

DATE: May 10, 2023

**DEVELOPER'S STATEMENT & MITIGATION MONITORING PROGRAM
FOR GONZALES MINOR USE PERMIT
(DRC2019-00221)**

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.

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

AIR QUALITY (AQ)

AQ-1 During all construction activities and use of diesel vehicles, the applicant shall implement the following idling control techniques:

1. Idling Restrictions Near Sensitive Receptors for Both On- and Off-Road Equipment.
 - a. Staging and queuing areas shall be located at the greatest distance feasible from sensitive receptor locations;
 - b. Diesel idling when equipment is not in use shall not be permitted;
 - c. Use of alternative fueled equipment shall be used whenever possible; and
 - d. Signs that specify the no-idling requirements shall be posted and enforced at the construction site.
2. California Diesel Idling Regulations. On-road diesel vehicles shall comply with 13 CCR 2485. 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:

- a. Shall not idle the vehicle's primary diesel engine when vehicle is not in use, except as noted in Subsection (d) of the regulation; and
- b. Shall not operate a diesel-fueled auxiliary power system (APS) 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 100 feet of a restricted area, except as noted in Subsection (d) of the regulation.

Signs must be posted in the designated queuing areas and job sites to remind drivers of the no-idling requirement. The specific requirements and exceptions in the regulation can be reviewed at the following website: www.arb.ca.gov/msprog/truck-idling/2485.pdf.

AQ-2

Prior to initiation of ground-disturbing activities, the applicant shall retain a registered geologist to conduct a geologic evaluation of the property, including sampling and testing for NOA in full compliance with SLOAPCD requirements and the CARB ATCM for Construction, Grading, Quarrying, and Surface Mining Operations (17 CCR 93105). This geologic evaluation shall be submitted to the City Community Development Department upon completion. If the geologic evaluation determines that the project would not have the potential to disturb NOA, the applicant must file an Asbestos ATCM exemption request with the SLOAPCD.

Monitoring: Required with construction or grading permits. Compliance will be verified by the County Department of Planning and Building and SLOAPCD.

BIOLOGICAL RESOURCES (BIO)

BIO-1

Prior to mobilization of any equipment on the project site and installation of project limit fencing/flagging, a qualified Biologist shall conduct an environmental sensitivity training for all project personnel during the project kick-off meeting. The purpose of the training is to educate the personnel on identification of special-status wildlife species that may occur within the project area and to provide an overview of the avoidance and minimization measures to be adhered to during the project. Specifically, the training will emphasize on all special-status wildlife species that would be expected to occur within the project limits, applicable

regulatory policies and provisions regarding their protection, and a review of measures being implemented to avoid and/or minimize impacts to the species and their associated habitat. 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.

Monitoring: Require prior to any site disturbance. Compliance will be verified by the County Department of Planning and Building.

BIO-2

Prior to mobilization of any equipment on the project site and installation of project limit fencing/flagging, a qualified Biologist shall conduct a seasonally appropriate botanical survey (between April and June) within the project area or any additional project features that are outside the project area.

If special status plant species are present within the proposed ground disturbance area, or within a 50-foot buffer, the applicant shall avoid all impacts to the greatest extent feasible. All plans 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. 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.

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 to the San Luis Obispo County Department of Planning and Building, United States Fish and Wildlife, and California Department of Fish and Wildlife, as appropriate. A survey buffer of 100 feet should be included to ensure all potential impacts are adequately addressed.

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 onsite.
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. Quantification of impact based on final 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. Individuals that are removed or damaged shall be replaced in-kind at a 2:1 ratio (based on square feet cover) within the designated restoration area with 100% success in five years (inclusive of replacement plantings for unsuccessful individuals).

BIO-3

Immediately prior to ground-breaking activities that would affect potentially suitable habitat, as determined by the project biologist, a focused preconstruction survey for legless lizards shall be conducted in proposed work areas. The preconstruction survey shall be conducted by a qualified biologist familiar with legless lizard ecology and survey methods. The scope of the survey shall be determined by a qualified biologist and shall be sufficient to determine presence or absence of legless lizards in the project areas. If the focused survey results are negative, a letter report shall be submitted to the County, and no further action shall be required. If legless lizards are found to be present in the proposed work areas the following steps shall be taken:

1. Legless lizards shall be captured by the project biologist and relocated to an appropriate location well outside the project areas.
2. Construction monitoring shall be required for all new ground-breaking activities located within legless lizard habitat. Construction monitors shall capture and relocate legless lizards as specified above.
3. A letter report shall be submitted to the County within 30 days of legless lizard relocation.

