

**DEVELOPER'S STATEMENT FOR
HUBBARD MAJOR GRADING PERMIT
GRAD2025-00168 / GRAD2025-00327**

MAY 21, 2026

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

Special-Status Plant Species Preconstruction Surveys and Avoidance

BR-1 Prior to start of any project activities, a County-approved, qualified botanist should conduct surveys of the proposed impact area, including all permanent and temporary disturbance areas for the residence and barn, plus a 100-foot buffer. The access road shall also be surveyed plus a 25-foot buffer. The surveys shall take place during the growing season prior to construction and be timed during the blooming periods (February to November) of the species determined to have Potential to occur (Douglas fiddleneck, Dwarf calycadenia, Elegant wild buckwheat, La Panza mariposa-lily, Salinas milk-vetch, Salinas Valley goldfields, Stinkbells, Straight-awned spineflower, Yellow-flowered eriastru). The surveys shall follow the protocols described in Guidelines for Conducting and Reporting Botanical Inventories for Federally Listed, Proposed, and Candidate Plants (USFWS 2000) and Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities (CDFW 2018). At least three site visits should be conducted in order to adequately cover the blooming period of each of the target species. Rainfall conditions during the survey year must be appropriate for normal growth and flowering. The botanist should visit nearby reference populations to confirm that these species are in flower and identifiable at the time of the surveys. The surveys shall be floristic in nature and identify all plant species encountered to a level to determine rarity. Populations of special-status plants species onsite shall be mapped and numbers of individual plants recorded. Any rare plant occurrences within 50 feet of the project impact area (except Rank 4 species) shall be flagged for avoidance and the rare plant avoidance area shall be shown on construction plans. Observations of special-status plant species shall be submitted to the CNDDDB. If construction activities cannot avoid the rare plant occurrences, Measure BR-2 shall be required.

BR-2 Prior to start of any project activities, if project activities cannot avoid rare plant occurrences, a County-approved, qualified botanist shall develop a plan to salvage plants, cuttings and/or collect seed from the disturbance area to be planted into mitigation site(s), or other appropriate habitat outside of the project impact area and any anticipated future uses. During the appropriate season prior to ground disturbance in the project site,

individuals of perennial species shall be dug up. If the replanting site is prepared to receive the transplants, they can be planted immediately. Otherwise, the salvaged plants or cuttings can be transferred to containers to be maintained in a horticultural setting. Seed collection is the appropriate method for annual species. Seed shall be collected, cleaned and stored until the replanting site has been prepared or used to revegetate temporarily disturbed areas. Seed can be incorporated into the erosion control native seed mix described in the site plans or grown in containers for transplanting into the mitigation site. Salvaged plants and collected seed shall be planted in similar habitat within a designated mitigation site on the property that will be protected in perpetuity. The area of the mitigation site and number of propagules to be planted shall be determined by the County and CDFW and will be based upon the species' rarity ranking, but at minimum shall be 2:1 (mitigation area to impacted habitat area; County 2015a). The qualified biologist shall prepare a compensatory mitigation report to be submitted to the County that details the methods used to collect rare plant propagules, a map of the replanting site(s), site preparation methods, number and area that replanting was conducted, irrigation, maintenance methods during establishment, and appropriate monitoring and final reporting to ensure that mitigation goals have been accomplished.

Crotch's Bumble Bee Preconstruction Surveys and Avoidance

BR-3 Prior to the start of project activities and if work is planned to occur during the flight period of April 1 to September 1, a qualified biologist shall survey for Crotch's bumble bee within the work area 2 weeks prior to the start of initial ground disturbance. If a Crotch's bumble bee nest is observed, no work shall occur within 25 feet of the nest until it is no longer active. If an exclusion buffer is not feasible, the County of San Luis Obispo (County) shall coordinate with the qualified biologist and appropriate resource agencies as applicable for further guidance. If Crotch's bumble bee is found during the active spring and summer period (April 1–September 1), or presence is unknown (e.g., if a survey during the active period was not completed) and work is planned between October 1 and March 31, potential overwintering habitat shall be identified by the qualified biologist and avoided by a minimum of 50 feet. If potential overwintering habitat cannot be avoided, the County shall coordinate with the qualified biologist and appropriate resource agencies as applicable for further guidance. The applicant shall coordinate with appropriate resource agencies for guidance to implement project activities and avoid take of the species or proceed with an Incidental Take Permit. The results of the surveys shall be provided to the appropriate resource agencies prior to initial project activities.

Nesting Birds Preconstruction Surveys and Avoidance

BR-4 If work is planned to occur between February 1 and September 15, a qualified biologist shall survey the area for nesting birds within 1 week prior to activity beginning on-site. 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 non-disturbance buffer of 50 feet shall be placed around non-listed, passerine species, and a 250-foot buffer will be implemented for raptor species. All activity will remain outside of that buffer until a qualified biologist has determined that the young have fledged or that proposed construction activities would not cause adverse impacts to the nest, adults, eggs, or young. If special-status avian species are identified, no work will begin until an appropriate buffer is determined in consultation with the local CDFW biologist, and/or the USFWS.

Yellow-billed Magpie Preconstruction Surveys and Avoidance

BR-5 A qualified biologist shall conduct a preconstruction survey within 30 days prior to the start of initial project activities. A qualified biologist shall survey the area within a 250-foot buffer from the project site for communal roosts of the yellow-billed magpie. If any are found and roosting behavior may be affected by construction disturbance, the

biologist shall consult with CDFW on measures to avoid project effects.

Preconstruction Surveys and Avoidance for American Badger

BR-6 A qualified biologist shall conduct a preconstruction survey within 30 days prior to the start of initial project activities, to ensure American badger are not present within proposed work areas. If the qualified biologist determines that a den present on-site may be active, a no-entry exclusion buffer shall be established within 50 feet of the den and the appropriate resource agencies shall be contacted for further guidance. If active dens are found during the breeding and rearing season, no activity shall occur within 200 feet (American badger) of the den without agency guidance and approval. Exclusion buffers shall be prominently flagged and encircle the den. If an exclusion buffer is not feasible, the applicant will contact the County for further guidance prior to initial project activities. The results of the survey shall be provided to the County prior to initial project activities. If construction lapses beyond 30 days from the survey, an additional survey will be required.

BR-1 through BR-6 Monitoring: Required prior to the start of site disturbance and construction activities. A final report prepared by a qualified biologist is required within 30-days of completion of surveys. Compliance will be verified by the County Department of Planning and Building.

San Joaquin Kit Fox Habitat Protection and Mitigation Measures

BR-7 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 1.78 acres (1.78 acres of kit fox habitat impacted, at a ratio of 1 acre 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 \$4,450. 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; 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 1.78 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-8 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-9 through BR-18. 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-8c3. 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-9 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-9 through BR-18 of the Developer's Statement/Conditions of Approval shall be clearly delineated on project plans.

BR-7 through BR-9 Monitoring: Required prior to issuance of construction permits. Compliance will be verified by the County Department of Planning and Building.

BR-10 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-11 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-12 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-13 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-14 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-15 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-16 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-10 through BR-16 Monitoring: Required during site disturbance and construction activities. Compliance will be verified by the County Department of Planning and Building.

BR-17 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.

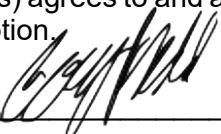
BR-17 Monitoring: Required prior to permit final. Compliance will be verified by the County Department of Planning and Building.

BR-18 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-18 Monitoring: Required throughout the entire project. 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)

5/21/2026

 Date

Cory Hubbard

 Name (Print)