DATE: September 22, 2026

DEVELOPER'S STATEMENT
FOR ROCKY CANYON QUARRY CUP (CALPORTLAND CONSTRUCTION)
DRC2019-000132

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 for verifying compliance with these COAs.

Biological Resources

BIO-1 **Environmental Awareness Training Program.** An environmental awareness training program shall be developed for the Rocky Canyon Quarry Expansion Project by a qualified biologist familiar with the sensitive resources on site. The environmental training program shall be presented to all construction personnel **prior to the start of project activities**. The environmental training program shall include an overview of special status species and sensitive resources with potential to occur on the project site, habitat requirements, and their protection status with emphasis on the Rocky Canyon Creek riparian corridor. In addition, the training will discuss the avoidance and minimization measures that shall be implemented to avoid significant impacts to biological resources, biological information regarding natural communities of the project site, wildlife species likely to be encountered, and revegetation/reclamation efforts and requirements. A training signature page will be completed by all personnel who have received the training and the log will be available for annual Surface Mining and Reclamation Act inspection.

BIO-2 **Operations and Site Maintenance.** The following general measures are recommended to minimize impacts during active construction:

- 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 or similar method to avoid disturbance of adjacent habitat areas. No work shall occur outside these designated limits.

- Secondary containment such as drip pans shall be used to prevent equipment leaks and spills of potential contaminants from impacting soils or surface waters.

- Washing of concrete, paint, or equipment, and refueling and maintenance of equipment shall occur only in designated areas. Appropriate containment methods shall be employed in designated staging areas. Additionally, spill kits shall be available at staging areas and personnel shall be trained in proper use of the kits to minimize impacts associated with inadvertent spills.

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

BIO-3 Mitigation of Impacts to La Panza Mariposa Lily. La Panza mariposa lily has been detected within the expansion area and is also likely to occur in the surrounding chamise chaparral habitat. To protect suitable habitat for this species outside of the expansion area, high visibility fencing or other clear delineation fencing shall be installed and maintained at project disturbance limits, as described in BIO Measure 2, above.

It is likely that La Panza mariposa lily is present in the adjacent undisturbed chaparral habitat located within the perimeter lands on the property. As such, the following mitigation measure shall be implemented to offset impacts to La Panza mariposa lily **prior to ground disturbance activities for Phase 3**:

- Approximately 11.5 acres of suitable habitat located outside of the 10-phase mining area as described in the Specific Plan (County Planning and Building, 2002) shall be preserved and protected in perpetuity under a permanent conservation easement (see Appendix A – Figure 2 of the December 2018 Biological Resources Assessment / Figure 20 of the 2025 BRA).

BIO-4 Special-status Plants. The applicant will ensure the proper collection, storage, and preservation of topsoil for reclamation purposes as described in the *Reclamation Plan* (Holland, 2014) and all subsequent plan amendments. Preservation of the existing seed bank will not only assist in reclamation efforts including the re-establishment of a genetically similar chaparral community but will be essential to preserving and re-establishing herbaceous species on site. Topsoil salvage shall, at a minimum, follow the procedures outlined below:

- The top six to twelve inches of soil shall be salvaged according to specifications provided in the approved *Reclamation Plan* and any subsequent amendments. If not addressed in the *Reclamation Plan* or subsequent amendments, a topsoil salvage protocol shall be developed outlining salvage techniques, proper storage methods, acceptable cover material, and expiration for use and/or farming methods to ensure a viable native seed bank. The Topsoil Salvage Protocol shall be submitted for approval to the County **prior to the onset of construction**.

BIO-5 Protecting Monterey Dusky-footed Woodrat and other Woodrat Species. Prior to vegetation clearing in oak woodland and scrub communities, a biologist shall clearly identify the locations of woodrat houses. Woodrat houses outside of the expansion area shall be flagged for avoidance and provided a 10-foot no disturbance buffer area. The location of woodrat houses within the expansion area that cannot be avoided will be identified with construction personnel. A biological monitor shall be present during initial

vegetation removal and initial earth disturbance to monitor the mechanical dismantling of woodrat houses. Due to potential health hazards associated with disturbing woodrat houses, hand removal is not recommended. Dismantling will be completed by an operator by gently disturbing the top of the nests with a piece of equipment (e.g., excavator with thumb or similar equipment that can accomplish the task) and allowing woodrats to evacuate unharmed prior to completely dismantling the nest. As necessary, the biological monitor will temporarily halt work within the immediate vicinity of any observed woodrats to allow the species to evacuate the immediate area of impact.

