

**DEVELOPER'S STATEMENT FOR
AMBURGEY SUBDIVISION/ VESTING TENTATIVE PARCEL MAP
N-SUB2022-00025/ CO21-0019**

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.

Pursuant to 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.

EXHIBIT B - MITIGATION SUMMARY

The following mitigation measures address impacts that may occur as a result of the development of the project.

BIOLOGICAL RESOURCES

BIO-1 Worker and Environmental Training Program.

Prior to the start of grading or construction of proposed development, mobilization of any equipment on the project site and installation of project limit fencing/flagging for project construction, 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 shall 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. Crew members shall be briefed on the reporting process in the event that an inadvertent injury should occur to a special-status species during construction.

BIO-1 Monitoring: Evidence of completion of the training program is required prior to the start of site disturbance or proposed development. Evidence such as a sign in sheet, shall be provided and compliance will be verified by the County Department of Planning and Building.

BIO-2 Pismo Clarkia Impact Avoidance and Minimization

- A. **Avoidance.** To mitigate impacts to Pismo Clarkia, mapped populations of Pismo Clarkia shall be avoided and a 50-foot setback from development. In the spring/summer prior to site development, surveys for Pismo clarkia shall be undertaken to confirm/update previous surveys, and the site development plan shall be designed to avoid all previously mapped locations (including a minimum 50-foot buffer surrounding such previously mapped locations, and to the extent feasible, any additional clarkia if observed outside previously mapped plant and buffer areas. The County shall be immediately notified if additional locations are mapped. The buffer area shall be fenced and this area will be off limits prior to commencing construction activities. Fence installation shall be monitored by a qualified biologist. The fencing shall remain and be maintained in perpetuity. Pismo clarkia patches identified on-site during 2023 and 2024 surveys shall be avoided to the maximum extent practicable. Immediately prior to development, appropriately timed surveys will be conducted by a qualified biologist to determine the extent of the distribution of plants during the construction year. The extant population boundaries mapped in 2023 and 2024, plus any expansions observed during surveys conducted in the year of construction, will be flagged by a qualified biologist.
- B. **Incidental Take Permit.** If full avoidance is not feasible, necessary approvals from the California Department of Fish and Wildlife will be required. Concurrence shall be provided by the California Department of Fish and Wildlife that the project would result in take of a state-listed species and that an Incidental Take Permit, Conservation Easement, and Habitat Management Plan are required prior to disturbance under California Fish and Game Code Section 2081. A conservation easement over the Pismo clarkia habitat will include the California Department of Fish and Wildlife as a third-party beneficiary.

BIO-2 Monitoring: Required prior to initiation of any site preparation/construction activities. Compliance will be verified by the County Department of Planning and Building.

BIO-3 Special Status Plant Species Impact Avoidance and Minimization

- A. **Preconstruction Survey.** Prior to any ground disturbance, a County-qualified plant botanist/biologist shall conduct a seasonally timed botanical survey for special status plant species in all areas where ground disturbing activities are proposed, including and not limited to, fence installation, staging or work mobilization areas, grading, and site improvements for access roads, utility lines, etc. The survey shall be conducted during the appropriate blooming period(s) according to protocols established by the USFWS, CDFW, and CNPS. All listed plant species found shall be marked and avoided. Any populations of special-status plants found during the survey shall be fully described, mapped, and a CNPS Field Survey Form or written equivalent shall be prepared. Reference sites must be visited when feasible to ensure target species are detectable. Valid botanical surveys will be considered current for up to five years. If construction has not commenced within five years of the most recent survey (2024), botanical surveys must be repeated. In the spring/summer prior to development plans, a survey for Pismo clarkia shall be undertaken to confirm/update previous surveys, and the site development plan shall be designed to avoid all previously mapped locations and any additional Pismo clarkia observed (including a minimum 50-foot buffer).
- B. **Special Status Plant Species Avoidance.** If special status plant species are discovered within the Survey Area, a County-qualified biologist will flag and fence these locations as

off limits before construction activities start, to avoid impacts if feasible. Avoidance areas should include appropriate buffer zones as determined by the qualified biologist. To the maximum extent feasible, project activities should be designed to avoid non-listed CRPR species (Santa Margarita manzanita). If avoidance is not feasible, the removal of three individuals of Santa Margarita manzanita would not significantly affect its viability in the area. Therefore, no significant impact is expected, and no mitigation is required.

