

**DEVELOPER'S STATEMENT & MITIGATION MONITORING PROGRAM
FOR BUFFALO MANAGEMENT GROUP CONDITIONAL USE PERMIT
(DRC2019-00241)**

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, are 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 **Prior to issuance of grading or construction permits or site disturbance activities, whichever occurs first,** the applicant shall prepare a Dust and Air Quality Plan that shall include, at a minimum, the following components:

1. A mitigation plan for continuing dust control from the property frontage to the nearest County of San Luis Obispo-maintained road. The plan may be modified to adjust for changed conditions or to improve the effectiveness of the dust-reducing technology. The plan and all modifications to the plan are subject to review and approval by the County of San Luis Obispo Planning and Building Department.
2. Evidence of road maintenance provided by the County of San Luis Obispo, State of California, special district, homeowners association, or other organized maintenance, such as a road maintenance agreement.
3. An agreement, to support and not protest; the formation of an assessment district; or the creation of another funding mechanism. The consenting person(s) retains all due process rights as to any term or condition that was unknown at the time of application approval. The consenting person(s) may contest the specific proportionality.

The Dust and Air Quality Plan shall be submitted to the County of San Luis Obispo Planning and Building Department for review and approval. All measures identified in the final approved Dust and Air Quality Plan shall be adhered to for the life of the project.

AQ-2 **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 not be located within 1,000 feet of sensitive receptors if feasible;
 - b. Diesel idling within 1,000 feet of sensitive receptors 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 Section 2485 of Title 13 of the California Code of Regulations. This regulation limits idling from diesel-fueled commercial motor vehicles with gross vehicular weight ratings of more than 10,000 pounds and licensed for operation on highways. It applies to California and non-California based vehicles. In general, the regulation specifies that drivers of said vehicles:
- a. Shall not idle the vehicle's primary diesel engine for greater than 5 minutes at any location, except as noted in Subsection (d) of the regulation; and,
 - 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 minutes at any location when within 1,000 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 5-minute idling limit. The specific requirements and exceptions in the regulation can be reviewed at the following website: www.arb.ca.gov/msprog/truck-idling/2485.pdf.

3. These requirements shall be detailed on all project plan sets.

AQ-3 **During all site preparation and ground-disturbing activities,** the applicant shall implement the following particulate matter control measures and detail each measure on the project grading and building plans:

1. Reduce the amount of disturbed area where possible.
2. Use water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site and from exceeding SLOAPCD's limit of 20% opacity for no greater than 3 minutes in any 60-minute period. Increased watering frequency shall be required whenever wind speeds exceed 15 miles per hour (mph) and cessation of grading activities during periods of winds over 25 mph. Reclaimed (non-potable) water is to be used in all construction and dust-control work.
3. All dirt stockpile areas (if any) shall be sprayed daily and covered with tarps or other dust barriers as needed.
4. Permanent dust control measures identified in the approved project revegetation and landscape plans shall be implemented as soon as

possible, following completion of any soil-disturbing activities.

5. Exposed grounds that are planned to be reworked at dates greater than one month after initial grading shall be sown with a fast germinating, non-invasive, grass seed and watered until vegetation is established.
6. All disturbed soil areas not subject to revegetation shall be stabilized using approved chemical binders, jute netting, or other methods approved in advance by the SLOAPCD.
7. All roadways, driveways, sidewalks, etc. to be paved shall be completed as soon as possible. In addition, building pads shall be laid as soon as possible after grading unless seeding or soil binders or soil binders are used.
8. Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site.
9. All trucks hauling dirt, sand, soil, or other loose materials, are to be covered or shall maintain at least 2 feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with California Vehicle Code Section 23114.
10. Install wheel washers where vehicles enter and exit unpaved roads onto streets or wash off trucks and equipment leaving the site. Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads.
11. Water sweepers shall be used with reclaimed water where feasible. Roads shall be pre-wetted prior to sweeping when feasible.
12. All PM₁₀ mitigation measures required shall be shown on grading and building plans.

The contractor or builder shall designate a person or persons to monitor the fugitive dust emissions and enhance the implementation of the measures as necessary to minimize dust complaints and reduce visible emissions below the SLOAPCD's limit of 20% opacity for no greater than 3 minutes in any 60-minute period. Their duties shall include holidays and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the County of San Luis Obispo Planning and Building Division and SLOAPCD Compliance Division prior to the start of any grading, earthwork, or demolition.