BIO-6 Blainville's Horned Lizard and Northern California Legless Lizard. Within 48-hours of initial site disturbance in suitable habitat areas, a qualified biologist shall conduct a pre-activity survey immediately prior to initial habitat disturbance (e.g., initial clearing, grubbing, vegetation removal) to detect special-status and or other wildlife species with emphasis on the presence/absence of Blainville's horned lizard and Northern California legless lizard. Surveys will be conducted by gently disturbing scrub understory and upper layers of oak tree duff. If either species is discovered, a qualified biologist will hand capture the animals for relocation to suitable habitat areas located outside the area of impact. Construction monitoring shall also be conducted by a qualified biologist during all initial ground disturbing and vegetation removal activities (e.g., grading, grubbing, vegetation trimming, vegetation removal including tree removal, etc.). If either species is discovered during the monitoring, the species will be hand captured and relocated to suitable habitat outside the area of impact. Common wildlife encountered during pre-activity surveys or initial clearing shall also be allowed opportunity to leave the area on their own volition. As necessary, a qualified biologist may also relocate common wildlife species to suitable habitat areas located outside of the area of impact.

BIO-7 Pre-activity Survey for Special-status Avian and Nesting Birds. Vegetation clearing shall be avoided between February 1 and September 15. If vegetation clearing cannot be avoided during the nesting season, a qualified biologist shall conduct a survey for nesting birds of the vegetation clearing areas and a 250-foot buffer within one week prior to initiation of disturbance. If active nests (i.e., nest containing eggs or chicks) are detected, they shall be avoided until the nest is no longer active and the young are no longer reliant on the nest for parental care. A non-disturbance buffer of 50 feet will be placed around non-listed, passerine species and a 250-foot buffer will be implemented for raptor species. Non-disturbance buffer distances can be modified as determined by a qualified biologist when there is a compelling biological or ecological reason to do so, such as when the project work area would be concealed from a nest site by intervening habitat features and/or existing topography. Buffer reductions would vary by species and the disturbance context surrounding the nest site. The qualified biologist shall monitor all active nest sites during initial site disturbance to ensure work outside the established buffer does not jeopardize the nest success. If disturbance is noted, the biologist shall work with facility management to increase buffer distances, as needed to avoid nest disruption. The appropriate resource protection agency shall be contacted if nests of state listed, federally listed, or fully protected species are detected. No new site disturbance (i.e. vegetation clearing) will be initiated without further guidance from resource protection agencies if nests of state listed, federally listed, or fully protected species are detected.

BIO-8 **Pre-activity Survey for Golden Eagle. If removal of vegetation or ground disturbance occurs between January 1 and September 15**, pre-construction golden eagle nest surveys will be conducted covering the impacted area(s) where vegetation will be removed and a surrounding 0.5-mile area within one week of clearing activities. If nesting golden eagles are found during pre-construction surveys, an exclusion buffer of 0.25 mile will be established around each active nest and maintained until the nest is inactive. Buffers may be reduced in size if a qualified biologist determines that a reduced buffer will not result in adverse impacts and there is concurrence from CDFW and USFWS to proceed. Surveys shall be repeated annually if additional clearing activities are proposed within 0.25 mile of potentially suitable habitat (e.g., foothill woodland).

BIO-9 **Non-sensitive Habitats.** The *Reclamation Plan* (Holland, 2014) was developed to restore reclaimed slopes to pre-project conditions and mitigate for unavoidable temporary impacts to non-sensitive habitats that may provide suitable habitat for special-status species. The *Reclamation Plan* (Holland, 2014) and any other subsequent amendments will be utilized to continue efforts to restore reclaimed slopes to pre-project conditions per the CUP conditions and in accordance with the *Specific Plan* (County Planning and Building, 2002). As such, the approved *Reclamation Plan* (Holland, 2014) and any subsequent plan amendments shall be implemented.

