

**DEVELOPER'S STATEMENT FOR
MONTEREY PACIFIC, INC – AQUILON NORTH
MAJOR GRADING PERMIT GRAD2024-00017**

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.

AIR QUALITY

AQ-1 DPM Emissions. At the time of permit application and during construction, the following measures based on the SLOAPCD standard mitigation measures for construction equipment for reducing diesel particulate matter (DPM) emissions from construction equipment shall be printed on the project plans and implemented to reduce expose of sensitive receptors to substantial pollutant concentrations. These measures shall be shown on grading and building plans:

- a. 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:
 - i. 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,
 - ii. Shall not operate a diesel-fueled auxiliary power system 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 1,000 feet of a restricted area, except as noted in Subsection (d) of the regulation.

- b. Maintain all construction equipment in proper tune according to manufacturer's specifications.
- c. Fuel all off-road and portable diesel-powered equipment with ARB certified motor vehicle diesel fuel (non-taxed version suitable for use off-road).
- d. Use diesel construction equipment meeting ARB's Tier 2 certified engines or cleaner off-road heavy-duty diesel engines and comply with the State Off-Road Regulation.
- e. Use on-road heavy-duty trucks that meet the CARB's 2010 or cleaner certification standard for on-road heavy-duty diesel engines and comply with the State On-Road Regulation.
- f. Idling of all on and off-road diesel-fueled vehicles shall not be permitted when not in use. Signs shall be posted in the designated queuing areas and or job site to remind drivers and operators of the no idling limitation.
- g. Electrify equipment when possible.
- h. Substitute gasoline-powered in place of diesel-powered equipment, when available. and,
- i. Use alternatively fueled construction equipment on-site when available, such as compressed natural gas (CNG), liquefied natural gas (LNG), propane or biodiesel.

AQ-1 Monitoring: Required to be placed on the project plans prior to issuance of construction permits. Compliance will be verified by the County Department of Planning and Building.

BIOLOGICAL RESOURCES

BIO-1 Environmental Awareness Training. Prior to ground disturbing activities, an environmental awareness training shall be presented to all construction personnel by a qualified biologist. The training shall include color photographs and a description of the ecology of all special-status species known or with potential to occur, as well as other sensitive resources requiring avoidance during construction. The training shall also include a description of protection measures required by discretionary permits, an overview of the Federal and State Endangered Species Acts, and implications of noncompliance with these regulations. This will include 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 conveying the information provided in the environmental awareness training will be provided to all project personnel and anyone else who may enter the project site.

If new construction personnel join the project after the initial training period, they will receive the environmental awareness training from a qualified biologist before beginning work.

BIO-1 Monitoring: Training is required prior to any site disturbance or construction activities, and throughout the life of the project when new construction personnel join the project. Compliance will be verified by the County Department of Planning and Building.

BIO-2 Site Maintenance and General Operations. The following general measures are recommended to minimize impacts during active construction, and shall be reproduced on all plan sets:

- a) The boundaries of each work area shall be clearly defined and marked with high visibility fencing or stakes prior to construction. The use of heavy equipment and vehicles shall stay within the defined project limits and staging areas/access points.
- b) No work shall occur outside these limits.
- c) In proximity of existing pond, signs shall be posted at the boundary of the work area indicating the presence of sensitive resources.
- d) Project plans, drawings, and specifications shall show the boundaries of all sensitive resource areas and the location of erosion and sediment controls, delineation of construction limits, and other pertinent measures to ensure the protection of sensitive habitats and resources.
- e) Staging of equipment and materials shall occur in designated areas with appropriate demarcation and perimeter controls. No staging areas shall be located within 50 feet of the pond.
- f) Secondary containment, such as drip pans, shall be used to prevent leaks and spills of potential contaminants.
- g) Washing of concrete, paint, or equipment and refueling and maintenance of equipment shall occur only in designated staging areas. These activities will occur at a minimum of 50 feet from sensitive habitat. Sandbags and/or absorbent pads and spill control kits shall always be available on-site to clean up and contain fuel spills and other contaminants.
- h) Construction equipment shall be inspected by the operator daily to ensure that equipment is in good working order and no fuel or lubricant leaks are present.
- i) Plastic monofilament netting (erosion control matting) or similar material will not be used on-site due to the potential to entangle special-status wildlife. Acceptable substitutes are coconut coir matting, biodegradable fiber rolls, or tackified hydroseeding compounds.
- j) The use of pesticides (including rodenticides) and herbicides on the property shall be in compliance with all federal, state, and local regulations to avoid primary and secondary poisoning of sensitive species that may be using the project site.

