

Date: October 24, 2025

**DEVELOPER'S STATEMENT & MITIGATION MONITORING PROGRAM
FOR NEUFELD MINOR USE PERMIT N-DRC2024-00047 (ED25-0129)**

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 would reduce potentially significant impacts to less than significant levels. These measures would become conditions of approval (COAs) should the project be approved. The Lead Agency (County) or other Responsible Agencies, as specified in the following measures, are responsible to verify compliance with these COAs.

BIO-1 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 Department of Planning and Building to perform the training and monitoring activities described in the adopted mitigation measures for biological resources.

BIO-2 Environmental Awareness Training – Prior to major construction activities (e.g., site mobilization, clearing, grubbing, preparation for installing new facilities, etc.), an environmental awareness training shall be presented to all project personnel by a qualified biologist prior to the start of any project activities. The training shall include color photographs and a description of the ecology of all special-status species known or determined to have potential to occur, as well as other sensitive resources requiring avoidance near project impact areas. The training shall also include a description of protection measures required by the project's discretionary permits, an overview of the federal Endangered Species Act, the California Endangered Species Act, and implications of noncompliance with these regulations, as well as an overview of the required avoidance and minimization measures. A sign-in sheet with the name and signature of the qualified biologist who presented the training and the names and signatures of the trainees will be kept and provided to the County of San Luis Obispo (County). If new project personnel join the project after the initial training period, they will receive the environmental awareness training from a designated crew member on site before beginning work. A qualified

biologist will provide refresher trainings during site visits or other monitoring events.

BIO-3 Prior to issuance of grading and/or construction permits, all SJKF protection measures required before construction (prior to any project activities) and during construction shall be included as a note on all project plans.

Monitoring: Required prior to issuance of construction or grading permits or prior to any site disturbance. Compliance will be verified by the County Department of Planning and Building.

BIO-4 San Joaquin Kit Fox (*Vulpes macrotis mutica*; SJKF) Habitat Mitigation Measures -

Prior to issuance of grading and/or construction permits, the applicant shall submit evidence to the County of San Luis Obispo and CDFW that one or a combination of the following three SJKF mitigation measures for loss of SJKF habitat has been implemented:

- a. Habitat Set Aside. Provide for the protection in perpetuity, through acquisition of fee or a conservation easement of 0.9 acre (exact size to be confirmed by CDFW) of suitable habitat in the kit fox corridor area (e.g. within the San Luis Obispo County kit fox habitat area), 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 CDFW and the County.

Mitigation alternative (a.) requires that all aspects of this program be in place before County permit issuance or initiation of any ground-disturbing activities.

- b. In Lieu Fee. 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 (b.) 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 CDFW and TNC to preserve SJKF habitat, and to provide a voluntary mitigation alternative to project proponents who must mitigate the impacts of projects in accordance with the CEQA. This fee is calculated based on the current cost-per-unit of \$2,500 per acre of mitigation, which is scheduled to be adjusted to address the increasing cost of property in San Luis Obispo County; the actual cost may increase depending on the timing of payment. This fee must be paid

after CDFW provides written notification about mitigation options but prior to County permit issuance and initiation of any ground disturbing activities. The fee, payable to “The Nature Conservancy”, would total \$2,250 based on \$2,500 per acre 0.9 acres impacted * 3:1 * \$2,500 per acre (fee amount to be determined by CDFW).

- c. Purchase Mitigation Credits. Purchase 0.9 credits in a CDFW-approved conservation bank (exact amount to be determined by CDFW), 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.

Mitigation alternative (c.) can be completed by purchasing credits from the Palo Prieto Conservation Bank. The Palo Prieto Conservation Bank was established to preserve SJKF habitat, and to provide a voluntary mitigation alternative to project proponents who must mitigate the impacts of projects in accordance with CEQA. The cost for purchasing credits is payable to the owners of The Palo Prieto Conservation Bank and would total \$7,500 (1.0 acres impacted * 3:1 * \$2,500 per acre). This fee is calculated based on the current cost-per-credit of \$2,500 per acre of mitigation. The fee is established by the conservation bank owner and may change at any time. The actual cost may increase depending on the timing of payment. Purchase of credits must be completed prior to County permit issuance and initiation of any ground-disturbing activities.

It should be noted that the estimated area of SJKF habitat mitigation required (3.0 acres) is a conservative estimate based on the preliminary plans used for CEQA compliance. A final quantification of the area of kit fox habitat impacted by the project, and the corresponding mitigation requirements, will be made based on the construction plans approved by the County through the building permit process. If the final construction plans indicate that the project may impact more than 1.0 acres of SJKF habitat, the project may require additional environmental review before a building permit will be issued. Such additional review may also require coordination with CDFW.