BIO-10 **Native Tree Protection.** Approximately 371 oak trees and 8 pine trees, constituting approximately 12.3 acres of oak woodland habitat are present within the survey area and may be affected by project activities. A majority of these trees are located within the primary expansion area. However, those trees located along the margins may be indirectly impacted as a result of overland travel and/or equipment staging within their critical root zone. To avoid and/or minimize indirect impacts to those trees located along the margins and those located within 25 feet of the proposed project limits, a Native Tree Protection Plan shall be developed and submitted to the County for review and approval **prior to the start of each phase**. The Native Tree Protection Plan shall include at a minimum, the following guidelines:

- All mature trees within 25 feet of ground disturbance shall be marked for protection and their critical root zone (i.e., the distance from the trunk to the dripline of the tree) shall be fenced prior to any grading. The critical root zone of a tree shall be determined in consultation with an approved biologist/botanist/arborist. If work activities are expected to occur within the critical root zone of a tree, the limits of grading shall be marked in the field for fence placement.

- Temporary fencing shall be installed at the limits of the dripline or the limits of grading with high-visibility fencing (e.g., construction fencing or t-posts and yellow rope).

- Placement of tree protective fencing shall be verified by a qualified biologist/botanist/arborist.

- Grading, trenching, compaction of soil or placement of fill shall be avoided within these fenced areas.

- Tree removal shall be monitored by a qualified biologist/botanist/arborist and as-built impacts documented for mitigation purposes.

- Trimming of branches shall be minimized, especially for larger lower branches, and the amount done in one season shall be limited to no more than 10 percent of the canopy to reduce stress/shock.

BIO-11 Oak Woodland. Though a majority of impacts are expected to be offset with implementation of the *Reclamation Plan* (Holland, 2014) and any subsequent amendments, additional mitigation for long-term impacts to oak woodland are being proposed. Mitigation for unavoidable impacts to oak woodland will follow provisions outlined in the CEQA Oak Protection Act, as well as guidance set forth by the State of California PRC 21083.4, and local County Ordinance No. 3346. Specifically, up to 50 percent of required mitigation can be achieved through on-site planting efforts (i.e., reclamation). If planting is not feasible, or to meet the remaining required mitigation after planting efforts, either a conservation easement or an in-lieu fee may be utilized.

The County typically requires a 4:1 and 2:1 mitigation ratio for direct and indirect impacts to oaks, respectively. As such, if it is assumed that 371 oaks will be directly impacted and 50 percent of mitigation oak trees are planted on site, a total of 742 oaks may be planted as a part of reclamation efforts. Per the County Ordinance, an oak woodland management plan may be required for removal of oak woodland habitat in excess of three acres, but not to exceed five percent of the site's total oak woodland canopy. The existing *Reclamation Plan* (Holland, 2014) and any subsequent amendments shall be used for re-establishing oak woodland on site and is intended to satisfy conditions in lieu of an oak woodland management plan.

If permanent conservation is utilized for mitigation, through either conservation easement or fee-simple ownership by a qualified conservation organization, the mitigation ratio would include a minimum 1:1 ratio for acreage of total oak woodland impacts and would require coordination with a willing third party (e.g., land trust). If in-lieu fees are utilized for any portion of mitigation, contributions may be made to an oak woodland conservation fund currently managed by a qualified conservation organization. The current in-lieu fee amount is approximately $970 per tree removed or $485 per tree impacted and is applied on a 1:1 basis for all impacted trees. It should be noted that the fee is determined on a case-by-case basis by the County and is subject to change upon the County's discretion.

