

DATE: May 20, 2024

**DEVELOPER'S STATEMENT & MITIGATION MONITORING PROGRAM
FOR PUREWAL MINOR USE PERMIT/COASTAL DEVELOPMENT PERMIT
(C-DRC2022-00025)**

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 Diesel Idling Restrictions for Construction Phases. The APCD recognizes the public health risk reductions that can be realized by idle limitations for both on- and off-road equipment. The following idle restricting measures are required for the construction phase of projects. **Upon application for construction and/or encroachment permits**, all required measures shall be shown on applicable grading or construction plans and made applicable during grading and construction activities, as described below.

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 California Code of Regulations 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: https://ww2.arb.ca.gov/sites/default/files/classic/msprog/truck-idling/13ccr2485_09022016.pdf.

AQ-2

At the time of application for grading and construction permits for initial site improvements and future residential development, the following measures shall be provided on project grading and construction plans and shall be implemented throughout the duration of project grading and construction activities to manage fugitive dust emissions such that they do not exceed the San Luis Obispo County Air Pollution Control District (SLOAPCD) 20% opacity limit (SLOAPCD Rule 401) and minimize nuisance (SLOAPCD Rule 402) impacts:

1. The amount of the disturbed area shall be reduced where possible;
2. Water trucks or sprinkler systems shall be used in sufficient quantities to prevent airborne dust from leaving the site and from exceeding the SLOAPCD's limit of 20% opacity for greater than 3 minutes in any 60-minute period. Increased watering frequency would be required whenever wind speeds exceed 15 miles per hour. Reclaimed (non-potable) water shall be used whenever possible. When drought conditions exist and water use is a concern, the contractor or builder shall consider use of a dust

suppressant that is effective for the specific site conditions to reduce the amount of water used for dust control. Please refer to the following link from the San Joaquin Valley Air District for a list of potential dust suppressants:
<http://www.valleyair.org/busind/comply/PM10/Products%20Available%20for%20Controlling%20PM10%20Emissions.htm>;

3. All dirt stockpile areas shall be sprayed daily and covered with tarps or other dust barriers as needed;
4. All roadways, driveways, sidewalks, etc. to be paved shall be completed as soon as possible, and building pads shall be laid as soon as possible after grading unless seeding, soil binders, or other dust controls are used;
5. All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least 2 feet of freeboard (minimum vertical distance between top of load and top of trailer) or otherwise comply with California Vehicle Code Section 23114;
6. "Track-Out" is defined as sand or soil that adheres to and/or agglomerates on the exterior surfaces of motor vehicles and/or equipment (including tires) that may then fall onto any highway or street as described in California Vehicle Code Section 23113 and California Water Code 13304. To prevent track out, access points shall be designated, and all employees, subcontractors, and others shall be required to use them. A "track-out prevention device" shall be installed and operated where vehicles enter and exit unpaved roads onto paved streets. The track-out prevention device can be any device or combination of devices that are effective at preventing track out, located at the point of intersection of an unpaved area and a paved road. Rumble strips or steel plate devices need periodic cleaning to be effective. If paved roadways accumulate tracked out soils, the track-out prevention device may need to be modified;
7. All fugitive dust mitigation measures shall be shown on grading and building plans;
8. The contractor or builder shall designate a person or persons whose responsibility is to ensure any fugitive dust emissions do not result in a nuisance and to enhance the implementation of the mitigation measures as necessary to minimize dust complaints and reduce visible emissions below the SLOAPCD's limit of 20% opacity for greater than 3 minutes in any 60-minute period. Their duties shall include holidays and weekend periods when work may not be in progress (for example, wind-blown dust could be generated on

- an open dirt lot). The name and telephone number of such persons shall be provided to the SLOAPCD Compliance Division prior to the start of any grading, earthwork or demolition (Contact the Compliance Division at 805-781-5912).
9. 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;
 10. Exposed ground areas that are planned to be reworked at dates greater than 1 month after initial grading shall be sown with a fast-germinating, non-invasive grass seed and watered until vegetation is established;
 11. All disturbed soil areas not subject to revegetation should be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the SLOAPCD;
 12. Vehicle speed for all construction vehicles shall not exceed 15 miles per hour on any unpaved surface at the construction site;
 13. Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers shall be used with reclaimed water where feasible. Roads shall be pre-wetted prior to sweeping when feasible; and
 14. Additional measures shall be taken as needed to ensure dust from the project site is not impacting areas outside the project boundary.

Monitoring: Measures required to be noted on construction or grading permits. Measures shall be adhered to during construction and ground-disturbing activities. Compliance will be verified by the County Department of Planning and Building and SLOAPCD.

BIOLOGICAL RESOURCES (BIO)

- BIO-1 Biological Monitor.** Prior to ground disturbance, the applicant shall retain a qualified biologist for all measures requiring environmental mitigation to ensure compliance with the coastal development permit measures. The biologist shall be responsible for: (1) ensuring that procedures for verifying compliance with environmental mitigations are implemented; (2) establishing lines of communication and reporting methods; (3) conducting compliance reporting; (4) conducting construction crew training regarding environmentally sensitive areas and protected species; (5) maintaining authority to stop work; and (6) outlining actions to be taken in the event of non-compliance. Monitoring shall be conducted full

time during the initial disturbances (site clearing) and be reduced to every other week following initial disturbances or a frequency and duration determined by the qualified biologist in consultation with the County of San Luis Obispo and the US Fish and Wildlife Service.

