DATE: September 9, 2022

DEVELOPER'S STATEMENT & MITIGATION MONITORING PROGRAM FOR SLO CAL WEST MINOR USE PERMIT (DRC2019-00050)

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.

AESTHETICS & VISUAL RESOURCES

AES-1 Nighttime lighting. Prior to issuance of construction permits, the applicant shall submit a light pollution prevention plan (LPPP) to the County Planning Department for approval that incorporates the following measures to reduce impacts related to night lighting:

a. Prevent all interior lighting from being detected outside the facilities between the period of 1 hour before dusk and 1 hour after dawn;

b. All facilities employing artificial lighting techniques shall include shielding and/or blackout tarps that are engaged between the period of 1 hour before dusk and 1 hour after dawn and prevent any and all light from escaping;

c. Any exterior path lighting shall conform to LUO Section 22.10.060, be located and designed to be motion activated, and be directed downward and to the interior of the site to avoid the light source from being visible off-site. Exterior path lighting shall be “warm-white” or filtered (correlated color temperature of < 3,000 Kelvin; scotopic/photopic ratio of < 1.2) to minimize blue emissions; and

d. Any exterior lighting used for security purposes shall be motion activated, be located and designed to be motion activated, and be directed downward and to the interior of the site to avoid the light source from being visible off-site and shall be of the lowest-lumen necessary to address security issues.

Monitoring: Light pollution prevention plan shall be submitted for review and approval by the County Department of Planning and Building at the time of application for construction permits. Compliance will be verified by the County Department of Planning and Building.

AIR QUALITY

AQ-1 Construction Equipment Emissions Controls. Prior to issuance of construction

permits, the following measures shall be incorporated into the construction phase of the project and shown on all applicable plans:

- Maintain all construction equipment in proper tune according to manufacturer's specifications;
- Fuel all off-road and portable diesel powered equipment with CARB certified motor vehicle diesel fuel (non-taxed version suitable for use off-road);
- Use diesel construction equipment meeting CARB's Tier 2 certified engines or cleaner off-road heavy-duty diesel engines, and comply with the State Off-Road Regulation;
- Use on-road heavy-duty trucks that meet the CARB's 2007 or cleaner certification standard for on-road heavy-duty diesel engines, and comply with the State On-Road Regulation;
- Construction or trucking companies with fleets that that do not have engines in their fleet that meet the engine standards identified in the above two measures (e.g., captive or NOx exempt area fleets) may be eligible by proving alternative compliance;
- All on and off-road diesel equipment shall not idle for more than 5 minutes.
- Signs shall be posted in the designated queuing areas and or job sites to remind drivers and operators of the 5-minute idling limit;
- Diesel idling within 1,000 feet of sensitive receptors is not permitted;
- Staging and queuing areas shall not be located within 1,000 feet of sensitive receptors;
- Electrify equipment when feasible;
- Substitute gasoline-powered in place of diesel-powered equipment, where feasible; and,
- Use alternatively fueled construction equipment onsite where feasible, such as compressed natural gas (CNG), liquefied natural gas (LNG), propane or biodiesel.

Monitoring: Required during construction. Grading plans shall be checked for the incorporation of required measures prior to the issuance of construction permits. Compliance will be verified by the County Department of Planning and Building.

AQ-2 Fugitive Dust Construction Control Measures. Prior to issuance of construction permits, the following measures shall be incorporated into the construction phase of the project and shown on all applicable plans:

- Reduce the amount of the disturbed area where possible;
- Use water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 miles per hour. Reclaimed (non-potable) water should be used whenever possible;
- All dirt stock-pile areas shall be sprayed daily and covered with tarps or other

dust barriers as needed;

- Permanent dust control measures identified in the approved project revegetation and landscape plans should be implemented as soon as possible, following completion of any soil disturbing activities;
- Exposed ground areas that are planned to be reworked at dates greater than one month after initial grading should be sown with a fast germinating, non- invasive grass seed and watered until vegetation is established;
- 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 APCD;
- All roadways, driveways, sidewalks, etc. to be paved shall be completed as soon as possible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used;
- Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site;
- All trucks hauling, sand, soil, or other loose materials are to be covered or should maintain at least two feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with California Vehicle Code (CVC) Section 23114;
- "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 CVC Section 23113 and California Water Code 13304. To prevent 'track out', designate access points and require all employees, subcontractors, and others to use them. Install and operate a 'track-out prevention device' 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;
- 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;
- All PM_{10} mitigation measures required should be shown on grading and building plans;
- 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 APCD'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). Contact the APCD Compliance Division (Tim Fuhs; 805-781-5912), with the name and telephone number of designated persons prior to the start of any grading, earthwork or demolition;

