

**ATTACHMENT 1B**  
**Mitigation, Monitoring, and Reporting Program (MMRP)**

*including substitute mitigation measures (BIO-2)*

deletions shown in ~~strikeout text~~

additions **underlined and shown in bold**

# Mitigation Measures, Monitoring, and Reporting Program (MMRP)

All of the following mitigation measures are required to mitigate impacts from the proposed project:

## **BIO-1 Worker Environmental Awareness Program**

Prior to initiation of construction activities (including staging and mobilization) all personnel associated with project construction should attend a Worker Environmental Awareness Program (WEAP) training, conducted by a qualified biologist, to aid workers in recognizing special status resources that may occur in the construction area. The specifics of this program should include identification of the sensitive species and habitats, a description of the regulatory status and general ecological characteristics of sensitive resources, and review of the limits of construction and mitigation measures required to reduce impacts to biological resources within the work area. A fact sheet conveying this information should also be prepared for distribution to all contractors, their employees, and other personnel involved with construction. All employees should sign a form provided by the trainer indicating they have attended the WEAP and understand the information presented to them. The form should be submitted to the County by the contractor to document compliance.

## **BIO-2 Nesting Bird Pre-construction Surveys**

For construction activities occurring during the nesting season (generally February 1 to August 31), surveys for nesting birds covered by the MBTA and CFGC should be conducted by a qualified biologist no more than ~~14~~ **seven (7)** days prior to initiation of construction activities, including construction staging and vegetation removal. The surveys should include the entire disturbance areas plus a 200-foot buffer around any disturbance areas. If active nests are located, all construction work should be conducted outside a buffer zone from the nest to be determined by the qualified biologist. The buffer should be a minimum of ~~50~~ **one hundred (100)** feet for non-raptor bird species and at least ~~150~~ **three hundred (300)** feet for raptor species. Larger buffers may be required depending upon the status of the nest and the construction activities occurring in the vicinity of the nest. The biologist should have full discretion for establishing a suitable buffer. The buffer area(s) should be closed to all construction personnel and equipment until the adults and young are no longer reliant on the nest site. A qualified biologist should confirm that breeding/nesting has completed and young have fledged the nest prior to removal of the buffer. **If there is a lapse in project-related activities of seven days or more, the biologist should re-survey the area before work resumes.**

### **BIO-3 Accidental Spill Prevention**

All refueling and maintenance of equipment and vehicles shall occur a minimum of 250 feet from ephemeral drainages and ponds, and in a location from which a spill would not drain directly toward these habitats (e.g., on a slope that drains away from the water), or in a containment structure. Prior to the onset of work, a plan shall be developed for prompt and effective response to any accidental spills. All workers shall be informed of the importance of preventing spills and of the appropriate measures to take in the event of a spill. Should any debris or equipment from the work area fall into the wetland, riparian habitat, and the concrete drainage, it shall be removed immediately.

### **BIO-4 Revegetation and Planting**

Prior to revegetation efforts, all existing structures will be removed from the delineated wetland areas and will be graded back to their natural contours as shown in the grading plan. A series of shallow berms will be installed across graded wetland areas to retain and pool water. The roads adjacent to the restored wetlands will be decommissioned by ripping and grading back to their natural contours. The adjacent cut/fill areas will be graded to their natural grade as shown in the grading plan. All graded areas will be seeded according to Hydroseed Specifications in the Revegetation and Planting Plan. Planting strategy will focus on planting a range of native species and to allow for natural competition and evolution of native plant species distribution. The plants will be selected based on the surrounding intact wetland populations surrounding the sites. Planting will occur post hydroseeding with tight spacing to reduce the potential for colonization of non-native species. Plants will be installed in clustered groups of each species to create patches that will naturalize the site. Plants shall be obtained from stock within Humboldt County, unless approved by a governing agency.

### **BIO-5 Off-Site Mitigation Credits**

In consultation with responsible agencies, off-site mitigation bank credits will be obtained as they become available to mitigate temporal impacts of legacy development in wetland and stream channels which have occurred at the project. Off-site mitigation areas may be in-watershed or out of watershed in consultation with responsible agencies.

### **CR-1 Archaeological and Native American Monitoring**

Native American monitoring should be provided by the Bear River Band of the Rohnerville Rancheria (BRB) or their designee. The monitor(s) shall have the authority to halt and redirect work should any archaeological resources be

identified during monitoring. If archaeological resources are encountered during ground-disturbing activities, work in the immediate area shall halt and the find shall be evaluated for listing in the CRHR and National Register of Historical Places. The Tribe may request that archaeological monitoring be performed under the direction of an archaeologist meeting the Secretary of the Interior's Professional Qualification Standards for archaeology (National Park Service 1983).

The monitoring schedule shall be established by the Bear River Band of the Rohnerville Rancheria and may be adjusted based on the scale of disturbance and sensitivity of the location where ground disturbance will occur. Monitoring may be decreased to spot-checking at the discretion of the monitors, as warranted by conditions such as encountering bedrock. If monitoring is decreased to spot-checking, spot-checking should occur when ground-disturbance moves to a new location in the project site and when ground disturbance extends to depths not previously reached (unless those depths are within bedrock).

