

Mitigation Monitoring and Reporting Program

PLN-2022-18047 - We Are Up Project, McKinleyville

SCH No. 2023030707

It is the responsibility of the Permittee to ensure that all Mitigation Measures are carried out timely, and to provide evidence to the Monitoring Entity for Verification

Environmental Protections Actions (EPA) and Mitigation Measures (MM)	Implementing Responsibility	Monitoring/Reporting Action & Schedule	Verification (Initials/Date)
<p>EPA 1 – Stormwater Pollution Prevention Plan (SWPPP)</p> <p>The Project will obtain coverage under State Water Resources Control Board (Water Board), Waste Discharge Requirements for Discharges of Storm Water Runoff Associated with Construction Activities (General Permit). The County will submit permit registration documents (notice of intent, risk assessment, site maps, SWPPP, annual fee, and certifications) to the Water Board. The SWPPP will address pollutant sources, best management practices, and other requirements specified in the Order. The SWPPP will include erosion and sediment control measures, and dust control practices to prevent wind erosion, sediment tracking, and dust generation by construction equipment. A Qualified SWPPP Practitioner will oversee implementation of the Project SWPPP, including visual inspections, sampling and analysis, and ensuring overall compliance.</p>	<p>We Are Up's contractor, to be verified by a SWPPP practitioner. County Planning and Building to verify.</p>	<p>Performance criteria – North Coast Regional Water Quality Control Board and City standards</p> <p>Reporting actions – As required by the state permit</p> <p>Schedule - During project construction activities, including work and non-work times</p>	
Air Quality			
<p>MM AQ-1: BMPs to Reduce Air Pollution</p> <p>The contractor shall implement the following BMPs during construction:</p> <ul style="list-style-type: none"> – All exposed surfaces (e.g., parking areas, staging areas, soil piles, active graded areas, excavations, and unpaved access roads) shall be watered two times per day in areas of active construction as necessary. – All haul trucks transporting soil, sand, or other loose material off-site shall be covered. – All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited. – All vehicle speeds on unpaved roads shall be limited to 15 mph, unless the unpaved road surface has been treated for dust suppression with water, rock, wood chip mulch, or other dust prevention measures. 	<p>We Are Up and We Are Up's contractor. County Planning and Building to verify.</p>	<p>Performance criteria – North Coast Unified Air Quality Management District standards</p> <p>Reporting actions – Verify requirements are included in final plans and specifications</p> <p>Schedule – During construction, check jobsite compliance as necessary</p>	

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<ul style="list-style-type: none"> – All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used. – Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes. Clear signage shall be provided for construction workers at all access points. – All construction equipment shall be maintained and properly tuned in accordance with the manufacturer’s specifications. – Post a publicly visible sign with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The NCUAQMD’s phone number shall also be visible to ensure compliance with applicable regulations. 			
Biological Resources			
<p>MM BIO-1: Avoidance and Minimization Measures to Protect Special Status Mammals</p> <ul style="list-style-type: none"> – Removal of confirmed or presumed-occupied bat roost habitat (the buildings planned for demolition) would occur only during seasonal periods of bat activity (when bats are volant, i.e., able to leave roosts) between March 1 and April 15 or September 1 and October 15, when evening temps rise above 45 F, and when no rainfall greater than ½ inches has occurred in the last 24 hours. – If trees or structures cannot be removed during the volant period, i.e., Project activities occur during the bat maternity season which generally occur April 16th through August 30th, a qualified biologist shall conduct surveys within suitable habitat for special status bats. Survey methodology shall include visual examination with binoculars and may optionally utilize ultrasonic detectors to determine if special status bat species utilize the vicinity. – Surveys shall be conducted by a qualified biologist within seven days prior to construction in any areas where potential maternity roosts may be disturbed/removed. The preconstruction surveys for bats may coincide with pre-construction surveys for other animals. Surveys shall include a visual inspection of the impact area and any large trees/snags with cavities or loose bark or crevices within infrastructure. If the presence of a maternity roost is confirmed, an appropriate buffer distance would be established in consultation with CDFW to ensure that construction noise would remain below disturbance thresholds for bats. If no bat utilization or roosts are found, then no further study or action is required. If bats are found to utilize the BSA, or presence is assumed, a bat specialist should be engaged to advise the best method to prevent impact. 	<p>We Are Up and We Are Up’s biologist and contractor. California Department of Fish and Wildlife to verify.</p>	<p>Performance criteria – California Department of Fish and Wildlife (CDFW) standards</p> <p>Reporting actions – Verify that protection and avoidance measures are in final specifications; verify completion and documentation of surveys, if necessary</p> <p>Schedule – Pre-construction and during construction; verify applicable disturbance buffers and protection measures are implemented</p>	

