

MITIGATION MONITORING AND REPORTING PROGRAM

INTRODUCTION

CEQA and the State CEQA Guidelines (PRC section 21081.6 and State CEQA Guidelines sections 15091(d) and 15097) require public agencies “to adopt a reporting and monitoring program for changes to the project which it has adopted or made a condition of project approval to mitigate or avoid significant effects on the environment.” A Mitigation Monitoring and Reporting Program (MMRP) is required for the proposed project because the EIR identifies potential significant adverse impacts related to the project implementation, and mitigation measures have been identified to reduce those impacts.

PURPOSE OF MITIGATION MONITORING AND REPORTING PROGRAM

This MMRP has been prepared to ensure that all required mitigation measures are implemented and completed in a satisfactory manner prior to implementation of the proposed ordinance. The attached table has been prepared to assist the responsible parties in implementing the mitigation measures. The table identifies the impact, mitigation measures (as amended through the Final EIR), monitoring responsibility, mitigation timing, and provides space to confirm implementation of the mitigation measures. The numbering of mitigation measures follows the numbering sequence found in the EIR. Mitigation measures that are referenced more than once in the DEIR are not duplicated in the MMRP table.

ROLES AND RESPONSIBILITIES

Unless otherwise specified herein, the Department of Cannabis Control (DCC) is responsible for taking all actions necessary to implement the mitigation measures under its jurisdiction according to the specifications provided for each measure and for demonstrating that the action has been successfully completed.

Inquiries should be directed to:

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The location of this information is:

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2920 Kilgore Road
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The DCC is responsible for overall administration of the MMRP and for verifying that DCC staff members have completed the necessary actions for each measure (i.e., appropriate amendments to the proposed ordinance).

REPORTING

The DCC shall document and describing the compliance of the activity with the required mitigation measures either within the attached table or a separate monitoring documentation as part of processing licenses.

MITIGATION MONITORING AND REPORTING PROGRAM TABLE

The categories identified in the attached MMRP table are described below.

- ▶ Impact – This column provides the verbatim text of the identified impact.
- ▶ Mitigation Measure – This column provides the verbatim text of the adopted mitigation measure.
- ▶ Implementation Responsibility – This column identifies the party responsible for implementing the mitigation measure.
- ▶ Timing – This column identifies the time frame in which the mitigation will be implemented.
- ▶ Verification – This column is to be dated and signed by the person (either project manager or his/her designee) responsible for verifying compliance with the requirements of the mitigation measure.

Mitigation Monitoring and Reporting Program

| Impact | Mitigation Measures | Implementation Responsibility | Timing | Verification |
|---|--|---|---|--------------|
| Archaeological, Historical, and Tribal Cultural Resources | | | | |
| <p>Impact 3.4-1: Cause a Substantial Adverse Change in the Significance of a Historical Resource</p> | <p>Mitigation Measure 3.4-1: Implement Additional Measures to Protect Historic Resources</p> <p>As part of compliance with SWRCB Order WQ 2023-0102-DWQ (Attachment A, Section 1 - Term 21), the DCC shall require new licensed commercial cannabis cultivation sites in Mendocino County to identify and evaluate all historic-age (over 45 years in age) buildings and structures that are proposed to be removed or modified as part of new licensed commercial cannabis cultivation site operations. This shall include preparation of a historic structure report and evaluation of resources to determine their eligibility for recognition under federal, state, or county local official register of historic resources criteria. The evaluation shall be prepared by an architectural historian or historical architect meeting the Secretary of the Interior’s Standards and Guidelines for Archeology and Historic Preservation, Professional Qualification Standards. The evaluation shall comply with State CEQA Guidelines, section 15064.5(b).</p> <p>If resources eligible for inclusion in the NRHP, CRHR, or local official register of historic resources are identified, an assessment of impacts on these resources shall be included in the report, as well as detailed measures to avoid impacts. If avoidance of a significant architectural/built-environment resource is not feasible, additional mitigation options include, but are not limited to, specific design plans for historic districts or plans for alteration or adaptive reuse of a historical resource that follows the Secretary of the Interior’s Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitation, Restoring, and Reconstructing Historic Buildings.</p> | <p>Applicant for Annual Licensure and DCC</p> | <p>This mitigation measure will be applied prior to and during operation of new licensed commercial cannabis cultivation sites.</p> | |

| Impact | Mitigation Measures | Implementation Responsibility | Timing | Verification |
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| Biological Resources | | | | |
| <p>Impact 3.5-1: Result in Disturbance to or Loss of Special-Status Plant Species and Habitat</p> | <p>Mitigation Measure 3.5-1a: Conduct Preapproval Biological Surveys</p> <p>As part of compliance with SWRCB Order WQ 2023-0102-DWQ (Attachment A: General Requirements and Prohibitions – Term 4 and 10 and MCCR 10A.17.100(A)(2)), the DCC shall require provisional licensees who propose to expand their cultivation activities prior to their transition to annual licensure, new annual license applicants for commercial cannabis cultivation, and new annual license applicants for associated processing and distribution uses to provide the following technical information. It shall be used to determine whether there is potential for special-status plant species, special-status wildlife species, or sensitive habitats identified in this Program EIR to be present within a proposed expanded or new commercial cannabis cultivation sites seeking a license from DCC. This mitigation measure and Mitigation Measures 3.5-2a through 3.5-2p do not apply to cannabis cultivation operations on licensed sites that existed prior to August 2, 2023.</p> <ul style="list-style-type: none"> ▶ Before approval of any application for commercial cannabis operations, a biological survey shall be conducted by a qualified biologist. A qualified biologist would, at a minimum: <ul style="list-style-type: none"> – Hold a bachelor’s or advanced degree in wildlife biology, botany, ecology, forestry, or other relevant degree from an accredited university; – Have at least 2 years of field experience in the biology and natural history of local plant, fish, and wildlife resources present in the region surrounding the cannabis cultivation site; – Be knowledgeable in relevant species life histories and ecology; | <p>Applicant for Annual Licensure, DCC, and CDFW</p> | <p>This mitigation measure will be applied prior to approval of any application and during operation of commercial cannabis cultivation sites.</p> | |

| Impact | Mitigation Measures | Implementation Responsibility | Timing | Verification |
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| | <ul style="list-style-type: none"> - Be able to correctly identify relevant species and habitats; - Be knowledgeable about survey protocols; - Be knowledgeable about state and federal laws regarding the protection of special-status species; and - Have experience with CDFW's California Natural Diversity Database (CNDDDB) and Biogeographic Information and Observation System (BIOS). <p>▶ The survey area shall include the proposed expanded or new commercial cannabis cultivation sites, including areas of anticipated construction and ground disturbance, as well as staging areas, areas of anticipated light or noise impact, ingress and egress routes, and utility routes. The survey area shall be large enough to encompass areas subject to both direct and indirect impacts. The qualified biologist shall assess the habitat suitability of the proposed development area for all special-status plants, special-status wildlife, and sensitive habitats identified as having potential to occur in the County. The biologist shall provide a letter report to the project applicant and DCC with evidence to support a conclusion as to whether special-status species and sensitive habitats are present or are likely to occur in the proposed development area. DCC staff will review the letter report and conclusions and determine whether the evidence provided to support the conclusions is sufficient. At a minimum, the letter report shall include:</p> <ul style="list-style-type: none"> - Date, time, and weather conditions; - A description and explanation of whether the site conditions are considered typical or atypical; | | | |