Monitoring: Measures shall be included on all project plans prior to issuance of grading or construction permits or site-disturbing activities. All measures shall be implemented at appropriate times during construction activities and implementation of the roadway dust mitigation plan shall be confirmed during quarterly inspections by County Code Enforcement staff. Compliance will be verified by the County Department of Planning and Building.

Biological Resources (BIO)

- BIO-1** **Prior to issuance of grading or construction permits or establishment of the use, whichever occurs first,** the applicant shall provide evidence to the County that they have retained a County-approved qualified biologist. The scope of work

shall include preconstruction surveys, training, monitoring, and reporting, as detailed in the mitigation measures listed below.

BIO-2 Prior to any site disturbance or construction activities associated with the proposed project, an environmental awareness training shall be presented to all project personnel by a qualified biologist prior to the start of any project activities. The training shall include color photographs and a description of the ecology of all special-status species known or determined to have potential to occur, as well as other sensitive resources requiring avoidance near project impact areas. The training shall also include a description of protection measures required by the project's discretionary permits, an overview of the federal Endangered Species Act, the California Endangered Species Act, and implications of noncompliance with these regulations, as well as an overview of the required avoidance and minimization 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 trainees will be kept and provided to the County of San Luis Obispo (County). If new project personnel join the project after the initial training period, they will receive the environmental awareness training from a designated crew member on site before beginning work. A qualified biologist will provide refresher trainings during site visits or other monitoring events.

BIO-3 Prior to any site disturbance and/or construction activities associated with the proposed project, a habitat assessment evaluating nesting and foraging resources for Crotch bumble bee and the likelihood of Crotch bumble bees occurring within and adjacent to the project area should be completed and the results shall be submitted to the County Planning and Building Department and the California Department of Fish and Wildlife (CDFW). The assessment shall include historical and current species occurrences as well as proximity to the last known sighting. The habitat shall include data from site visits to observe and document potential habitat including potential foraging, nesting, and/or overwintering resources, and shall quantify which plant species are in bloom and what their percent cover is. The foraging resources shall be quantified during the Colony Active Season for Crotch bumble bee (April through August) and foraging resources recorded shall not be limited to the preferred plant species known to be favored by Crotch bumble bee but shall also include all flowering plants including non-natives and invasives. Nesting resources to be quantified can include bare ground, rodent burrows, and other potential nesting sites that may support bumble bee colonies.

BIO-4 Prior to any site disturbance associated with the proposed project between April and August, Crotch bumble bee detection survey(s) of the project site shall be conducted by a qualified biologist following the "Survey Considerations for California Endangered Species Act (CESA) Candidate Bumble Bee Species" (CDFW 2023). To increase the probability of detection, Crotch bumble bee survey efforts shall be conducted during the Colony Active Period (between April and August) and when floral resources are present, ideally during peak bloom. Survey results shall be recorded and submitted to the County Planning and Building Department and CDFW prior to initiation of ground-disturbing project activities. The number and type of surveys conducted may vary on a project- and site-specific basis. Survey methodology shall be consistent with the recommendations provided in the "Survey Considerations for California Endangered Species Act (CESA) Candidate Bumble Bee Species" (CDFW 2023).

Based on the results of the protocol-level surveys, the applicant shall do one of the following:

1. If no Crotch bumble bees are found during the focused surveys but the habitat assessment (detailed in Mitigation Measure BIO-3, above) identified suitable nesting, foraging, or overwintering habitat within the project site, a biological monitor shall be on-site during initial vegetation and ground disturbing activities that take place between February 1 and October 31. If no Crotch bumble bees are observed during monitoring activities, a monitoring report shall be prepared and submitted to the County of San Luis Obispo Department of Planning and Building; or,
2. If Crotch bumble bees are observed on-site during any of the focused surveys or monitoring of project activities, the project applicant shall either consult with the County Planning and Building Department and CDFW to develop site-specific measures to avoid take, or consult with CDFW to obtain an Incidental Take Permit if potential take of Crotch bumble bee cannot be avoided during project activities.

If, prior to site disturbances, the California Fish and Game Commission determines that the conservation status of Crotch bumble bee does not warrant California Endangered Species Act protections or litigation changes the conservation status and the species are removed from the list of candidate species, the applicant will not need to obtain a Section 2081 Incidental Take Permit to disturb the colony(s).