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<ul style="list-style-type: none"> – Project-related construction lighting shall be minimized if any construction occurs at night, either contained within structures or limited by appropriate reflectors or shrouds and focused on areas needed for safety, security or other essential requirements. – Potential locations for White-footed Vole nesting will be inspected within the BSA within a week of construction commencing. This includes under rocks and logs within the Project vicinity. – All trees planned for removal will be marked and a qualified biologist will thoroughly inspect them for signs of the species' inhabitation within a week of removal. 			
<p>MM BIO-2: Avoidance and Minimization Measures to Protect Special Status and Nesting Birds</p> <ul style="list-style-type: none"> – If feasible ground disturbance and vegetation clearing would be conducted during the fall and/or winter months and outside of the avian nesting season (which is generally assumed to occur between March 15 – August 15) to avoid any direct effects to special-status and protected birds. – If ground disturbance or vegetation clearing cannot be confined to the fall and/or winter outside of the nesting season, a qualified biologist would conduct pre-construction surveys within the vicinity of the Project Area to check for nesting activity of native birds and to evaluate the site for presence of raptors and special status bird species. The biologist would conduct at minimum a one-day pre-construction survey within the seven-day period prior to vegetation removal and ground-disturbing activities. If ground disturbance and vegetation removal work lapses for seven days or longer during the nesting season, a qualified biologist would conduct a supplemental avian pre-construction survey before Project work is reinitiated. – If active nests are detected within the construction footprint, or within 500 feet of construction activities (taking into account private property), the biologist would flag a buffer around each nest. Construction activities would avoid nest sites until the biologist determines that the young have fledged, or nesting activity has ceased. If nests are documented outside of the construction (disturbance) footprint, but within up to 500 feet of the construction area, buffers would be implemented as needed. In general, the buffer size for common species would be determined on a case-by-case basis in consultation with the CDFW and, if applicable, with USFWS. Buffer sizes would consider factors such as (1) noise and human disturbance levels at the construction site at the time of the survey and the noise and disturbance expected during the construction activity; (2) distance and amount of vegetation or other screening between the construction site and the nest; and (3) sensitivity of individual nesting species and behaviors of the nesting birds. – If active nests are detected during the survey, the qualified biologist would monitor all nests at least once per week to determine whether birds are being disturbed. Activities that might, in the opinion of the qualified biologist, disturb nesting activities 	<p>We Are Up and We Are Up's biologist and contractor. California Department of Fish and Wildlife to verify.</p>	<p>Performance criteria – California Department of Fish and Wildlife (CDFW) standards</p> <p>Reporting actions – Verify that protection and avoidance measures are in final specifications; verify completion and documentation of surveys, if necessary</p> <p>Schedule – Pre-construction and during construction; verify applicable disturbance buffers and protection measures are implemented</p>	

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<p>(e.g., excessive noise), would be prohibited within the buffer zone until such a determination is made. If signs of disturbance or distress are observed, the qualified biologist would immediately implement adaptive measures to reduce disturbance. These measures may include, but are not limited to, increasing buffer size, halting disruptive construction activities in the vicinity of the nest until fledging is confirmed or nesting activity has ceased, placement of visual screens or sound dampening structures between the nest and construction activity, reducing speed limits, replacing and updating noisy equipment, queuing trucks to distribute idling noise, locating vehicle access points and loading and shipping facilities away from noise-sensitive receptors, reducing the number of noisy construction activities occurring simultaneously, and/or reorienting and/or relocating construction equipment to minimize noise at noise-sensitive receptors.</p> <ul style="list-style-type: none"> – A construction worker training on identification of special status birds and nests will occur within seven days of the start of construction. 			
<p>MM BIO-3: Avoidance and Minimization Measures to Protect Special Status Amphibians</p> <ul style="list-style-type: none"> – A qualified biologist would perform a pre-construction survey for the amphibian species within seven days prior to commencement of ground disturbance. The survey shall be limited to the BSA. Suitable habitat would be determined by the qualified biologist. The biologist would relocate any specimens that occur within the work-impact zone to nearby suitable habitat. – In the event that a special status amphibian is observed in an active construction zone, the contractor would halt construction activities in the area and the frog and/or salamander would be moved by a qualified biologist to a safe location in similar habitat outside of the construction zone. – A construction worker training on identification of special status amphibians will occur within seven days of the start of construction. – Work crews shall inspect open trenches, pits, and under construction equipment and material left onsite in the morning and evening to look for amphibians that may have become trapped or are seeking refuge. 	<p>We Are Up and We Are Up's biologist and contractor. California Department of Fish and Wildlife to verify.</p>	<p>Performance criteria –County, state, and federal standards, consistent with the project's permits</p> <p>Reporting actions – Verify that protection and avoidance measures are in final specifications</p> <p>Schedule – Pre-construction and during construction</p>	
<p>MM BIO-4: Avoidance and Minimization Measures to Protect Special Status Fish and EFH</p> <ul style="list-style-type: none"> – Any Project-related construction materials or soil from grading and digging will be restricted from entering Mill Creek to reduce impacts of sedimentation or turbidity. – Removal of riparian habitat along Mill Creek shall be avoided if feasible. If riparian habitat removal cannot be avoided, riparian habitat would be replanted at ratios acceptable to jurisdictional resource agencies 	<p>We Are Up and We Are Up's biologist and contractor. California Department of Fish and Wildlife to verify.</p>	<p>Performance criteria – County, state, and federal standards, consistent with the project's permits</p> <p>Reporting actions – Verify requirements are in final specifications</p>	

