

THE HILLS LLC MITIGATION MEASURES, MONITORING, AND REPORTING PROGRAM CHECKLIST

The following list of measures address and mitigate potentially significant adverse impacts to a level of non-significance.

Mitigation:

AFR-1 Oak Woodland Restoration and Replacement

The applicant will submit an Oak Woodland Restoration Plan prepared by a Registered Professional Forester (RPF) that describes where and how a 22,000-square-foot area of oak woodlands will be replaced on the subject parcels to mitigate for the removal of the two stumps and approximately 10 trees. The Oak Woodland Restoration Plan must also proscribe areas where existing oak trees are protected from encroachment and how newly planted trees will also be protected. The Plan shall include monitoring and reporting elements that require a minimum of 3 years of monitoring and achieve an 85% success rate. The monitoring reports will be provided to the Planning Department for review at the time of the annual inspection.

Implementation Time Frame	Monitoring Frequency	Date Verified	To Be Verified By	Compliance Yes No	Comments / Action Taken
Prior to issuance of the building permit, and during project operations.	Continuous		HCP&BD*		

BIO-1 Avoid and Minimize Impacts to Foothill Yellow-Legged Frog

- Pre-construction surveys for foothill yellow-legged frogs shall be conducted by a qualified biologist in the vicinity of any earth moving activities near Class II water courses. If it is determined that earth moving activities will need to occur at or near the Lower Pond, surveys should be conducted on the adjacent Class II stream prior to any earth moving activities to determine presence/absence.
- The applicant or County shall coordinate with CDFW regarding FYLF. If, through coordination, it is determined that an incidental take permit under Section 2081 of the Fish and Game Code is required, then the applicant shall obtain the necessary permit and shall provide appropriate compensatory mitigation for impacts to FYLF habitat as agreed upon with CDFW. This process may involve presence/absence surveys in the year prior to construction (at a minimum) to determine the status of the frog at the site. There are no standard CDFW-approved survey protocols for FYLF; therefore, if presence/absence surveys are conducted, the proposed protocols shall be provided to CDFW for review and approval prior to conducting the surveys.
- A qualified biologist shall survey the work site prior to the initiation of construction activities to ensure that FYLF is not present within the project site. If, at the time of construction, FYLF is candidate for listing as threatened or listed as threatened under CESA, handling of FYLF without a take permit pursuant to the CESA is not allowed. If FYLF is found in the project site during preconstruction surveys, construction activities shall not start until the frog has been either relocated by the qualified biologist to a suitable location up or downstream of the construction

zone, or allowed to leave the area on its own (if the County has not obtained a take permit pursuant to CESA). The approved biologist shall notify the County project manager and CDFW within 24 hours if FYLF is found, and if any individuals have been relocated, and shall reinitiate consultation with CDFW, if necessary.

- The preconstruction worker awareness training shall include a description of the FYLF and its habitat, the importance of the FYLF and its habitat, the avoidance and minimization measures that are being implemented to conserve the FYLF as they relate to the project, and the boundaries within which work may occur. Personnel will also be instructed on the penalties for not complying with avoidance and minimization measures. If new construction personnel are added to the project, the contractor will ensure that the new personnel received the mandatory training before starting work.
- The biological monitor's inspections and monitoring will involve monitoring for FYLF. If, at the time of construction, FYLF is candidate for listing as threatened or listed as threatened under CESA, handling of FYLF without a take permit pursuant to the CESA is not allowed. If FYLF are present during construction, construction activities within 50 feet of the frog shall cease until either the biological monitor is able to relocate the frog to a suitable location up or downstream of the construction zone, or the frog is allowed to leave the area on its own (if the County has not obtained a take permit pursuant to CESA). The biological monitor shall notify the County project manager and CDFW within 24 hours if FYLF is found, and shall notify of any individuals that have been relocated, and shall reinitiate consultation with CDFW, if necessary.

Implementation Time Frame	Monitoring Frequency	Date Verified	To Be Verified By	Compliance Yes No	Comments / Action Taken
Prior to issuance of the building permit, and during project operations.	Continuous		HCP&BD* CDFW*		

BIO-2 Allow dispersal of juvenile frogs and fledgling red-winged blackbirds from Lower Pond

Should CDFW determine the Lower Pond needs to be removed, it should be done once it dries and juvenile frogs or fledgling red-winged blackbirds from the last nesting attempt have had the opportunity to disperse. Prior to the removal of the Lower Pond, a qualified biologist shall confirm that red-winged blackbirds have fledged and left the site, juvenile frogs have dispersed, and the pond may be removed.