BIO-5 **Prior to initiation of any site preparation/construction activities**, the applicant shall implement the following:

1. A County-approved biologist shall conduct an education and training session for all construction personnel to include, at a minimum, a description of San Joaquin whipsnake and coast horned lizard; the general measures to be implemented to avoid impacts to these species as they relate to the proposed project; the penalties for non-compliance; and the boundaries of the work area within which the project must be accomplished. To ensure that employees and contractors understand their roles and responsibilities, training may have to be conducted in languages other than English.
2. Immediately prior to any ground disturbance or vegetation removal (i.e., the morning of the commencement of disturbance), a County-approved biologist shall conduct a preconstruction survey of the project area. If any evidence of occupation of that portion of the project site by listed or other special-status reptile species is observed, a buffer shall be established by the qualified biologist that results in sufficient avoidance to comply with applicable regulations. If sufficient avoidance cannot be established, the applicant shall coordinate with the USFWS and/or CDFW for further guidance to avoid/minimize potential impacts. Copies of the preconstruction survey and results, as well as all permits and evidence of compliance with applicable regulations, shall be submitted to the County Planning and Building Department.

BIO-6 **Prior to initiation of any site preparation/construction activities**, 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 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.
2. 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 of San Luis Obispo and any relevant resource agencies.

The results of the survey shall be provided to the County of San Luis Obispo 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.

BIO-7 **Prior to initiation of any site preparation/construction activities**, if work is planned to occur within 150 meters (approximately 492 feet) of burrowing owl habitat, the following measures shall be implemented by the project applicant:

1. A qualified biologist shall conduct a pre-construction survey for the species within 14 days prior to initial project activities. This applies year-round (i.e., within the breeding (February 1 to August 31) or non-breeding (September 1 to January 31) seasons. Habitat for burrowing owl includes areas with generally short, sparse vegetation and few shrubs, level to gentle topography and well-drained soils including grasslands, shrub steppe, desert, some agricultural areas, ruderal grassy fields, vacant lots, and pastures.
2. A second survey shall be completed immediately prior to initial project activities (i.e., within the preceding 24 hours). The surveys shall be consistent with the methods outlined in Appendix D of the California

Department of Fish and Wildlife 2012 Staff Report on Burrowing Owl Mitigation, which specifies that 7- to 20-meter transects shall be walked, such that the entire project area is visible. These surveys may be completed concurrently with San Joaquin kit fox, American badger, or other special-status species surveys.

3. If occupied burrowing owl burrows are identified the following exclusion zones shall be observed during project activities, unless otherwise authorized by the California Department of Fish and Wildlife:

Location	Time of Year	Level of Disturbance		
		Low	Medium	High
Nesting Sites	April 1 – Aug 15	656 feet	1,640 feet	1,640 feet
Nesting Sites	Aug 16 – Oct 15	656 feet	656 feet	1,640 feet
Any Occupied Burrow	Oct 16 – Mar 31	164 feet	328 feet	1,640 feet

Each exclusion zone shall encircle the burrow and have a radius as specified in the table above. All foot and vehicle traffic, as well as all project 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, or it has been determined by a qualified biologist that the burrow is no longer in use.

4. If two weeks lapse between construction phases (e.g., vegetation trimming and the start of grading), during which no or minimal work activity occurs, the burrowing owl survey shall be repeated.
5. The County of San Luis Obispo-approved qualified biologist shall submit a report to the County of San Luis Obispo within 14 days of completing initial surveys and every 14 days thereafter until grading activity is complete, documenting project compliance with the Migratory Bird Treaty Act, California Fish and Game Code, and applicable project mitigation measures.

BIO-8 Prior to and during any site disturbance and/or construction activities associated with the proposed project, a qualified biologist shall complete a preconstruction 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.

1. If a potential den is discovered, the den will be monitored for 3 consecutive nights with an infrared, motion-triggered camera, prior to any project activities, to determine if the den is being used by an American badger.
2. If an active badger den is found, an exclusion zone shall be established around the den. A minimum 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), measured outward from the burrow entrance. 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.

If more than 30 days pass between construction phases (e.g., trenching activities and the start of hoop structure installation), during which no or minimal work activity occurs, the badger survey shall be repeated.