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		Schedule – Pre-construction, during construction; verify applicable measures are implemented; check jobsite compliance as necessary	
<p>MM BIO-5: Avoidance and Minimization Measures to Protect Special Status Bees</p> <ul style="list-style-type: none"> – A qualified biologist will perform a pre-construction survey for the bee species within seven days prior to commencement of ground disturbance. The survey shall be limited to the BSA and may occur at the same time as surveys for other species. The biologist will search for bees and potential nesting sites. – If possible, ground disturbance, mowing, and vegetation clearing will occur from October to February, which is outside of the flight season for bumble bees. – If possible, the Project will not use pesticides. If necessary, the application will be direct and as local as possible to reduce drifting. The pesticide would ideally be applied when plants are not in bloom, in winter or fall, and/or at dusk or night when bees are not flying. – If a bee or nest is observed, CDFW will be notified, and a no-work zone buffer may be established. 	We Are Up and We Are Up’s biologist and contractor. California Department of Fish and Wildlife to verify.	<p>Performance criteria – County, state, and federal standards, consistent with the project’s permits</p> <p>Reporting actions – Verify requirements are in final specifications</p> <p>Schedule – Pre-construction, during construction; verify applicable measures are implemented; check jobsite compliance as necessary</p>	
<p>MM BIO-6: Avoidance and Minimization Measures to Protect Juxtaposed Wetlands</p> <p>The project shall implement the following avoidance and protection measures for juxtaposed Waters of the United States and Waters of the State that would not be impacted (filled or excavated) during Project construction:</p> <ul style="list-style-type: none"> – The project shall attempt to avoid or minimize impacts to wetlands/waters to the greatest extent feasible in the final design plans. – Juxtaposed wetlands (not proposed for filling) shall be clearly identified in the construction documents and reviewed by the County prior to issuing for bid to ensure they are clearly marked as equipment exclusion zones during construction. – Suitable perimeter control measures, such as silt fences, or straw wattles shall be placed below all construction activities at the edge of surface water features to intercept sediment before it reaches the waterway. These measures shall be installed prior to any clearing or grading activities. 	We Are Up and We Are Up’s contractor. California Department of Fish and Wildlife to verify.	<p>Performance criteria – County, state, and federal standards, consistent with the project’s permits</p> <p>Reporting actions – Verify requirements are in final specifications</p> <p>Schedule – Pre-construction, during construction; verify applicable measures are implemented; check jobsite compliance as necessary</p>	
<p>MM BIO-7: Compensate for Loss of Wetlands</p> <p>The project shall avoid fill of wetlands to the extent feasible. If fill cannot be avoided, then the project shall compensate for the loss of seasonal wetland habitat so that there is no net loss in wetlands at a ratio of 1.8:1. The project shall compensate for</p>	We Are Up and We Are Up’s contractor. California	Performance criteria – County, state, and federal standards, consistent with the project’s permits	