Implementation Time Frame	Monitoring Frequency	Date Verified	To Be Verified By	Compliance Yes No	Comments / Action Taken
Within the timeframe proscribed in the Streambed Alteration Agreement issued by CDFW.	Continuous		HCP&BD* CDFW*		

BIO-3 No use of plastic support netting

The applicant shall not use plastic support netting. Plastic netting is a hazard to all forms of wildlife and is not to be used. CDFW recommends using netting of natural materials such as jute or hemp, with no welded seams.

Implementation Time Frame	Monitoring Frequency	Date Verified	To Be Verified By	Compliance Yes No	Comments / Action Taken
During project operations.	Continuous		HCP&BD*		

BIO-4 No rodenticides

The applicant shall not use rodenticides on the project site during construction or operations.

Implementation Time Frame	Monitoring Frequency	Date Verified	To Be Verified By	Compliance Yes No	Comments / Action Taken
During construction and during project operations.	Continuous		HCP&BD*		

BIO-5 Avoid Light Spillover

The project applicant shall cover any structure requiring lighting (mixed-light greenhouses) one hour before sunrise to one hour after sunset to avoid any adverse effects on nocturnal wildlife during operations and construction.

Implementation Time Frame	Monitoring Frequency	Date Verified	To Be Verified By	Compliance Yes No	Comments / Action Taken
During project operations.	Continuous		HCP&BD*		

BIO-6 Wetland Restoration

The applicant shall restore wetlands at a 3:1 ratio on the subject parcels as mitigation for the 10,661 square feet of wetlands that were filled as described by the WRA Environmental Consulting report dated April 11, 2019. The wetland restoration plan shall be prepared by a qualified botanist specializing in wetland restoration. The report shall contain a monitoring and reporting plan that requires a minimum of 3 years of monitoring with an 85% success rate.

Implementation Time Frame	Monitoring Frequency	Date Verified	To Be Verified By	Compliance Yes No	Comments / Action Taken
Prior to issuance of the building permit, and during project operations.	Continuous		HCP&BD*		

BIO-7 Obtain Regulatory Authorizations

Prior to commencement of ground disturbing activities, the Applicant shall obtain all required

regulatory authorizations, including those from the SWRCB and NCRWQCB, for the discharge of dredged or fill material within waters of the state.

Implementation Time Frame	Monitoring Frequency	Date Verified	To Be Verified By	Compliance Yes No	Comments / Action Taken
Prior to issuance of the building permit, and during project operations.	Continuous		HCP&BD* CDFW* SWRCB* NCRWQCB*		

BIO-8 Obtain Streambed Alteration Agreement from CDFW

The applicant shall obtain a LSAA from CDFW for impacts to habitats regulated by CDFW pursuant to Section 1600 et seq. of the California Fish and Game Code. Measures required by the LSAA shall be implemented as a condition of project approval, and prior to ground disturbance affecting resources regulated by CDFW. Mitigation for permanent impacts, if required, shall be determined at the discretion of CDFW.

Implementation Time Frame	Monitoring Frequency	Date Verified	To Be Verified By	Compliance Yes No	Comments / Action Taken
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BIO-9 Report of Waste Discharge

All aquatic resources delineated within the project site are likely to be determined to be classified either as waters of the U.S. and/or State. If it is determined that these features are not subject to federal jurisdiction but are subject to state jurisdiction, then these features would be subject to waste discharge requirements under the Porter-Cologne Water Quality Control Act should the project result in impacts to these features. Section 13260(a) of the Porter-Cologne Water Quality Control Act (contained in the California Water Code) requires any person discharging waste or proposing to discharge waste, other than to a community sewer system, within any region that could affect the quality of the waters of the State (all surface and subsurface waters) to file a report of waste discharge. The discharge of dredged or fill material may constitute a discharge of waste that could affect the quality of waters of the State. A report of waste discharge shall be filed for impacts to non-federal waters, if required.

