DEVELOPER'S STATEMENT FOR NELSON TENTATIVE PARCEL MAP N-SUB2022-00034

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.

By signing this statement, the applicant acknowledges and agrees to complete the following requirements in the order outlined below, based on the requirements for each stage of the development process:

Before Starting Map Improvements and Final Parcel Map Recordation:

1. Conduct a botanical survey during the appropriate season and within one year of map improvements.
2. If special status plants species are found, apply for an Incidental Take Permit (ITP) for map improvement activities.
3. If special status plants species are found, identify the mitigation area and develop a replanting plan.
4. Record an Open Space Easement per BIO-11.

Before or Applying for Building Permits on Each Parcel:

1. Conduct a botanical survey during the appropriate season for individual parcel to be developed. Surveys shall occur within one year of application for construction permits.
2. If special status plants species are found, apply for an ITP for individual parcel to be developed.
3. Mitigate for impacts to individual Pismo clarkia plants on parcel, as approved in the ITP.

Note: The items contained in the boxes labeled "Monitoring" describe the County procedures to be used to ensure compliance with the mitigation measures.

EXHIBIT B - MITIGATION SUMMARY

The following mitigation measures address impacts that may occur as a result of the development of the project.

AIR QUALITY

AQ-1 Fugitive Dust Construction Control Measures, the following measures related to fugitive dust emissions shall be incorporated into the construction phase of the project and shown on all applicable construction plans:

a) Reduce the amount of the disturbed area where possible;

b) Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water should be used whenever possible;

c) All dirt stock pile areas should be sprayed daily as needed;

d) Permanent dust control measures identified in the approved project revegetation and landscape plans should be implemented as soon as possible following completion of any soil disturbing activities;

e) Exposed ground areas that are planned to be reworked at dates greater than one month after initial grading should be sown with a fast germinating, non-invasive grass seed and watered until vegetation is established;

f) All disturbed soil areas not subject to revegetation should be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the APCD;

g) All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used;

h) Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site;

i) All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least two feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with CVC Section 23114;

j) Install wheel washers where vehicles enter and exit unpaved roads onto streets, or wash off trucks and equipment leaving the site;

k) Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water should be used where feasible;

l) All of these fugitive dust mitigation measures shall be shown on grading and building plans; and

m) The contractor or builder shall designate a person or persons to monitor the fugitive dust emissions and enhance the implementation of the measures as necessary to minimize dust complaints, reduce visible emissions below 20% opacity, and to prevent transport of dust offsite. Their duties shall include holidays and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the

APCD Compliance Division prior to the start of any grading, earthwork or demolition.

n) Take additional measures as needed to ensure dust from the project site is not impacting areas outside the project boundary.

AQ-2 ROG, NOx, DPM Emissions. The following measures based on the SLOAPCD standard mitigation measures for construction equipment for reducing nitrogen oxides (NOx), reactive organic gases (ROG), and diesel particulate matter (DPM) emissions from construction equipment shall be implemented to reduce expose of sensitive receptors to substantial pollutant concentrations. These measures shall be shown on grading and building plans:

a) Implement Mitigation Measure AQ-1, as identified above.

b) On-road diesel vehicles shall comply with Section 2485 of Title 13 of the California Code of Regulations. This regulation limits idling from diesel-fueled commercial motor vehicles with gross vehicular weight ratings of more than 10,000 pounds and licensed for operation on highways. It applies to California and non-California based vehicles. In general, the regulation specifies that drivers of said vehicles:

   i. Shall not idle the vehicle's primary diesel engine for greater than 5 minutes at any location, except as noted in Subsection (d) of the regulation; and,

   ii. Shall not operate a diesel-fueled auxiliary power system to power a heater, air conditioner, or any ancillary equipment on that vehicle during sleeping or resting in a sleeper berth for greater than 5.0 minutes at any location when within 1,000 feet of a restricted area, except as noted in Subsection (d) of the regulation.

c) Maintain all construction equipment in proper tune according to manufacturer's specifications.

d) Fuel all off-road and portable diesel-powered equipment with ARB certified motor vehicle diesel fuel (non-taxed version suitable for use off-road).

e) Use diesel construction equipment meeting ARB's Tier 2 certified engines or cleaner off-road heavy-duty diesel engines and comply with the State Off-Road Regulation.

f) Use on-road heavy-duty trucks that meet the CARB's 2010 or cleaner certification standard for on-road heavy-duty diesel engines and comply with the State On-Road Regulation.

g) Idling of all on and off-road diesel-fueled vehicles shall not be permitted when not in use. Signs shall be posted in the designated queuing areas and or job site to remind drivers and operators of the no idling limitation.

h) Electrify equipment when possible.

i) Substitute gasoline-powered in place of diesel-powered equipment, when available. and,

j) Use alternatively fueled construction equipment on-site when available, such as compressed natural gas (CNG), liquefied natural gas (LNG), propane or biodiesel

AQ-1 – AQ2 Monitoring: Required Prior to issuance of grading and/or construction permits. Compliance will be verified by the County Department of Planning and Building.

BIOLOGICAL RESOURCES

BIO-1 Prior to initiation of map improvements or submittal of grading and/or building permit application, the applicant shall retain a County-approved biological monitor. The biological monitor shall prepare and submit a biological monitoring plan for review and approval by the San Luis Obispo Department of Planning and Building. The monitoring plan shall detail the responsibilities of the monitor, including, but not limited to: overseeing the installation of protective fencing around all areas identified by the updated botanical surveys (see BIO-7) containing sensitive plant species identified onsite that are not proposed to be removed by the project; ensuring the use of heavy equipment and vehicles are limited to the proposed project work area, existing roadways, and defined staging areas/access points and that the boundaries of each work area are clearly defined and marked with visible flagging prior to project initiation; conducting regular inspections/site visits to verify construction activity location, conducting or reviewing the updated botanical surveys required by BIO-7 and preconstruction wildlife surveys required by BIO-15 through BIO-17; conducting the worker awareness training required by BIO-2; and verifying best management practices required by BIO-3 are adhered to.

