

**DEVELOPER'S STATEMENT FOR
BLADY MAJOR GRADING PERMIT
GRAD2022-00068 / ED24-168**

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 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-1 Monitoring: Evidence of completion of the required studies is required prior to the start of site disturbance or proposed development. 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.

BIO-2 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-3 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 2:1 ratio. Additionally, the tree replacement plan shall provide for the planting, in kind, at a 1:1 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 (2:1 replacement)	# Impacted (1:1 replacement)	Replacement Total Required
Oak (Coast Live Oak)	5 (10)		
Oak (Coast Live Oak)		2 (2)	
			12

- 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-4 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-5 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-6 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-7 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-8 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-2 through BIO-8 Monitoring: Department of Planning and Building shall verify compliance (BIO-2 through BIO-8) in consultation with the Environmental Coordinator.

CULTURAL / TRIBAL RESOURCES

CR-1 Cultural Resources Monitoring Plan

Prior to issuance of grading or construction permits, the applicant shall submit an Archaeological Resources Monitoring Plan (Monitoring Plan), prepared by a County-approved archaeologist, for review and approval by the County Department of Planning and Building. The intent of this Monitoring Plan shall be to monitor all initial ground-disturbing activities on site. The Monitoring Plan shall include at a minimum:

- a. List of personnel involved in the monitoring activities;
- b. Inclusion of involvement of the Native American community, as appropriate (shall include Tribal representative Patti Dunton with the Salinan Tribe of San Luis Obispo and Monterey Counties);
- c. Description of the required cultural training element to occur prior to site disturbance;
- d. Description of how the monitoring shall occur;
- e. Description of frequency of monitoring (e.g. full time, part time, spot checking);
- f. Description of what resources are expected to be encountered;
- g. Description of procedures for halting work on the site and notification procedures; and
- h. Description of monitoring reporting procedures; and
- i. Specific, detailed protocols for what to do in the event of the discovery of human remains.

CR-2 Cultural Resources Monitoring

Construction Monitoring. For all ground disturbing construction activities, the applicant shall retain a County-approved archaeologist and Native American representative to monitor these activities, per the approved monitoring plan. The applicant shall install any necessary protective field measures, as directed by the archaeologist, and shall keep them in good working order during construction. Upon discovery, the applicant shall take immediate remedial actions should corrective measures be needed. If any significant archaeological resources or human remains are found during monitoring, work shall stop within the immediate vicinity (precise area to be determined by the archaeologist in the field) of the resource until such time as the resource can be evaluated by an archaeologist and any other appropriate individuals.

CR-3 Cultural Resources Reporting

Prior to final inspections and granting final occupancy of structures, the project archaeologist shall submit a detailed summary of all site monitoring that took place and acknowledge any discoveries made during the monitoring process or conflicts that occurred. The report shall be submitted to the Department of Planning and Building and approved by County staff prior to scheduling final building inspections.

CR-4 Cultural Resources Unearthed

In the event that archeological resources are unearthed or discovered during any construction activities, the following standards apply:

Construction activities shall cease, and the County of San Luis Obispo Project Manager shall be notified so that the extant and location of discovered materials may be recorded by a qualified archaeologist, and disposition of artifacts may be accomplished in accordance with state and federal law.

In the event archeological resources are found to include human remains, or in any other case when human remains are discovered during construction, the Coroner shall be notified in addition to the County of San Luis Obispo Project Manager so proper disposition may be accomplished.

CR-1 through CR-4 Monitoring: Department of Planning and Building shall verify compliance (CR-1 through CR-4) 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

11/22/24

Date

Cy Blady

Name (Print)