- C. **Restoration Plan.** If full avoidance is not feasible, all impacts to special status plants shall be mitigated at a minimum ratio of 3:1 (number of acres/individuals restored to number of acres/individuals impacted) for each species as a component of habitat restoration. All replanting shall be on site. The restoration plan shall also include, at a minimum, the following components:
- I. Description of the project/impact site (i.e., location, responsible parties, areas to be impacted by habitat type);
 - II. Goal(s) of the compensatory mitigation project [type(s) and area(s) of habitat to be established, restored, enhanced, and/or preserved and/or numbers and extent of special status species to be established; specific functions and values of habitat type(s) to be established, restored, enhanced, and/or preserved];
 - III. Description of the proposed compensatory mitigation site (location and size, ownership status, existing functions and values);
 - IV. Implementation plan for the compensatory mitigation site (rationale for expecting implementation success, responsible parties, schedule, site preparation, planting plan [including species to be used, container sizes, seeding rates, etc.]);
 - V. Maintenance activities during the monitoring period, including weed removal and irrigation as appropriate (activities, responsible parties, schedule);
 - VI. Monitoring plan for the compensatory mitigation site, including no less than quarterly monitoring for the first year, along with performance standards, target functions and values, target acreages to be established, restored, enhanced, and/or preserved, and annual monitoring reports for a minimum of five years at which time the project proponent shall demonstrate that performance standards/success criteria have been met;
 - VII. Success criteria based on the goals and measurable objectives; said criteria to be, at a minimum, at least 80% survival of container plants, if used, and achievement of comparable or improved species composition by vegetation type based on a metric of meeting or exceeding vegetation cover and composition that is comparable or higher quality than the impacted vegetation. This shall be demonstrated by achieving at least 80% relative cover of non-invasive species with similar native species composition compared with the impacted site. Relative cover will be determined in comparison to a reference plot for native species or a quantitative baseline survey of the impacted site. The plan must achieve establishment of target numbers and extent of special status species based on required replacement ratios, at the end of five years of monitoring.
 - VIII. An adaptive management program and remedial measures to address any shortcomings in meeting success criteria;
 - IX. Notification of completion of compensatory mitigation and agency confirmation; and

- X. Contingency measures (initiating procedures, alternative locations for contingency compensatory mitigation, funding mechanism).

BIO-3 Monitoring: Required prior to initiation of any site preparation/construction activities. Compliance will be verified by the County Department of Planning and Building.

BIO-4. California Legless Lizard Impact Avoidance and Minimization

- A. Prior to the start of grading or construction, conduct a preconstruction survey and avoid construction in any areas with special-status reptile species. Immediately prior to the start of vegetation removal or grading, a qualified biologist shall survey permanent and temporary impact areas for special-status reptile species. Raking surveys in areas with leaf litter under shrubs and trees shall be used to detect the northern California legless lizard, as well as searches under lumber or other cover objects. Visual surveys of the disturbance areas shall be conducted for the horned lizard. Construction activities may begin once it has been determined that there are no special-status reptile species within impact areas. If any special-status reptile individuals 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 wildlife allowed to leave the work zone on its own volition or relocated following California Department of Fish and Wildlife approval. The biologist shall monitor the area to determine when individuals of special-status species have left, and work can commence.
- B. During all ground-disturbing activities, conduct biological monitoring for special-status wildlife species. A qualified biologist shall monitor vegetation removal and site grading to search for unearthed northern California legless lizards and coast horned lizards. The biologist shall be on-site daily until all vegetation has been cleared. The biologist shall monitor construction activities from a safe distance using binoculars and walk through the site to look for disturbed wildlife during breaks. Any wildlife found shall be moved out of harm's way or allowed to move to an undisturbed location on their own volition. As necessary, appropriate regulatory agency permits and/or approvals shall be obtained to allow relocation of special-status species from the project area.
- C. During grading and construction, employ measures to prevent entrapment of reptiles in open excavations and trenches. During the period in which there are open trenches or excavations more than 6 inches deep, such as during the excavation for building foundations or utility lines, escape ramps shall be installed so that reptiles and other wildlife that may have become entrapped have the ability to escape. Escape ramps shall consist of a 2:1 sloped soil area leading from the bottom to ground level. If this is not possible, a qualified biologist shall inspect open trenches each day prior to the start of work for entrapped wildlife, or trenches/excavations shall be completely covered with plywood or similar material during overnight periods. If a horned lizard is located, the biological monitor shall be contacted immediately to assist with relocation. Work shall be halted until the entrapped wildlife has been relocated.

BIO-4 Monitoring: Required prior to initiation of any site preparation/construction activities. Compliance will be verified by the County Department of Planning and Building.