The applicant shall submit a copy of the approved contract with the biological monitor for the project to include the scope of work that includes the requirements above. The biological monitor shall provide monthly reports to the San Luis Obispo County Department of Planning and Building, which shall include verification that the measures above have been implemented.

Prior to final of grading and/or construction permits, a final monitoring report shall be provided to the San Luis Obispo County Department of Planning and Building for review and approval.

BIO-1 Monitoring: Required prior to initiation of map improvements or submittal of grading and/or construction permit application. Compliance will be verified by the County Department of Planning and Building.

BIO-2 Environmental Awareness Training. **Prior to project activities, protective fencing installation, or the mobilization of any equipment on the project site for map improvements or development of each parcel,** an environmental awareness training shall be presented to all construction personnel by a County qualified biologist. The training shall include color photographs and a description of the ecology of all special-status species known or with potential to occur, as well as other sensitive resources requiring avoidance during construction. The training shall also include a description of protection measures required by discretionary permits, an overview of the Federal and California Endangered Species Acts, and implications of noncompliance with these regulations. This will include an overview of the required avoidance, minimization, and mitigation measures. Furthermore, crew members will be briefed on the reporting process in the event that an inadvertent injury should occur to a special-status species during construction. A sign-in sheet with the name and signature of the County qualified biologist who presented the training, and the names and signatures of the environmental awareness trainees shall be available for inspection. A fact sheet conveying the information provided in the environmental awareness training will be provided to all project

personnel.

BIO-2 Monitoring: Required prior to the start of project activities on project site for development of each parcel. Compliance will be verified by the County Department of Planning and Building.

BIO-3 Site Maintenance and General Operations. During all map improvement and grading or construction activities, the following measures are required to minimize impacts during active construction and ongoing operations. All measures applicable during construction shall be printed on all plan sets. All measures applicable to operation shall be clearly posted on-site in a location(s) visible to workers and anyone visiting the site:

- All work activities shall be completed during daylight hours (between sunrise and sunset) and outside of rain events.
- The Project impact area shall be clearly marked or delineated with stakes, flagging, tape, or signage prior to work. Areas outside of work limits shall be considered environmentally sensitive and shall not be disturbed.
- All equipment and vehicles shall be checked and maintained daily to prevent spills of fuel, oil, and other hazardous materials. A designated staging area shall be established for vehicle/equipment parking and storage of fuel, lubricants, and solvents. All fueling and maintenance activities shall take place in the staging area.
- 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, or equipment, and refueling and maintenance of equipment shall occur only in designated staging areas. These activities will occur at a minimum of 100 feet from sensitive habitat. Sandbags and/or absorbent pads and spill control kits shall always be available on site to clean up and contain fuel spills and other contaminants.
- Construction 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.
- Plastic monofilament netting (erosion control matting) or similar material will not be used on site due to the potential to entangle special-status wildlife. Acceptable substitutes are coconut coir matting, biodegradable fiber rolls, or tackified hydroseeding compounds. The use of pesticides (including rodenticides) and herbicides on the property shall be in

compliance with all local, state, and federal regulations to avoid primary and secondary poisoning of sensitive species that may be using the site.

- After completion of the project's construction, all protective fencing/flagging used to delineate sensitive biological resources shall be removed from the project area and disposed of in appropriate waste receptacles or reused.

BIO-3 Monitoring: Required during all map improvement and construction activities. Compliance will be verified by the County Department of Planning and Building.

BIO-4 Oak Tree Mitigation. Prior to initiation of map improvements or submittal of grading and construction permit application, for oak tree removals or impacts during project implementation, the applicant shall provide a plan for mitigation (on site if feasible) per the County's guidelines, typically 4:1 for tree removal and 2:1 for impacted trees. This shall include development of an oak tree mitigation plan and establishment of an oak tree planting site or conservation easement that shall be protected in perpetuity. A mitigation plan shall be prepared that details the methods and requirements for oak tree mitigation. At a minimum, the plan shall:

- Be prepared by a licensed arborist or qualified botanist and be submitted to the San Luis Obispo County Department of Planning and Building for review and approval prior to submittal of grading and construction permit application or site improvements under the map.
- Include a detailed inventory of the species and quantity of all oak trees to be removed or impacted.
- Discuss the proposed construction methods, construction schedule, and the implementation schedule of activities proposed as part of the plan.
- Quantify and describe the anticipated impacts to individual oak trees and/or oak woodland habitat, as applicable.
- Identify all appropriate methods for fulfillment of required mitigation (e.g., on-site plantings, conservation easement, or in-lieu fee). All locations for onsite planting or conservation easements shall be shown on the plans. Any proposed conservation easements shall be of sufficient size to mitigate impacts at the required ratios of 4:1 for removal and 2:1 for impacted trees. If an in-lieu fee is used, the fee amount will be determined at the time of building permits. Fees will be paid to the California Wildlife Conservation Boards Oak Woodlands Conservation Program.
- Describe detailed planting methods, as appropriate.
- Identify suitable areas for establishment of new oak trees and/or protection of existing oak woodland habitat, as appropriate.
- Describe short-term and long-term monitoring protocols and/or vegetative growth performance criteria for mitigation success.
- The mitigation plan shall include details on how plants will be installed (container, acorn, etc.), maintenance techniques, and methods to monitor their establishment.

