

MITIGATION MONITORING AND REPORTING PROGRAM

McKinleyville Town Center Zoning Amendment Ordinance Humboldt County Planning and Building Department Record Number: LRP-2020-16567

Mitigation measures were incorporated for the above referenced project. The Mitigation Monitoring and Reporting Program (MMRP) identifies mitigation measures by topic as well as monitoring and/or reporting requirements to ensure their implementation.

MITIGATION MEASURES

AIR QUALITY

Mitigation Measure 5-1: No wood burning fireplaces are permitted within future residential units. If wood burning heaters/stoves are planned, these shall comply EPA's list of certified wood heaters as identified in the 2020 New Source Performance Standard for New Residential Wood Heaters.

Implementation Time Frame	Monitoring Frequency	Date Verified	To Be Verified By	Compliance Yes No	Comments / Action Taken
Prior to permit approval	Upon application		County Plg&Bld		

Mitigation Measure 5-4: All construction plans shall include the following requirements to reduce TAC emissions during construction:

- a. Idling of construction equipment and heavy-duty diesel trucks will be avoided where feasible, and if idling is necessary, it will not exceed three minutes; and
- b. All construction equipment will be maintained and properly tuned in accordance with manufacturer's specifications and will be checked by a certified visible emissions evaluator

The construction permits will not be issued until these requirements are shown on the construction plans. The inspector for this area shall conduct periodic review of the site (at least three times per week) to ensure these requirements are being complied with.

Implementation Time Frame	Monitoring Frequency	Date Verified	To Be Verified By	Compliance Yes No	Comments / Action Taken
Prior to permit approval	Upon application and during construction activities		County Plg&Bld		

BIOLOGICAL RESOURCES

Mitigation Measure 6-1: Focused Plant Surveys in Undeveloped Areas North of Hiller Road. Prior to approval of grading permits for construction, tree removal, vegetation clearance, grading, or the initiation of any construction activity in any area of the project site north of Hiller Road, developers of future individual projects shall retain a biologist qualified in botany to conduct a focused survey for special-status plant species in accordance with current CDFW and CNPS rare plant survey protocols (CDFW 2018 and CNPS 2001). The survey shall occur during the peak blooming period for these species to determine their presence or absence. Some special-status plant species are only identifiable during their blooming periods and surveys are only considered valid if they occur when blooms are visible. Based on the known blooming periods of the special-status plant species potentially present, three surveys would be necessary to adequately survey the project site: the first in April, the second in June, and the third in August. If possible, known reference populations of the target species in the project vicinity shall first be visited to verify that the species is observable, and the focused survey shall be conducted within two weeks of observing the reference population in full bloom.

The biologist shall then prepare a report documenting the results of the surveys which will be submitted to the Humboldt County Planning and Building Department, where it will be kept on file, prior to issuance of a grading permit. If the focused surveys conclude that special-status plant species are not present within the project site boundary, or if they are present but impacts to them can be completely avoided, then no further mitigation would be required.

If the focused surveys identify special-status plant species within the subject area and they would be affected by the proposed project, then appropriate mitigation shall be developed by the biologist and implemented prior to issuance of a grading permit. Measures may include, but are not limited to:

- a. A qualified biologist shall identify an on-site or off-site mitigation area suitable for restoration of habitat and seed transplantation for any special-status plant species.
- b. Prior to approval of a grading permit, a qualified biologist or native plant specialist shall perform seed collection from all special-status plants located within the impact areas and implement seed installation at the mitigation area at the optimal time. Additionally, topsoil from the special-status species occurrence area(s) shall be salvaged (where practical) for use in the mitigation area.
- c. A maintenance and monitoring program shall be developed by a qualified biologist and established for a minimum of five years after mitigation area installation to verify that restoration activities have been successful. Maintenance activities may include, but not be limited to, watering during the plant establishment period, supplemental seed planting as needed, and removal of non-native plants. Monitoring shall include, at a minimum, quarterly monitoring reports for the first year and annual reports for the remaining four years. The performance standard for successful mitigation shall be a

minimum 3:1 replacement ratio (i.e., three plants observed in mitigation area for each plant lost from the project site) achieved in at least one of the five years of monitoring.