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| | <ul style="list-style-type: none"> - A map depicting the proposed development area and the unique, rare, and special-status species, sensitive habitats, or sensitive natural communities found; - A vegetation map of the proposed development area using the National Vegetation Classification System (e.g., A Manual of California Vegetation) and an associated table, including acreage of vegetation types that could be adversely affected by project implementation; - A special-status species table generated from review of the CNDDDB, the California Native Plant Society Inventory of Rare and Endangered Plants, lists maintained by USFWS, and the most recent, best-available range information for special-status species; - A description of survey methods and any protocols utilized during the survey; and - A list of common and special-status species and habitats observed in the proposed development area. <p>▶ If the biological survey identifies no potential for special-status plants, special-status wildlife, or sensitive habitats to occur, the applicant shall not be subject to any additional biological resource protection measures identified in the ordinance.</p> <p>If special-status species or sensitive habitats are present or have the potential to be present, the letter report will include a discussion of potential direct and indirect impacts on these resources, and the appropriate biological resource protection measures identified in Mitigation Measures 3.5-1b, 3.5-1c, 3.5-2a through 3.5-2o, 3.5-4a, 3.5-4b, 3.5-5, and 3.5-6b shall be implemented.</p> | | | |

| Impact | Mitigation Measures | Implementation Responsibility | Timing | Verification |
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| | <p>Mitigation Measure 3.5-1b: Conduct Special-Status Plant Surveys and Implement Avoidance Measures and Mitigation</p> <p>As part of compliance with SWRCB Order WQ 2023-0102-DWQ (Attachment A, Section 1, General Requirements and Prohibitions – Term 4 and 10), the DCC shall require provisional licensees requesting to expand their sites prior to transitioning to annual licensure, new annual license applicants for commercial cannabis cultivation, and new annual license applicants for associated processing and distribution uses to provide the following information should special-status plant species be determined to have potential to be present on the proposed commercial cannabis cultivation sites:</p> <ul style="list-style-type: none"> ▶ During the blooming period for the special-status plant species with potential to occur on the site, a qualified botanist shall conduct protocol-level surveys for special-status plants in all proposed disturbance areas following survey methods from the CDFW <i>Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities</i> (CDFW 2018a). A qualified botanist would, at a minimum: <ul style="list-style-type: none"> - Hold a bachelor's or advanced degree in biology, botany, ecology, forestry, or other relevant degree from an accredited university; - Have at least 2 years of field experience in the biology and natural history of local plant, fish, and wildlife resources present in the region surrounding the cannabis cultivation site; - Be knowledgeable about plant taxonomy; - Be familiar with plants of the region, including special-status plants and sensitive natural communities; - Have experience conducting floristic botanical field surveys as described in the CDFW | <p>Applicant for Annual Licensure, DCC, and CDFW</p> | <p>Prior to approval of any application, if required.</p> | |

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| | <p>Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities, or experience conducting such botanical field surveys under the direction of an experienced botanical field surveyor;</p> <ul style="list-style-type: none"> - Be familiar with the California Manual of Vegetation (Sawyer et al. 2009 or current version, including updated natural communities data at http://vegetation.cnps.org/); and - Be familiar with federal, state, and local statutes and regulations related to plants and plant collecting. <ul style="list-style-type: none"> ▶ If special-status plants are not identified, the botanist shall document the findings in a letter report to the applicant, DCC, and CDFW, and no further mitigation shall be required. ▶ If special-status plant species are found, the qualified botanist shall consult with CDFW to designate a no-disturbance buffer and/or redesign of the commercial cannabis cultivation site improvements that shall be reflected in application materials to DCC. If special-status plants cannot be avoided, then the applicant shall consult with CDFW to determine if an incidental take permit should be obtained (i.e., for special-status species listed under CESA) or if compensatory mitigation would be required. Impacts on special-status plant species would be mitigated such that there would be no net loss of occupied habitat or individuals. Mitigation measures shall include, at a minimum, preserving and enhancing existing populations, establishing populations through seed collection or transplantation from the site that is to be affected, and restoring or creating habitat in sufficient quantities to achieve no net loss of occupied habitat or individuals. Habitat and individual plants lost shall be mitigated at a | | | |

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| | <p>minimum 1:1 ratio, considering acreage, as well as function and value. Success criteria for preserved and compensatory populations will include the following conditions:</p> <ul style="list-style-type: none"> - The extent of occupied area and plant density (number of plants per unit area) in compensatory populations will be equal to or greater than the affected occupied habitat. - Compensatory and preserved populations will be self-producing. Populations will be considered self-producing when: <ul style="list-style-type: none"> - Plants reestablish annually for a minimum of 5 years with no human intervention, such as supplemental seeding; and - Reestablished and preserved habitats contain an occupied area and flower density comparable to existing occupied habitat areas in similar habitat types in the project vicinity. - If off-site mitigation includes dedication of conservation easements, purchase of mitigation credits, or other off-site conservation measures, the details of these measures will be included in the mitigation plan, including information on responsible parties for long-term management, conservation easement holders, long-term management requirements, success criteria such as those listed above, and other details, as appropriate to target the preservation of long-term viable populations. <p>▶ Any mitigation plan for unavoidable impacts on special-status plants must be reviewed and approved by DCC and CDFW.</p> | | | |

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| | <p>Mitigation Measure 3.5-1c: Implement Measures to Avoid Introduction or Spread of Invasive Plant and Animal Species</p> <p>As part of compliance with SWRCB Order WQ 2023-0102-DWQ (Attachment A, Section 1, General Requirements and Prohibitions – Term 11), the DCC shall require provisional licensees requesting to expand their sites prior to transitioning to annual licensure, new annual license applicants for commercial cannabis cultivation, and new annual license applicants for associated processing and distribution uses to provide documentation that the following measures will be implemented:</p> <ul style="list-style-type: none"> ▶ The application shall include identification of invasive plant species that occur on the site and where they are located. The application shall identify specific measures to be employed for the removal of invasive species and on-site management practices. ▶ Invasive plant species (defined above in the impact discussion) shall be removed from the site to the extent feasible, using measures appropriate to the species. For example, species that cannot easily reroot, resprout, or disperse seeds may be left on site in a debris pile. Species that resprout readily (e.g., English ivy) or disperse seeds (e.g., pampas grass) should be hauled off-site and disposed of appropriately at a landfill site. A qualified botanist shall determine the appropriate percent cover of invasive species to remove for the site and what type of restoration plantings will be appropriate for the site. ▶ The site shall be monitored by a qualified botanist annually for 3 years or until the following success criteria are met, whichever is longer. ▶ Cover of existing invasive plants has either decreased or remained unchanged, there are no new infestations of invasive plants that existed on | <p>Applicant for Annual Licensure and DCC</p> | <p>Prior to approval of any application and during operation of commercial cannabis cultivation sites.</p> | |

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| | <p>the site before project implementation, and there are no new invasive plant species that were not present onsite before project implementation.</p> <ul style="list-style-type: none"> ▶ Heavy equipment and other machinery shall be inspected for the presence of invasive species before on-site use, and shall be cleaned before entering the site, to reduce the risk of introducing invasive plant species. ▶ No nonnative fish species shall be introduced into ponds on project sites. This measure does not apply to any activities conducted pursuant to the California Health and Safety Code, including mosquito control activities conducted by local vector control agencies. ▶ If storage ponds would be constructed, the applicant shall hire a qualified biologist to prepare an aquatic invasive species management plan, which will include details regarding monitoring for aquatic invasive species, including bullfrogs (<i>Lithobates catesbeianus</i>) and appropriate measures for preventing establishment of these species and controlling invasive species populations. The aquatic invasive species management plan shall be reviewed and approved by DCC prior to construction of stock ponds. | | | |
| <p>Impact 3.5-2: Result in Disturbance to or Loss of Special-Status Wildlife Species and Habitat</p> | <p>Mitigation Measure 3.5-2a: Conduct Preconstruction Surveys for Special-Status Amphibians</p> <p>As part of compliance with SWRCB Order WQ 2023-0102-DWQ (Attachment A, Section 1, General Requirements and Prohibitions – Term 4 and 10), the DCC shall require provisional licensees requesting to expand their sites prior to transitioning to annual licensure, new annual license applicants for commercial cannabis cultivation, and new annual license applicants for associated processing and distribution uses to demonstrate compliance with the</p> | <p>Applicant for Annual Licensure, DCC, and CDFW</p> | <p>This mitigation measure will be applied prior to approval of any application and during operation of commercial cannabis cultivation sites.</p> | |

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| | <p>following measures if special-status amphibian species are determined to have potential to be present on the proposed commercial cannabis cultivation sites:</p> <p>If California red-legged frogs are detected during the initial biological survey (see Mitigation</p> <ul style="list-style-type: none"> ▶ Measure 3.5-1a) or are determined to be likely to occur (i.e., aquatic or upland habitats potentially suitable for the species are present on the site), then it shall be assumed that commercial cultivation activities could result in take of this species, and the application shall be denied. ▶ If special-status amphibians other than California red-legged frog are detected during the initial biological survey (see Mitigation Measure 3.5-1a) or are determined to be likely to occur, consultation with CDFW shall be initiated to determine whether mitigation measures, such as project design modifications, relocation of the site, relocation of individual animals, or installation of exclusionary fencing, shall be necessary and appropriate. ▶ Regardless of detection during the initial biological survey, if habitat suitable for special-status amphibians other than California red-legged frog is present in the proposed development area, a qualified biologist familiar with the life cycle of California giant salamander, foothill yellow-legged frog, northern red-legged frog, Pacific tailed frog, red-bellied newt, and southern torrent salamander shall conduct preconstruction surveys of proposed new development activities 48 hours before new development activities. Preconstruction surveys for special-status amphibian species shall be conducted throughout the proposed construction area and a minimum 400-foot buffer around the proposed development area or other buffer size as recommended by CDFW. Surveys shall consist of “walk and turn” surveys of areas beneath | | | |