Monitoring: Required prior to issuance of construction or grading permits or prior to any site disturbance. Compliance will be verified by the County Department of Planning and Building.
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BIO-5 Pre-construction survey for SJKF. A qualified biologist shall complete a pre-construction survey for SJKF no less than 14 days and no more than 30 days prior to the start of initial project activities to ensure SJKF is not present within all proposed work areas and at least a 200-foot buffer around work areas per USFWS Standard Recommendations (2011). The biologist will survey for sign of SJKF and known or

potential SJKF dens. The result of the survey shall be submitted to the County within 5 days of the survey and prior to the start of initial project activities. The submittal shall include the date the survey was conducted, survey method, and survey results, including a map of the location of any SJKF sign, and/or known or potential SJKF dens, if present. If no SJKF sign, potential or known SJKF dens are identified, then the SJKF Standard Protection Avoidance and Protection Measure shall be applied.

- If the qualified biologist identifies potential SJKF den(s), the den(s) will be monitored for 3 consecutive nights with an infra-red camera, prior to any project activities, to determine if the den is being used by SJKF. If no SJKF activity is observed during the 3 consecutive nights of camera placement, then project work can begin with the Standard SJKF Avoidance and Protection Measures and the SJKF Protection Measures if SJKF are observed.
- If a known den is identified within 200-feet of any proposed project work areas, no work may start in that area.

If 30 days lapse between different phases of project activities (e.g., vegetation trimming and the start of grading), where no or minimal work activity occurs, the SJKF survey shall be updated.

BIO-6 Standard SJKF Avoidance and Protection Measures

- If a SJKF is discovered at any time to be occupying an area within the project boundaries, all work must stop. The County will be notified, and they will consult with other agencies as needed.
- A maximum of 25 mph speed limit shall be required at the project site during project activities. Speed limit signs shall be installed on the project site prior to the start of all work.
- All project activities shall cease at dusk and not start before dawn. This includes driving on the site for security purposes.
- To prevent entrapment of SJKF and other special-status wildlife, all excavations, steep-walled holes or trenches greater than two feet deep shall be completely covered at the end of each workday by plywood or similar materials, or one or more escape ramps constructed of earth fill or wooden planks shall be installed a minimum of every 200 feet. All escape ramps shall be angled such that wildlife can feasibly use them to climb out of an area. All excavations, holes, and trenches shall be inspected daily for SJKF or other special-status species and immediately prior to being covered or filled. If a SJKF is entrapped, CDFW, USFWS, and the County will be contacted immediately to document the incident and advise on removal of the entrapped SJKF.

- All pipes, culverts, or similar structures with a diameter of 4 inches or greater, stored overnight at the project site shall be thoroughly inspected for sheltering SJKF before burying, capping, or moving. All exposed openings of pipes, culverts, or similar structures shall be capped or temporarily sealed prior to the end of each working day. No pipes, culverts, similar structures, or materials stored on site shall be moved if there is a SJKF present within or under the material. A 50-foot exclusion buffer will be established around the location of the SJKF until it leaves. The SJKF shall be allowed to leave on its own before the material is moved.
- All food-related trash items such as wrappers, cans, bottles, and food scraps shall be disposed of in animal-proof closed containers only and regularly removed from the site.
- No deliberate feeding of wildlife shall be allowed.
- Water sources shall be managed to ensure no leaks occur or are fixed immediately upon discovery in order to prevent SJKF from being drawn to the project area to drink water.
- Trash will be disposed of into containers rather than stockpiling on site prior to removal.
- Materials or other stockpiles will be managed in a manner that will prevent SJKF from inhabiting them. Any materials or stockpiles that may have had SJKF take up residence shall be surveyed (consistent with pre-construction survey requirements) by a qualified biologist before they are moved.
- The use of pesticides or herbicides shall be in compliance with all local, state, and federal regulations so as to avoid primary or secondary poisoning of endangered species and the depletion of prey upon which SJKF depend.
- Permanent fences shall allow for SJKF passage through or underneath by providing frequent openings (8-inch x 12-inch) or an approximately 4-inch or greater passage gap between the ground and the bottom of the fence. Any fencing constructed after issuance of a final permit shall follow the above guidelines.
- During project activities and/or the operation phase, any contractor or employee that inadvertently kills or injures a SJKF 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 SJKF, the applicant shall immediately notify the USFWS, CDFW, and the County by telephone. In addition, formal notification shall be provided in writing within 3 working days of the finding of any such animal(s).