Implementation Time Frame	Monitoring Frequency	Date Verified	To Be Verified By	Compliance Yes No	Comments / Action Taken
Prior to permit approval and start of construction activities	Upon application and annually for a period of 5 years		County Plg&Bld		

Mitigation Measure 6-2a: No more than one week prior to commencement of tree removal, vegetation clearance, grading, or the initiation of any construction activity in any undeveloped area of the project site located west of Central Avenue, developers of future individual projects shall retain a qualified wildlife biologist to conduct surveys for the presence of northern red-legged frog within 50 feet of suitable habitat (habitat suitability will be determined by a qualified biologist). If the survey results are negative, a letter report confirming absence will be prepared and submitted to the Humboldt County Planning and Building Department and no further mitigation is required.

If the survey is positive, a qualified biological monitor shall be retained to be present during initial grading to monitor activities. The monitor shall be authorized to move individual northern red-legged frogs out of harm's way if individual frogs do not move in a sufficient time as determined by the biologist.

Mitigation Measure 6-2b: No more than 24 hours prior to commencement of ground disturbing activities within the undeveloped portions of the project site located west of Central Avenue, a qualified biologist shall conduct an environmental awareness training session for all construction personnel. At a minimum, the training shall include a description of special-status species potentially occurring in the project vicinity, including, but not limited to, special-status plant species, northern red-legged frog, western bumble bee, roosting bats, and nesting birds and raptors. Their habitats, general measures that are being implemented to conserve species as they relate to the project, and the boundaries within which construction activities will occur will be explained. Informational handouts with photographs clearly illustrating the species' appearances shall be used in the training session. All new construction personnel shall undergo this mandatory environmental awareness training.

The qualified biologist will train biological monitors selected from the construction crew by the construction contractor (typically the project foreman). Before the start of work each day, the monitor will check for animals under any equipment such as vehicles and stored pipes within active construction zones. The monitor will also check all excavated steep-walled holes or trenches greater than one foot deep for trapped animals. If a special-status species is observed within an active construction zone, the qualified biologist will be notified immediately and all work within 50 feet of the individual will be halted, and all equipment turned off until the individual has left the construction area.

Individual future project applicant(s) shall be responsible for submitting evidence of completion of this training to the Humboldt County Planning and Building Department, where it will be kept on file, prior to initiation of any ground disturbing activities.

Implementation Time Frame	Monitoring Frequency	Date Verified	To Be Verified By	Compliance Yes No	Comments / Action Taken
Prior to the start of construction activities	Ongoing		County Plg&Bld		

Mitigation Measure 6-3: Suitable foraging and nesting habitat for Western bumble bee is present within the project boundary. One of the following options shall be implemented prior to vegetation removal:

Option 1: Seasonal Avoidance

Clear vegetation and conduct ground-disturbing activities outside of the colony active period (March through August) to avoid peak flight season and discourage bumble bees from nesting in the project area.

Option 2: Assume presence of Western bumble bee

Assume presence and obtain Incidental Take Authorization from the California Department of Fish and Game (Section 2081 of the Fish and Game Code. Avoidance measures identified in the permit will be implemented. Compensatory mitigation, such as land acquisition and habitat restoration or enhancement would be required.

Option 3: Conduct focused surveys for Western bumble bee

If seasonal avoidance is not possible, consultation with the California Department of Fish and Wildlife shall occur at least one year prior to ground disturbance to evaluate potential impacts and other feasible avoidance measures, including habitat assessments and/or surveys.

Surveys shall occur during the colony active period for the western bumblebee (March through August) prior to tree removal, vegetation clearance, grading, or the initiation of any construction activity in any undeveloped area of the project site, developers of future individual projects shall hire a qualified biologist to conduct a pre-construction survey of small mammal burrows and thatched/bunch grasses. If the survey results are negative (i.e., no bumble bee activity observed), a letter report confirming absence shall be prepared and submitted to the Humboldt County Planning and Building Department, where it will be kept on file, and no further mitigation is required.