- Provide training to all site workers regarding dust control policies and practices and maintain records of training; and
- Take additional measures as needed to ensure dust from the project site is not impacting areas outside the project boundary.
- All of these fugitive dust mitigation measures shall be shown on grading and building plans.

Monitoring: Required during construction. Grading plans shall be checked for the incorporation of required measures prior to the issuance of construction permits. Compliance will be verified by the County Department of Planning and Building.

AQ-3 Prior to the onset of ground disturbing activities, the applicant shall prepare a geologic investigation of the project site by a qualified professional to determine if Naturally Occurring Asbestos (NOA) is present within the area of disturbance, including the access roadway. If the investigation determines that NOA is not present, an exemption request shall be filed with the San Luis Obispo Air Pollution Control District (APCD). If NOA is found at the site, the applicant shall comply with all relevant requirements outlined in the California Air Resources Board Air Toxics Control Measure (ATCM) for Construction. This may include, but is not limited to, development of an Asbestos Dust Mitigation Plan and an Asbestos Health and Safety Program for approval by the APCD.

Monitoring: Required during construction. A geologic investigation shall be prepared by a qualified professional and submitted for review to the County Department of Planning and Building and APCD prior to the issuance of construction permits. Compliance will be verified by the County Department of Planning and Building prior to the issuance of construction permits.

AQ-4 Operational fugitive dust impacts. For the life of the project, implement one of the following:

a. Limit the number of round trips using the access roadway from South Thompson Avenue to three or fewer per day.

b. For the life of the project, maintain the unpaved road with a dust suppressant (See Technical Appendix 4.3 of the APCD's CEQA Handbook for a list of APCD-approved suppressants) such that fugitive dust emissions do not exceed the APCD 20% opacity limit for greater than 3 minutes in any 60 minute period (APCD Rule 401) or prompt nuisance violations (APCD Rule 402). To improve the dust suppressant's long-term efficacy, the applicant shall also implement and maintain design standards to ensure vehicles that use the on-site unpaved road are physically limited (e.g., speed bumps) to a posted speed limit of 15 mph or less.

Monitoring: Grading plans shall be checked for the incorporation of required measures prior to the issuance of construction permits. Compliance will be verified during construction and quarterly by the County Department of Planning and Building.

BIOLOGICAL RESOURCES

BIO-1: Best Management Practices. Best Management Practices (e.g. straw wattles, Environmental Sensitive Area exclusion fencing, gravel bags, silt fencing, etc.) shall be installed prior to the start of any cannabis-growing activities to avoid direct inadvertent impacts to the unnamed drainage on the northern edge of the project site. Best Management Practices shall be installed to avoid any indirect impacts to these drainages that may occur from erosion/sedimentation.

Project activity occurring within 50 feet of aquatic habitat (e.g., swales, drainages, ponds, vernal pool, etc., identified in biological report) or 100 feet from a wetland shall occur during the dry season (between June 1 and September 31). For short- term, temporary stabilization, an erosion and sedimentation control plan shall be developed outlining controls, which shall be implemented to prevent erosion and sedimentation into drainages and wetlands. Acceptable stabilization methods include the use of weed-free, natural fiber (i.e., non-monofilament) fiber rolls, jute or coir netting, and/or other industry standard materials. These controls shall be installed and maintained for the duration of the project.

Monitoring: Best Management Practices shall be listed on the approved grading plans. Implementation shall be verified during construction and quarterly by the Department of Planning and Building.