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| | <p>surface objects (e.g., rocks, leaf litter, moss mats, coarse woody debris) for salamanders, and visual searches for frogs. Preconstruction surveys shall be conducted during the appropriate season to maximize potential for observation for each species, and appropriate surveys shall be conducted for the applicable life stages (i.e., eggs, larvae, adults).</p> <ul style="list-style-type: none"> ▶ If special-status amphibians are not detected during the preconstruction survey and, for California red-legged frog, the species is determined to be unlikely to occur, then further mitigation is not required. <p>If special-status amphibians other than California red-legged frog are detected during the preconstruction survey, work on the site shall not commence until the applicant has consulted with CDFW as described above. Injury to or mortality of special-status amphibians shall be avoided by modifying project design, relocating the commercial cannabis cultivation site, or relocating individual animals.</p> <p>Mitigation Measure 3.5-2b: Conduct Surveys for Western Pond Turtle and Relocate Individuals</p> <p>As part of compliance with SWRCB Order WQ 2023-0102-DWQ (Attachment A, Section 1, General Requirements and Prohibitions – Term 4 and 10), the DCC shall require provisional licensees requesting to expand their sites prior to transitioning to annual licensure, new annual license applicants for commercial cannabis cultivation, and new annual license applicants for associated processing and distribution uses to demonstrate compliance with the following measures if western pond turtle are determined to have potential to be present on the proposed commercial cannabis cultivation sites:</p> <ul style="list-style-type: none"> ▶ If pond turtles are detected during the initial biological survey (see Mitigation Measure 3.5-1a) or are determined to be likely to occur, | <p>Applicant for Annual Licensure, DCC, and CDFW</p> | <p>Prior to any construction activities and approval of any application, if required.</p> | |

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| | <p>consultation with CDFW shall be initiated to determine whether additional measures, such as project design modifications, relocation of the site, relocation of individual animals by a qualified biologist with a valid CDFW Scientific Collecting Permit, or installation of exclusionary fencing, shall be necessary and appropriate.</p> <ul style="list-style-type: none"> ▶ Regardless of detection during the initial biological survey, if aquatic habitat suitable for western pond turtle is present in the proposed development area, a qualified biologist familiar with the life history of western pond turtle shall conduct preconstruction surveys of proposed new development activities within a minimum of 1,500 feet of any aquatic habitat 24 hours before such development activities or as recommended by CDFW. ▶ If pond turtles are not detected during the preconstruction survey, then no further mitigation is required. ▶ If pond turtles are detected during the preconstruction survey, then consultation with CDFW shall be initiated as described above. Injury or mortality of western pond turtle shall be avoided through project design modification, commercial cannabis cultivation site relocation, or relocation of the turtle by a qualified biologist with a valid CDFW Scientific Collecting Permit. If relocation of western pond turtles is determined to be necessary, turtles shall be relocated to similar nearby habitat free of predators (e.g., racoon, coyote, raptors, bullfrog, nonnative turtles, other western pond turtles) as determined by the qualified biologist. If western pond turtles are relocated, a report shall be submitted electronically to CDFW within 15 days of the relocation. The report shall include the location, date, time, and duration of collection and release; | | | |

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| | <p>the number of individuals relocated; and identification of the qualified biologist.</p> <ul style="list-style-type: none"> ▶ If western pond turtle, which is currently a candidate for listing under the ESA, is listed as threatened in the future, take shall be prohibited. If take cannot be avoided, the application shall be denied. <p>Mitigation Measure 3.5-2c: Conduct Preconstruction Nesting Raptor Surveys and Establish Protective Buffers</p> <p>As part of compliance with SWRCB Order WQ 2023-0102-DWQ (Attachment A, Section 1, General Requirements and Prohibitions – Term 4 and 10), the DCC shall require provisional licensees requesting to expand their sites prior to transitioning to annual licensure, new annual license applicants for commercial cannabis cultivation, and new annual license applicants for associated processing and distribution uses to demonstrate compliance with the following measures for the protection of nesting raptors (excluding burrowing owl and northern spotted owl) that have potential to be present on or adjacent the proposed commercial cannabis cultivation sites:</p> <ul style="list-style-type: none"> ▶ To minimize the potential for loss of nesting raptors, tree removal activities shall occur only during the nonbreeding season (September 1– January 31), if feasible. ▶ If removal of trees cannot be avoided during the breeding season, before removal of any trees or ground-disturbing activities between February 1 and August 31, a qualified biologist shall conduct preconstruction surveys for nesting raptors and shall identify active nests within a certain distance, depending on the species that are known or have potential to be present. For northern harrier, surveys shall occur at a minimum of 500 feet of the proposed development area or as recommended by CDFW. For northern goshawk and/or white-tailed kite, surveys shall occur at a | <p>Applicant for Annual Licensure, DCC, and CDFW</p> | <p>Prior to any construction activities and approval of any application, if required.</p> | |

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| | <p>minimum of 0.25 mile of the proposed development area or as recommended by CDFW. Additionally, for American peregrine falcon, bald eagle, and golden eagle, surveys shall occur at a minimum of 0.5 mile of the proposed development area or as recommended by CDFW. The surveys shall be conducted between February 1 and August 31.</p> <p>Impacts on nesting raptors, including direct impacts and indirect impacts (e.g., noise, presence of construction crews) shall be avoided by establishing appropriate buffers around active nest sites identified during preconstruction raptor surveys. Factors to be considered for determining buffer size shall include the presence of natural buffers provided by vegetation or topography, nest height, locations of foraging territory, and baseline levels of noise and human activity. Buffer size may be adjusted if the qualified biologist and the applicant, in consultation with CDFW, determine that such an adjustment would not be likely to adversely affect the nest. The buffer areas shall be protected with construction fencing, and no activity shall occur within the buffer areas until the qualified biologist has determined, in coordination with CDFW, that the young have fledged, the nest is no longer active, or reducing the buffer would not likely result in nest abandonment. Monitoring of the nest by a qualified biologist during and after construction activities (e.g., ground disturbance, vegetation removal, installation of commercial cannabis cultivation sites) shall be required if the activity has potential to adversely affect the nest.</p> <ul style="list-style-type: none"> ▶ Removal of bald and golden eagle nests is prohibited regardless of the occupancy status under the federal Bald and Golden Eagle Protection Act. If bald or golden eagle nests are found during preconstruction surveys, then the nest tree shall not be removed. | | | |

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| | <ul style="list-style-type: none"> ▶ To avoid the potential for loss of northern goshawk and their nests, or loss or fragmentation of occupied or habitat suitable for northern goshawk, removal of old-growth habitat shall be prohibited, as outlined in Mitigation Measure 3.5-4a. ▶ Trees shall not be removed during the breeding season for nesting raptors unless a survey by the qualified biologist verifies that there is not an active nest in the tree. <p>Mitigation Measure 3.5-2d: Conduct Take Avoidance Survey for Burrowing Owl, Implement Avoidance Measures, and Compensate for Loss of Occupied Burrows</p> <p>As part of compliance with SWRCB Order WQ 2023-0102-DWQ (Attachment A, Section 1, General Requirements and Prohibitions – Term 4 and 10), the DCC shall require provisional licensees requesting to expand their sites prior to transitioning to annual licensure, new annual license applicants for commercial cannabis cultivation, and new annual license applicants for associated processing and distribution uses to demonstrate compliance with the following measures for the protection of burrowing owl that have potential to be present on or adjacent the proposed commercial cannabis cultivation sites:</p> <ul style="list-style-type: none"> ▶ A qualified biologist shall conduct a focused survey for burrowing owls in areas of habitat suitable for the species (e.g., grasslands, agricultural areas) on and within a minimum of 1,640 feet (500 meters) of the commercial cannabis cultivation site no less than 14 days before initiating ground disturbance activities using survey methods described in Appendix D of the Staff Report on Burrowing Owl Mitigation (CDFG 2012) or as recommended by CDFW. ▶ If no occupied burrows are found, the qualified biologist shall submit a report documenting the | <p>Applicant for Annual Licensure, DCC, and CDFW</p> | <p>Prior to any construction activities and approval of any application, if required.</p> | |