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<p>impacts to identified wetlands through creation of wetland at a ratio of no less than 1.3:1 and restoration of riparian habitat (planting) at a ratio of no less than 0.5:1. A Mitigation and Monitoring Plan shall be prepared in coordination with the NCRWQB and the USACE. Compensation for wetlands shall occur so there is no net loss of wetland habitat at ratios to be determined in consultation with the NCRWQCB and USACE.</p> <p>Mitigation would occur onsite (Figure 2, Appendix A). The Plan shall be acceptable to the regulatory agencies with jurisdiction over wetlands and waters and include the following elements: proposed mitigation ratios; description and size of the restoration or compensatory area; site preparation and design; plant species; planting design and techniques; maintenance activities; plant storage; irrigation requirements; success criteria; monitoring schedule; and remedial measures.</p>	<p>Department of Fish and Wildlife to verify.</p>	<p>Reporting actions – Verify requirements are in final specifications</p> <p>Schedule – Pre-construction, during construction; verify applicable measures are implemented; check jobsite compliance as necessary</p>	
Cultural Resources			
<p>MM CR-1: Inadvertent Discovery of Archaeological Material</p> <p>A pre-construction meeting shall be held with field contractors, where the protocols for inadvertent discovery (described below) would be communicated. The following provides means of responding to the circumstance of a significant discovery implementation of the proposed undertaking. If cultural materials for example: chipped or ground stone, historic debris, building foundations, or bone are discovered during ground-disturbance activities, work shall be stopped within 66 feet of the discovery, per the requirements of CEQA (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 recommendations for further action. Tribal representatives shall be notified.</p>	<p>We Are Up and We Are Up’s archaeologist and contractor. County Planning and Building to verify.</p>	<p>Performance criteria – County, state, and federal standards</p> <p>Reporting actions – Verify requirements are in final plans and specifications; verify completion of DPR 513 forms, if necessary</p> <p>Schedule – Pre-construction and during construction; verify applicable protection measures are implemented</p>	
<p>MM CR-2: Inadvertent Discovery of Human Remains</p> <p>If human remains are discovered during project construction, work will stop at the discovery location, within 66 feet, and any nearby area reasonably suspected to overlie adjacent to human remains (PRC, Section 7050.5). The Humboldt County Coroner will 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 (PRC, Section 5097). The Coroner will contact the NAHC. The descendants or most likely descendants of the deceased will be contacted, and work will not resume until they have made a recommendation to the landowner or the person responsible for the excavation work</p>	<p>We Are Up and We Are Up’s archaeologist and contractor. County Planning and Building to verify.</p>	<p>Performance criteria – County, state, and federal standards</p> <p>Reporting actions – Verify inclusion of language in final plans and specifications</p> <p>Schedule – During construction; verify completion of protection measures and notifications if inadvertent discovery</p>	

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for means of treatment and disposition, with appropriate dignity, of the human remains and any associated grave goods, as provided in PRC, Section 5097.98.			
Geology and Soils			
<p>MM GEO-1: Inadvertent Discovery of Paleontological Resources</p> <p>In the event that fossils are encountered during construction (i.e., bones, teeth, or unusually abundant and well-preserved invertebrates or plants), construction activities shall be diverted away from the discovery within 50 feet of the find, and a professional paleontologist shall be notified to document the discovery as needed, to evaluate the potential resource, and to assess the nature and importance of the find. Based on the scientific value or uniqueness of the find, the paleontologist may record the find and allow work to continue, or recommend salvage and recovery of the material, if it is determined that the find cannot be avoided. The paleontologist shall make recommendations for any necessary treatment that is consistent with currently accepted scientific practices. Any fossils collected from the area shall then be deposited in an accredited and permanent scientific institution where they will be properly curated and preserved.</p>	We Are Up and We Are Up's contractor. County Planning and Building to verify.	<p>Performance criteria – City, state, and federal standards</p> <p>Reporting actions – Verify inclusion of language in final plans and specifications</p> <p>Schedule – During construction; verify completion of protection measures and notifications if inadvertent discovery</p>	
Greenhouse Gas Emissions			
<p>MM GHG-1: Design for Conversion to All Electric Appliances</p> <p>The Project's commercial kitchen and laundry facilities shall be designed and constructed to allow for future conversion to all electric appliances. Design shall include, at a minimum, the appropriate electrical wiring to convert the laundry facilities, commercial kitchen range, stove, and other gas-fueled appliances to all-electric options as they become feasible and available.</p>	We Are Up and We Are Up's contractor. County Planning and Building to verify.	<p>Performance criteria – County, State, and Federal standards</p> <p>Verify requirements are included in final plans and specifications</p> <p>Schedule – Pre construction; check jobsite compliance as necessary</p>	
Transportation			
<p>MM TR-1: Traffic Congestion</p> <p>If the Humboldt County Department of Public Works determines that there is a congestion problem associated with the periodic events hosted at the project site, We Are Up shall complete one or more of the following measures to reduce congestion to acceptable levels:</p> <ul style="list-style-type: none"> – Apply for and obtain an Annual Encroachment permit from the Humboldt County Department of Public Works that authorizes the use of temporary traffic control measures (including, but not limited to, flaggers) at the Sutter/Weirup intersection. All temporary traffic control shall be installed and staffed by qualified traffic control 	We Are Up and We Are Up's contractor. County Public Works to verify.	<p>Performance criteria – County standards</p> <p>Reporting actions – Verify requirements are in final specifications; verify completion</p> <p>Schedule – Pre- and during construction; verify jobsite compliance as necessary</p>	

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<p>personnel. All temporary traffic control measures are to be put in place by the applicant at We Are Up's expense.</p> <ul style="list-style-type: none"> - Reduce the size of events held onsite to reduce congestion to acceptable levels. - Manage events to prevent all event visitors from attempting to exit the site simultaneously or within a short period of time. 			