BIO-2 Site Maintenance and General Operations. The following measures are required to minimize impacts during active construction and ongoing operations. All measures applicable during construction shall be included on plans. All measures applicable to operation shall be clearly posted on-site in a location(s) visible to workers and anyone visiting the site:

- The use of heavy equipment and vehicles shall be limited to the proposed project limits and defined staging areas/access points. The boundaries of each work area shall be clearly defined and marked with high visibility fencing (e.g., t-posts and yellow rope) and/or flagging. No work or travel shall occur outside these limits.
- Project plans, drawings, and specifications shall show the boundaries of all work areas on site and the location of erosion and sediment controls, limit delineation, and other pertinent measures to ensure the protection of sensitive habitat areas and associated resources.
- Staging of equipment and materials shall occur in designated areas at least 100 feet from aquatic habitat (e.g., swales, drainages, ponds, vernal pools, if identified on site).
- Ground disturbance, including excavation, maintenance, and staging of equipment and vehicles within 60 feet of small mammal burrows shall be avoided.
- Secondary containment such as drip pans shall be used to prevent leaks and spills of potential contaminants.

- Washing of concrete, paint, equipment, and refueling and maintenance of equipment shall occur only in designated areas. Sandbags and/or absorbent pads shall be available to prevent water and/or spilled fuel from leaving the site.

- 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.

- Any temporary construction lighting shall avoid nighttime illumination of suitable habitat features (i.e., drainages, riparian corridor, sensitive species habitat). Temporary construction lighting shall be kept to the minimum amount necessary and shall be directed toward active work areas and away from open spaces and/or drainages.

Federal and State Waters and Wetlands.

- If construction occurs during or immediately following rain, temporary site stabilization methods will be used to prevent inadvertent erosion and sedimentation into adjacent aquatic habitat. An erosion and sediment control plan shall be developed outlining Best Management Practices (BMPs), which shall be implemented to prevent erosion and sedimentation into the aquatic habitats during construction. Acceptable stabilization methods include the use of weed-free, natural fiber (i.e., non-monofilament) fiber rolls, jute or coir netting, and/or other industry standard BMPs. BMPs shall be installed and maintained for the duration of construction or until the site has been stabilized.

- If project design changes resulting in drainage crossings or other direct impacts to mapped aquatic resources, all applicable agency permits with jurisdiction over the project area (i.e., CDFW, RWQCB, and/or Corps) should be obtained, as needed, prior to construction. All additional mitigation measures required by these agencies would be implemented as necessary throughout the project.

Monitoring: Construction/ grading plans shall be checked for the incorporation of required measures prior to the issuance of construction permits. Compliance will be verified during construction and quarterly by the County Department of Planning and Building.

BIO-3 Pre-construction surveys for Crotch Bumblebee (CBB) and Western Bumblebee (WBB). The following actions shall be undertaken to avoid and minimize potential impacts to CBB and WBB:

a. Surveys - The applicant shall retain a County-qualified biologist to conduct pre-construction survey(s) for CBB and WBB within suitable habitat (i.e. small mammal burrows, grassland areas, upland scrubs) on the project site. Survey(s) can be conducted over an extended period of time to document and establish the presence of the bees within the areas of disturbance.

b. CBB or WBB Take Avoidance - If the survey(s) establish the presence of CBB or WBB within the areas of disturbance, the applicant shall retain a qualified biologist to prepare a Biological Resources Management Plan (Management Plan) subject to review and approval of the Department in consultation with CDFW. The Management Plan shall include at least the following:

i. Avoidance measures to include a minimum 50-feet no-disturbance buffer to avoid take and potentially significant impacts.

ii. If ground-disturbing activities will occur during the overwintering period (October through February), the applicant, in coordination with the Department of Planning and Building, shall consult with CDFW to identify specific measures to be undertaken to avoid take as defined by the California Endangered Species Act (CESA).

Take Authorization - If CBB or WBB are detected prior to, or during project implementation, the applicant shall consult with CDFW to avoid take and/ or to obtain applicable take authorization.

Monitoring: Evidence that preconstruction surveys for CBB and WBB have been undertaken within the timeframe prescribed shall be provided to the Department of Planning Building. Compliance will be verified by the County Department of Planning and Building prior to, and during construction. Preparation, approval, and implementation of a Biological Resource Management Plan will be verified by the County Department of Planning and Building prior to, and during construction.