## **CR-2 Inadvertent Discovery of Cultural Resources**

If cultural resources are encountered during construction activities, the contractor on site shall cease all work in the immediate area and within a 50-foot buffer of the discovery location. A qualified archaeologist as well as the appropriate Tribal Historic Preservation Officer(s) are to be contacted to evaluate the discovery and, in consultation with the applicant and lead agency, develop a treatment plan in any instance where significant impacts cannot be avoided.

The Native American Heritage Commission (NAHC) can provide information regarding the appropriate Tribal point(s) of contact for a specific area; the NAHC can be reached at 916-653-4082. Prehistoric materials may include obsidian or chert flakes, tools, locally darkened midden soils, groundstone artifacts, shellfish or faunal remains, and human burials. If human remains are found, California Health and Safety Code 7050.5 requires that the County Coroner be contacted immediately at 707-445-7242. If the Coroner determines the remains to be Native American, the NAHC will then be contacted by the Coroner to determine appropriate treatment of the remains pursuant to PRC 5097.98. Violators shall be prosecuted in accordance with PRC Section 5097.99 “

## **Mitigation Measure GHG-1 (Energy Source for Cultivation):**

Power used by Mixed-Light Cultivation activities shall exclusively be supplied by an on-site renewable energy system, or grid power from renewable energy sources, or grid power from non-renewable source with purchase of carbon offset credits. This includes all power used by fans, lights, dehumidifiers, heaters, pumps, or similar equipment or activities. Power from a generator may be used

to supply energy for on-site propagation activities within a designated nursery area until grid power or an adequate on-site renewable energy system is developed or January 1, 2026 (whichever is earlier). After January 1, 2026, any cultivation-related generator use shall be limited to providing emergency backup of the primary power source in the event that power from the electrical grid or on-site renewable system is suddenly and unexpectedly lost.

### **WQ-1& 2 - Restore Pre-Existing Wetlands**

Pull back fill and fill slopes placed into wetlands and contour the fill into source cut hillslopes to recreate pre-development, historic, topography. Begin grading and contouring wetland areas and implement erosion control measures in conjunction with replanting of native wetland vegetation. Remove existing drainage structures impeding stream channel function and upgrade/modify existing water course crossings and install new drainage structures. Remove placed crossing fill and layback fill slopes/streambanks. Upgrade/modify existing watercourse crossings and install new drainage structures and implement erosion control measures. Remove all cultivation related materials from setbacks and rip road surface and graded areas within setbacks, while implementing erosion control measures in conjunction with replanting.

### **WQ-3 - Remediate Cultivation Area**

Shorten existing culvert by 40-feet to reduce overall permanent impacts to site. Remove existing greenhouse and all cultivation material and adjacent buildings. Rip road and cultivation pad, hydroseed and plant native wetland vegetation in order to create approximately 45,550 square feet of wetland to mitigate for onsite impacts.

### **WQ-4 - Restore Diverted Watercourses to Original Channel**

Install a rock ford across legacy road impoundment to realign two watercourses with their native channel.

### **WQ-5 - Improve Functioning of On-Stream Pond**

Drain pond, if necessary, and excavate impoundment fill prism. Place and key-in ¼ ton RSP along the excavated impoundments downhill fill slope. Install impoundment toe drainage ditch at base of downhill armored slope and install rock armored spillway over both impoundment fill prisms while implementing erosion control measures.

### **WQ-6 - Decommission Road Crossing**

Remove existing culvert to restore stream channel to pre-construction conditions.

### **WQ-7 - Upgrade Road Crossing to Improve Water Quality**

An existing culvert will be upgraded to be properly sized for a 100-year storm event, and to restore the natural grade of the watercourse.

### **WQ-8 - Site D – Restore Pre-Existing Wetland**

Pull back fill and fill slopes placed into wetland to recreate pre-development, historic, topography. Begin grading and contouring wetland area and implement erosion control measures in conjunction with replanting of native wetland vegetation.

### **WQ-9 - Site E – Restore Streambed**

Pull back fill from streambed and restore to pre-development conditions, approximately 140 feet of filled streambed, and hydroseed to another 80 feet of impacted streambed with native upland seed mix.

### **WQ-10 - Site G – Restore Pre-Existing Wetland and Streambed**

Pull back fill from wetland and streambed to restore to pre-development conditions. A small basin will be contoured at the head of the streambed to capture seasonal surface waters and feed into the restored streambed. The site will then be replanted with native wetland vegetation.

### **WQ-11 - Compensatory/Temporal Impact Mitigation – On-Site Wetland Creation or Off-Site Wetland Creation/Restoration/Enhancement or Mitigation Credits**

The applicant shall satisfy the compensatory mitigation requirements of the Notice of Violation and Cleanup and Abatement Order issued by the North Coast Regional Water Quality Control Board in 2021 (R1-2021-0003). The point of this effort is to mitigate temporal impacts of illegal development in wetland and stream channels which has occurred at the project site. This may include wetland creation and enhancement activities and similar measures on the property or at appropriate off-site locations approved by Water Board staff and in consultation with other responsible agencies. Alternatively, off-site mitigation bank credits may be obtained as they become available. Off-site mitigation areas may be in-watershed or out of watershed.