- BIO-9** **During all trenching and excavation activities**, utilize escape ramps in all excavations and trenches that are left open overnight and conduct daily pre-activity surveys of these sites. During the period that any excavations are to be left open overnight, an escape ramp shall be created by leaving a 2:1 or softer slope in one of the ends to allow animals the ability to get out of the trench if they fall in. If an escape ramp cannot be used, then a qualified biologist shall inspect open trenches each day prior to the start of work. If any wildlife or special-status animal species are found, they shall be captured and relocated out of harm's way. All appropriate authorizations shall be obtained from CDFW and/or USFWS to handle any state or federal listed species from the project site and relocate to suitable habitat away from project activities. Work shall be halted in the specific area until the entrapped animal has been relocated.
- BIO-10** **During all construction activities and for the life of the project**, limit the use of rodenticides. Any rodenticides used during operation of the cultivation facility shall be limited in the amount and restricted to areas within the fenced cultivation area and secured seatrain container to minimize secondary poisoning of American badger prey and Salinas pocket mouse. Non-poison methods shall be employed where feasible, such as traps or pellets that are not toxic to predators (such as RatX or MouseX).
- BIO-11** **Prior to issuance of grading permits or initiation of site disturbance activities, whichever occurs first**, a County-qualified biologist shall conduct a pre-construction survey for special-status small mammal species, including, but not limited to, Salinas pocket mouse no earlier than 7 days prior to the start of vegetation removal or grading. The qualified biologist shall survey all temporary and permanent impact areas for special-status wildlife species, using techniques recommended by the California Department of Fish and Wildlife for Salinas pocket mouse and other species with potential to occur on-site. The preconstruction survey shall be repeated for any separate phases of the project initiated at different times, such as tree planting for visual screening in the Coastal Scrub habitat. Construction activities can begin once it has been determined that there are no special-status wildlife species within impact areas. If any special-status wildlife species are found within the impact area or would otherwise be at risk during construction, work

activities shall be delayed in that particular area and the animal allowed to leave the work zone on its own volition. The biologist shall monitor the area to determine when individuals of special-status species have left and work can commence.

If construction is scheduled to begin during the winter months (late-October to March) when several of the special-status species with potential to occur are not active and therefore would not be detectable during visual surveys, an additional wildlife survey shall be conducted during the summer or early-fall prior to construction to determine whether the species inhabit the site and what areas are occupied. Depending on the outcome of the surveys, project impact areas may be adjusted to avoid areas with special-status wildlife species, such as in the case of nest sites of the Crotch bumble bee or high abundance of rodent burrows.

BIO-12 Prior to issuance of grading permits or initiation of site disturbance activities, whichever occurs first, all San Joaquin Kit Fox (SJKF) protection measures required before construction (prior to any project activities) and during construction shall be included as a note on all project plans.

BIO-13 Prior to issuance of grading permits or initiation of site disturbance activities, whichever occurs first, a qualified biologist shall complete a pre-construction survey for SJKF no less than 14 days and no more than 30 days prior to the start of initial project activities to ensure SJKF is not present within all proposed work areas and at least a 200-foot buffer around work areas per USFWS Standard Recommendations (2011). The biologist will survey for sign of SJKF and known or potential SJKF dens. The result of the survey shall be submitted to the County within 5 days of the survey and prior to start of initial project activities. The submittal shall include the date the survey was conducted, survey method, and survey results, including a map of the location of any SJKF sign, and/or known or potential SJKF dens, if present. If no SJKF sign, potential or known SJKF dens are identified, then the SJKF Standard Protection Avoidance and Protection Measure shall be applied.

1. If the qualified biologist identifies potential SJKF den(s), the den(s) will be monitored for 3 consecutive nights with an infra-red camera, prior to any project activities, to determine if the den is being used by SJKF. If no SJKF activity is observed during the 3 consecutive nights of camera placement then project work can begin with the Standard SJKF Avoidance and Protection Measures and the SJKF Protection Measures if SJKF are observed.
2. If a known den is identified within 200 feet of any proposed project work areas, no work may start in that area.

If 30 days lapse between different phases of project activities (e.g., vegetation trimming and the start of grading), where no or minimal work activity occurs, the SJKF survey shall be updated.

BIO-14 During all site disturbance and construction activities on-site, the following measures shall be implemented and included as a note on all project plans:

1. If a San Joaquin kit fox is discovered at any time to be occupying an area within the project boundaries, all work must stop. The County shall be notified, and they will consult with other agencies as needed.