Based on the above options, impacts to individual oak trees and oak woodland could be mitigated through the following options to be approved by the County **prior to the start of excavation of each phase**:

- On-site mitigation planting of up to 50 percent of the impacted trees at a 4:1 mitigation ratio (i.e., up to 742 oak trees). Due to the existing foothill woodland community composition on site, mitigation plantings may include establishment of native associate species including foothill pine and toyon (*Heteromeles arbutifolia*). However, these associate species may not constitute more than 10 percent of the overall planting efforts. Mitigation plantings shall be implemented in accordance with the *Reclamation Plan (*Holland, 2014) and any subsequent plan amendments.

- Establishment of a permanent conservation easement over an area supporting at least 12.3 acres of foothill woodland/oak woodland habitat. If on-site planting is utilized for a portion of proposed mitigation, a revised acreage shall be calculated to meet mitigation requirements.

- Payment of an in-lieu fee of up to $359,870 to an oak woodland conservation fund, qualified conservation organization, or similar County-approved oak tree mitigation bank. Fees may be paid in up to three increments based on phased impacts to oak trees. The table below provides a summary of the proposed fee payment schedule:

Mining Phase	Number of Trees Removed	In-lieu Fee Balance*
3	93	$90,210
4	158	$153,260
5	120	$116,400
3 to 5	371	$359,870

* To be paid to an oak woodland conservation fund or similar County-approved conservation organization or oak tree mitigation bank prior to the commencement of any individual Phase.

It should be noted that the fees above assume 100 percent of trees removed will be mitigated through in-lieu fees and that the fee per removed tree is $970. The table does not include costs for impacted trees (i.e., impacts to the critical root zone and/or trimming of more than 10 percent of a trees canopy), which would be added to the total cost at $485 per tree. As-built impacts would be calculated to determine the final in-lieu fee payment. Actual tree costs may be subject to change on a case-by-case basis by the County, which may affect the total balance due. Similarly, if on-site planting is utilized for a portion of proposed mitigation, a revised fee amount/payment schedule shall be calculated to meet mitigation requirements.

BIO-12 Protecting Aquatic Resources and Water Quality. The following general measures are recommended to minimize impacts to jurisdictional drainages on site including associated aquatic resources and water quality:

- The Rocky Canyon Creek riparian corridor and minimum 50-foot buffer area shall be clearly shown on all final Phase 2 through 5 plan sets and clearly marked in the field prior to initiation of mining operations. This shall include interpretative signage indicating that the creek corridor is a sensitive resource area. Creek corridor delineation and interpretive signage shall be inspected periodically during all mining operations to ensure the limits remain clearly marked and are being avoided.

- All mining operations will be limited to areas located outside the 100-year floodplain of the East Creek and the South Ravine. The 100-year floodplain limits shall be shown on all final Phase 2 through 5 plan sets and shall be clearly marked in the field prior to initiation of mining operations. Areas shall be inspected periodically during all mining operations to ensure the limits remain clearly marked and are being avoided.

- All temporarily disturbed areas (e.g., access routes, staging areas, and stockpile areas) will be located at a minimum of 50 feet from any water feature (i.e., the ephemeral drainages, creek corridor, and depressional wetland pond feature, etc.). This distance should be increased wherever feasible.

- All detention basins shall be designed and operated to ensure discharges to waters meet local, state, and federal water quality standards consistent with the National Pollutant Discharge Elimination System Industrial General Permit requirements for Rocky Canyon Quarry. Surface flows shall be directed away from disturbed areas to the extent feasible to avoid mobilizing sediment in run off. Best management practices shall be utilized to minimize off-site silt and sediment deposition.

BIO-13 Maintaining Dispersal Corridors for Wildlife. The proposed project shall be phased to minimize impacts to wildlife movement throughout the area. Proposed project phasing will maintain corridors between Rocky Canyon Creek, ephemeral drainages, and adjacent open space habitat areas not affected by the proposed expansion activities.

BIO-14 Landscaping and Screening. All landscaping and/or screening shall use locally-sourced native species either collected from on site or grown in a local nursery.

BIO-15 Lighting. Exterior lighting will be positioned to avoid illumination of open space areas, drainages, and the Rocky Canyon Creek riparian corridor. No permanent night lighting will be installed, except for security and maintenance needs of the constructed facility. Temporary construction lighting will be kept to the minimum amount necessary and shall be directed toward active work areas and away from open spaces and/or drainages.