If bumble bee nests are detected and the area can be avoided, a qualified biologist shall supervise the installation of protective fencing/flagging a minimum of 50 feet around the nest area prior to construction, and phase vegetation removal to retain patches of floral resources during construction. The fencing/flagging will be checked at least once per week by a biological monitor until construction is complete to ensure that the protective fencing/flagging remains intact. The qualified biologist can conduct the weekly checks or train a biological monitor selected from the construction crew by the construction contractor (typically the project foreman) to check the fencing/flagging and provide weekly updates. Documentation of the fencing/flagging installation shall be provided to the County prior to the start of ground disturbance activities. Documentation of the weekly checks and timely maintenance of fencing/flagging (if needed) shall be provided to the Humboldt County Planning and Building Department quarterly during construction.

If bumble bee nests are detected and the area cannot be avoided, the qualified biologist shall coordinate with the California Department of Fish and Wildlife to obtain Incidental Take Authorization. Compensatory mitigation, such as land acquisition and habitat restoration or enhancement would be required.

After it has been confirmed that the habitat area is no longer occupied, a letter report will be prepared and submitted to the Humboldt County Planning and Building Department. Individual project applicants shall be responsible for implementation of this mitigation measure with oversight by the Humboldt County Planning and Building Department.

Implementation Time Frame	Monitoring Frequency	Date Verified	To Be Verified By	Compliance Yes No	Comments / Action Taken
If vegetation removal is to occur during the colony active period for the western bumblebee (March – August)	Ongoing		County Plg&Bld and CDFW		

Mitigation Measure 6-4: Approximately 15 days prior to tree removal, vegetation clearance, building demolition, grading, or the initiation of any construction activity in any area of the project site with potentially suitable habitat for special status bats, developers of future individual projects shall retain a qualified wildlife biologist to conduct a habitat assessment for bats and potential roosting sites in trees to be removed, in buildings and trees within 50 feet of the construction footprint, and surrounding structures situated within 50 feet of disturbance activities by the project. Bats potentially roosting on the exteriors of buildings on the project site may be disturbed by construction activities.

In the event that construction activities are suspended for 15 consecutive days or longer, including the time period between development activities at each respective lot or parcel, these surveys shall be repeated if disturbance is occurring in an area with potentially suitable habitat for special status bats. These surveys shall include a visual inspection of potential roosting

features (bats need not be present) and a search for presence of guano within the project site, construction access routes, and 50 feet around these areas. Cavities, crevices, exfoliating bark, and bark fissures that could provide suitable potential nest or roost habitat for bats shall be surveyed. Potential roosting features found during the survey shall be flagged or marked. Locations off the site to which access is not available may be surveyed from within the site or from public areas.

If no roosting sites or bats are found, a letter report confirming absence shall be submitted by the biologist to the Humboldt County Planning and Building Department, where it will be kept on file, and no further mitigation is required.

If bats or roosting sites are found, a letter report and supplemental photos and documents detailing the location and species shall be provided by the biologist to the Humboldt County Planning and Building Department prior to ground disturbance activities and the following monitoring, exclusion, and habitat replacement measures shall be implemented:

- a. If bats are found roosting outside of the nursery season (May 1 through October 1), they shall be evicted as described under (b) below. If bats are found roosting during the nursery season, they shall be monitored to determine if the roost site is a maternal roost. This could occur by either visual inspection of the roost bat pups, if possible, or by monitoring the roost after the adults leave for the night to listen for bat pups. If the roost is determined to not be a maternal roost, then the bats shall be evicted as described under (b) below. Because bat pups cannot leave the roost until they are mature enough, eviction of a maternal roost cannot occur during the nursery season. Therefore, if a maternal roost is present, a 50-foot buffer zone (or different size if determined in consultation with the California Department of Fish and Wildlife) shall be established around the roosting site within which no construction activities including tree removal or structure disturbance shall occur until after the nursery season.
- b. If a non-breeding bat hibernaculum is found in a tree or snag scheduled for removal or on any structures within 50 feet of project disturbance activities, the individuals shall be safely evicted, under the direction of a qualified bat biologist. If pre-construction surveys determine that there are bats present in any trees or structures to be removed, exclusion structures (e.g., one-way doors or similar methods) shall be installed by a qualified biologist. The exclusion structures shall not be placed until the time of year in which young are able to fly, outside of the nursery season. Information on placement of exclusion structures shall be provided to the CDFW prior to construction. If needed, other removal methods could include: carefully opening the roosting area in a tree or snag by hand to expose the cavity and opening doors/windows on structures, or creating openings in walls to allow light into the structures. Removal of any trees or snags and disturbance within 50 feet of any structures shall be conducted no earlier than the following day (i.e., at least one night shall be provided between initial roost eviction disturbance and tree removal/disturbance activities). This action will allow bats to leave

during dark hours, which increases their chance of finding new roosts with a minimum of potential predation.

Implementation Time Frame	Monitoring Frequency	Date Verified	To Be Verified By	Compliance Yes No	Comments / Action Taken
Approximately 15 days prior to tree removal, vegetation clearance, building demolition, grading, or the initiation of any construction activity in any area of the project site with potentially suitable habitat for special status bats	Ongoing		County Plg&Bld and CDFW		

Mitigation Measure 6-5: To avoid impacts to nesting birds during the nesting season (March 15 through August 15), construction activities that include any tree removal, vegetation clearance, or ground disturbance (such as grading or grubbing), shall be conducted between August 16 and March 14, which is outside of the bird nesting season. If construction activities must commence during the bird nesting season, then a qualified biologist shall conduct a pre-construction survey for nesting birds to ensure that no nests would be disturbed during project construction.

- a. A survey for active nests of such birds shall occur within 10 days prior to start of construction. Appropriate minimum survey radius surrounding the work area is typically 250 feet for passerines, 500 feet for smaller raptors, and 1,000 feet for larger raptors. Surveys shall be conducted at the appropriate times of day to observe nesting activities. Individual project developers shall submit evidence of completion of the preconstruction survey to the Humboldt County Planning and Building Department prior to initiation of ground disturbing activities.
- b. If the qualified biologist documents active nests at the project site, an appropriate buffer between each nest and active construction shall be established in coordination with CDFW. The buffer shall be clearly marked and maintained until the young have fledged and are foraging independently. Prior to construction, the qualified biologist shall conduct baseline monitoring of each nest to characterize “normal” bird behavior and establish a buffer distance, which allows the birds to exhibit normal behavior. The qualified biologist shall monitor the nesting birds daily during construction activities and increase the buffer if birds show signs of unusual or distressed behavior (e.g., defensive flights and vocalizations, standing up from a brooding position, and/or flying away from the nest). If buffer establishment is not possible, the qualified biologist shall have the authority to cease all construction work in the area until the young have fledged and the

nest is no longer active. This measure shall be implemented by the project developer prior to initiation of ground disturbing activities.

Implementation Time Frame	Monitoring Frequency	Date Verified	To Be Verified By	Compliance Yes No	Comments / Action Taken
If vegetation removal is to occur during the bird nesting season (March 15 – August 15)	Ongoing		County Plg&Bld and CDFW		

Mitigation Measure 6-6: Prior to commencement of ground disturbance activities with the potential to impact project site wetlands, in addition to the requirements of the Q-Zone, the project developer shall demonstrate permits or clearances have been issued by the U.S. Army Corps of Engineers and the Regional Water Quality Control Board, and/or Humboldt County. Individual project applicants shall submit jurisdictional wetland delineation reports to the USACE for a jurisdictional determination.

If impacts to a federally jurisdictional features may occur, a Clean Water Act Section 404 Nationwide Permit may be needed. If the proposed activity would not otherwise qualify for a Nationwide Permit, individual project developers shall proceed with obtaining an Individual Permit from the USACE.