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| | <p>survey methods and results to the applicant and CDFW, and no further mitigation shall be required.</p> <ul style="list-style-type: none"> ▶ If an active burrow is found within a minimum of 1,640 feet of ground-disturbing activities (or as recommended by CDFW) that would occur during the nonbreeding season (September 1 through January 31), the applicant shall establish and maintain a minimum protection buffer of 164 feet (50 meters) around the occupied burrow throughout construction. The actual buffer size shall be determined by the qualified biologist based on the time of year and level of disturbance in accordance with guidance provided in the Staff Report on Burrowing Owl Mitigation (CDFG 2012). The protection buffer shall be adjusted if, during consultation with CDFW, a qualified biologist determines that an alternative buffer would not disturb burrowing owl use of the burrow because of particular site features or other buffering measures. ▶ If an active burrow is found during the breeding season (February 1 through August 31), occupied burrows shall not be disturbed and shall be provided with a protective buffer at a minimum of 164 feet unless a qualified biologist verifies through noninvasive means that either (1) the birds have not begun egg laying or (2) juveniles from the occupied burrows are foraging independently and are capable of independent survival. There is an option for the size of the buffer to be adjusted depending on the time of year and level of disturbance as outlined in the burrowing owl staff report. The size of the buffer shall be reduced if a broad-scale, long-term monitoring program acceptable to CDFW is implemented so that burrowing owls are not adversely affected. | | | |

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| | <p>Mitigation Measure 3.5-2e: Conduct Northern Spotted Owl Preconstruction Habitat Suitability Surveys and Determine Presence or Absence of the Species</p> <p>As part of compliance with SWRCB Order WQ 2023-0102-DWQ (Attachment A, Section 1, General Requirements and Prohibitions – Term 4 and 10), the DCC shall require provisional licensees requesting to expand their sites prior to transitioning to annual licensure, new annual license applicants for commercial cannabis cultivation, and new annual license applicants for associated processing and distribution uses to demonstrate compliance with the following measures for the protection of northern spotted owl from proposed commercial cannabis cultivation sites:</p> <ul style="list-style-type: none"> ▶ To avoid the potential for loss of northern spotted owl and their nests, or loss or fragmentation of occupied or habitat suitable for northern spotted owl, removal of old-growth habitat shall be prohibited, as outlined in Mitigation Measure 3.5-4. ▶ If the area of proposed new development activities is within habitat suitable for northern spotted owl (e.g., mature forest), and a qualified biologist determines it is within a minimum of 1.3 miles (average species home range) of a known occurrence of northern spotted owl, or as recommended by CDFW, the following measures shall be followed: <ul style="list-style-type: none"> – Before removal of any trees or ground-disturbing activities adjacent or in nesting, roosting, or foraging habitat (e.g., forest clearings) for spotted owl, a qualified biologist familiar with the species and protocol, shall conduct preconstruction surveys for nests within a minimum 1.3-mile buffer around the site as described in <i>Protocol for Surveying Proposed Management Activities That May</i> | <p>Applicant for Annual Licensure, DCC, and CDFW</p> | <p>Prior to any construction activities and approval of any application, if required.</p> | |

| Impact | Mitigation Measures | Implementation Responsibility | Timing | Verification |
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| | <p><i>Impact Northern Spotted Owls</i> (USFWS 2012) and the 2019 revision to <i>Northern Spotted Owl Take Avoidance Analysis and Guidance for Private Lands in California</i> (USFWS 2019) or as recommended by CDFW. Surveys shall take place between March 1 and August 31. Three complete surveys spaced at least 7 days apart must be completed by June 30. Six complete surveys over the course of 2 years must be completed to determine the presence or absence of northern spotted owl.</p> <ul style="list-style-type: none"> - If northern spotted owls are determined to be absent at a minimum of 1.3 miles from the site or as recommended by CDFW, then further mitigation is not required. - If northern spotted owls are determined to be present within a minimum of 1.3 miles of the site or as recommended by CDFW, then it is presumed that habitat removal, loud noises, or visual stimuli could cause disturbance and harm to northern spotted owls in the area and could result in direct take of northern spotted owls. If northern spotted owls are determined to be present within a minimum of 1.3 miles of the site or as recommended by CDFW, proposed commercial cannabis cultivation activities shall not be permitted. <p>Mitigation Measure 3.5-2f: Conduct Preconstruction Special-Status Nesting Bird Surveys and Establish Protective Buffers</p> <p>As part of compliance with SWRCB Order WQ 2023-0102-DWQ (Attachment A, Section 1, General Requirements and Prohibitions – Term 4 and 10), the DCC shall require provisional licensees requesting to expand their sites prior to transitioning to annual licensure, new annual license applicants for commercial cannabis cultivation, and new annual license applicants for associated processing and</p> | <p>Applicant for Annual Licensure, DCC, and CDFW</p> | <p>Prior to any construction activities and approval of any application, if required.</p> | |

| Impact | Mitigation Measures | Implementation Responsibility | Timing | Verification |
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| | <p>distribution uses to demonstrate compliance with the following measures for the protection of grasshopper sparrow, little willow flycatcher, olive-sided flycatcher, purple martin, tricolored blackbird, western yellow-billed cuckoo, yellow warbler, yellow-breasted chat, or other bird nests from proposed commercial cannabis cultivation sites:</p> <ul style="list-style-type: none"> ▶ To minimize the potential for disturbance to or loss of grasshopper sparrow, little willow flycatcher, olive-sided flycatcher, purple martin, tricolored blackbird, western yellow-billed cuckoo, yellow warbler, yellow-breasted chat, or other bird nests, vegetation removal activities shall occur only during the nonbreeding season (September 1–January 31). ▶ If little willow flycatcher is detected during the initial biological survey (see Mitigation Measure 3.5-1a) or is determined to be likely to occur based on the presence of suitable habitat, a protocol-level survey shall be conducted by a qualified biologist familiar with the species and the protocol before removal of any vegetation or any ground disturbance. The protocol-level survey shall include methods outlined in A Willow Flycatcher Survey Protocol for California (Bombay et al. 2003). ▶ If little willow flycatcher is determined to be present during the protocol-level survey, no development activity shall occur during the breeding season (May 1 through August 31) in and within a minimum of 300 feet of the little willow flycatcher habitat, or as recommended by CDFW. Development activities in or adjacent to identified little willow flycatcher habitat shall not damage or destroy willows or other riparian shrubs unless agreed upon through consultation with CDFW. | | | |

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| | <p>▶ If grasshopper sparrow, olive-sided flycatcher, purple martin, tricolored blackbird, western yellow-billed cuckoo, yellow warbler, yellow-breasted chat, or other bird nests are detected during the initial biological survey (see Mitigation Measure 3.5-1a) or are determined to be likely to occur based on the presence of suitable habitat, before removal of any vegetation or any ground disturbance between February 1 and August 31, a qualified biologist shall conduct preconstruction surveys for nests on any structure or vegetation planned for removal, as well as nests located within a 100-foot buffer around the site or as recommended by CDFW. The surveys shall be conducted no more than 7 days before construction commences. If no active nests are found during focused surveys, no further action under this measure shall be required. If active nests are located during the preconstruction surveys, the biologist shall notify CDFW. If deemed necessary by CDFW, modifications to the project design to avoid removal of occupied habitat while still achieving project objectives may be required. If DCC determines in consultation with CDFW that avoidance is not feasible or conflicts with project objectives, construction shall be prohibited within a minimum of 100 feet of the nest to avoid disturbance, depending on the species identified, until the nest is no longer active. Final avoidance buffer size shall be determined by a qualified biologist in consultation with CDFW.</p> <p>Mitigation Measure 3.5-2g: Conduct Marbled Murrelet Preconstruction Habitat Suitability Surveys and Determine Presence or Absence of the Species As part of compliance with SWRCB Order WQ 2023-0102-DWQ (Attachment A, Section 1, General Requirements and Prohibitions – Term 4 and 10), the</p> | <p>Applicant for Annual Licensure, DCC, and CDFW</p> | <p>Prior to any construction activities and approval of any application, if required.</p> | |