- An As-Built Planting Plan shall be prepared to track the replacement trees.
- Annual Reports detailing monitoring of the mitigation effort shall be prepared by a licensed arborist or qualified botanist and submitted to the San Luis Obispo County Department of Planning and Building by December 31st of each year following planting. All replacement trees shall be maintained and monitored for a minimum of 7 years to ensure successful establishment. If replacement trees die or do not successfully establish, then additional trees shall be installed and monitored accordingly to meet the plan's success criteria.

BIO-4 Monitoring: Required prior to initiation of map improvements or submittal of grading and construction permit application. Compliance will be verified by the County Department of Planning and Building.

BIO-5 Oak Tree Protection. Prior to and during construction activities for grading or site improvements, and to the maximum extent feasible, impacts to oak trees and oak woodland habitat shall be avoided and minimized. The following measures shall be implemented prior to and during construction:

- An oak tree monitor shall be named that will be the liaison for the applicant and the County of San Luis Obispo Planning and Building Department. This monitor will be on site to implement the following measures and report back to the County of San Luis Obispo Department of Planning and Building.
- Grading and/or construction plans shall provide a 'Native Tree (Oak) Inventory' that accurately identifies the canopy edge and trunk locations of all native trees within 25 feet of the proposed project limits (including ancillary elements, such as trenching); For each of the trees shown, they shall be marked with one of the following 1) to be removed, 2) to be impacted, or 3) to remain intact/protected. This should be noted as the "Native Tree Impact Plan". Trees identified as 'impacted' or 'to remain protected' shall be marked in the field as such and protected to the extent possible.
- Impacts to the oak canopy or sensitive root zone shall be avoided to the extent feasible. Impacts may include pruning, ground disturbance, or placement of impervious surfaces (e.g., asphalt, permanent structures) within the sensitive root zone; installation of year-round irrigation or other supplemental water within the sensitive root zone; and trunk damage.
- Prior to ground-breaking, tree protection fencing shall be installed as close to the outer limit of the sensitive root zone as practicable for construction operations to protect trees located within 50 feet of construction that will be preserved. The fencing shall be in place throughout the duration of construction. Plastic orange safety fencing shall not be used as it may entangle wildlife. Other demarcations such as t-posts and yellow rope are adequate. Protective measures shall be visible to work crews and be able to remain in good working order for the duration of the construction work. Waterproof signage at protective edge is recommended (e.g., "TREE PROTECTION AREA – STAY OUT"). Grading, trenching, compaction of soil, construction material/equipment storage, or placement of fill shall not occur within these protected areas.
- All construction activity shall occur outside delineation fencing installed for protection of oak trees.

- A licensed arborist or qualified botanist shall be hired to oversee all removal or trimming of existing roots and necessary branch trimming. To minimize impacts from tree trimming, the following approach shall be used:
    - Removal of larger lower branches shall be minimized to 1) avoid making tree top heavy and more susceptible to "blow-overs" (due to wind), 2) to reduce the number of large limb cuts that take longer to heal and are much more susceptible to disease and infestation, 3) to retain the wildlife that is found only in the lower branches, 4) retain shade to keep summer temperatures cooler (retains higher soil moisture, creates greater passive solar potential, provides better conditions for oak seedling volunteers) and 5) retain the natural shape of the tree.
    - If trimming is unavoidable, no more than 10% of the oak canopy shall be removed unless determined necessary by a licensed arborist or qualified botanist.
    - If trimming is done, either a licensed arborist will be used, or trimming techniques accepted by the International Society of Arboriculture will be used. Unless a hazardous or unsafe situation exists, trimming will be done only during the winter for deciduous species.
- Care shall be taken to avoid surface roots within the top 18 inches of soil. If any roots are exposed during construction, they shall be covered with a layer of soil to match existing topography.
- Impacts to oak trees shall be assessed by a licensed arborist or qualified botanist prior to final inspection and reported to the San Luis Obispo County Department of Planning and Building.
- Mitigation shall be implemented consistent with the oak mitigation plan prior to permit final and a CCMF case established for monitoring.

BIO-5 Monitoring: Required prior to and during construction activities for grading or site improvements. Compliance will be verified by the County Department of Planning and Building.

BIO-6 Native Tree Protection and Mitigation. If other native trees (e.g., Sycamore) will be removed or impacted during construction activities, as determined by a licensed arborist or qualified botanist, Mitigation Measures BIO-4 and BIO-5 shall be required to mitigate impacts to the trees.

BIO-7 Updated Botanical Surveys. Prior to initiating map improvement or issuance of grading permits and construction permits for each parcel, the applicant shall conduct floristic surveys within the proposed disturbance area and a 100-foot buffer for the presence of special status plant species known to occur on site. The floristic surveys shall also include the areas of mapped populations of Pismo clarkia, San Luis Obispo owl's clover, and Santa

Margarita manzanita found in the 2023 and 2024 floristic surveys. Surveys shall be conducted during the appropriate blooming period within one year prior to map improvements or the issuance of grading and construction permits for each parcel in order to evaluate the extent and the abundance of the populations within the proposed ground disturbance area and a 100-foot buffer, including the previously mapped locations in 2023 and 2024.

The results of these surveys shall be submitted to San Luis Obispo County Department of Planning and Building and/or the California Department of Fish and Wildlife and United States Fish and Wildlife, as applicable, within 30 days of completing the survey. If surveys are older than one year, or in the event of a below-average rainfall year, the applicant shall submit an updated floristic survey within the proposed disturbance area and a 100-foot buffer for the presence of special status plant species. The San Luis Obispo County Department of Planning and Building may elect to use the best available data from previous surveys efforts. The updated floristic surveys shall also include the areas of mapped populations of Pismo clarkia, San Luis Obispo owl's clover, and Santa Margarita manzanita found in the 2023 and 2024 floristic surveys.

If impacts to special status plant species cannot be avoided, the applicant shall implement BIO-8 through BIO-11, as applicable. All construction plans for individual lots that are submitted to the County shall include specifications for the installation of protective fencing to prevent any inadvertent impacts to all sensitive plants or their habitat.