Notification shall include the date, time, location, and circumstances of the incident.

- If potential SJKF dens are identified on site during the pre-construction survey, a qualified biologist shall be on site immediately prior to the initiation of project activities to inspect the site and dens for SJKF activity. If a potential den appears to be active or there is sign of SJKF activity on site and within the above-recommended buffers, no work can begin.
- A qualified biologist shall conduct weekly site visits during site-disturbance activities (e.g., clearing, grading, disking, excavation, stock piling of dirt or gravel, etc.) that proceed longer than 14 days, to check the site for special-status species. Site-disturbance activities lasting up to 14 days do not require weekly monitoring by a biologist unless a potential SJKF den was identified on-site, or the qualified biologist recommends monitoring for other sensitive species protection. When weekly monitoring is required, the biologist shall submit weekly monitoring reports to the County.

BIO-7 Site Maintenance and General Operations - The following measures are required to minimize impacts during active construction and ongoing operations. All measures applicable during construction shall be included on the plans. All measures applicable to operation shall be clearly posted on-site in a location(s) visible to workers and anyone visiting the site:

- The use of heavy equipment and vehicles shall be limited to the proposed project limits and defined staging areas/access points. The boundaries of each work area shall be clearly defined and marked with high visibility fencing (e.g., t-posts and yellow rope) and/or flagging. No work or travel shall occur outside these limits.
- Project plans, drawings, and specifications shall show the boundaries of all work areas on site and the location of erosion and sediment controls, limit delineation, and other pertinent measures to ensure the protection of sensitive habitat areas and associated resources.
- Staging of equipment and materials shall occur in designated areas at least 100 feet from aquatic habitat (e.g., swales, drainages, ponds, vernal pools, if identified on site).
- Secondary containment such as drip pans shall be used to prevent leaks and spills of potential contaminants.
- Washing of concrete, paint, equipment, and refueling and maintenance of equipment shall occur only in designated areas. Sandbags and/or absorbent

pads shall be available to prevent water and/or spilled fuel from leaving the site.

- Equipment shall be inspected by the operator daily to ensure that equipment is in good working order and no fuel or lubricant leaks are present.

Monitoring: Required prior to issuance of construction or grading permits or prior to any site disturbance. Compliance will be verified by the County Department of Planning and Building.

BIO-8 Noxious Weed Species. To prevent the potential spread of invasive botanical species identified within the Project site, all vehicles and equipment used at the site shall be cleaned of all dirt, mud, and plant debris prior to entering or exiting the site (e.g., driven over rumble strips) to prevent tracking of potential seed stock to or from the property. Rumble strips will also be regularly cleaned and maintained to prevent the accumulation of non-native seed stock.

BIO-9 Pre-construction Survey for Sensitive and Nesting Birds. If work is planned to occur between February 1 and September 15, a qualified biologist shall survey the area for nesting birds within one week prior to initial project activity beginning, including ground disturbance and/or vegetation removal/trimming. If nesting birds are located on or near the proposed project site, they shall be avoided until they have successfully fledged, or the nest is no longer deemed active.

- A 50-foot exclusion zone shall be placed around non-listed, passerine species, and a 250-foot exclusion zone will be implemented for raptor species. Each exclusion zone shall encircle the nest and have a radius of 50 feet (non-listed passerine species) or 250 feet (raptor species). All project activities, including foot and vehicle traffic and storage of supplies and equipment, are prohibited inside exclusion zones. Exclusion zones shall be maintained until all project-related disturbances have been terminated, or it has been determined by a qualified biologist that the young have fledged or that proposed project activities would not cause adverse impacts to the nest, adults, eggs, or young.
- If special-status avian species (aside from the burrowing owl or tricolored blackbird [if identified in biological report]) are identified and nesting within the work area, no work will begin until an appropriate exclusion zone is determined in consultation with the County and any relevant resource agencies.
- The results of the survey shall be provided to the County prior to initial project activities. The results shall detail appropriate fencing or flagging of exclusion

zones and include recommendations for additional monitoring requirements. A map of the project site and nest locations shall be included with the results. The qualified biologist conducting the nesting survey shall have the authority to reduce or increase the recommended exclusion zone depending on site conditions and species (if non-listed).

If two weeks lapse between different phases of project activities (e.g., vegetation trimming and the start of grading), during which no or minimal work activity occurs, the nesting bird survey shall be repeated.

Monitoring: Required prior to issuance of construction or grading permits or prior to any site disturbance. 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.



Signature of Applicant

Mark C Neufeld

Name (Print)

10/27/2025

Date