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| | <p>DCC shall require provisional licensees requesting to expand their sites prior to transitioning to annual licensure, new annual license applicants for commercial cannabis cultivation, and new annual license applicants for associated processing and distribution uses to demonstrate compliance with the following measures for the protection of marbled murrelet from proposed commercial cannabis cultivation sites:</p> <ul style="list-style-type: none"> ▶ To avoid the potential for loss of marbled murrelet and their nests, or loss or fragmentation of occupied or habitat suitable for marbled murrelet, removal of old-growth habitat shall be prohibited, as outlined in Mitigation Measure 3.5-4a. ▶ If the area of proposed new development activities is in or adjacent to habitat suitable for marbled murrelet (e.g., coniferous forest), as determined by a qualified biologist, the following measures shall be followed: <ul style="list-style-type: none"> - Before removal of any trees or ground-disturbing activities adjacent to or in habitat suitable for marbled murrelet between April 15 and August 5, a qualified biologist familiar with the life history of the marbled murrelet shall conduct preconstruction surveys for nests within a 0.25-mile buffer around the site as described in Methods for Surveying Marbled Murrelets in Forests: A Revised Protocol for Land Management and Research (Evans Mack et al. 2003) or as recommended by CDFW. - If marbled murrelets are determined to be absent at a minimum of 0.25 mile from the site or as recommended by CDFW, then further mitigation is not required. ▶ If marbled murrelets are determined to be present on the site, a 0.25-mile buffer shall be established around occupied nest sites or a buffer as | | | |

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| | <p>recommended by CDFW. No project activity may occur within the 0.25-mile buffer area or other recommended buffer by CDFW until the end of marbled murrelet breeding season (August 6). The nest tree and any adjacent trees that provide screening or canopy cover to the nest shall be retained regardless of the diameter of the tree.</p> <p>Mitigation Measure 3.5-2h: Conduct Crotch Bumble Bee and Western Bumble Bee Preconstruction Habitat Suitability Surveys and Focused Surveys</p> <p>As part of compliance with SWRCB Order WQ 2023-0102-DWQ (Attachment A, Section 1, General Requirements and Prohibitions – Term 4 and 10), the DCC shall require provisional licensees requesting to expand their sites prior to transitioning to annual licensure, new annual license applicants for commercial cannabis cultivation, and new annual license applicants for associated processing and distribution uses to demonstrate compliance with the following measures for the protection of Crotch bumble bee and western bumble bee from proposed commercial cannabis cultivation sites:</p> <ul style="list-style-type: none"> ▶ Before implementation of ground-disturbing activities, a qualified biologist shall conduct a habitat assessment for Crotch bumble bee and western bumble bee following the guidance in the Survey Considerations for California Endangered Species Act (CESA) Candidate Bumble Bee Species (CDFW 2023). Results of the habitat assessment shall be submitted to the applicant, DCC, and CDFW before initiating ground-disturbing activities. If the area of proposed new development activities contains habitat suitable for Crotch bumble bee or western bumble bee (e.g., nesting habitat, foraging habitat), the following measures shall be followed: <ul style="list-style-type: none"> - To avoid impacts on Crotch bumble bee and western bumble bee, cannabis-related | <p>Applicant for Annual Licensure, DCC, and CDFW</p> | <p>Prior to any construction activities and approval of any application, if required.</p> | |

| Impact | Mitigation Measures | Implementation Responsibility | Timing | Verification |
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| | <p>development activities shall not occur in habitats suitable for these species from April through September (i.e., flight season) if feasible.</p> <ul style="list-style-type: none"> - Focused surveys for Crotch bumble bees and western bumble bees shall be conducted following the guidance in the Survey Considerations for California Endangered Species Act (CESA) Candidate Bumble Bee Species (CDFW 2023). Crotch bumble bee and western bumble bee presence may also be assumed. If Crotch bumble bees or western bumble bees are detected during focused surveys or presence is assumed, the following measure shall be implemented: <ul style="list-style-type: none"> ▪ If Crotch bumble bees or western bumble bees are detected during review and surveys or presence is assumed, the qualified biologist shall contact CDFW for coordination regarding avoidance and mitigation. Avoidance and mitigation measures may include seasonal avoidance or physical avoidance of nest or overwintering sites. <p>Mitigation Measure 3.5-2i: Avoid Overwintering Monarch Habitat and Conduct Preconstruction Monarch Survey As part of compliance with SWRCB Order WQ 2023-0102-DWQ (Attachment A, Section 1, General Requirements and Prohibitions – Term 4 and 10), the DCC shall require provisional licensees requesting to expand their sites prior to transitioning to annual licensure, new annual license applicants for commercial cannabis cultivation, and new annual license applicants for associated processing and distribution uses to demonstrate compliance with the following measures for the protection of the monarch from proposed commercial cannabis cultivation sites:</p> | <p>Applicant for Annual Licensure and DCC</p> | <p>Prior to any construction activities and approval of any application, if required.</p> | |

| Impact | Mitigation Measures | Implementation Responsibility | Timing | Verification |
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| | <ul style="list-style-type: none"> ▶ To avoid impacts on monarch butterfly, new development related to cannabis activities shall not occur in overwintering sites identified by Xerces (2023). ▶ No more than 14 days before implementing project activities that would result in ground disturbance or vegetation removal during the time when milkweed plants could host monarch eggs or caterpillars (approximately mid-March through late September), a qualified biologist shall conduct focused surveys for milkweed plant and inspect these plants for monarch eggs, larvae (i.e., caterpillars), and pupae. If monarch eggs, caterpillars, or pupae are found, the host plants shall be avoided until metamorphosis is completed and adult butterflies emerge and leave the host plant. If no eggs or caterpillars are detected, no additional protection measures are necessary. <p>Mitigation Measure 3.5-2j: Conduct Preconstruction American Badger Survey and Establish Protective Buffers</p> <p>As part of compliance with SWRCB Order WQ 2023-0102-DWQ (Attachment A, Section 1, General Requirements and Prohibitions – Term 4 and 10), the DCC shall require provisional licensees requesting to expand their sites prior to transitioning to annual licensure, new annual license applicants for commercial cannabis cultivation, and new annual license applicants for associated processing and distribution uses to demonstrate compliance with the following measures for the protection of the American badger from proposed commercial cannabis cultivation sites:</p> <ul style="list-style-type: none"> ▶ Before the commencement of construction activities, a qualified wildlife biologist shall conduct surveys of the grassland or agricultural habitats slated for conversion or disturbance on the site to identify any American badger burrows/dens. | <p>Applicant for Annual Licensure, DCC, and CDFW</p> | <p>Prior to any construction activities and approval of any application, if required.</p> | |

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| | <p>These surveys shall be conducted no more than 30 days before the start of construction.</p> <ul style="list-style-type: none"> ▶ If occupied American badger burrows are not found, further mitigation shall not be required. ▶ If occupied American badger burrows are found, impacts on active badger dens shall be avoided through an exclusion zone around all active dens, the size and shape of which shall be established by a qualified biologist, in consultation with CDFW. Within the exclusion zone, all project activities shall be prohibited until denning activities are complete or the den is abandoned. The qualified biologist shall monitor each den once per week to track the status of the den and to determine when it is no longer occupied. <p>Mitigation Measure 3.5-2k: Conduct Preconstruction Fisher Survey and Preserve Active Den Sites and Associated Habitats</p> <p>As part of compliance with SWRCB Order WQ 2023-0102-DWQ (Attachment A, Section 1, General Requirements and Prohibitions – Term 4 and 10), the DCC shall require provisional licensees requesting to expand their sites prior to transitioning to annual licensure, new annual license applicants for commercial cannabis cultivation, and new annual license applicants for associated processing and distribution uses to demonstrate compliance with the following measures for the protection of the fisher from proposed commercial cannabis cultivation sites:</p> <ul style="list-style-type: none"> ▶ To minimize the potential for loss of or disturbance to fisher habitat and dens, removal of old-growth habitat shall be prohibited, as outlined in Mitigation Measure 3.5-4. Habitat features within non-old-growth habitat, such as large trees, large snags, coarse woody debris, and understory vegetation (e.g., shrubs), in sites that overlap the range of fisher shall be retained on the site to the | <p>Applicant for Annual Licensure, DCC, and CDFW</p> | <p>Prior to any construction activities and approval of any application, if required.</p> | |

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| | <p>extent feasible, to maintain connectivity of fisher habitat.</p> <ul style="list-style-type: none"> ▶ Before commencement of new development related to cannabis activities occurring during the fisher denning season (March 1 to July 31), including tree removal (non-old-growth), a qualified wildlife biologist shall conduct preconstruction surveys of all suitable habitat on the site and shall identify sightings of individual fishers, as well as potential dens. ▶ If individuals or potential or occupied dens are not found, further mitigation shall not be required. ▶ If fishers are identified or if potential dens of this species are located, an appropriate method shall be used by the qualified wildlife biologist to confirm whether a fisher is occupying the den. This may involve use of remote field cameras, track plates, or hair snares. Other devices, such as a fiber optic scope, may be used to determine occupancy. If no fisher occupies the potential den, the entrance shall be temporarily blocked so that no other animals occupy the area during ground disturbance, vegetation removal, or installation of commercial cannabis cultivation sites, but only after it has been fully inspected. The blockage shall be removed after these activities have been completed. ▶ If a den is found to be occupied by a fisher, a no-disturbance buffer shall be placed around the occupied den location. The no-disturbance buffer shall include the den tree (or other structure) plus a suitable buffer as determined by the biologist in coordination with CDFW. Construction activities in the no-disturbance buffer shall be avoided until the nest is unoccupied as determined by a qualified wildlife biologist in coordination with CDFW. | | | |