Should project activities at a site location extend beyond one-year, additional floristic surveys shall be conducted at the location on an annual basis until project construction activities are completed. The results of these surveys shall be submitted within 30 days of completing the survey to the San Luis Obispo County Department of Planning and Building **and/or the California Department of Fish and Wildlife and United States Fish and Wildlife**, as applicable.

BIO-8 Mitigation plan. If special status plant species are found prior to initiating map improvements or issuance of grading permits and construction permits for each parcel, the applicants retained County qualified biologist shall submit a mitigation plan to the County of San Luis Obispo Department of Planning and Building for approval. The Mitigation Plan shall outline the methodology for appropriately mitigating impacts to the affected species, developed in coordination with and in accordance with the guidelines approved by the applicable permitting agency, either the California Department of Fish and Wildlife and/or the U.S. Fish and Wildlife Service.

BIO-6 - BIO-8 Monitoring: Required prior to initiating map improvement or issuance of grading permits and construction permits for each parcel. Compliance will be verified by the County Department of Planning and Building.

BIO-9 On-Site Mitigation for Special-Status Plants. Prior initiation of map improvements or issuance of construction permits for each parcel, and if special status plant species are found within the project disturbance footprint or 100-foot buffer based on the updated botanical survey in BIO-7, a qualified biologist/botanist will identify potential on-site habitat mitigation areas that shall provide permanent protection of Santa Margarita manzanita, Pismo clarkia, and San Luis Obispo owl's clover habitat, if feasible.

If on-site mitigation is feasible, all habitat mitigation and associated lands shall be protected through an open space conservation easements acceptable to the County of San Luis Obispo Planning and Building Department, California Department of Fish and Wildlife, and United States Department of Fish and Wildlife, as applicable. The mitigation area shall accommodate transplanted individual plants, as it replicates the soil type, drainage, slope, exposure, and aspect as closely as possible to occupied habitat that would be impacted by project implementation.

If on-site mitigation is feasible, mitigation for future impacts would include a combination of preserving and enhancing existing on-site populations within the mitigation area and establishing new populations through seed collection and/or transplantation so that the required offset is achieved. The Project Applicant/future landowner shall mitigate impacts to rare plants and other special status plant species at a minimum ratio of 2:1 (preserved and established: impacted) for non-listed special-status plants. Federally listed plants (Pismo clarkia) will be mitigated at a minimum ratio of 3:1 (preserved and established: impacted). The Project Applicant/future landowner shall preserve the remaining occupied habitat for Santa Margarita manzanita, Pismo clarkia, and San Luis Obispo owl's clover onsite.

Under the ITP, impacts to individual Pismo clarkia plants will occur after seed collection. On-site seed collection of remaining populations used to reestablish additional populations shall be limited to no more than 10% of each remaining patch, unless determined by a qualified biologist in consultation with the County of San Luis Obispo Planning and Building Department, California Department of Fish and Wildlife, and United States Department of Fish and Wildlife, as applicable. The topsoil of impacted patches will be collected prior to site grading in order to preserve the seed bank. Topsoil will be relocated to suitable unoccupied habitat areas to promote the expansion of occupied habitat. Using seeds collected from the impacted population and preserved populations on-site, additional patches of the plant shall be reestablished at a 3:1 ratio along appropriate boundaries of preserved oak woodland habitat areas. A protective open space conservation easement shall be placed over on-site habitats that contain occupied and unoccupied habitat suitable for Pismo clarkia as required by BIO-11.

BIO-9 Monitoring: Required prior initiation of map improvements or issuance of construction permits for each parcel, and if special status plant species are found within the project disturbance footprint or 100-foot buffer based on the updated botanical survey in BIO-7**.** Compliance will be verified by the County Department of Planning and Building.

BIO-10 Habitat Mitigation and Monitoring Plans. Prior to initiating map improvements or issuance of construction permits on individual lots, **and if special status plant species are found within the project disturbance footprint or 100-foot buffer based on the updated botanical survey in BIO-7**, the applicant shall submit a restoration plan prepared by a County qualified biologist for special status plant species (not including oaks, oaks are instead subject to BIO-4 and BIO-5) to the San Luis Obispo County Planning and Building Department for review and approval, in consultation with California Department of Fish and Wildlife and United States Fish and Wildlife Service, if necessary. If an Incidental Take Permit or Habitat Conservation Plan are required, the restoration plan shall be consistent with them. At a minimum, the plan shall include:

