DEVELOPER'S STATEMENT FOR
MARTINEZ MAJOR GRADING PERMIT
GRAD2025-00088

DECEMBER 17, 2025

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.

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.

Biological Resources

San Joaquin Kit Fox Habitat Protection and Mitigation Measures

BR-1 **Prior to issuance of grading and/or construction permits**, the applicant shall submit evidence to the County of San Luis Obispo, Department of Planning and Building, Environmental and Resource Management Division (County) (see contact information below) which states that one or a combination of the following three San Joaquin Kit Fox mitigation measures has been implemented:

a. Provide for the protection in perpetuity, through acquisition of fee or a conservation easement of 1.64 acres (0.82 acres of kit fox habitat impacted, at a ratio of 2 acres conserved for each acre impacted) of suitable habitat in the Kit Fox corridor area (e.g. within the San Luis Obispo County Kit Fox habitat area, northwest of Highway 58), either on-site or off-site, and provide for a non-wasting endowment to provide for management and monitoring of the property in perpetuity. Lands to be conserved shall be subject to the review and approval of the California Department of Fish and Game (Department) (see contact information below) and the County.

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

b. 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 located primarily within San Luis Obispo County and provide for a non-wasting endowment for management and monitoring of the property in perpetuity.

   Mitigation alternative (b) above, can be completed by providing funds to The Nature Conservancy (TNC) pursuant to the Voluntary Fee-Based Compensatory Mitigation Program (Program). The Program was established in agreement between CDFW and TNC to preserve San Joaquin Kit Fox habitat, and to provide a voluntary mitigation alternative to project proponents who must mitigate

the impacts of projects in accordance with the California Environmental Quality Act (CEQA). CDFW has determined that your fee, which is payable to TNC, would total $4,100. This fee is calculated based on the current cost-per-unit of $2500 per acre of mitigation, which is scheduled to be adjusted to address the increasing cost of property in San Luis Obispo County; your actual cost may increase depending on the timing of payment. This fee must be paid after the Department provides written notification identifying your mitigation options but prior to County permit issuance and initiation of any ground disturbing activities.

c. Purchase 1.64 credits in a Department-approved conservation bank, which would provide for the protection in perpetuity of suitable habitat within the Kit Fox corridor area and provide for a non-wasting endowment for management and monitoring of the property in perpetuity.

Mitigation alternative (c) above, can be completed by purchasing credits from the Palo Prieto Conservation Bank, in the amount determined by the CDFW through the evaluation described above. The Palo Prieto Conservation Bank was established to preserve San Joaquin Kit Fox habitat, and to provide a voluntary mitigation alternative to project proponents who must mitigate the impacts of projects in accordance with CEQA. The cost for purchasing credits is payable to the owners of The Palo Prieto Conservation Bank. This fee is calculated based on the current cost-per-credit of $2500 per acre of mitigation. The fee is established by the conservation bank owner and may change at any time. Your 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.

BR-2 **Prior to issuance of grading and/or construction permits**, the applicant shall provide evidence that they have retained a qualified biologist acceptable to the County Division of Environmental and Resource Management. The retained biologist shall perform the following monitoring activities:

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

b. The qualified biologist shall conduct weekly site visits during site-disturbance activities (i.e. grading, disking, excavation, stock piling of dirt or gravel, etc.) that proceed longer than 14 days, for the purpose of monitoring compliance with required Mitigation Measures BR-3 through BR-12. 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 per BR-2-c3. When weekly monitoring is required, the biologist shall submit weekly monitoring reports to the County.

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

until such time the U.S. Fish and Wildlife Service/Department determine it is appropriate to resume work.

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

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

1. Within 30 days prior to initiation of site disturbance and/or construction, fenced exclusion zones shall be established around all known and potential Kit Fox dens. Exclusion zone fencing shall consist of either large, flagged stakes connected by rope or cord, or survey laths or wooden stakes prominently flagged with survey ribbon. Each exclusion zone shall be roughly circular in configuration with a radius of the following distance measured outward from the den or burrow entrances:
    a. Potential Kit Fox den: 50 feet
    b. Known or active Kit Fox den: 100 feet
    c. Kit Fox pupping den: 150 feet
2. All foot and vehicle traffic, as well as all construction activities, including storage of supplies and equipment, shall remain outside of exclusion zones. Exclusion zones shall be maintained until all project-related disturbances have been terminated, and then shall be removed.
3. If Kit Foxes or known or potential Kit Fox dens are found on site, daily monitoring during ground disturbing activities shall be required by a qualified biologist.