BIO-4 California Red-legged Frog (CRLF). The following measures shall be implemented to mitigate potential impacts to CRLF:

a. Site preparation, including vegetation clearance, soil disturbance, and grading shall not occur: (a) during the typical rainy season (November 1 to April 1), (b) during the nighttime (between 30 minutes before dusk and 30 minutes after dawn), (c) during an actual or predicted rain event of 0.25-inches or greater or within 24 hours after an actual rain event, and (d) near isolated pools.

b. If remaining construction activities (such as wall construction or interior work) are proposed during the rainy season, **prior to obtaining a building permit or continuing construction**, the applicant shall prepare a Management Plan prepared by a qualified professional. The project's Management Plan is subject to the review and approval of the United States Fish & Wildlife Service (USFWS) and San Luis Obispo County Planning & Building Department **prior to any continuation of construction or building**.

c. The Management Plan shall address items including, but not limited to: (a) monitoring that will occur during construction related activities (e.g., monitoring duration, time, frequency), (b) procedures if a CRLF or other sensitive species is encountered during construction related activities, (c) pre-construction worker training, (d) the construction schedule proposed to minimize impacts to sensitive species (i.e., completing construction activities closest to potential CRLF habitat first), and (e) the filing of a post-construction report "lessons learned" on the effectiveness of the required measures.

d. Construction activities conducted during the wet season shall not occur: (a) during the nighttime (between 30 minutes before dusk and 30 minutes after dawn), or (b) during an actual or predicted rain event of 0.25-inches or greater, or within 24 hours after an actual rain event. All construction materials and equipment will be staged in the parking lot adjacent to the construction site at SLO Cal East. The applicant will complete construction activities closest to potential CRLF habitat (the ephemeral drainage system) first, followed by activities that are further from the potential habitat.

Monitoring: Evidence that preconstruction surveys for CRLF avoidance have been undertaken within the timeframes prescribed for each species shall be provided to the Department of Planning and Building prior to any construction or pre-construction activities. Compliance will be verified by the County Department of Planning and Building prior to, and during construction.

BIO-5 Western Pond Turtle Pre-Construction Survey. A qualified biologist(s) shall conduct a pre-construction survey within 24 hours prior to the onset of work activities within and around areas proposed for construction and staging activities. If this species is found and the individuals are likely to be injured or killed by work activities, the approved biologist shall be allowed sufficient time to move them from the project site before work activities begin. The biologist(s) must relocate any western pond turtle the shortest distance possible to a location that contains suitable habitat that is not likely to be affected by activities associated with the project.

Access routes, staging, and construction areas shall be limited to the minimum area necessary to achieve the project goal and minimize potential impacts to western pond turtle habitat including locating access routes and construction staging areas outside of wetlands and riparian areas to the maximum extent practicable.

Monitoring: Evidence that preconstruction surveys for Western Pond Turtle have been undertaken within the timeframes prescribed for each species shall be provided to the Department of Planning and Building prior to any construction or pre-construction activities. Compliance will be verified by the County Department of Planning and Building prior to, and during construction.

BIO-6 Pre-construction survey for special-status reptiles and amphibians. A qualified biologist shall conduct a pre-construction survey immediately **prior to initial project activities** (i.e., the morning of the commencement of project activities) within 50 feet of suitable habitat for California legless lizard (*Anniella pulchra)*, Blainville's (coast) horned lizard (*Phrynosoma blainvillii*), and Western spadefoot (*Spea hammondii).* Construction monitoring shall also be conducted by a qualified biologist during all initial ground-disturbing and vegetation removal activities (e.g., grading, grubbing, vegetation trimming, vegetation removal, etc.) within suitable habitat. If any special-status reptile or amphibian species are discovered during surveys or monitoring, they will be allowed to leave the area on their own or will be hand-captured by a qualified biologist and relocated to suitable habitat outside the area of impact.

If any additional ground- or vegetation-disturbing activities occur on the project site, the above surveys and monitoring will be repeated.

Monitoring: Evidence that preconstruction surveys for special-status reptiles and amphibians have been undertaken within the timeframes prescribed for each species shall be provided to the Department of Planning and Building prior to any construction or pre-construction activities. Compliance will be verified by the County Department of Planning and Building prior to, and during construction.