1. Identification of locations, amounts, size and types of plants to be replanted, as well as any other necessary components (e.g., temporary irrigation, amendments, etc.) to ensure successful reestablishment. Restoration areas shall be located within open space and conservation easements on site.
2. Provide for a native plant salvage and seed collection effort prior to ground disturbing activities. Salvaged plants shall include, but not be limited to, special status plant species that may be affected.
3. Updated quantification of impact based on finalized construction improvement plans and quantification of mitigation areas such that the replacement criteria are met.
4. A program schedule and success criteria for a minimum five-year monitoring and reporting program that is structured to ensure the success of the restoration plan.
5. For in-kind replacement of Pismo clarkia (Clarkia speciosa ssp. immaculata), individuals that are removed or impacted shall be replaced in-kind at a 3:1 ratio (based on individual impacts or square feet cover as determined by the County-qualified biologist) within the designated restoration area with 100% success in five years (inclusive of replacement plantings for unsuccessful individuals).
6. For in-kind replacement of Santa Margarita manzanita, individuals that are removed or impacted shall be replaced in-kind at a 2:1 ratio (based on square feet cover) within the designated restoration area with 100% success in 5 years (inclusive of replacement plantings for unsuccessful individuals).
7. For in-kind replacement of San Luis Obispo owl's clover, individuals that are removed or impacted shall be replaced in-kind at a 2:1 ratio (based on square feet cover) within the designated restoration area with 100% success in 5 years (inclusive of replacement plantings for unsuccessful individuals). Prior to any removal or impacts (take) to Federally or State listed species protected under the Federal Endangered Species Act (FESA) or California Endangered Species Act (CESA), respectively, the applicant shall provide evidence that an Incidental Take Permit has been obtained and shall also provide a copy of the Habitat Conservation Plan, if applicable, that accompanies the Incidental Take Permit. If the Incidental Take Permit and/or Habitat Conservation Plan have different, additional, and/or more restrictive requirements, the applicant shall only be required to implement this mitigation measure if it is necessary to comply with the required mitigation criteria contained herein.
8. Identification of access and methods of materials transport to the restoration area, including personnel, vehicles, tools, plants, irrigation equipment, water, and all other similar supplies. Access shall not result in new or additional impacts to habitat and special-status species. Incorporation of an invasive species control program, which would include the following at a minimum:
    a. To avoid the spread of invasive species, the contractor will stockpile topsoil and redeposit the stockpiled soil on the slopes after construction is complete, or if heavily infested with invasive species, transport the topsoil to a certified landfill for disposal.
    b. During construction, the project will make all reasonable efforts to limit the use of imported soils for fill. Soils currently existing on-site should be used for fill material. If the use of imported fill material is necessary, the imported material must be obtained from a source that is known to be free of invasive plant species; or the material must consist of purchased clean material such as crushed aggregate, sorted rock, or similar. The restoration planting plans must emphasize the use of native species expected to occur in the area. Project plans must avoid

the use of plant species that the Cal-IPC, Cal-EPPC, California Department of Fish and Wildlife, or other resource organizations considers to be invasive or potentially invasive. **Prior to issuance of grading permits**, the San Luis Obispo County Department of Planning and Building shall verify that restoration plans do not include the use of any species considered invasive by the Cal-IPC, Cal-EPPC, or California Department of Fish and Wildlife.

If performance standards detailed in the final restoration plan are not achieved in the onsite mitigation areas, the applicant shall implement an alternative or adaptive mitigation strategy. To achieve the required mitigation, the alternative or adaptive mitigation strategy can include options for offsite mitigation, but only after all onsite mitigation strategies have been exhausted after a minimum of five years. The alternative or adaptive mitigation strategy shall be submitted to the San Luis Obispo County Planning and Building Department for review and approval, in consultation with other appropriate resource agencies including California Department of Fish and Wildlife and United States Fish and Wildlife Service.

BIO-10 Monitoring: Required prior to initiating map improvements or issuance of construction permits on individual lots, and if special status plant species are found within the project disturbance footprint or 100-foot buffer based on the updated botanical survey in BIO-7. Compliance will be verified by the County Department of Planning and Building.

BIO-11 Open Space Easement. Prior to initiating map improvements and prior to recordation of the final parcel map, a protective conservation easement shall be placed over on-site habitats that contain occupied and unoccupied habitat suitable for Pismo clarkia. These conservation areas are to be delineated by a qualified biologist/botanist. The applicant shall enter into an agreement with, and in a form acceptable to, the County of San Luis Obispo Department of Planning and Building and/or the California Department of Fish and Wildlife and United States Fish and Wildlife, as applicable, to create open space easements on all areas outside of the proposed building envelopes, roadways, and vegetation clearance areas (i.e., 100-foot buffer from the building envelopes required as defensible space for fire protection) that contain occupied and unoccupied habitat for Pismo clarkia as delineated by a qualified biologist/botanist.

The terms of the open space easement will allow only activities that help the long-term protection of oak woodlands and native plant species. No structures, grading, site disturbance, native vegetation removal, mowing, disking, off-road vehicle use, crop production, equestrian uses, or other animal raising or keeping activities (unless specifically proposed for long term protection of native species) are allowed in the open space easement area with the exception of infrastructure such as septic tanks and leach lines, which may be located outside the building envelopes. Any infrastructure located outside building envelopes shall be located so as to not impact sensitive plant species, oak trees, and native trees to the extent practicable. Any impacts to sensitive plant species, oak trees, and native trees will be mitigated per the applicable mitigation measures contained herein.

The following shall apply to the areas within the open space: no oak trees, or other visually significant vegetation, shall be impacted or removed; no activities (including grazing or the keeping of animals) shall be allowed that could adversely impact the open space area. Grazing

for weed and invasive plant control may be allowed with an Open Space Management Plan prepared by a County qualified biologist and approved by the San Luis Obispo County Department of Planning and Building, and in consultation with California Department of Fish and Wildlife and United States Fish and Wildlife Service, as applicable. Any removal of non-sensitive vegetation shall be done by hand and by a qualified individual that can identify and avoid those sensitive species as determined in the approved Open Space Management Plan.

Fencing may be allowed along the property lines within the open space easement provided the fencing does not impact oak trees, sensitive plant species, or visually significant vegetation. Fencing shall be limited to six feet in height and shall be horizontally open to allow for wildlife passage (e.g., five strand wire fencing, post and rail, not woven wire or panel fencing). Barbed wire and electric fencing shall not be used.

For the life of the project, the Developer and/or landowner agrees to allow the San Luis Obispo County Department of Planning and Building, a land conservancy, resource agency, or other appropriate entity, the right to enter the open space as shown on the final exhibit to the open space agreement, to ensure compliance with the restrictions and to access the oak woodland and sensitive plant populations. However, prior to entering the open space area, the County of San Luis Obispo Department of Planning and Building, land conservancy, resource agency, or other appropriate entity shall give a 72-hour notice of intent to enter the site.