BR-3 **Prior to issuance of grading and/or construction permits**, the applicant shall put all San Joaquin Kit Fox protection measures required before construction (prior to any project activities) and during construction shall be included as a note on all project plans.

The applicant shall clearly delineate as a note on the project plans, that: "Speed signs of 25 mph (or lower) shall be posted for all construction traffic to minimize the probability of road mortality of the San Joaquin Kit Fox". Speed limit signs shall be installed on the project site within 30 days prior to initiation of site disturbance and/or construction.

In addition, prior to permit issuance and initiation of any ground disturbing activities, conditions BR-3 through BR-12 of the Developer's Statement/Conditions of Approval shall be clearly delineated on project plans.

BR-1 through BR-3 Monitoring: Required prior to issuance of construction permits. Compliance will be verified by the County Department of Planning and Building.

BR-4 **Environmental Awareness Training. Prior to the start of any project activities**, an environmental awareness training shall be presented to all personnel by a 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 on-site, as well as other sensitive resources requiring avoidance near the project site. The training shall include a

description of protection measures required by discretionary permits, an overview of the Federal and State Endangered Species Acts, and implications of noncompliance with these regulations. The biologist shall provide an overview of the required avoidance, minimization, and mitigation 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 environmental awareness trainees shall be kept. A fact sheet conveying the information provided in the environmental awareness training shall be provided to all project personnel and anyone else who may enter the project site. If new personnel join the project after the initial training period, they shall receive the environmental awareness training from the qualified biologist or their designee before beginning work. A qualified biologist shall provide refresher trainings during site visits or other monitoring events.

BR-5 **During the site disturbance and/or construction phase**, grading and construction activities after dusk shall be prohibited unless coordinated through the County, during which additional Kit Fox mitigation measures may be required.

BR-6 **During the site-disturbance and/or construction phase**, to prevent entrapment of the San Joaquin Kit Fox, all excavation, steep-walled holes or trenches in excess of two feet in depth shall be covered at the close of each working day by plywood or similar materials or provided with one or more escape ramps constructed of earth fill or wooden planks. Trenches shall also be inspected for entrapped Kit Fox each morning prior to onset of field activities and immediately prior to covering with plywood at the end of each working day. Before such holes or trenches are filled, they shall be thoroughly inspected for entrapped Kit Fox. Any Kit Fox discovered shall be allowed to escape before field activities resume or removed from the trench or hole by a qualified biologist and allowed to escape unimpeded.

BR-7 **During the site-disturbance and/or construction phase**, any pipes, culverts, or similar structures with a diameter of four inches or greater, stored overnight at the project site shall be thoroughly inspected for trapped San Joaquin Kit Foxes before the subject pipe is subsequently buried, capped, or otherwise used or moved in any way. If during the construction phase a Kit Fox is discovered inside a pipe, that section of pipe will not be moved, or if necessary, be moved only once to remove it from the path of activity, until the Kit Fox has escaped.

BR-8 **During the site-disturbance and/or construction phase**, all food-related trash items such as wrappers, cans, bottles, and food scraps generated shall be disposed of in closed/animal proof containers only and regularly removed from the site. Food items may attract San Joaquin Kit Foxes onto the project site, consequently exposing such animals to increased risk of injury or mortality. No deliberate feeding of wildlife shall be allowed.

BR-9 **Prior to, during and after the site-disturbance and/or construction phase**, use of pesticides or herbicides shall comply with all local, state and federal regulations. This is necessary to minimize the probability of primary or secondary poisoning of endangered species utilizing adjacent habitats, and the depletion of prey upon which San Joaquin Kit Foxes depend.

BR-10 **During the site-disturbance and/or construction phase**, any contractor or employee that inadvertently kills or injures a San Joaquin Kit Fox or who finds any such animal either dead, injured, or entrapped shall be required to report the incident immediately to the applicant and County. In the event that any observations are made of injured or dead Kit Fox, the applicant shall immediately notify the County and other responsible agencies (e.g., CDFW and USFWS). 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.