After completion of the project's construction, all protective fencing/flagging used to delineate sensitive biological resources shall be removed from the project area and disposed of in appropriate waste receptacles or reused.

BIO-3 Oak Tree Protection and Mitigation. To the maximum extent feasible, impacts to oak trees shall be avoided and minimized. The following avoidance and minimization measures shall be implemented to address potential impacts to oak trees:

1. The canopy edge and trunk location of oak trees located within 50 feet of proposed construction shall be surveyed and placed on all plan sets. The tree map shall be used to protect oak trees during project implementation.
2. Impacts to oak tree canopy or sensitive root zone should be avoided to the extent feasible. Impacts may include pruning, ground disturbance or placement of impervious surfaces (e.g., asphalt, permanent structures) within the sensitive root zone, installation of year-round irrigation or other supplemental water within the sensitive root zone, and trunk damage.
3. Prior to ground-breaking, tree protection fencing shall be installed as close to the outer limit of the sensitive root zone as practicable for construction operations to protect trees located within 50 feet of construction that will be preserved. The fencing shall be in place throughout the duration of construction. Demarcation such as t-posts and a minimum of two strands of yellow rope are adequate.
4. All construction activity shall remain outside delineation fencing installed for protection of oak trees.
5. A licensed arborist or qualified botanist will be hired to oversee all removal or trimming of existing roots and necessary branch trimming.
6. Care shall be taken to avoid surface roots within the top 18 inches of soil. If any roots are exposed during construction, they shall be covered with a layer of soil to match existing topography.
7. Impacts to oak trees shall be assessed by a licensed arborist or qualified botanist prior to final inspection and reported to the County.

BIO-2 and BIO-3 Monitoring: Required prior to issuance of construction permits and prior to site disturbance and construction activities. Compliance will be verified by the County Department of Planning and Building.

BIO-4 Surveys, Avoidance, and Monitoring for Special-Status Wildlife. A qualified biologist shall conduct surveys prior to the start of initial project activities to ensure special-status wildlife species are not present within proposed work areas. If special-status wildlife species are found, they shall be allowed to leave the area on their own volition or be relocated (as permitted) to suitable habitat areas outside the work area(s). If necessary, resource agencies will be contacted for further guidance. Pre-activity surveys and/or monitoring shall be conducted as follows:

- a) **Preconstruction Survey and Avoidance Measures for American Badger.** A qualified biologist shall conduct a preconstruction survey within 30 days prior to the start of initial project activities to ensure American badger are not present within proposed work areas or within 200 feet of work areas. If potential dens are discovered, they shall be monitored with a remote camera or tracking medium for at least 3 days to determine if they are occupied. If the qualified biologist determines that a den may be active during the non-reproductive season (July 1–January 31), a no-entry exclusion buffer shall be established within 50 feet of the den. If active dens are found during the reproductive season (February 1–June 30), no activity shall occur within 200 feet of the den. Exclusion buffers shall be prominently flagged and encircle the den. 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 an exclusion buffer is not feasible, the applicant will contact the County for further guidance. The results of the survey shall be provided to the County prior to initial project activities. If construction lapses beyond 30 days from the survey, an additional survey will be required.
- b) Preconstruction Survey and Avoidance Measures for Monarch Caterpillars. If work is planned to occur during the breeding season (March 16 to October 30), a qualified biologist shall survey for monarch eggs, caterpillars, and chrysalises within the work area two weeks prior to the start of initial ground disturbance. If monarch eggs, caterpillars, or chrysalises are observed, no work shall occur within 25 feet until the monarch egg, caterpillar, or chrysalises is no longer present. If an exclusion buffer is not feasible, the applicant shall contact the County for further guidance. The results of the survey shall be provided to the County prior to initial project activities.
 - c) Preconstruction Surveys and Avoidance for Crotch Bumble Bee. If work begins during the flight period of April 1 to August 31 in 2024, a qualified biologist shall survey for Crotch bumble bee within the work area two weeks prior to the start of initial ground disturbance to determine if Crotch bumble bees are still foraging in the area. If a Crotch bumble bee is observed, a biological monitor shall monitor all initial vegetation removal and ground disturbance and stop work as needed to avoid take of Crotch bumble bee. In addition, a maximum 15 mile-per-hour speed limit shall be required at the project site during construction activities. Because bumble bees move nests sites each year, if project activities begin in 2025 or later, prior to the start of project activities a qualified biologist shall conduct focused surveys for Crotch bumble bee in accordance with CDFW's guidance provided in Survey Considerations for CESA Candidate Bumble Bee Species (CDFW 2023). If a Crotch bumble bee nest is observed, no work shall occur within 25 feet of the nest until it is no longer active. If an exclusion buffer is not feasible, the applicant shall contact the County for further guidance. If initial ground disturbing work is planned between November and January, potential overwintering habitat around the man-made pond and within the duff layer below the coast live oak adjacent to the project area in the north BSA shall be avoided by a minimum of 25-feet. If potential overwintering habitat cannot be avoided, the County shall be contacted. The County will coordinate with appropriate resource agencies for guidance to implement project activities and avoid take or proceed with an Incidental Take Permit. The results of the survey shall be provided to the County prior to initial project activities.
 - d) Preconstruction Survey for Sensitive and Nesting Birds/Raptors. If work is planned to occur between February 1 and August 31, a qualified biologist shall survey the area for nesting birds within one week prior to activity beginning on site. In addition, if work is planned to occur as early as January 1, a qualified biologist shall complete a focused survey for nesting golden eagles within one-quarter mile of the project site, as feasible based on access. 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. A non-disturbance buffer of 50 feet will be placed around non-listed, passerine species, and a 250-foot buffer will be implemented for all nonlisted raptor species. All activity will remain outside of the buffer until a qualified biologist has determined that the nest is no longer active (e.g., young have fledged, or the nest failed) or that proposed construction activities would not cause adverse impacts to the nest, adults, eggs, or young. If special-status avian species are identified and nesting within the work area, no

