short legs, two flanged edges (one perforated), and a flat upper surface. It weighs 25 kg, or more, and was not associated with any other material. The domestic refuse and the

buggy axle date from the early part of the 20th Century. Additional materials are probably present at the dump location.

To conclude, a 35 acre property located on the tablelands east of the Salinas River was surveyed to determine if cultural resources existed in the area. A small portion of Huerhuero Creek, a tributary of the Salinas River, crosses the property and until recently the land was used for cattle grazing; earlier dry farming activities are not obvious but undoubted occurred. Features and artifacts observed on the property indicate agricultural use during the first half of 20th Century. Evidence of earlier use was not observed but may be present within the trash deposit identified in the northwest part of the property. A change in land use has been proposed, specifically, construction of an RV park.

If cultural resources were present on the property they would be affected by the proposed development. However, there are no prehistoric resources of any kind, and the historic materials appear to have no particular significance. The property is not associated with any important historic event or person, nor is it unique. Finally, the flat topography, arid conditions, and geology together imply that buried resources are unlikely to exist. Although fossils of Pleistocene age are sometimes found in the Paso Robles Formation (mostly marine mammals), no cultural materials have ever been recovered.

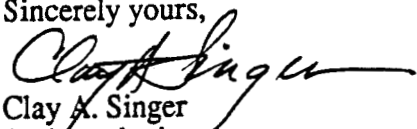
Statistical information necessary for a long range evaluation of the cultural resources in the upper Salinas River watershed does not exist. The best that can be said today is that initial occupation occurred about 12,500 years ago, and people have probably lived here ever since. Even though historic and prehistoric sites are not uncommon, the science of archaeology is still young and unsophisticated. At the present time there is no comprehensive review of the hundreds of documents and site records for the region, and because of the highly variable quality of these documents and records, a valid synthesis of data is impossible. Nevertheless, work in the Santa Margarita area has resulted in the discovery of a Palaeoamerican site, CA-SLO-1429, that seems to be Late Pleistocene in age, that is, about 12,500 years old.

A review of archaeological maps and documents, followed by a thorough reconnaissance survey of the property, indicates that construction of an RV park at this location should have no direct or measurable indirect impact on cultural resources. Natural habitats that support resources valued by contemporary Native Americans, for example springs and marshes, will not be affected. The oak woodland savanna and riparian habitats within the project area have already been substantially altered by agricultural activities. Since no prehistoric archaeological resources were found on the property, and since none are known to exist on adjacent lands, proposed modifications of the landscape should have no impact on cultural resources.

As currently defined by the California Environmental Quality Act of 1970 (CEQA), as amended (Appendix K), isolated historic materials and features do not meet the criteria for designation as important resources. Therefore, projected impacts to these resources are deemed insignificant and need not be mitigated. Finally, the long-term and cumulative impacts of the proposed development cannot be evaluated at this time because of insufficient data. The State of California is unable to produce statistical data regarding the status of cultural resources within the state. Accurate statistical information on the frequency, range of types, dimensions, or physical status of cultural resources is not yet available for any region or county in California.

Should you have any questions regarding the survey described, or the conclusions expressed above, please do not hesitate to contact this office.

Sincerely yours,


Clay A. Singer
Anthropologist

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ATTACHMENT

A portion of the USGS Paso Robles, Calif., 7.5' topographic quadrangle showing the area surveyed for cultural resources, APN 025-431-023.