BIO-5. Crotch Bumble Bee (*Bombus crotchii*) and Western Bumble Bee (*Bombus occidentalis*) Impact Avoidance and Minimization.

Prior to any site disturbance associated with the proposed project between April and August, Crotch's and Western 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 (California Department of Fish and Wildlife 2023). To increase the probability of detection, bumble bee survey efforts shall be conducted during the Colony Active Period (April–August) and when floral resources are present, ideally during peak bloom. Survey results shall be recorded and submitted to the County of San Luis Obispo Planning and Building Department and California Department of Fish and Wildlife 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.

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

- A. If no Crotch or Western bumble bees are found during the focused surveys but the habitat assessment 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 Planning and Building Department; or
- B. If Crotch or Western 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 of San Luis Obispo Planning and Building Department and California Department of Fish and Wildlife to develop site-specific measures to avoid take, or consult with the California Department of Fish and Wildlife to obtain an Incidental Take Permit if potential take of 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 Monitoring: Required prior to initiation of any site preparation/construction activities. Compliance will be verified by the County Department of Planning and Building.

BIO-6. American Badger Impact Avoidance and Minimization

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 of San Luis Obispo prior to initial project activities.

- A. 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.
- B. 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–January 31) and a minimum 100-foot exclusion zone during the reproductive season (February 1–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 of San Luis Obispo shall be contacted. The County of San Luis Obispo 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-6 Monitoring: Required prior to initiation of any site preparation/construction activities. Compliance will be verified by the County Department of Planning and Building.

BIO-7 Nesting Birds Impact Avoidance and Minimization

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 and immediately provide the survey to the Department of Planning and Building upon completion. If nesting birds are located on or near the project site, they shall be avoided until they have successfully fledged, or the nest is no longer deemed active, as detailed below.

- A. A 100-foot exclusion zone shall be established around non-listed, passerine species, and a 250-foot exclusion zone shall be established for raptor species. Each exclusion zone shall encircle the nest and have a radius of 100 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 (e.g., if Phase 1 improvements are completed, exclusion zones may be removed until initiation of site preparation for Phase 2 begins), 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.
- B. If special-status avian species are identified and nesting within the work area, no work shall 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 commencement of 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.

BIO-7 Monitoring: Required prior to initiation of any site preparation/construction activities. Compliance will be verified by the County Department of Planning and Building.

BIO-8. Native Tree Protection

Prior to issuance of construction and/or grading permits, the applicant shall clearly show all oak trees within 50 feet of grading activities on the grading plans. In addition to showing the limits of grading, the grading plans shall also designate which oak trees are to be removed and which oak trees will be impacted by grading activities occurring within the root zone (one and one half times the dripline). Oak trees within 50 feet of grading activities, which are not designated for removal, shall be fenced and flagged for protection prior to permit issuance. Fencing shall be clearly shown on the grading plans to be located at the root zone for trees not designated for removal. For impacted trees, where grading activities will occur within the root zone, fencing may be placed at the limits of grading activities.

- A. The applicant shall prepare a tree protection map and plan with accurate and complete tree locations, tag numbers, Critical Root Zones, edge of canopy, and tree protection measures. The project engineers shall work with the biological consultants to develop a tree protection plan sheet that indicates all tagged trees, with corresponding tag numbers, edge of canopy and CRZ's within 50 feet of disturbance. Tree protection measures such as construction fencing shall be show on the map. All trees shall to be fully protected shall be clearly shown on the grading and drainage plans.
- B. Any tree removal associated with CDF/County Fire vegetative clearance/modification requirements shall also be considered on the plans.

BIO-9. Tree Replacement and Monitoring Plan

Prior to issuance of construction and/or grading permit, the applicant shall provide a tree replacement plan for review and approval by the Environmental Coordinator. The replacement plan shall demonstrate compliance with the following measures:

- A. Number of Trees – The tree replacement plan shall provide for the replacement, in kind, of removed oak trees at a 4:1 ratio. Additionally, the tree replacement plan shall provide for the planting, in kind, at a 2:1 ratio for oak trees designated for impact but not removal.

- i. An environmental monitor shall keep the running tally of the total number of trees impacted and removed as in the example below. A final mitigation obligation determination shall be provided to the Project Manager and the County Planning Department.