BIO-4

Immediately prior to ground-breaking activities that would affect potentially suitable habitat, as determined by the project biologist, a focused preconstruction survey for lesser slender salamander shall be conducted in proposed work areas. The survey shall be conducted on foot by a qualified biologist to relocate lesser slender salamanders out of harm's way. If the focused survey results are negative, a letter report shall be submitted to the County, and no further action shall be required. If

lesser slender salamanders are found to be present in the work areas, the following steps shall be taken:

1. Lesser slender salamanders shall be captured by the project biologist and relocated to an appropriate location well outside the project areas.
2. Construction monitoring shall be required for all new ground-breaking activities located within lesser slender salamander habitat. Construction monitors shall capture and relocate lesser slender salamanders as specified above.
3. A letter report shall be submitted to the County within 30 days of lesser slender salamander relocation.

BIO-5

Prior to removal of any trees, a survey shall be conducted by a qualified biologist to determine if any of the trees proposed for removal or trimming harbor sensitive bat species or maternal bat colonies. If a non-maternal roost is found, the qualified biologist, with prior approval from California Department of Fish and Wildlife, shall install one-way valves or other appropriate passive relocation method. For each occupied roost removed, one bat box shall be installed in similar habitat and should have similar cavity or crevices properties to those which are removed, including access, ventilation, dimensions, height above ground, and thermal conditions. If a maternity colony is identified during the breeding season (generally April to October) and it cannot be avoided, the Applicant shall consult with CDFW for guidance and shall implement all requirements and recommendations provided by CDFW.

BIO-6

Prior to initiation of any site preparation/construction activities for construction of the proposed project, if work is planned to occur between February 1 and September 15, a County of San Luis Obispo-qualified biologist shall survey the area for nesting birds within 1 week prior to initial project activity beginning, including ground disturbance and/or vegetation removal/trimming. If nesting birds are located on or near the proposed project site, they shall be avoided until they have successfully fledged, or the nest is no longer deemed active, as detailed below.

1. A 50-foot exclusion zone shall be placed around non-listed, passerine species, and a 250-foot exclusion zone will be implemented for raptor species. Each exclusion zone shall encircle the nest and have a radius of 50 feet (non-listed passerine species) or 250 feet (raptor species). All project activities, including foot and vehicle traffic and storage of supplies and equipment, are prohibited inside exclusion zones. Exclusion zones shall be maintained until all exterior construction activities have been

terminated for the current phase of work, 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.

2. If special-status avian species are identified and nesting within the work area, no work will begin until an appropriate exclusion zone is determined in consultation with the County of San Luis Obispo and any relevant resource agencies.

The results of the survey shall be provided to the County of San Luis Obispo Planning and Building Department prior to initial project activities. The results shall detail appropriate fencing or flagging of exclusion zones and include recommendations for additional monitoring requirements. A map of the project site and nest locations shall be included with the results. The qualified biologist conducting the nesting survey shall have the authority to reduce or increase the recommended exclusion zone depending on site conditions and species (if non-listed).

If 2 weeks lapse between different phases of project activities (e.g., vegetation trimming, the start of grading), during which no or minimal work activity occurs, the nesting bird survey shall be repeated, and a separate survey report shall be prepared and submitted to the County of San Luis Obispo Planning and Building Department.

Monitoring: Require prior to any site disturbance. Compliance will be verified through submittal of a report summarizing preconstruction survey efforts to the County Department of Planning and Building.

BIO-7

An Oak Tree Impact Assessment and Mitigation Report shall be prepared by a licensed arborist or qualified botanist upon completion of final grading and site plans. This report would assess potential tree removals and impacts to CRZ, and outline protection and mitigation requirements for the project according to County standards. The report shall include compensatory planting onsite of individual oak trees through replanting, maintaining and monitoring replacement plantings for at least seven years. Seedling planting will be based on a minimum replacement ratio of 4:1 for oak trees removed and a minimum replacement ratio of 2:1 ratio for oak trees impacted (i.e., disturbance within the root zone area).