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Prior to issuance of the building permit, and during project operations.	Continuous		HCP&BD* SWRCB* NCRWQCB*		

CUL-1 Avoid archaeological site WRA #1 (Sweet Hills).

Archaeological site WRA #1 (Sweet Hills) shall be avoided during all proposed cannabis cultivation and processing activities to be covered under the pending permit. This includes a restriction on heavy equipment entering the site boundaries, including the dirt ranch road which bisects the site between the two identified artifact concentrations. Project-related heavy equipment (including but not limited to excavators, bulldozers, dump trucks and domestic vehicles) may traverse the roads to the north and south of the site boundaries, but not the northerly-trending road connecting the two which bisects the archaeological site. The site boundaries are shown in relation to the existing roads (proposed for upgrade in preparation for the cannabis cultivation project) on the location map and sketch map contained in the accompanying site record (Appendix *C).

Implementation Time Frame	Monitoring Frequency	Date Verified	To Be Verified By	Compliance		Comments / Action Taken
				Yes	No	
During construction and project operations.	Continuous		HCP&BD*			

CUL-2 Inadvertent Discoveries of Cultural Resources and Human Remains.

If cultural resources, such as lithic materials or ground stone, historic debris, building foundations, or bone are discovered during ground-disturbance activities, work shall be stopped within 20 meters (66 feet) of the discovery, per the requirements of CEQA (January 1999 Revised Guidelines, Title 14 CCR 15064.5 (f)). Work near the archaeological finds shall not resume until a professional archaeologist, who meets the Secretary of the Interior’s Standards and Guidelines, has evaluated the materials and offered recommendation for further action.

Prehistoric materials which could be encountered include obsidian and chert debitage or formal tools, grinding implements (e.g., pestles, handstones, bowl mortars, slabs), locally darkened midden, deposits of shell, faunal remains, and human burials. Historic materials which could be encountered include ceramics/pottery, glass, metals, can and bottle dumps, cut bone, barbed wire fences, building pads, structures, trails/roads, etc. If human remains are discovered during project construction, work would stop at the discovery location, within 20 meters (66 feet), and any nearby area reasonably suspected to overlie adjacent to human remains (Public Resources Code, Section 7050.5). The Humboldt County coroner would be contacted to determine if the cause of death must be investigated. If the coroner determines that the remains are of Native American origin, it is necessary to comply with state laws relating to the disposition of Native American burials, which fall within the jurisdiction of the NAHC (Public Resources Code, Section 5097). The coroner would contact the NAHC. The descendants or most likely descendants of the deceased would be contacted, and work would not resume until they have made a recommendation to the landowner or the person responsible for the excavation work for means of treatment and disposition, with appropriate dignity, of the human remains and any associated grave goods, as provided in Public Resources Code, Section 5097.98.

Implementation Time Frame	Monitoring Frequency	Date Verified	To Be Verified By	Compliance		Comments / Action Taken
				Yes	No	
During construction and project operations.	Continuous		HCP&BD*			

NOI-1 Construction Related Noise

The following shall be implemented during construction activities:

- The operation of tools or equipment used in construction, drilling, repair, alteration or demolition shall only occur between the hours of 8 a.m. and 5 p.m. Monday through Friday, and between 9 a.m. and 5 p.m. on Saturdays.
- No heavy equipment related construction activities shall be allowed on Sundays or holidays.
- All stationery and construction equipment shall be maintained in good working order and fitted with factory approved muffler systems.

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NOI-2 Generator Noise

The project applicant shall strictly adhere to Humboldt County Commercial Medical Marijuana Land Use Order (CMMLUO 1.0) regarding performance standard for noise at cultivation sites for generator use, if. Generators shall be housed in a ventilated and sound-insulated box to reduce noise pollution. Locations of the generators shall be provided to the County Planning and Building Department on a site plan, and the projected use shall be provided. The generators shall be sited so that the decibel level for generators measured at the property line shall be no more than 60 decibels.

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*CALFIRE = California Department of Fire and Forestry

*CDFW = California Department of Fish & Wildlife

*HCP&BD = Humboldt County Planning and Building Department

*NCUAQMD = North Coast Unified Air Quality Management District

*SWWQB= State Water Resources Control Board

*NCRWQCB=North Coast Regional Water Quality Control Board