BIO-7 Preconstruction Survey for Sensitive and Nesting Birds. If work is planned to occur between February 1 and September 15, a qualified biologist shall survey the area for nesting birds within one week prior to initial project activity beginning,

including ground disturbance and/or vegetation removal/trimming. 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 50-foot exclusion zone shall be placed around non-listed, passerine species, and a 250-foot exclusion zone will be implemented for raptor species. Each exclusion zone shall encircle the nest and have a radius of 50 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 project-related disturbances have been terminated, 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.
- If special-status avian species are identified and nesting within the work area, no work will begin until an appropriate exclusion zone is determined in consultation with the County and any relevant resource agencies.
- The results of the survey shall be provided to the County prior to 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 two weeks lapse between different phases of project activities (e.g., vegetation trimming and the start of grading), during which no or minimal work activity occurs, the nesting bird survey shall be repeated.

Monitoring: Evidence that preconstruction surveys for sensitive and nesting birds have been undertaken within the timeframe prescribed shall be provided to the Department of Planning and Building. Compliance will be verified by the County Department of Planning and Building prior to, and during construction.

BIO-8 Pre-construction Survey for Burrowing Owl (BUOW) (*Athene cunicularia*). If work is planned to occur within 150 meters (approximately 492 feet) of BUOW habitat, a qualified biologist shall conduct a pre-construction survey for the species within 14 days **prior to initial project activities**. This applies year-round (i.e., within the breeding (February 1 to August 31) or non-breeding (September 1 to January 31) seasons. Habitat for BUOW includes areas with generally short, sparse vegetation and few shrubs, level to gentle topography and well-drained soils including grasslands, shrub steppe, desert, some agricultural areas, ruderal grassy fields, vacant lots, and pastures. A second survey shall be completed immediately prior to initial project activities (i.e., within the preceding 24 hours). The surveys shall be consistent with the methods outlined in Appendix D of the CDFW 2012 Staff Report on BUOW Mitigation, which specifies that 7- to 20-meter transects shall be walked, such that the entire project area is visible. These surveys may be completed concurrently with American badger, or other special-status species surveys. If occupied BUOW burrows are identified the following exclusion zones shall be observed during project activities, unless otherwise authorized by CDFW:

Location	Time of Year	Level of Disturbance		
		Low	Medium	High
Nesting Sites	April 1 – Aug 15	656 feet	1,640 feet	1,640 feet
Nesting Sites	Aug 16 – Oct 15	656 feet	656 feet	1,640 feet
Any Occupied Burrow	Oct 16 – Mar 31	164 feet	328 feet	1,640 feet

Each exclusion zone shall encircle the burrow and have a radius as specified in the table above. All foot and vehicle traffic, as well as all project activities, including storage of supplies and equipment, shall remain outside of 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 burrow is no longer in use.

If two weeks lapse between construction phases (e.g., vegetation trimming and the start of grading), during which no or minimal work activity occurs, the BUOW survey shall be repeated.

Monitoring: Evidence that preconstruction surveys for BUOW have been undertaken within the timeframe prescribed shall be provided to the Department of Planning and Building prior to any construction or pre-construction activities. Compliance will be verified by the County Department of Planning and Building prior to, and during construction.

BIO-9 Annual Pre-activity Survey for Burrowing Owl (BUOW) & Other Grassland Nesting Sensitive Bird Species. Applicant or project proponent shall hire a qualified biologist to complete an annual pre-activity survey for BUOW and other grassland nesting sensitive bird species no more than 14 days **prior to the start of initial ground disturbance** associated with the outdoor grow sites to ensure special-status bird species have not colonized the area and are not present within the grow site areas. The survey will include mapping of all potentially active BUOW burrows within the grow site areas. All potentially active burrows will be mapped and flagged for avoidance. If avoidance of the burrows is not feasible, the County shall be contacted for further guidance. The County will contact the appropriate resource agencies. The County will contact the appropriate resource agencies.

Monitoring: Evidence that pre-activity surveys for BUOW and other grassland nesting sensitive bird species have been undertaken within the timeframe prescribed shall be provided to the Department of Planning and Building prior to any construction or start of initial ground disturbance associated with the outdoor cultivation sites. Compliance will be verified prior to construction, during construction, and quarterly by the County Department of Planning and Building.

BIO-10 Bat Roost Avoidance. A qualified biologist shall conduct a survey before any grading or removal of trees, particularly trees 12 inches in diameter or greater at 4.5 feet above grade with loose bark or other cavities within 48 hours prior to removal of trees. If no active roosts are found, no further action shall be required. A survey report summarizing results of the survey shall be submitted to the County Department of Planning and Building within one week of completing surveys.