If impacts to a wetland not subject to federal jurisdiction, but subject to state jurisdiction may occur, fill authorization shall be sought from the North Coast Regional Water Quality Control Board.

A Water Quality Certification (Section 401 of the Clean Water Act) from the North Coast Regional Water Quality Control Board must also be obtained if determined necessary through the wetland assessment and subsequent regulatory agency consultation.

Implementation Time Frame	Monitoring Frequency	Date Verified	To Be Verified By	Compliance Yes No	Comments / Action Taken
Prior to construction activities with the potential to impact project site wetlands	Ongoing		County Plg&Bld		

Mitigation Measure 6-7: Prior to tree removal, vegetation clearance, grading, or the initiation of any construction activity within the undeveloped area north of Hiller Road, applicants for future individual projects shall retain a biologist qualified in botany to conduct a survey for sensitive natural communities, especially for the Coastal dune willow - Sitka willow - Douglas spiraea thickets Shrubland Alliance. The survey shall occur during late spring/early summer when species

are identifiable. The biologist shall then prepare a report documenting the results of the survey, which will be submitted to the Humboldt County Planning and Building Department, where it will be kept on file. If the survey concludes that sensitive natural communities are not present within an individual project site, or if they are present but impacts to them can be completely avoided, then no further mitigation would be required.

If sensitive natural communities are found and cannot be avoided, applicants shall follow one of the following mitigation strategies to protect and/or mitigate the loss of sensitive natural communities prior to ground disturbance. Given that this community is already known to exist on the Life Plan Humboldt project site, that project proponent will also be required to follow one of the mitigation strategies:

- Option 1. Avoid disturbance to the sensitive natural community found on the site.
- Option 2. If avoidance cannot be accommodated within project plans, on-site and/or off-site mitigation for the loss of sensitive natural communities is recommended. If off-site mitigation is preferred, similar habitat as that lost as a result of the project shall be protected in perpetuity through a conservation easement or similar instrument for conservation at a minimum 1:1 preserved to impacted acreage ratio.

If on-site mitigation is preferred, then applicants shall implement the following mitigation prior to the issuance of any grading permit. A habitat mitigation plan shall be designed by a qualified biologist and shall include the following:

- a. A qualified biologist shall oversee selection of an appropriate on-site mitigation area that shall be protected in perpetuity through a conservation easement. To mitigate impacts to sensitive natural communities, the mitigation area after restoration shall contain acreage at a minimum 1:1 replacement ratio for the habitat lost due to project implementation.
- b. A maintenance and monitoring program shall be established for a minimum of five years to implement restoration and verify that activities have been successful. Maintenance activities performed by a qualified restoration or native landscaping company may include irrigation, planting, and removal of non-native plants. Monitoring shall include quarterly reports for the first year and annual reports for the remaining four years.
- c. If site performance requirements are not met within five years, then remedial restoration measures and contingency planning shall be necessary along with additional maintenance and monitoring.

Individual project applicants will be responsible for implementing this mitigation measure with oversight by the Humboldt County Planning and Building Department as needed. Compliance with this measure shall be documented and submitted to the Planning Department Director prior

to ground disturbance for any subject individual project.

Implementation Time Frame	Monitoring Frequency	Date Verified	To Be Verified By	Compliance Yes No	Comments / Action Taken
Prior to tree removal, vegetation clearance, grading, or the initiation of any construction activity within the undeveloped area north of Hiller Road	Ongoing		County Plg&Bld		

GREENHOUSE GASES

Mitigation Measure 9-1: All future individual project developers shall design their projects to meet the following GHG emissions reduction performance standards:

- All future individual development projects shall be constructed as all-electric. Construction/installation of permanent natural gas plumbing/infrastructure is prohibited.
- All future individual development projects shall include EV support infrastructure consistent with the Tier 2 standards contained in the CALGreen code in effect at the time individual project applications are deemed complete by the County.

Plans for all future individual projects shall be reviewed by the County of Humboldt Chief Building Official or Chief Building Official's designee prior to approval of individual project entitlements to ensure that the performance standards are incorporated into project plans. Verification of development consistent with the performance standards shall be assured prior to approval of occupancy permits.