These provisions shall be detailed in a deed restriction for each parcel and shall be disclosed to all future buyers of the parcels at the time of sale of each lot. Additionally, this should be added to any shared road agreement or maintenance agreement as it relates to shared rights of the subject parcels.

BIO-12 Open Space Maintenance. Prior to recordation of the final parcel map, mitigation measures BIO-4 through BIO-11 shall be included as an additional map sheet to the final parcel map.

BIO-10 – BIO-12 Monitoring: Required prior to initiating map improvements and prior to recordation of the final parcel map. Compliance will be verified by the County Department of Planning and Building.

BIO-13 Project Site Delineation. Prior to the start of construction or initiation of site improvements, the qualified biologist shall clearly delineate (i.e., with stakes, flagging, fencing, and/or temporary signage) the work areas to ensure that no work occurs outside the approved limits of disturbance.

The protective fencing shall be installed prior to any ground disturbing activities, at the direction of the qualified biologist, and shall be maintained by the applicant throughout the entire construction work period at the subject location. **Photos of installed fencing shall be submitted prior to the start of construction activities** and included in the submitted monthly reports.

BIO-14 Special-Status Species Buffer Establishment Avoidance. Special-status plant species observed on-site shall be avoided, if feasible. The Project Applicant/future landowner shall comply with BIO-9 and BIO-10 for impacts to special status plant species. A qualified biologist

shall establish a no disturbance buffer zones around populations that will be preserved. Before construction activities begin, special status plant species populations to be avoided shall be flagged or fenced off. The buffer areas will be determined by the qualified biologist and will take into consideration distance from grading and construction activities, slope of the site, watershed, and potential for erosion. Buffers shall be clearly identified with construction fencing. No construction activities, staging of materials, or parking will be allowed in the buffer areas. The buffer areas will be maintained until all construction activities are completed and **prior to final occupancy**.

BIO-13 and BIO-14 Monitoring: Required prior to the start of construction or initiation of site improvements. Compliance will be verified by the County Department of Planning and Building.

BIO-15 Preconstruction Surveys, Construction Monitoring, and Reporting Within 3 days prior to initiating ground disturbance or construction activities, a County of San Luis Obispo Department of Planning and Building qualified biologist shall conduct a pre-construction survey to ascertain the presence or absence of special status wildlife species. The special-status species to be covered under this measure include California red-legged frog, Coast Range newt, northern California legless lizard, western pond turtle, coast horned lizard, and American badger. Visual surveys will cover the entire disturbance limits and methodology for preconstruction surveys shall be appropriate for each potentially occurring special status species. A qualified biological monitor shall be present during all vegetation clearing activities (including grading and/or initial ground disturbance) and ground disturbance to ensure avoidance. Special-status species shall be allowed to move out of the work area on their own volition. If avoidance is not feasible, the qualified biologist shall establish a buffer, which would be avoided until the qualified biologist determines that work can proceed.

If removal or relocation of special status species is required, it may only be completed in consultation with the County of San Luis Obispo Department of Planning and Building, California Department of Fish and Wildlife, and/or United States Department of Fish and Wildlife Service, as applicable. Any take of a special status species requires an Incidental Take Permit from the California Department of Fish and Wildlife and/or a Habitat Conservation Plan from the United States Department of Fish and Wildlife, as applicable. Evidence of Incidental Take Permit and/or Habitat Conservation Plan for take of a listed species shall be provided to the County of San Luis Obispo Department of Planning and Building **prior to the start of construction activities**.

The results of all pre-construction surveys and compliance monitoring shall be documented and reported to the San Luis Obispo County Department of Planning and Building by the

qualified biologist and the documentation shall be available upon request throughout the duration of construction activities.

BIO-15 Monitoring: Required within 3-days prior to the start of grading and/or construction. Compliance will be verified by the County Department of Planning and Building.

BIO-16 Erosion Control and California Red-Legged Frog Exclusionary Fencing. Prior to and during construction activities (i.e., mobilization, staging, grading or construction, tree and vegetation removal or trimming) for parcel map improvements or construction on individual lots, to avoid erosion and sedimentation impacts to the adjacent aquatic features and to minimize project impacts on hydrology and water quality, grading and construction resulting in ground disturbance shall be limited to the typical dry season (April 15 through October 15), to the extent feasible. Additionally, prior to ground disturbance, the project contractor shall install adequate erosion and sedimentation barriers (e.g., silt fencing, as described below) to prevent any sediment-laden runoff or debris from adjacent aquatic features. This silt fencing shall also serve as a temporary barrier to minimize the potential for California red-legged frog to enter the work areas during construction. The barriers shall consist of 3-foot-tall silt fencing buried to a depth of at least 6 inches below the soil surface along the outer limits of all work areas. These barriers shall be inspected daily by construction personnel and maintained and repaired as necessary for the duration of construction to ensure that they are functional and are not a hazard to California red-legged frog on the outer side of the fence. A qualified biologist shall inspect the completed fence installation for compliance with the specifications cited in this measure. All barriers shall be removed following the completion of construction.

BIO-16 Monitoring: Required to be performed by a qualified biologist within the identified time period (October 15 through April 15) prior to and during construction activities. Compliance will be verified by the County Department of Planning and Building.

BIO-17 Nesting Bird and Roosting Bat Surveys and Avoidance. Prior to and during construction activities (i.e., mobilization, staging, grading or construction, tree and vegetation removal or trimming) for parcel map improvements or construction on individual lots, the County qualified biologist shall conduct preconstruction surveys for potential nesting birds and roosting bats within the recognized breeding season (February 1 to August 15) no more than 5 days prior to the start of such activities. Survey areas shall include the building envelopes/project disturbance limits and areas immediately adjacent to these areas that could potentially be affected by project-related activities such as noise, vibration, increased human activity, and dust, etc. Additionally, all areas within 500 feet of proposed disturbance areas, or a lesser distance if dense vegetation renders a 500-foot survey radius infeasible. The required survey dates may be modified based on local conditions, as determined by the qualified biologist based on observations in the field, with the approval of the County of San Luis Obispo Department of Planning and Building. Documentation of all survey results shall be provided to the County of San Luis Obispo Department of Planning and Building.