BR-5 through BR-10 Monitoring: Required during site disturbance and construction activities. Compliance will be verified by the County Department of Planning and Building.

BR-11 Prior to final inspection, or occupancy, whichever comes first, should any long internal or perimeter fencing be proposed or installed, the applicant shall do the following to provide for Kit Fox passage:

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

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

c) Other fencing as recommended by a County-qualified biologist and approved by the County. 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.

BR-11 Monitoring: Required prior to permit final. Compliance will be verified by the County Department of Planning and Building.

BR-12 Throughout the life of the project,

a) 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.

b) 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 work day 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 it 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.

c) 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.

d) 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.

BR-12 Monitoring: Required throughout the entire project. Compliance will be verified by the County Department of Planning and Building.

American Badger (*Taxidea taxus*) Protection Measures

BR-13 Pre-construction Survey for American Badger. A qualified biologist shall complete a pre-construction survey for badgers no less than 14 days and no more than 30 days prior to the start of initial project activities to determine if badgers are present within

proposed work areas, in addition to a 200-foot buffer around work areas. The results of the survey shall be provided to the County prior to initial project activities.

a) If a potential den is discovered, it shall be inspected to determine whether they are occupied. The survey shall cover the entire property and shall examine both old and new dens. The den will be monitored for 3 consecutive nights with an infra-red, motion-triggered camera, prior to any project activities, to determine if the den is being used by an American badger. If potential badger dens are too long to completely inspect from the entrance, a fiber optic scope shall be used to examine the den to the end. Inactive dens may be excavated by hand with a shovel to prevent re-use of dens during construction.

b) If an active badger den is found, an exclusion zone shall be established around the den. A minimum of a 50-foot exclusion zone shall be established during the non-reproductive season (July 1 to January 31) and a minimum 100-foot exclusion zone during the reproductive season (February 1 to June 30). Each exclusion zone shall encircle the den and have a radius of 50 feet (non-reproductive season) or 100 feet (reproductive season, nursing young may be present), measured outward from the burrow entrance. To avoid disturbance and the possibility of direct take of adults and nursing young, and to prevent badgers from becoming trapped in burrows during construction activity, no grading shall occur within 100 feet of active badger dens between February and July. 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 den is no longer in use. If avoidance is not possible during project construction or continued operation, the County shall be contacted. The County will coordinate with appropriate resource agencies for guidance.

c) If more than 30 days pass between construction phases (e.g., vegetation trimming and the start of grading), during which no or minimal work activity occurs, the badger survey shall be repeated.

Nesting Birds Protection Measures

BR-14 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. This includes nests of all common bird species (under the MBTA), as well as special status birds and raptor nests. 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) A 250-foot exclusion zone shall be placed around non-listed, passerine species, and a 500-foot exclusion zone will be implemented for raptor species. Each exclusion zone shall encircle the nest and have a radius of 250 feet (non-listed passerine species) or 500 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.

b) If special status avian species (aside from the burrowing owl) 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.

c) 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).

d) 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.

Special-status Small Mammals Protection Measures.

BR-15 Preconstruction Survey for Special-status Small Mammals. Prior to issuance of grading and/or construction permits and within 14 days prior to initiation of site disturbance and/or construction, a qualified biologist shall complete a preconstruction survey for special-status small mammal species (e.g. giant kangaroo rat) no more than 14 days prior to the start of initial project activities to ensure special-status small mammal species are not present within proposed works areas. The survey will include mapping of all potentially active special-status mammal burrows within the proposed work areas, access routes, and staging areas plus a 50-foot buffer. All potentially active burrows will be mapped and flagged. If avoidance of the burrows is not feasible, the appropriate resource agency shall be contacted for further guidance.

BR-13 through BR-15 Monitoring: Required within one week of site disturbance or construction activities. A final report is required within 30-days of completion of surveys. Compliance will be verified by the County Department of Planning and Building.

The applicant understands that any changes made to the project description after 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(s)

12/18/2025
Date

Martin Martinez
Name (Print)