Replacement oak trees shall be from regionally or locally collected seed stock grown in vertical tubes or deep one-gallon tree pots. Four-foot diameter shelters shall be placed over each oak tree to protect it from deer and other herbivores and shall consist of 54-inch tall, welded wire cattle panels (or equivalent material) and be staked using T-posts. Wire

mesh baskets, at least two feet in diameter and two feet deep, shall be used below ground. Planting during the warmest, driest months (June through September) shall be avoided.

Replacement oak trees shall be planted no closer than 20 feet on center on average and shall average no more than four planted per 2,000 square feet. Trees shall be planted in random and clustered patterns to create a natural appearance. As feasible, replacement trees shall be planted in a natural setting on the north side of and at the canopy/dripline edge of existing mature native oak trees; on north-facing slopes; within drainage swales (except when riparian habitat present); where topsoil is present; and away from continuously wet areas (e.g., lawns, irrigated areas, etc.). Replanting areas shall be either in native topsoil or areas where native topsoil has been reapplied. Planting locations shall not result in a displacement of existing sensitive plants or habitats.

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

Geology and Soils (GEO)

- GEO-1** **Paleontological Resources.** Prior to the start of any ground-disturbing activities at the project site, a County-approved paleontologist shall conduct a paleontological resources awareness training for all project personnel during the project kick-off meeting. The purpose of the training is to educate the personnel on the sensitivity of underlying geologic unit and identification of paleontological resources that may occur within the project area. Furthermore, crew members shall be briefed on the protocol to be followed in the event of inadvertent discovery of paleontological resources.
- GEO-2** **Inadvertent Discovery.** During ground-disturbing activities, if any paleontological resources are encountered, activities in the immediate area of the find shall be halted. A qualified paleontologist shall be retained to evaluate the discovery and whether the encountered resource is significant and if it should be avoided or recovered for its data potential. The paleontologist shall recommend appropriate treatment options pursuant to guidelines developed by the Society of Vertebrate Paleontology. A paleontological resource impact mitigation program for treatment of the resource shall be developed and implemented if paleontological resources are encountered and determined to be significant. If deemed significant, the paleontological resource(s) shall be

salvaged and deposited in an accredited and permanent scientific institution where they will be properly curated and preserved.

Monitoring: Required prior to and during construction activities. Compliance will be verified by the County Department of Planning and Building.

Noise (N)

N-1 Noise Best Management Practices. For the entire duration of the construction phase of the project, the following BMPs shall be adhered to:

1. Stationary construction equipment that generates noise that exceeds 60 dBA at the project boundaries shall be shielded with the most modern noise control devices (i.e., mufflers, lagging, and/or motor enclosures).
2. Impact tools (e.g., jack hammers, pavement breakers, rock drills, etc.) used for project construction shall be hydraulically or electrically powered wherever possible to avoid noise associated with compressed-air exhaust from pneumatically powered tools.
3. Where use of pneumatic tools is unavoidable, an exhaust muffler on the compressed air exhaust shall be used.
4. All construction equipment shall have the manufacturers' recommended noise abatement methods installed, such as mufflers, engine enclosures, and engine vibration insulators, intact and operational.
5. All construction equipment shall undergo inspection at periodic intervals to ensure proper maintenance and presence of noise control devices (e.g., mufflers, shrouding, etc.).

Monitoring: Required during construction activities. Compliance will be verified by the County Department of Planning and Building.

N-2 Noise Management. Construction plans shall note construction hours, truck routes, and all construction noise BMPs, and shall be reviewed and approved by the County Planning and Building Department prior to issuance of grading/building permits. The applicant shall provide and post signs stating these restrictions at construction entry sites prior to commencement of construction and maintained throughout the construction phase of the project. All construction workers shall be briefed at a preconstruction meeting on construction hour limitations and how, why, and where BMP measures are to be implemented.

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Monitoring: Required with construction or grading permits. 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.

Kelli Gonzales 5-15-2023
Signature of Applicant Name (Print) Date