If breeding birds with active nests are found prior to or during construction, a biological monitor shall establish an avoidance buffer around the nest for ground-based construction

activities and no activities will be allowed within the buffer(s) until the young have fledged from the nest or the nest fails. Buffers shall be 500 feet for raptors and 100 feet for non-raptor species. Buffers may be adjusted to reflect existing conditions including ambient noise, topography, and disturbance with the approval of the San Luis Obispo County Department of Planning and Building and must be based on evidence that a reduced buffer will not pose a threat to the success of the nest.

For active nests identified within the survey area, the biological monitor(s) shall conduct regular monitoring of the nest to determine success/failure and to ensure that project activities are not conducted within the buffer(s) until the nesting cycle is complete or the nest fails. The biological monitor(s) shall be responsible for documenting the results of the surveys and ongoing monitoring and will provide a copy of the monitoring reports to the San Luis Obispo County Department of Planning and Building**.**

All trees to be removed as part of project-related construction activities will be removed outside of the nesting season to avoid additional impacts to nesting birds. If removal during the nesting season can't be avoided, trees (tree to be removed/impacted and any surrounding trees that are within 100 feet of the tree canopy to be removed/impacted) will be thoroughly surveyed by a County-qualified biologist to ensure that no nests are present. If nests are found within these trees and contain eggs or young, the biological monitor shall establish avoidance buffers as described above until the young have fledged the nest or the nest fails.

BIO-17 Monitoring: Required to be performed by a qualified biologist within the identified time period (February 1 through August 15) prior to and during construction activities. Compliance will be verified by the County Department of Planning and Building.

BIO-18 Construction Site Housekeeping. Habitat subject to construction disturbances and other types of ongoing project-related disturbance activities shall be minimized by adhering to the following measures:

a) The project disturbance limits shall be clearly marked with construction fencing (or other highly visible material).

b) All equipment used onsite shall be properly maintained such that no leaks of oil, fuel, hydraulic fluid, or residues occur. Provisions shall be in place to remediate any accidental spills. All equipment shall only be stored in the designated equipment staging area. Construction vehicles shall be confined to a pre-defined equipment access path no greater than the minimum width necessary to complete necessary construction activities.

c) The Project Applicant/future landowner shall designate one or more construction equipment filling and storage areas within the designated development to contain spills, facilitate clean-up and proper disposal and prevent contamination from discharging to the storm drains, street, drainage ditches, creeks, or wetlands. The areas shall be no larger than 50 x 50 foot unless otherwise approved by the County and shall be located at least 100 feet from any storm drain, waterbody or sensitive biological resources.

d) Project-related vehicles shall observe a daytime speed limit of 20 miles per hour (mph) throughout the site, except on County roads and State and federal highways. Night-time

construction shall be minimized to the extent possible. However, if it does occur, then the speed limit shall be reduced to 10 mph. Off-road traffic outside of the approved disturbance limits shall be prohibited.

e) To prevent inadvertent entrapment of animals during the construction phase of the project, all excavated, steep-walled holes or trenches more than 2-feet deep shall be covered at the close of each working day by plywood or similar materials. If the trenches cannot be closed, one or more escape ramps constructed of earthen-fill or wooden planks shall be installed. Before such holes or trenches are filled, they shall be thoroughly inspected for trapped animals. In the case of trapped animals, escape ramps or structures shall be installed immediately to allow the animal(s) to escape.

f) For the duration of construction activities, all food-related trash items such as wrappers, cans, bottles, and food scraps shall be disposed of in securely closed containers and removed at least daily from the construction site.

g) Pets, such as dogs or cats, shall not be permitted on the building envelopes/project disturbance limits during construction to prevent harassment, injury, or death of wildlife in the project vicinity.

h) Use of rodenticides and herbicides in building envelopes/project disturbance limits shall be restricted. This is necessary to prevent primary or secondary poisoning of predators and the depletion of prey populations on which they depend. All uses of such compounds shall observe label and other restrictions mandated by the U.S. Environmental Protection Agency, California Department of Food and Agriculture, and other State and federal legislation.

BIO-18 Monitoring: Required during all project grading/construction activities, including map improvements. Compliance will be verified by the County Department of Planning and Building.

BIO-19 Delineation Verification with Resource Agencies and Permitting. Prior to issuance of grading or building permits for parcel improvements or development of individual parcels, any permit submittals shall include a site plan showing the approximate locations of the intermittent streams (or jurisdictional wetlands) on the property as determined by the County qualified Biologist, and indicate approximate 50-foot setbacks, which shall be flagged in the field prior to construction.

If modifications (i.e., grading or disturbance) to the intermittent streams will occur as determined by a County qualified biologist, a formal jurisdictional delineation survey and report shall be submitted to resource agencies for verification of the extent of waters of the State, waters of the U.S., and California Fish and Game Code Section 1602 jurisdiction within the building envelopes/project disturbance limits. If one or more agencies determines that impacts to jurisdictional aquatic resources would occur, appropriate permits shall be obtained prior to disturbance of jurisdictional resources, and all required measures shall be implemented. If impacts to jurisdictional aquatic resources will occur, the Project Applicant/future landowner shall provide proof of the required agency consultations to the

County of San Luis Obispo Department of Planning and Building prior to initiation of project-related activities within the identified aquatic features.

BIO-19 Monitoring: Required prior to issuance of grading or building permits for parcel improvements or development of individual parcels. Compliance will be verified by the County Department of Planning and Building.