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| | <p>Mitigation Measure 3.5-21: Conduct Preconstruction Surveys for Ringtail and Implement Avoidance Measures</p> <p>As part of compliance with SWRCB Order WQ 2023-0102-DWQ (Attachment A, Section 1, General Requirements and Prohibitions – Term 4 and 10), the DCC shall require provisional licensees requesting to expand their sites prior to transitioning to annual licensure, new annual license applicants for commercial cannabis cultivation, and new annual license applicants for associated processing and distribution uses to demonstrate compliance with the following measures for the protection of the ringtail from proposed commercial cannabis cultivation sites:</p> <ul style="list-style-type: none"> ▶ Before commencement of new development related to cannabis activities occurring during the ringtail nesting season (not well defined but likely approximately March 1 to July 31), including tree or shrub removal, a qualified wildlife biologist shall conduct preconstruction surveys of all habitat suitable for ringtail on the site and shall identify sightings of individual ringtails, as well as potential dens. ▶ If individuals or potential or occupied dens are not found, further mitigation shall not be required. ▶ If ringtails are detected or if potential dens of this species are located, an appropriate method shall be used by the qualified wildlife biologist to confirm whether a ringtail is occupying the den. This may involve use of remote field cameras, track plates, or hair snares. Other devices, such as a fiber optic scope, may be used to determine occupancy. If no ringtail occupies the potential den, the entrance shall be temporarily blocked so that no other animals occupy the area during ground disturbance, vegetation removal, or installation of commercial cannabis cultivation sites, but only after it has been fully inspected. | <p>Applicant for Annual Licensure, DCC, and CDFW</p> | <p>Prior to any construction activities and approval of any application, if required.</p> | |

| Impact | Mitigation Measures | Implementation Responsibility | Timing | Verification |
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| | <p>The blockage shall be removed after these activities have been completed.</p> <ul style="list-style-type: none"> ▶ If a den is found to be occupied by a ringtail, a no-disturbance buffer shall be placed around the occupied den location. The no-disturbance buffer shall include the den tree (or other structure) plus a buffer the size of which shall be determined by the biologist in coordination with CDFW to prevent disturbance and abandonment. Construction activities in the no-disturbance buffer shall be avoided until the den is unoccupied as determined by a qualified wildlife biologist in coordination with CDFW. <p>Mitigation Measure 3.5-2m: Conduct Preconstruction Bat Surveys and Establish Protective Buffers</p> <p>As part of compliance with SWRCB Order WQ 2023-0102-DWQ (Attachment A, Section 1, General Requirements and Prohibitions – Term 4 and 10), the DCC shall require provisional licensees requesting to expand their sites prior to transitioning to annual licensure, new annual license applicants for commercial cannabis cultivation, and new annual license applicants for associated processing and distribution uses to demonstrate compliance with the following measures for the protection of the pallid bat, Townsend’s big-eared bat, and western red bat from proposed commercial cannabis cultivation sites:</p> <ul style="list-style-type: none"> ▶ Before commencing any development related to cannabis activities, a qualified biologist shall conduct surveys for roosting bats. If evidence of bat use is observed, the species and number of bats using the roost shall be determined. Bat detectors may be used to supplement survey efforts. If no evidence of bat roosts is found, then no further study shall be required. ▶ If pallid bats, Townsend’s big-eared bats, or western red bats are detected during the surveys, | <p>Applicant for Annual Licensure, DCC, and CDFW</p> | <p>Prior to any construction activities and approval of any application, if required.</p> | |

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| | <p>a program addressing mitigation for the specific occurrence shall be submitted to CDFW by the qualified biologist subject to the review and approval of CDFW. Implementation of the mitigation plan shall be a condition of project approval. The mitigation plan shall establish a buffer area around the roost during hibernation or while females in maternity colonies are nursing young that is large enough to prevent disturbance to the colonies.</p> <p>Mitigation Measure 3.5-2n: Conduct Preconstruction Point Area Mountain Beaver Surveys and Avoid Active Burrows</p> <p>As part of compliance with SWRCB Order WQ 2023-0102-DWQ (Attachment A, Section 1, General Requirements and Prohibitions – Term 4 and 10), the DCC shall require provisional licensees requesting to expand their sites prior to transitioning to annual licensure, new annual license applicants for commercial cannabis cultivation, and new annual license applicants for associated processing and distribution uses to demonstrate compliance with the following measures for the protection of the Point Arena mountain beaver from proposed commercial cannabis cultivation sites:</p> <ul style="list-style-type: none"> ▶ To avoid impacts on Point Arena mountain beaver, focused surveys (i.e., burrow searches) for the species shall be conducted by a qualified biologist before new development related to cannabis activities within a minimum of 200 feet of aquatic habitat (e.g., near creeks and drainages) in coastal habitats in Point Arena, the immediate area surrounding Point Arena, and up to approximately 5 miles inland of Point Arena or as recommended by CDFW. ▶ If an active Point Arena mountain beaver burrow is not detected during focused surveys, then | <p>Applicant for Annual Licensure, DCC, and CDFW</p> | <p>Prior to any construction activities and approval of any application, as well as during operation of commercial cannabis cultivation sites.</p> | |

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| | <p>further mitigation for the species shall not be required.</p> <ul style="list-style-type: none"> ▶ If an active Point Arena mountain beaver burrow is identified by a qualified biologist, a no-disturbance buffer of at least 250 feet shall be established around the burrow, or as recommended by CDFW, and no project related activities shall occur within this buffer. <p>Mitigation Measure 3.5-2o: Conduct Preconstruction Sonoma Tree Vole Surveys and Relocate Individuals</p> <p>As part of compliance with SWRCB Order WQ 2023-0102-DWQ (Attachment A, Section 1, General Requirements and Prohibitions – Term 4 and 10), the DCC shall require provisional licensees requesting to expand their sites prior to transitioning to annual licensure, new annual license applicants for commercial cannabis cultivation, and new annual license applicants for associated processing and distribution uses to demonstrate compliance with the following measures for the protection of the Sonoma tree vole from proposed commercial cannabis cultivation sites:</p> <ul style="list-style-type: none"> ▶ To minimize the potential for loss of or disturbance to Sonoma tree vole habitat and nests, removal of old-growth habitat shall be prohibited, as outlined in Mitigation Measure 3.5-4a. ▶ Before commencing any tree or other vegetation removal activities or ground disturbance, a qualified biologist shall conduct surveys for Sonoma tree vole nests (e.g., searching for nests in trees on the site and confirming that nests belong to voles rather than squirrels or birds). If no evidence of Sonoma tree vole nests is found, then no further mitigation for the species shall be required. ▶ If occupied trees or nests are identified within a minimum of 100 feet of the site or as | <p>Applicant for Annual Licensure, DCC, and CDFW</p> | <p>Prior to any construction activities and approval of any application.</p> | |

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| | <p>recommended by CDFW, the qualified biologist shall determine whether project development activities shall adversely affect the voles, based on factors such as noise level of development activities or line of sight between the tree and the disturbance source. If it is determined that development activities would not affect the voles, then development can proceed without protective measures.</p> <ul style="list-style-type: none"> ▶ If the biologist determines that development activities would likely disturb Sonoma tree voles, the proposed area of disturbance shall be relocated a minimum of 200 feet from the nest or as recommended by CDFW. <p>Mitigation Measure 3.5-2p: Implement Generator Noise Reduction Measures</p> <p>As part of compliance with SWRCB Order WQ 2023-0102-DWQ (Attachment A, Section 1, General Requirements and Prohibitions – Term 4 and 10), the DCC shall require provisional licensees requesting to expand their sites prior to transitioning to annual licensure, new annual license applicants for commercial cannabis cultivation, and new annual license applicants for associated processing and distribution uses who wish to use a generator to comply with the following performance standards for generator noise levels to protect wildlife (USFWS 2020):</p> <ul style="list-style-type: none"> ▶ The operation of generators at full operational speed shall meet the noise level standards as set forth in the MCCR and the Mendocino County General Plan policies DE100, 101, and 103. Conformance with these standards shall be confirmed by an acoustical engineer or some other mechanism or device acceptable to Mendocino County. All generators shall be, at a minimum, equipped with the manufacturer’s specified muffler. Additional measures for noise | <p>Applicant for Annual Licensure and DCC</p> | <p>During construction activities, if required.</p> | |