work will begin until an appropriate buffer is determined in consultation with the County, CDFW, and/or the USFWS.

BIO-4 Monitoring: Required within 30 days of site disturbance or construction activities. A final report shall be provided to the County prior to initial project activities. Compliance will be verified by the County Department of Planning and Building.

GEOLOGY AND SOILS

GEO-1 Plans submitted for grading/construction permits shall incorporate the findings and recommendations of the geotechnical investigation of the project site prepared by Mid-Coast Geotechnical, dated January 2024.

GEO-2 A Paleontological Resources Management Plan (PRMP) shall be prepared and implemented by a San Luis Obispo County Certified Paleontologist for this project and submitted to the County for approval prior to issuance of the grading permit(s). At minimum it shall include: (1) paleontological resources awareness training for all earthmoving personnel, (2) specify paleontological personnel qualifications, (3) identify an established and recognized professional repository for any fossils recovered, (4) take into account the latest information on cut depth and location and specify where monitoring shall be required, (5) require full-time monitoring of the Paso Robles Formation, the late Pleistocene older alluvium, and the Monterey Formation if encountered, (6) specify fossil recovery procedures and locality documentation, (7) specify laboratory procedures, (8) require a detailed catalogue of specimens recovered with identification by experts, and (9) require a final report with the catalogue and all specialists reports as appendices to be submitted prior to final permit signoff or as otherwise agreed to by County staff.

GEO-1 and GEO-2 Monitoring: Required prior to issuance of construction permits. Compliance will be verified by the County Department of Planning and Building.

GEO-3 Full-time paleontological monitoring shall be conducted throughout the duration of excavation into rocks of the Paso Robles Formation and late Pleistocene older alluvium, as well as any rocks of the Monterey Formation that might be encountered at depth. Should identifiable or otherwise potentially informative fossils be exposed by excavation, these shall be excavated, collected, and preserved, following guidelines presented in the PRMP.

GEO-4 If unanticipated fossil resources are unearthed during construction excavations, the contractor shall notify the County Department of Planning and Building and cease all earth-disturbing activities within a 50-foot radius of the area of discovery until the discovery can be evaluated by a San Luis Obispo County approved paleontologist.

GEO-3 and GEO-4 Monitoring: Required during all ground disturbing activities. Compliance will be verified by the County Department of Planning and Building.

HAZARDS AND HAZARDOUS MATERIALS

HAZ-1 Equipment Maintenance and Refueling. During all construction activities, the cleaning, refueling, and maintenance of equipment and vehicles shall occur only within designated staging areas. The staging areas shall conform to all Best Management Practices applicable to attaining zero discharge of stormwater runoff. At a minimum, all equipment and

vehicles shall be checked and maintained on a daily basis to ensure proper operation and to avoid potential leaks or spills.

HAZ-2 Spill Response Protocol. During all construction activities, all project-related spills of hazardous materials shall be cleaned up immediately. Appropriate spill prevention and cleanup materials shall be onsite at all times during construction.

HAZ-1 and HAZ-2 Monitoring: Required during project activities. Compliance will be verified by the County Department of Planning and Building.

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.

C.M. Florence, AICP

Signature of Agent(s)/Owner

03 January 2025

Date

C.M. Florence, AICP Agent

Name (Print)