If active maternity roosts or hibernacula are found, the structure or tree occupied by the roost shall be fully avoided and not removed or otherwise impacted by project activities during the maternity season. A minimum 100-foot ESA avoidance buffer shall be demarcated by highly visible orange construction fencing around active maternity roosts. No construction equipment, vehicles, or personnel shall enter the ESA without clear permission from the qualified biologist. ESA fencing shall be maintained in good condition for the duration of the maternity season. The roost shall be removed only after the maternity season has ended and shall be removed under the direction of a qualified biologist.

If active non-maternity bat roosts (e.g., day roosts, hibernacula) are found in trees scheduled to be removed, the individuals shall be safely evicted (e.g., through installation of one-way doors) under the direction of a qualified bat biologist in consultation with the CDFW. In situations requiring one-way doors, a minimum of one week shall pass after doors are installed to allow all bats to leave the roost. Temperatures need to be sufficiently warm for bats to exit the roost, because bats do not typically leave their roost daily during winter months in coastal California. Eviction shall be scheduled to allow bats to leave during nighttime hours, thus increasing their chance of finding new roosts with a minimum of potential predation during daylight.

Monitoring: Evidence that preconstruction surveys to avoid bat roosts have been undertaken within the timeframes prescribed for each species shall be provided to the Department of Planning Building prior to any construction or pre-construction activities. Compliance will be verified by the County Department of Planning and Building prior to, and during construction.

BIO-11 Pre-construction Survey for American badgers (*Taxidea taxus*). A qualified biologist shall complete a pre-construction 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 prior to initial project activities.

a. If a potential den is discovered, the den will be monitored for 3 consecutive nights with an infra-red, 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 of a 50-foot exclusion zone shall be established during the non-reproductive season (July 1 to January 31) and a minimum 100-foot exclusion zone during the reproductive season (February 1 to 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 shall be contacted. The County will coordinate with appropriate resource agencies for guidance.

c. If more than 30 days pass between construction phases (e.g., vegetation trimming and the start of grading), during which no or minimal work activity occurs, the badger survey shall be repeated.

Monitoring: Evidence that preconstruction surveys for American Badger have been undertaken within the timeframe prescribed shall be provided to the Department of Planning and Building prior to any construction or pre-construction activities. Compliance will be verified by the County Department of Planning and Building prior to, and during construction.

BIO-12 Nighttime Lighting. To minimize the effects of exterior lighting on special-status wildlife species, the applicant shall submit a Light Pollution Prevention Plan to the County Planning Department for approval that incorporates the following measures to reduce impacts related to night lighting:

a. Prevent all interior lighting from being detected outside the facilities between the period of 1 hour before dusk and 1 hour after dawn;

b. All facilities using artificial lighting shall include shielding and/or blackout tarps that are in place between the period of 1 hour before dusk and 1 hour after dawn and prevent any and all light from escaping;

c. Exterior path lighting shall conform to LUO Section 22.10.060, be designed to be motion activated, and be directed downward and to the interior of the site to avoid the light source from being visible off site. Exterior path lighting shall be "warm-white" or filtered (correlated color temperature of < 3,000 Kelvin; scotopic/photopic ratio of < 1.2) to minimize blue emissions; and

d. Exterior lighting used for security purposes shall be motion activated, be designed to be motion activated, and be directed downward and to the interior of the site to avoid the light source from being visible off site and shall be of the lowest lumen necessary to address security issues.

Monitoring: Light Pollution Prevention Plan shall be provided to the Department of Planning and Building for review and approval prior to building permit issuance. Compliance will be verified by the County Department of Planning and Building prior to the start of cultivation activities and during quarterly monitoring.