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| | <p>attenuation may include additional muffler features or a structure to enclose the generator designed for sound suppression (MCCR section 10A.17.070(F)(1)). The following additional noise performance standards shall apply to generator use for sites within 0.25 mile of habitat determined to be suitable for northern spotted owl or marbled murrelet by a qualified biologist:</p> <ul style="list-style-type: none"> - Project-generated sound must not exceed ambient nesting conditions by 20–25 dBA. - Project-generated sound, when added to existing ambient conditions, must not exceed 90 A-weighted decibels (dBA). <p>Time of day adjustment: Marbled murrelet and northern spotted owl are most active during dawn and dusk. Within approximately 2 hours of sunrise and sunset, ambient sound levels are lower than during the middle of the day (by approximately 5–10 decibels). This shall be accounted for when determining impacts of project-generated sound.</p> | | | |
| <p>Impact 3.5-4: Result in Disturbance to or Loss of Sensitive Natural Communities, Riparian Habitat, Old-Growth Habitat, or Other Sensitive Habitats</p> | <p>Mitigation Measure 3.5-4: Identify, Avoid, and Protect Sensitive Natural Communities, Riparian Habitat, and Wetland Vegetation or Provide Compensation</p> <p>As part of compliance with SWRCB Order WQ 2023-0102-DWQ (Attachment A, Section 1, General Requirements and Prohibitions –Term 10 and 37), the DCC shall require provisional licensees requesting to expand their sites to comply with a new license type that allows for a future new larger cannabis cultivation area prior to transitioning to annual licensure, new annual license applicants for commercial cannabis cultivation, and new annual license applicants for associated processing and distribution uses to demonstrate compliance with the following measures for the protection of sensitive natural communities, riparian habitat, old-growth habitat, and other sensitive habitats from proposed commercial cannabis</p> | <p>Applicant for Annual Licensure, DCC, and CDFW</p> | <p>This mitigation measure will be applied prior to approval of any application and during construction and operation of commercial cannabis cultivation sites.</p> | |

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| | <p>cultivation sites. This mitigation measure does not apply to cannabis cultivation operations on licensed sites that existed prior to August 2, 2023.</p> <ul style="list-style-type: none"> ▶ For new commercial cannabis cultivation uses that could disturb sensitive natural communities or riparian habitat, the application shall include a report prepared by a qualified biologist that summarizes the potential presence of any of these sensitive resources as identified during the biological survey conducted under Mitigation Measure 3.5-1a, including riparian habitat associated with aquatic features, old-growth forests, oak woodlands, special-status fish stream habitats, and sensitive natural communities. Further, the qualified biologist shall perform a protocol-level survey following the CDFW <i>Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities</i> (current version dated March 20, 2018) of the site before the start of new development related to cannabis activities. Sensitive natural communities shall be identified using the best means possible, including keying them out using the most current edition of <i>A Manual of California Vegetation</i> (including updated natural communities data at http://vegetation.cnps.org/) or referring to relevant reports (e.g., reports found on the VegCAMP website). ▶ The report shall include the requirements that all sensitive areas identified above shall be flagged or fenced with brightly visible construction flagging and/or fencing under the direction of the qualified biologist before development activities begin and that grading, excavation, other ground-disturbing activities, and vegetation removal shall not occur in these areas during development activities. Foot traffic by construction personnel shall also be limited in these areas to prevent the introduction | | | |

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| | <p>of invasive or weedy species. Periodic inspections during construction shall be conducted by the monitoring biologist to maintain the integrity of exclusion fencing/flagging throughout the period of construction involving ground disturbance.</p> <ul style="list-style-type: none"> ▶ If the report documents that site development would affect the bed, bank, channel, or associated riparian habitat subject to CDFW jurisdiction under Fish and Game Code section 1602, a Streambed Alteration Notification shall be submitted to CDFW, pursuant to section 1600 et seq. of the Fish and Game Code. If proposed activities are determined to be subject to CDFW jurisdiction, the applicant shall abide by the conditions of any executed agreement before any ground disturbance. ▶ Old-growth habitat identified shall be avoided. Applications proposing to alter old-growth habitat shall be denied. "Old-growth habitat alteration" is defined as any tree removal, change in canopy cover, removal of understory vegetation, or impact on the root systems of a tree within old-growth habitat. ▶ MCCR section 10A.17.040(K) prohibits the removal of any commercial tree species, as defined by CCR, title 14, section 895.1, including the removal of any true oak species (<i>Quercus</i> spp.) or tan oak for the purpose of developing a commercial cannabis cultivation site. This section prohibits the removal of certain tree species that may occur in sensitive natural communities found in Mendocino County. Compliance with this requirement in the form of a memo or report shall be provided to DCC. ▶ In consultation with DCC and CDFW, applicants shall compensate for permanent loss of riparian habitat at a minimum of a 2:1 ratio through contributions to a CDFW-approved wetland mitigation bank or through the development and | | | |

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| | <p>implementation of a Compensatory Stream and Riparian Mitigation and Monitoring Plan for creating or restoring in-kind habitat in the surrounding area. If mitigation credits are not available, stream and riparian habitat compensation shall include establishment of riparian vegetation on currently unvegetated bank portions of streams affected by the project and enhancement of riparian habitat through removal of nonnative species, where appropriate, and planting of additional native riparian plants to increase the cover, continuity, and width of the riparian corridor along streams in the site and surrounding areas. Construction activities and compensatory mitigation shall be conducted in accordance with the terms of a streambed alteration agreement, as required under section 1602 of the Fish and Game Code, as well as SWRCB Order WQ 2023-0102-DWQ.</p> <ul style="list-style-type: none"> ▶ The Compensatory Stream and Riparian Mitigation and Monitoring Plan shall identify: <ul style="list-style-type: none"> - Compensatory mitigation sites and criteria for selecting these mitigation sites; - In-kind reference habitats for comparison with compensatory riparian habitats (using performance and success criteria) to document success; - Monitoring protocol, including schedule and annual report requirements (compensatory habitat shall be monitored for a minimum of 5 years from completion of mitigation, or human intervention (including recontouring and grading), or until the success criteria identified in the approved mitigation plan have been met, whichever is longer); - Ecological performance standards, based on the best available science and including specifications for native riparian plant | | | |

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| | <p>densities, species composition, amount of dead woody vegetation gaps and bare ground, and survivorship; at a minimum, compensatory mitigation planting sites must achieve 80-percent survival of planted riparian trees and shrubs by the end of the 5-year maintenance and monitoring period, or dead and dying trees shall be replaced and monitoring continued until 80-percent survivorship is achieved;</p> <ul style="list-style-type: none"> - Corrective measures if performance standards are not met; - Responsible parties for monitoring and preparing reports; and - Responsible parties for receiving and reviewing reports and for verifying success or prescribing implementation or corrective actions. | | | |
| <p>Impact 3.5-5: Result in Disturbance to or Loss of State or Federally Protected Wetlands</p> | <p>Mitigation Measure 3.5-5: Identify State or Federally Protected Wetlands and Avoid These Features</p> <p>As part of compliance with SWRCB Order WQ 2023-0102-DWQ (Attachment A, Section 1, General Requirements and Prohibitions – Term 1, 10, and 37), the DCC shall require provisional licensees who propose to expand their cultivation activities prior to their transition to annual licensure, new annual license applicants for commercial cannabis cultivation, and new annual license applicants for associated processing and distribution uses to demonstrate compliance with the following measures for the protection of state and federally protected wetlands from proposed commercial cannabis cultivation sites:</p> <p>This mitigation measure does not apply to cannabis cultivation operations on licensed sites that existed prior to August 2, 2023:</p> <ul style="list-style-type: none"> ▶ The application shall include a report prepared by a qualified biologist that includes a summary of sensitive resources, including wetlands, streams, | <p>Applicant for Annual Licensure, DCC, CDFW, and North Coast RWRCB</p> | <p>This mitigation measure will be applied prior to approval of any application and during operation of commercial cannabis cultivation sites.</p> | |

| Impact | Mitigation Measures | Implementation Responsibility | Timing | Verification |
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| | <p>and rivers, that were identified during the biological survey conducted under Mitigation Measure 3.5-1a. State and federally protected wetlands are of special concern to resource agencies and are afforded specific consideration, based on section 404 and section 401 of the CWA, the Porter-Cologne Water Quality Control Act, and other applicable regulations.</p> <ul style="list-style-type: none"> ▶ If the report documents that state or federally protected wetlands are present, a delineation of these resources, including wetlands that would be affected by the project, shall be prepared by a qualified biologist. The delineation shall be submitted to DCC and the North Coast RWQCB. ▶ If, based on the verified delineation, it is determined that fill of any state or federally protected wetlands would result from implementation of the project, then the applicant shall modify the proposed project to avoid these resources by providing a buffer of at least 100 feet around these features. Depending on site features, a buffer of greater than 100 feet may be required. Buffer size shall be determined in consultation with CDFW and the North Coast RWQCB. ▶ Commercial cannabis cultivation activities would be subject to Term 3 of Attachment A (Section 1, General Requirements and Prohibitions) of SWRCB Order WQ 2023-0102-DWQ, which requires operations to comply with Fish and Game Code section 1602. When commercial cannabis cultivation activities would affect the bed, bank, channel, or associated riparian habitat subject to CDFW jurisdiction under Fish and Game Code section 1602, a Streambed Alteration Notification shall be submitted to CDFW, pursuant to section 1600 et seq. of the Fish and Game Code. If proposed activities are determined to be subject to | | | |