2. A maximum 25 mph speed limit shall be required at the Project site during construction activities. Speed limit signs shall be installed on the project site prior to start of all work;
3. All construction activities shall cease at dusk and not start before dawn. This includes driving on the site for security purposes;
4. 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.
5. All pipes, culverts, or similar structures with a diameter of 4 inches or greater, stored overnight at the project site shall be thoroughly inspected for sheltering SJKF before burying, capping, or moving. All exposed openings of pipes, culverts, or similar structures shall be capped or temporarily sealed prior to the end of each working day. No pipes, culverts, similar structures, or materials stored on site shall be moved if there is a SJKF present within or under the material. A 50-foot exclusion buffer will be established around the location of the SJKF until it leaves. The SJKF shall be allowed to leave on its own before the material is moved.
6. All food-related trash items such as wrappers, cans, bottles, and food scraps shall be disposed of in animal-proof closed containers only and regularly removed from the site.
7. No deliberate feeding of wildlife shall be allowed.
8. 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.
9. Trash shall be disposed of into containers rather than stockpiling on site prior to removal.
10. Materials or other stockpiles shall 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.
11. The use of pesticides or herbicides shall be in compliance with all local, state, and federal regulations so as to avoid primary or secondary poisoning of endangered species and the depletion of prey upon which SJKF depend.

12. Permanent fences shall allow for SJFK passage through or underneath by providing frequent openings (8-inch x 12-inch) or an approximately 4-inch or greater passage gap between the ground and the bottom of the fence. Any fencing constructed after issuance of a final permit shall follow the above guidelines.
13. During project activities and/or the operation phase, any contractor or employee that inadvertently kills or injures a SJKF 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 SJKF, the applicant shall immediately notify the USFWS, CDFW, and the County by telephone. In addition, formal notification shall be provided in writing within 3 working days of the finding of any such animal(s). Notification shall include the date, time, location, and circumstances of the incident.
14. If potential SJKF dens are identified on site during the pre-construction survey, a qualified biologist shall be on site immediately prior to the initiation of project activities to inspect the site and dens for SJKF activity. If a potential den appears to be active or there is sign of SJKF activity on site and within the above-recommended buffers, no work can begin.

BIO-15 For the life of the project, the following measures shall be implemented to reduce potential impacts to San Joaquin kit fox:

1. The use of pesticides or herbicides shall be in compliance with all local, state, and federal regulations so as to avoid primary or secondary poisoning of Endangered species utilizing adjacent habitats and the depletion of prey upon which San Joaquin kit fox depend;
2. Permanent fences shall allow for San Joaquin kit fox passage through or underneath (i.e., an approximate 4-inch passage gap shall remain at ground level); and,
3. To minimize the effects of future exterior lighting on special-status wildlife species, the applicant shall submit a Light Pollution Prevent Plan to the County Planning Department for approval that incorporates the following measures to reduce potential impacts to wildlife related to night lighting:
 - a. All outdoor lighting fixtures shall be motion activated, and be positioned and/or directed downward and to the interior of the site to avoid the light source from being visible off site and shall be of the lowest lumen necessary to address security issues; and,
 - b. Exterior path lighting shall conform to LUO Section 22.10.060, be designed to be motion activated, and be directed downward and to the interior of the site to avoid the light source from being visible off site. Exterior path lighting shall be "warm-white" or filtered (correlated color temperature of < 3,000 Kelvin; scotopic/photopic ratio of < 1.2) to minimize blue emissions.

4. In the event that any observations are made of injured or dead SJKF, the applicant shall immediately notify the USFWS, CDFW, and the County by telephone. In addition, formal notification shall be provided in writing within 3 working days of the finding of any such animal(s). Notification shall include the date, time, location, and circumstances of the incident.

BIO-16 Prior to issuance of grading permits and/or initiation of site disturbance activities, whichever occurs first, the applicant shall submit evidence to the County and CDFW that one or a combination of the following three SJKF mitigation measures for loss of SJKF habitat has been implemented:

1. Provide for the protection in perpetuity, through acquisition of fee or a conservation easement of 5.0 acres of suitable habitat in the kit fox corridor area (e.g., within the San Luis Obispo County kit fox habitat area), 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 CDFW and the County.

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

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

Mitigation alternative (b.) 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 SJKF habitat, and to provide a voluntary mitigation alternative to project proponents who must mitigate the impacts of projects in accordance with the CEQA. 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; the actual cost may increase depending on the timing of payment. This fee must be paid after CDFW provides written notification about mitigation options but prior to County permit issuance and initiation of any ground disturbing activities. The fee, payable to "The Nature Conservancy," would total \$12,500 based on \$2,500 per acre (2.5 acres impacted × 2:1 mitigation ratio × \$2,500 per acre).