Tree Type	# Removed (4:1 replacement)	# Impacted (2:1 replacement)	Replacement Total Required
3 Oak trees (2 Coast Live Oaks; 1 Interior Live Oak)	3 (12)		
6 Oak trees (3 Coast Live Oaks; 2 Interior Live Oaks; 1 Blue Oak)		6 (12)	
			24

- B. Location/Density – The location shall be clearly shown on the plans. Trees shall be planted at no greater a density than the average density in the existing oak woodland area on the site. Location of newly planted trees should adhere to the following, whenever possible: on the north side of and at the canopy/dripline edge of existing mature native 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, leach lines).
- C. Species – Trees shall be of the same species of the trees proposed for impact or removal. The species shall be clearly specified on the plans.
- D. Size – Replacement oak trees shall be from either vertical tubes or deep, one-gallon container sizes.
- E. Planting – Replanting shall be completed as soon as it is feasible (e.g. irrigation water is available, grading done in replant area). Replant areas shall be either in native topsoil or areas where native topsoil has been reapplied. If the latter, top soil shall be carefully removed and stockpiled for spreading over graded areas to be replanted (set aside enough for 6-12" layer). If possible, planting during the warmest, driest months (June through September) shall be avoided. In addition, standard planting procedures (e.g., planting tablets, initial deep watering) shall be used.
- F. Maintenance – Newly planted trees shall be maintained until successfully established. This shall include protection (e.g. tree shelters, caging) from animals (e.g., deer, rodents), regular weeding of at least a three foot radius out from the planting, and adequate watering (e.g., drip-irrigation system). Hand removal of weeds shall be kept up on a regular basis at least once in late spring (April) and once in early winter (December).
- G. Irrigation/Watering – Irrigation details shall be clearly shown on the plans. Watering should be controlled so only enough is used to initially establish the tree, and reducing to zero over a three year period.

BIO-10. Tree Replacement and Monitoring Plan

As applicable, once trees have been planted, the applicant shall retain a qualified individual (e.g., landscape contractor, arborist, nurseryman, botanist) to prepare a letter stating how and when the above planting and protection measures have been completed. This letter shall be submitted to the Department of Planning and Building.

BIO-11. Tree Replacement and Monitoring Plan

Prior to final inspections or occupancy, whichever occurs first, replacement trees shall be installed or bonded for in compliance with the approved tree replacement plan. If bonded for, installation shall be completed within 60 days of bonding.

BIO-12. Tree Replacement and Monitoring Plan

To guarantee the success of the new trees, the applicant shall retain a qualified individual (e.g., arborist, landscape architect/ contractor, nurseryman) to monitor the new trees' survivability and vigor until the trees are successfully established, and prepare monitoring reports, on an annual basis, for no less than three years. Based on the submittal of the initial planting letter, the first report shall be submitted to the County Environmental Coordinator one year after the initial planting and thereafter on an annual basis until the monitor, in consultation with the County, has determined that the initially-required vegetation is successfully established. Additional monitoring will be necessary if initially-required vegetation is not considered successfully established. The applicant, and successors-in-interest, agrees to complete any necessary remedial measures identified in the report(s) to maintain the population of initially planted vegetation and approved by the Environmental Coordinator.

BIO-13. Tree Replacement and Monitoring Plan

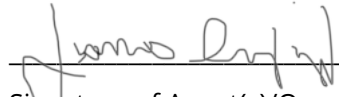
All oak trees identified to remain shall not be removed. Unless previously approved by the county, the following activities are not allowed within the root zone of existing or newly planted oak trees: year-round irrigation (no summer watering, unless "establishing" new tree or native compatible plant(s) for up to 3 years); grading (includes cutting and filling of material); compaction (e.g., regular use of vehicles); placement of impermeable surfaces (e.g., pavement); disturbance of soil that impacts roots (e.g., tilling).

BIO-14. Tree Replacement and Monitoring Plan

Grading, utility trenching, compaction of soil, or placement of fill shall be avoided within the fenced areas. If grading in the root zone cannot be avoided, retaining walls shall be constructed to minimize cut and fill impacts. Care shall be taken to avoid surface roots within the top 18 inches of soil. If any roots must be removed or exposed, they shall be cleanly cut and not left exposed above the ground surface.

BIO-8 through BIO-14 Monitoring: Department of Planning and Building shall verify compliance (BIO-8 through BIO-14) in consultation with the Environmental Coordinator.

The applicant understands that any changes made to the project description after this environmental determination must be reviewed by the Environmental Coordinator and may require a new environmental determination for the project. By signing this agreement, the owner(s) agrees to and accepts the incorporation of the above measures into the proposed project description.



Signature of Agent(s)/Owner

07/30/2024

Date

James Amburgey

Name (Print)