BIO-20 Prepare and Implement a Compensatory Mitigation Plan (CMP) for Impacts to Jurisdictional Aquatic Resources. Prior to initiation of map improvements or prior to submittal of grading and/or construction permit applications. If impacts to jurisdictional aquatic resources will occur, and following completion of the jurisdictional delineation verification from the resource agencies (Mitigation Measure BIO-19), the Project Applicant/future landowner will prepare and implement a Compensatory Mitigation Plan (CMP). The CMP will identify mitigation to address permanent loss, including functions and values, of jurisdictional aquatic resources. Compensatory mitigation may involve the restoration, establishment, enhancement, and/or preservation of aquatic resources through one or more of the following methods

a) Purchase of credits from an agency-approved mitigation bank.

b) Preservation of aquatic resources through acquisition of property.

c) On site or off-site establishment, restoration, or enhancement of aquatic resources.

A 2:1 compensation-to-impact ratio will be used for compensatory mitigation for wetlands, and a 1:1 compensation-to-impact ratio will be used for compensatory mitigation for non-wetlands, unless higher ratios are required pursuant to regulatory authorizations.

For mitigation involving establishment, restoration, enhancement, or preservation of aquatic resources by the Project Applicant/future landowner the CMP will contain the following information:

a) **Objectives.** A description of the resource types and amounts that will be provided, the type of compensation (i.e., restoration, establishment, enhancement, and/or preservation), and the manner in which the resource functions of the compensatory mitigation project will address the needs of the watershed or ecoregion.

b) **Site selection.** A description of the factors considered during the term sustainability of the resource.

c) **Adaptive management plan.** A management strategy to address changes in site conditions or other components of the compensatory mitigation project.

d) **Financial assurances.** A description of financial assurances that will be provided to ensure that the compensatory mitigation will be successful and protected in the long-term.

In circumstances where the Project Applicant/future landowner intends to fulfill compensatory mitigation obligations by securing credits from approved mitigation banks or in-lieu fee programs, the CMP need only include the name of the specific mitigation bank or in-lieu fee program to be used, the method for calculating credits, and other applicable information regarding the program and agency consultations.

BIO-20 Monitoring: Required Prior to issuance of grading and/or construction permits. Compliance will be verified by the County Department of Planning and Building.

Cultural Resources

CR-1 **Prior to initiation of map improvements or issuance of grading and/or construction permit**, the applicant shall provide evidence that they have retained a qualified archaeologist acceptable to the San Luis Obispo County Department of Planning and Building to perform the training and monitoring activities described in the adopted mitigation measures for cultural resources.

CR-1 Monitoring: Required prior to initiation of map improvements or issuance of grading and/or construction permit. Compliance will be verified by the County Department of Planning and Building.

CR-2 **Worker Environmental Awareness Training. Prior to any proposed construction ground disturbing activities associated with road widening or lot development,** project personnel (e.g., contractors, construction workers) shall be briefed by a qualified archaeologist (retained on-call by applicant) about the potential and procedures for inadvertent discovery of prehistoric and historic archaeological resources. In addition, the training shall include established procedures for temporarily halting or redirection of work in the event of a discovery, identification and evaluation procedures for finds, and a discussion on the importance of, and the legal basis for, the protection of archaeological resources, Personnel will be given a training brochure/handout regarding identification of cultural resources, protocols for inadvertent discoveries, and contact procedures in the event of a discovery.

CR-3 **Prior to the start of construction,** the applicant shall submit a monitoring plan, prepared by a subsurface-qualified County approved archaeologist, for review and approval by the Environmental Coordinator. The monitoring plan shall include at a minimum:

a. List of personnel involved in the monitoring activities;

b. Description of how the monitoring shall occur;

c. Description of the frequency of monitoring (e.g., part time, spot checking);

d. Description of what resources are expected to be encountered;

e. Description of circumstances that would result in the halting of work at the project site (e.g., what is considered “significant” archaeological resources);

f. Description of procedures for halting work on the site and notification procedures; and

g. Description of monitoring reporting procedures.

CR-2 - CR-3 Monitoring: Required prior to any proposed construction ground disturbing activities associated with road widening or lot development. Construction monitoring shall also be conducted by a qualified archaeologist and Native American representative during all initial ground disturbing and vegetation removal activities Compliance will be verified by the County Department of Planning and Building.

CR-4 **During initial ground disturbing construction activities**, the applicant shall retain a qualified archaeologist (approved by the Environmental Coordinator/ San Luis Obispo County Department of Planning and Building) and Native American to monitor all earth disturbing activities, per the approved monitoring plan. After initial ground disturbance, if determined acceptable by the archaeologist and Native American monitor, monitoring frequency may be adjusted to reflect the potential for buried cultural resources. If any significant archaeological resources or human remains are found during monitoring, work shall stop within the immediate vicinity (precise area to be determined by the archaeologist in the field) of the resources until such a time as the resource can be evaluated by an archaeologist and any other appropriate individuals. The applicant shall implement the mitigation as required by the Environmental Coordinator.

CR-4 Monitoring: Required during construction and ground disturbing activities. Construction monitoring shall also be conducted by a qualified archaeologist and Native American representative during all initial ground disturbing and vegetation removal activities Compliance will be verified by the County Department of Planning and Building.

CR-5 **Prior to final inspection**, and upon completion of all monitoring/mitigation activities, the consulting archaeologist shall submit a report to the Environmental Coordinator summarizing all monitoring/mitigation activities and confirming that all mitigation measures have been met.

CR-5 Monitoring: Required prior to final inspection. Construction monitoring shall also be conducted by a qualified archaeologist and Native American representative during all initial ground disturbing and vegetation removal 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.

Peter Nelson

Signature of Agent(s)/Owner

OCTOBER 24, 2025

Date

PETER NELSON

Name (Print)