Date: August 29, 2025

DEVELOPER'S STATEMENT & MITIGATION MONITORING PROGRAM
FOR BURKHARDT MAJOR GRADING PERMIT
GRAD2025-00006 (ED25-0011)

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

Per Public Resources Code Section 21081.6 the following measures also constitute the mitigation monitoring and/or reporting program that will reduce potentially significant impacts to less than significant levels. These measures will become conditions of approval (COAs) should the project be approved. The Lead Agency (County) or other Responsible Agencies, as specified in the following measures, is responsible to verify compliance with these COAs.

BIOLOGICAL RESOURCES (BIO)

BIO-1 **San Joaquin Kit Fox - Retaining Qualified Project Biologist.** Prior to issuance of grading and/or construction permits, the applicant shall provide evidence that they have retained a qualified biologist acceptable to the County. The biologist shall perform the following monitoring activities:

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

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

c. Prior to or during project activities, if any observations are made of San Joaquin Kit fox, or any known or potential San Joaquin kit fox dens are

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

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

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

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

    i. Potential kit fox den: 50 feet

    ii. Known or active kit fox den: 100 feet

    iii. Kit fox pupping den: 150 feet

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

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

BIO-2 **San Joaquin Kit Fox – Project Construction Conditions.** Prior to issuance of grading and/or construction permits, the applicant shall incorporate the following measures prior to and during construction. All of these measures shall be placed on applicable construction drawings. In addition, an educational training program shall be implemented for all on-site construction personnel:

a. Clearly delineate as a note on the construction drawings that: “Speed signs of 25 mph (or lower) shall be posted for all construction traffic to minimize

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

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

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

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

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

f. During the site-disturbance and/or construction phase, all food-related trash items such as wrappers, cans, bottles, and food scraps generated shall be disposed of in closed containers only and regularly removed from the site. Food items may attract San Joaquin kit foxes onto the project site,

consequently exposing such animals to increased risk of injury or mortality. No deliberate feeding of wildlife shall be allowed.

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

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

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

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

    ii. 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.

BIO-3 **Kit Fox – Fee Payment.** At the time of application for construction permits, the applicant shall provide evidence to the Department of Planning and Building that the California Department of Fish and Wildlife fee described in the August 25, 2025, letter has been paid (Vance, 2025).

BIO-4 **Nesting Bird Impact Avoidance and Protection.** If feasible, vegetation disturbance and/or vegetation removal activities should be scheduled to occur outside the February 15 to September 1 nesting season. No surveys for nesting birds shall be required for project activities occurring between September 2 and February 14. For project-related activities that occur during the nesting

season (February 15 to September 1) a nesting bird survey shall be conducted by a qualified biologist no more than 7 days prior to vegetation removal for each phase of the project. The surveys shall be conducted within all accessible areas within 500 feet of the work area. If nests are located during any survey, all project-related activities shall be avoided within the following buffer zones: 50 feet for non-raptor species nests and 500 feet for any active raptor nests. Buffer areas shall be closed to all construction personnel and equipment until a qualified biologist has determined nesting has ended and the young have fledged the nest and the nest is no longer active.

BIO-5 **Erosion Control Plan Preparation and Implementation.** Prior to construction, the applicant should prepare a detailed Erosion Control Plan for the site. Erosion control measures in the Plan shall follow standard Best Management Practices (BMPs) that are applicable to the specific site conditions. Provisions of the plan shall be implemented before, during and after construction as appropriate to avoid and minimize erosion and runoff from the work area. All erosion and construction debris control measures required by the project Erosion Control Plan shall be implemented by the Applicant or their contractor as scheduled. Silt fencing, fiber rolls, and other temporary barriers will be installed as specified to protect adjacent properties and roadways during grading and construction. Erosion and construction debris control measures should be checked and cleaned out/maintained daily during the

Monitoring: Required prior to application for project grading, building, and construction permits and during construction activities. Compliance will be verified by the County Department of Planning and Building.

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

Raye Burkhardt	Raye Burkhardt	09/06/2025
Signature of Applicant	**Name (Print)**	**Date**