ENERGY

ENG-1 Prior to issuance of building permits (Phases II through IV), the applicant shall provide to the Department of Planning and Building for review and approval, an Energy Conservation Plan with a package of measures that, when implemented, would reduce or offset the project's energy demand to within 20% of the demand associated with a generic commercial building of the same size. The Energy Conservation Plan shall include the following:

a. A detailed inventory of energy demand prepared by a Certified Energy Analyst. The inventory shall include an estimate of total energy demand from all sources associated with all proposed cannabis cultivation activities including, but not limited to, lighting, odor management, processing, manufacturing and climate control equipment. The quantification of demand associated with electricity shall be expressed in total kilowatt hours (kWh) per year; demand associated with natural gas shall be converted to kWh per year.

b. A program for providing a reduction or offset of all energy demand that is 20% or more than a generic commercial building of the same size. In this case, the estimated reduction or offset would be at least: 6,209,280 kWhr/yr – 1,439,424 kWhr/yr = 4,769,856 kWhr/yr; and the amount of energy not otherwise reduced, or offset must not exceed 1,439,424 kWhr/yr. Such a program (or programs) may include, but is not limited to, the following:

i. Evidence that the project will permanently source project energy demands from renewable energy sources (i.e., solar, wind, hydro). This can include purchasing the project's energy demand from a clean energy source by enrolling PG&E's Solar Choice program or Regional Renewable Choice program or other comparable public or private program.

ii. Evidence documenting the permanent retrofit or elimination of equipment, buildings, facilities, processes, or other energy saving strategies to provide a net reduction in electricity demand and/or GHG emissions. Such measures may include, but is not limited to, the following:

1. Participating in an annual energy audit.
2. Upgrading and maintaining efficient heating/ cooling/ dehumidification systems.
3. Implement energy efficient lighting, specifically light-emitting diode (LED) over high-intensity discharge (HID) or high-pressure sodium (HPS) lighting.
4. Implementing automated lighting systems.
5. Utilizing natural light when possible.
6. Utilizing an efficient circulation system.
7. Ensuring that energy use is below or in-line with industry benchmarks.
8. Implementing phase-out plans for the replacement of inefficient equipment.
9. Adopting all or some elements of CalGreen Tier 1 and 2 measures to increase energy efficiency in greenhouses.

iii. Construction of a qualified renewable energy source such as wind, solar photovoltaics, biomass, etc., as part of the project. [Note: Inclusion of a renewable energy source shall also be included in the project description and may be subject to environmental review.]

iv. Any combination of the above or other qualifying strategies or programs that would achieve a reduction or offset of the project energy demand that is 20% or more above a generic commercial building of the same size.

ENG-2. At time of quarterly monitoring inspection (Phases II through IV), the applicant shall provide to the Department of Planning and Building for review, a current energy use statement from the service provider (e.g., PG&E) that documents energy use to date for the year. The applicant shall demonstrate continued compliance with ENG-1 and ENG- 2 (e.g., providing a current PG&E statement or contract showing continuous enrollment in the Solar Choice program or Regional Renewable Choice program).

Monitoring: Energy Conservation Plan shall be submitted and approved by the Department of Planning and Building. Compliance will be verified by the County Department of Planning and Building.

GREENHOUSE GAS EMISSIONS

GHG-1 Greenhouse Gas Offset Requirements for Phases II through IV. At the time of building permit application, the applicant shall provide to the County Department of Planning and Building for review and approval a program for providing a reduction or offset of GHG emissions to below the working GHG threshold of 690 MTCO2e. In this case, the estimated reduction or offset would be at least: 903 MTCO2e – 690 MTCO2e = 213 MTCO2e; and the amount of energy not otherwise reduced, or offset must not exceed 690 MTCO2e. Such a program (or programs) may include, but is not limited to, the following:

a. A detailed inventory of all project-related GHG emissions prepared by a qualified professional as determined by the Director of Planning and Building.

b. Strategies for achieving No Net Increase in GHG emissions which may include, but is not limited to, the following:

1. Purchase of GHG offset credits from any of the following recognized and reputable voluntary carbon registries:

i. American Carbon Registry;

ii. Climate Action Reserve; or

iii. Verified Carbon Standard Offsets purchased from any other source are subject to verification and approval by the County Department of Planning and Building.

2. Installation of battery storage to offset nighttime energy use. Batteries may only be charged during daylight hours with a renewable energy source and shall be used as the sole energy supply during non-daylight hours.

Monitoring: Greenhouse Gas Emissions shall be submitted and approved by the Department of Planning and Building prior to Phase II. 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.

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Monitoring: Required during all construction activities. Implementation and compliance will be verified by the County Department of Planning and Building.

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.

Austen Connella 9/19/2022

Signature of Applicant **Name (Print)** **Date**