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| | <p>CDFW jurisdiction, the applicant shall abide by the conditions of any executed agreement before any ground disturbance in areas under section 1600 et seq. jurisdiction.</p> | | | |
| <p>Impact 3.5-6: Interfere with Resident or Migratory Wildlife Corridors or Native Wildlife Nursery Sites</p> | <p>Mitigation Measure 3.5-6a: Implement Mitigation Measure 3.5-5: Identify State or Federally Protected Wetlands and Avoid These Features</p> <p>Mitigation Measure 3.5-6b: Implement Mitigation Measure 3.5-2k: Conduct Preconstruction Fisher Survey and Preserve Active Den Sites and Associated Habitats and 3.5.4: Identify, Avoid, and Protect Sensitive Natural Communities, Riparian Habitat, and Wetland Vegetation or Provide Compensation</p> | <p>Applicant for Annual Licensure and DCC</p> <p>Applicant for Annual Licensure and DCC</p> | <p>This mitigation measure will be applied prior to construction activities and approval of any application, as well as during operation of commercial cannabis cultivation sites.</p> <p>This mitigation measure will be applied prior to construction activities and approval of any application, as well as during operation of commercial cannabis cultivation sites.</p> | |
| <p>Greenhouse Gas Emissions and Climate Change</p> | | | | |
| <p>Impact 3.8-1: Conflict with an Applicable Plan, Policy, or Regulation Adopted for the Purpose of Reducing the Emissions of Greenhouse Gases</p> | <p>Mitigation Measure 3.8-1: Implement On-Site Project Design Features to Demonstrate the Fair Share in Meeting the State’s Long-Term GHG Reduction Targets DCC shall require provisional licensees who propose to expand their cultivation activities prior to their transition to annual licensure, new annual license applicants for commercial cannabis cultivation, and new annual license applicants for associated processing and distribution uses to apply these requirements. This mitigation measure does not apply to cannabis cultivation operations on licensed sites that existed prior to August 2, 2023:</p> | <p>Applicant for Annual Licensure and DCC</p> | <p>This mitigation measure will be applied during operation of to commercial cannabis cultivation sites.</p> | |

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| | <ul style="list-style-type: none"> ▶ Prohibit on-site natural gas or propane use when access to the electric grid or adequate solar power generation for the cannabis cultivation site operation is available. ▶ Implement Tier 2 requirements of the CALGreen Code’s EV charging standards. ▶ If the aforementioned project design features cannot be feasibly incorporated into the project’s design, include other relevant project design characteristics. Examples of measures that could be applied to individual commercial cannabis cultivation sites include, but are not limited to the following: <ul style="list-style-type: none"> - exceeding the requirements of the most recent version of Part 6 of the Title 24 California Building Code (California Energy Code), - using low-flow appliances, - using Energy Star appliances, and - implementing zero net energy buildings. | | | |
| Noise and Vibration | | | | |
| <p>Impact 3.12-2: Create Substantial Temporary, Construction Vibration</p> | <p>Mitigation Measure 3.12-2: Develop and Implement a Vibration Control Plan</p> <p>DCC shall require provisionally licensed commercial cannabis cultivation sites or new commercial cannabis cultivation applicants in Mendocino County to apply these requirements to construction activity for proposed expansion or construction of commercial cannabis cultivation sites within 110 feet of an offsite occupied residence or other sensitive receptor.</p> <p>A vibration control plan shall be developed by the future project applicant (i.e., licensees) and their construction contractors to be submitted with license applications. The plan shall consider all potential vibration-inducing activities that would occur within the distance parameter described above and include various measures, setback distances, precautions, monitoring programs, and alternative methods to vibration intensive activities with the potential to result</p> | <p>Applicant for Annual Licensure and DCC</p> | <p>This mitigation measure will be applied during construction activities of provisionally licensed or new applicants of commercial cannabis cultivation sites.</p> | |

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| | <p>in adverse impacts to sensitive receptors. The following vibration control measures (or other equally effective measures) shall be included in the plan:</p> <ul style="list-style-type: none"> ▶ To prevent disturbance for sensitive land uses, minimum setback requirements for different types of ground vibration producing activities (e.g., vibratory roller) shall be established based on the proposed activities and locations, once determined. Established setback requirements can be breached only if a project-specific, site-specific, technically adequate ground vibration study indicates that the buildings would not be exposed to ground vibration levels in excess of 75 VdB, and ground vibration measurements performed during the construction activity confirm that the buildings are not being exposed to levels in excess of 75 VdB. ▶ Limit vibration-intensive activities to the daytime hours between 7:00 a.m. and 8:00 p.m. Monday through Friday and between 8:00 a.m. and 8:00 p.m. on Saturday and Sunday. ▶ Operate all vibration inducing impact equipment as far away from vibration-sensitive sites as reasonably possible from nearby structures. ▶ Phase high-impact activities so as not to occur simultaneously with other construction activities, to the extent feasible. The total vibration level produced could be significantly less when each vibration source is operated at separate times | | | |
| Wildfire | | | | |
| <p>Impact 3.17-2: Require the Installation or Maintenance of Associated Infrastructure (Such as Roads, Fuel Breaks, Emergency Water Sources, Power Lines, or Other Utilities) That May Exacerbate Fire Risk or That May Result in Temporary or Ongoing Impacts to the Environment</p> | <p>Mitigation Measure 3.17-2a: Implement Fire Prevention Measures for New Electrical Infrastructure</p> <p>The DCC shall require provisional licensees who propose to expand their cultivation activities prior to their transition to annual licensure, new annual license applicants for commercial cannabis cultivation, and new annual license applicants for associated</p> | <p>Applicant for Annual Licensure and DCC</p> | <p>This mitigation measure will be applied during operation of all commercial cannabis cultivations sites.</p> | |

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| | <p>processing and distribution uses to place new electrical power lines to the premises underground, if feasible. If electric infrastructure cannot be placed underground, fuel breaks along power lines and any stand-alone electrical facilities in a manner that would avoid ignition of adjacent vegetation to the satisfaction of Mendocino County, local fire protection agency, and/or CAL FIRE. This mitigation measure does not apply to cannabis cultivation operations on licensed sites that existed prior to August 2, 2023.</p> | | | |
| | <p>Mitigation Measure 3.17-2b: Implement Fire Prevention Measures for On-Site Construction</p> <p>The DCC shall require provisional licensees who propose to expand their cultivation activities prior to their transition to annual licensure, new annual license applicants for commercial cannabis cultivation, and new annual license applicants for associated processing and distribution uses to prepare and implement a fire protection plan that includes the following provisions: This mitigation measure does not apply to cannabis cultivation operations on licensed sites that existed prior to August 2, 2023:</p> <ul style="list-style-type: none"> ▶ Fire watch personnel responsible for watching for the occurrence of fire during and after equipment use shall be identified. ▶ Equipment shall be located so that exhausts do not discharge against combustible materials. ▶ Equipment shall not be refueled while in operation and not until after a cooldown period. ▶ Water and tools dedicated to firefighting shall be on hand in the area of onsite construction and maintenance activities at all times. <p>Fire protection plans created by local jurisdictions shall be submitted to the DCC as part of licensing requirements.</p> | <p>Applicant for Annual Licensure and DCC</p> | <p>This mitigation measure will be applied during operation of all commercial cannabis cultivations sites.</p> | |

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