BIO-16 Preconstruction Surveys and Avoidance for Crotch's Bumble Bee. **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 applicant shall contact the County of San Luis Obispo (County) for further guidance. If Crotch's bumble bee is found during the active spring and summer period, or presence is unknown (e.g., if a survey during the active period was not completed) and work is planned between October and March, potential overwintering habitat shall be avoided by a minimum of 50 feet. If potential overwintering habitat cannot be avoided, the County shall be contacted. The County shall coordinate with appropriate resource agencies for guidance to implement project activities and avoid take or proceed with an Incidental Take Permit. The results of the surveys shall be provided to the County prior to initial project activities.

Because bumble bees move nest sites each year, surveys shall be conducted each year prior to ground disturbance within undisturbed habitat in the project site.

Geology and Soils

GEO-1 Monitoring of geologic conditions. The applicant shall retain a qualified engineering geologist to perform ongoing monitoring of surface mining activities as required by SMARA and the County Land Use Ordinance.

GEO-2 Adaptive management. **Plans submitted for permit approval for surface mining activities associated with Phases 3, 4 and 5** shall incorporate the findings and recommendations of the engineering geologic investigation for the project site prepared by GeoSolutions, Inc. in February, 2019, including the following adaptive management strategies:

1. Following exposure of cut rock slopes for Phases III to V, an engineering geologist shall review the rock slopes for inherent instabilities due to weak rock or obvious intersecting fractures that may cause localized wedge failures. If unstable conditions are observed within anticipated temporary cut rock slopes for Phases III, IV, and V, mitigation is recommended for the specific location which may include special drainage considerations, trimming, scaling, re-sloping, removal, catchments, ditches, or other methods for remediation.

2. Surface water drainage from upslope drainages shall be controlled and not concentrated on open slopes. Erosion and severe rill and gully erosion is possible from uncontrolled drainage, especially on weak, highly fractured, or soft rock (faulted areas). Surface drainage shall be controlled to prevent concentrated water-flow on soft-rock slopes. Surface drainage gradients are recommended to prevent ponding and promote drainage of surface water away from natural or man-made slopes.

3. The drainage improvements for cut slopes presented in the Reclamation Plan shall be implemented as depicted.

4. Benches shall be maintained periodically to remove collected debris until vegetation is established per the reclamation plan.

5. An engineering geologist shall periodically monitor geologic conditions during bench/cut-slope excavations. It is understood that this would be an on-going process of monitoring and that reclamation may occur over a period of several years or decades.

6. Excavation and mining activities are recommended to be in accordance with appropriate codes and ordinances of the County of San Luis Obispo, mining safety and health administration and other administering agencies. In addition, unusual subsurface conditions encountered during grading such as springs or fill material are recommended to be brought to the attention of the Engineering Geologist.

7. Cut faces within the quarry that are coincident with mapped traces of faulting (as depicted on Plates IA, lB, and 1 C of the engineering geology report) at the site shall be reviewed periodically. Faulting at the site has created highly sheared weak-rock which may require consideration for stabilization or reinforcement when final slopes are cut. Stabilization measures may include: special drainage consideration, trimming, scaling, re-sloping, catchments, ditches, or other methods for remediation.

Hazards and Hazardous Materials

HAZ-1 **Equipment Maintenance and Refueling. During all construction and operational activities**, the cleaning, refueling, and maintenance of equipment and vehicles shall occur only within designated staging areas. The staging areas shall conform to all Best Management Practices applicable to attaining zero discharge of stormwater runoff. At a minimum, all equipment and vehicles shall be checked and maintained on a daily basis to ensure proper operation and to avoid potential leaks or spills.

HAZ-2 **Spill Response Protocol. During all construction and operational activities**, all project-related spills of hazardous materials shall be cleaned up immediately. Appropriate spill prevention and cleanup materials shall be onsite at all times during construction.

	Murry Wilson	9/24/2026
Signature of Applicant	**Name (Print)**	**Date**