Monitoring: The biological monitor shall be retained prior to any ground disturbance. Monitoring shall occur weekly during site clearing and then every other week. Compliance will be verified by the County Department of Planning and Building.

BIO-2 Environmental Awareness Training. Prior to the commencement of site grading, a US Fish and Wildlife Service-approved biologist with demonstrable knowledge and experience with Morro shoulderband snail and its habitat will conduct a preconstruction environmental awareness training session for all construction personnel involved in site disturbance. The training is intended to inform the construction crews, field supervisors, and equipment operators about the status and presence of the Morro shoulderband snail and other special-status species that occur in the project area, including California legless lizard, coast horned lizard, and nesting birds. Topics of discussion shall include descriptions of the species' habitats; general provisions and protections afforded by the Federal Endangered Species Act and the California Environmental Quality Act; measures implemented to protect special-status species; review of the project boundaries and special conditions; the monitor's role in project activities; lines of communication; and procedures to be implemented in the event a special-status species is observed in the work area.

Monitoring: The awareness training shall be given to all construction personnel prior to initiation of construction activities. Compliance will be verified by the County Department of Planning and Building.

BIO-3 Kellogg's horkelia: Prior to the start of site preparation or any construction activities, all Kellogg's horkelia located within the proposed project disturbance area shall be transplanted to a protected area on the project site or at a suitable off-site location that contains suitable soils and habitat. The replanting shall be done by a qualified biologist and be conducted in early winter (late November to December) when winter rains have commenced. All replanting shall be done in undisturbed native topsoil, and to ensure success, all transplanted Kellogg's horkelia should be hand watered once weekly for the first twelve (12) weeks to increase survival. Additionally, the biologist shall identify a program schedule and established success criteria for a 5-year maintenance, monitoring, and

reporting program that is structured to ensure the success of the transplanted individuals.

Monitoring: Surveys are required prior to vegetation removal, construction, and ground-disturbing activities. If replanting is required, it shall occur after winter rains have commenced. Compliance will be verified by the County Department of Planning and Building.

BIO-4 Los Osos Habitat Conservation Plan. The project shall comply with the County of San Luis Obispo ("County") Los Osos Habitat Conservation Plan ("LOHCP") and community-wide Incidental Take Permit ("ITP") for Los Osos (Effective Date: February 15, 2024). Prior to building permit issuance, the project proponent shall secure a Certificate of Inclusion ("COI") from the County for incidental take coverage under the ITP. The project proponent shall comply with the terms of the COI and ITP, which includes compliance with the LOHCP. If the County finds that the project proponent is out of compliance with the terms of the LOHCP, ITP, or COI, the County has the authority to revoke the COI and issue an immediate stop-work order until the violation is resolved as set forth under LOHCP. Without a valid COI in effect, all work relating to the project shall cease immediately. In accordance with the LOHCP Stay-Ahead Provision, the County can only issue a COI when sufficient mitigation credits have been accrued and are available for an activity covered by the LOHCP. The County accrues mitigation credits through implementation of the LOHCP (i.e., habitat protection, restoration, and management). The amount of mitigation credits accrued is based on area of habitat benefits achieved through LOHCP implementation.

Monitoring: The COI is required prior to issuance of building permits. Compliance will be verified by the County Department of Planning and Building.

BIO-5 Northern Legless Lizard and Coast Horned Lizard Impact Avoidance. No more than 3 days prior to initiation of ground-disturbing activities, all areas of the project footprint, including under shrubs, shall be surveyed by a qualified biologist. Any individuals found shall be relocated to an area on the parcel consisting of appropriate habitat at least 50 feet outside the project development footprint. A qualified biologist shall monitor all initial vegetation-clearing and ground-disturbing activities in areas of suitable habitat to capture and relocate individuals to an area on the parcel consisting of appropriate habitat at least 50 feet outside the project development footprint.

Monitoring: Surveys are required within 3 days of prior to vegetation removal, construction, and ground-disturbing activities. Compliance will be verified by the County Department of Planning and Building.

BIO-6 Nesting Bird Impact Avoidance and Protection. To the maximum extent possible, site preparation, ground-disturbing, and construction activities should be conducted outside of the migratory bird breeding season (February 1–September 15). If such activities are required during this period, the applicant shall retain a County of San Luis Obispo-approved biologist to conduct a nesting bird survey and determine if migratory birds are occupying the site **within 14 days prior to vegetation removal or construction**. The surveys shall be conducted within 500 feet of construction areas. If nesting activity is detected, the following measures shall be implemented:

1. If feasible, vegetation removal activities should be scheduled to occur outside the nesting season (February 1–September 15). No surveys for nesting birds shall be required for project activities occurring between September 16 and January 31.
2. For project-related activities that occur during the nesting season (February 1–September 15), a nesting bird survey shall be conducted by a qualified biologist at least 14 days prior to vegetation removal for each phase of the project. The surveys shall be conducted within all accessible areas within 500 feet of the work area.
3. If nests are located during any survey, all project-related activities shall be avoided within the following buffer zones: 50 feet for non-raptor species and 500 feet for all active raptor nests. Buffer areas shall be closed to all construction personnel and equipment until a qualified biologist has determined nesting has ended and the young have fledged the nest and the nest is no longer active.

Monitoring: Surveys are required between February 1 and September 15, within 14 days prior to vegetation, construction, and ground-disturbing activities. Compliance will be verified by the County Department of Planning and Building.

May 20, 2024

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.



Signature of Applicant

SARANSJIT PUREWAL

Name (Print)

5/22/2024

Date