Implementation Time Frame	Monitoring Frequency	Date Verified	To Be Verified By	Compliance Yes No	Comments / Action Taken
Prior to issuance of a building permit	N/A		County Plg&Bld		

NOISE

Mitigation Measure 11-1: The following best management practices shall be applied during periods of project construction for all future individual projects and other activities within the site needed to support future development. The management practices shall be included in all construction documents, subject to review and approval by Planning and Building Director prior to issuance of a demolition or grading permit:

- a. All Construction activities shall not occur outside the hours of 8:00 am to 5:00 pm and shall be prohibited on Sundays and holidays;
- b. All construction equipment shall be properly maintained and muffled as to minimize noise generation at the source;
- c. Noise-producing equipment shall not be operating, running, or idling while not in immediate use;
- d. All noise-producing construction equipment shall be located and operated, to the extent possible, at the greatest possible distance from noise-sensitive land uses; and
- e. To the extent possible, construction staging areas shall be located at the greatest possible distances from nearby noise-sensitive land uses.

For all construction activities, the developer shall designate a construction noise disturbance coordinator who will be responsible for responding to complaints about construction noise, including potential non-conformance with the best management practices listed above. The construction noise coordinator's name and telephone number shall be posted on a sign of at least 4'X4" with text at least 4" high at all boundaries of individual construction sites. The Sign shall also include the number of the Planning and Building Department, Post Approval Monitory Team. The same contact information shall also be included in all construction documents and verified as such by the Planning and Building Director. The disturbance coordinator shall determine the cause of noise complaints and shall require that reasonable measures be implemented to correct the problem. For each response to a noise complaint, the disturbance coordinator shall report to the Planning and Building Director regarding the source of the complaint and how the complaint was addressed.

Implementation Time Frame	Monitoring Frequency	Date Verified	To Be Verified By	Compliance Yes No	Comments / Action Taken
Prior to issuance of a building permit and during construction activities	Ongoing		County Plg&Bld		

Mitigation Measure 11-2: Individual project developers who propose noise sensitive residential uses along the project site frontage with Central Avenue shall prepare a noise report to evaluate potential traffic noise impacts on the uses. The noise report shall quantify site-specific outdoor activity area noise exposure levels for such projects and recommend appropriate mitigation measures to achieve compliance with County noise standards. Noise impacts may be effectively mitigated by incorporating measures into the project design that consider the geographical relationship between traffic noise on the roadways and the receptor, the noise-producing characteristics of the sources and the path of transmission between noise sources and receptors.

Options for noise mitigation include but may not be limited to building setbacks and/or constructing sound walls. Noise reports shall be subject to review and approval of the Director of Planning and Building prior to approval of individual project entitlements.

Implementation Time Frame	Monitoring Frequency	Date Verified	To Be Verified By	Compliance Yes No	Comments / Action Taken
Prior to issuance of a building permit	N/A		County Plg&Bld		

Mitigation Measure 11-3: Applicants proposing commercial uses directly adjacent to existing off-site and/or existing on-site or future constructed on-site noise sensitive uses shall, at the discretion of the Director of Planning and Building, prepare an acoustical analysis based on the Director of Planning and Building's determination as to whether land use noise compatibility impacts are likely. The acoustical analysis shall define the site-specific potential impacts of associated stationary noise sources. If potentially significant impacts are identified, mitigation measures shall be identified to reduce impacts to less than significant by ensuring compliance with the County noise standards. Mitigation could include, but may not be limited to: site design to separate commercial uses from adjacent sensitive residential uses, building setbacks, noise equipment enclosures, etc. The acoustical analyses shall be subject to review and approval of the Director of Planning and Building prior to approval of entitlements for future commercial projects.

Implementation Time Frame	Monitoring Frequency	Date Verified	To Be Verified By	Compliance Yes No	Comments / Action Taken
Prior to issuance of a building permit	N/A		County Plg&Bld		