3. Purchase 5.0 [2.5 acres × 2:1 mitigation ratio] credits in a CDFW-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.) can be completed by purchasing credits from the Palo Prieto Conservation Bank. The Palo Prieto Conservation Bank

was established to preserve SJKF 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 and would total (2.5 acres impacted × 2:1 mitigation ratio × \$2,500 per acre). This fee is calculated based on the current cost-per-credit of \$2,500 per acre of mitigation. The fee is established by the conservation bank owner and may change at any time. The 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.

BIO-17 For the life of the project, the permit applicant or project proponent must hire a qualified biologist to complete an annual pre-activity survey for SJKF and special-status small mammal species (e.g., Salinas pocket mouse) no more than 14 days prior to the start of initial ground disturbance associated with the outdoor grow sites to ensure SJKF and special-status small mammal species have not colonized the area and are not present within the grow site areas.

The survey will include mapping of all potentially active SJKF and special-status mammal burrows within the grow site areas plus a 50-foot buffer for small mammals and 200-foot buffer for SJKF. All potentially active burrows will be mapped and flagged for avoidance. If avoidance of the burrows is not feasible, the County shall be contacted for further guidance. The County will contact the appropriate resource agencies. If a SJKF den is found within 200 feet of the disturbance area, then the County must be contacted for further guidance. The County will contact the appropriate resource agencies.

BIO-18 At the end of the life of the project, upon revocation of a use permit or abandonment of a licensed cultivation or nursery site, the permittee and/or property owner shall remove all materials, equipment, and improvements on the site that were devoted to cannabis use, including but not limited to concrete foundation and slabs; bags, pots, or other containers; tools; fertilizers; pesticides; fuels; hoop house frames and coverings; irrigation pipes; water bladders or tanks; pond liners; electrical lighting fixtures; wiring and related equipment; fencing; cannabis or cannabis waste products; imported soils or soils amendments not incorporated into native soil; generators; pumps; or structures not adaptable to non-cannabis permitted use of the site.

If any of the above described or related material or equipment is to remain, the permittee and/or property owner shall prepare a plan and description of the non-cannabis continued use of such material or equipment on the site. The property owner shall be responsible for execution of the restoration plan that will re-establish the previous natural conditions of the site, subject to monitoring and periodic inspection by the County. Failure to adequately execute the plan shall be subject to the enforcement provisions by the County of San Luis Obispo.

Monitoring: The included measures shall be implemented at appropriate times as specified in each measure. Compliance shall be verified by the County Department of Planning and Building.

Hydrology and Water Quality (WQ)

WQ-1 Water Demand Quantification and Offset. Prior to issuance of a grading permit (or prior to initiation of permitted activities if no grading permits are required), all applicants for cannabis-related activities within the PRGWB shall provide to the County of San Luis Obispo Department of Planning and Building for review and approval a Water Conservation Plan with a package of measures that, when implemented, will achieve the water demand offset required by LUO Sections 22.40.050 D.5, 22.40.060 D.5, and 22.94.025 F and Building Ordinance Section 19.07.042(4). The Water Conservation Plan shall include the following:

1. The quantification of water demand expressed in total acre-feet per year, consistent with the Water Management Plan required by LUO Sections 22.40.050 C.1 and 22.40.060 C.1.
2. A program for achieving a water demand offset of the quantified water demand as required by LUO Sections 22.40.050 D.5, 22.40.060 D.5, and 22.94.025 F and Building Ordinance Section 19.07.042(4). Such a program may include, but is not limited to, the following:
 - a. The permanent installation of water facilities and/or infrastructure to improve the efficient use of water on existing irrigated agricultural lands within the basin. Such improvements shall be accompanied by an audit of existing agricultural water demand prepared by an Agricultural Engineer, or other licensed engineer or qualified professional as approved by the Director of Planning and Building. Water efficiency improvements may include, but are not limited to, the following:
 - i. Installation of drip irrigation.
 - ii. Installation of smart controllers, which are irrigation controllers that are climatologically controlled without human intervention, that adjust irrigation based on the amount of moisture lost from soil and plant material since the previous irrigation by utilizing climate data (evapotranspiration rates) broadcast to the controller from the California Irrigation Management Information System and other sources, and that have been tested and certified 100% for irrigation adequacy and schedule shall be installed and maintained on all irrigated and landscaped areas.
 - iii. Installation of float valves on water tanks to prevent tanks from overflowing.
 - iv. Conversion from using overhead sprinklers to wind machines for frost protection. [Note: The installation of wind machines shall be included in the project description for cannabis activities and subject to environmental review.]
 - v. Installation of rainwater catchment systems to reduce demand on groundwater. [Note: The installation of rainwater catchment facilities shall be included in the

