

# Mitigation Monitoring and Reporting Plan

## MMRP Requirements and Use

Mono County prepared an Initial Study (IS) to identify and evaluate potential environmental impacts associated with the proposed commercial cannabis facility. Mitigation measures are defined in the IS to reduce potentially significant impacts of project construction and operation. All measures designated as mitigation measures reduce potential impacts to the associated resource to less than significant levels.

Implementation of the proposed project will require execution and monitoring of all the mitigation measures identified in the IS. The California Environmental Quality Act (CEQA) Section 15097(a) requires that:

“... In order to ensure that the mitigation measures and project revisions identified in the EIR or negative declaration are implemented, the public agency shall adopt a program for monitoring or reporting on the revisions which it has required in the project and the measures it has imposed to mitigate or avoid significant environmental effects. A public agency may delegate reporting or monitoring responsibilities to another public agency or to a private entity which accepts the delegation; however, until mitigation measures have been completed the lead agency remains responsible for ensuring that implementation of the mitigation measures occurs in accordance with the program.”

CEQA Section 15097(c) defines monitoring and reporting responsibilities of the lead agency.

“(c) The public agency may choose whether its program will monitor mitigation, report on mitigation, or both. "Reporting" generally consists of a written compliance review that is presented to the decision making body or authorized staff person. A report may be required at various stages during project implementation or upon completion of the mitigation measure. "Monitoring" is generally an ongoing or periodic process of project oversight. There is often no clear distinction between monitoring and reporting and the program best suited to ensuring compliance in any given instance will usually involve elements of both. The choice of program may be guided by the following:

- (1) Reporting is suited to projects which have readily measurable or quantitative mitigation measures or which already involve regular review. For example, a report may be required upon issuance of final occupancy to a project whose mitigation measures were confirmed by building inspection.
- (2) Monitoring is suited to projects with complex mitigation measures, such as wetlands restoration or archeological protection, which may exceed the expertise

## APPENDIX A - MITIGATION MONITORING AND REPORTING PROGRAM

of the local agency to oversee, are expected to be implemented over a period of time, or require careful implementation to assure compliance.

(3) Reporting and monitoring are suited to all but the most simple projects. Monitoring ensures that project compliance is checked on a regular basis during and, if necessary after, implementation. Reporting ensures that the approving agency is informed of compliance with mitigation requirements.”

This Mitigation Monitoring and Reporting Program (MMRP) is meant to facilitate implementation and monitoring of the mitigation measures to ensure that measures are executed. This process protects against the risk of non-compliance.

The purpose of the MMRP is to:

- Summarize the mitigation required for vegetation treatment projects
- Comply with requirements of CEQA and the CEQA Guidelines
- Clearly define parties responsible for implementing and monitoring the mitigation measures
- Provide a plan for how to organize the measures into a format that can be readily implemented by the County and monitored

### MMRP Components

The MMRP provides a summary of all mitigation measures that will be implemented for the project. Mitigation measures could be applicable during one or more implementation phase or location. Each mitigation measure is accompanied with identification of:

- Timing – measures may be required to be implemented prior to construction, during construction, post construction, or a combination of construction phases
- Application Locations – locations where the mitigation measures will be implemented.
- Monitoring/Reporting Action – the monitoring and/or reporting actions to be undertaken to ensure the measure is implemented.
- Responsible and Involved Parties – the party or parties that will undertake the measure and will monitor the measure to ensure it is implemented in accordance with this MMRP

The responsible and involved parties will utilize the MMRP to identify actions that must take place to implement each mitigation measures, the time of those actions and the parties responsible for implementing and monitoring the actions.

## APPENDIX A - MITIGATION MONITORING AND REPORTING PROGRAM

### Mitigation Monitoring and Reporting Program

Mitigation Measures	Applicable Locations	Timing	Monitoring/Reporting Action	Responsible and Involved Parties
<p><b>Mitigation Measure DARK-1: Dark Sky Compliance</b></p> <p>The Mono County Outdoor Lighting Ordinance (also known as the ‘Dark Sky Regulations’) was adopted to protect night sky views, enhance travel safety, conserve energy and limit light trespass and glare by restricting unnecessary upward projection of light. The regulations prohibit nonconforming light of all types, including signage, fixtures, outdoor sports, recreation and entertainment. The County pairs the Dark Sky regulations with information and guidelines, including educational materials distributed to provide applicants with design recommendations and suggestions for minimizing intrusive light sources (General Plan Land Use Element Ch. 23).</p> <p>Lighting on the project site shall be subject to requirements of the Mono County General Plan, Chapter 23 Dark Sky Regulations. The Dark Sky Regulations are comprehensive, adaptive, and designed to meet six specific objectives that include:</p> <ul style="list-style-type: none"> <li>• To promote a safe and pleasant nighttime environment;</li> <li>• To protect and improve safe travel;</li> <li>• To prevent nuisances caused by unnecessary light;</li> <li>• To protect night sky views;</li> <li>• To phase out existing nonconforming fixtures; and</li> <li>• To promote lighting practices and systems to conserve energy.</li> </ul> <p>Only full cutoff luminaires with light source downcast and fully shielded, with no light emitted above the horizontal plane are permitted. Kelvin color temperature should be approximately 2,300K, and temperatures over 3,000K are prohibited. Exterior night lighting shall be fully shielded in compliance with Chapter 23, Dark Sky Regulations, of the General Plan to maintain the existing darkness. Exterior lighting shall be limited to that required for security and safety.</p>	Any area within the project boundary	During construction	Install lighting in compliance with the Mono County ‘Dark Sky Ordinance’	<ul style="list-style-type: none"> <li>• Project Applicant</li> <li>• Contractor</li> <li>• County</li> </ul>

## APPENDIX A - MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Applicable Locations	Timing	Monitoring/Reporting Action	Responsible and Involved Parties
<p><b>Mitigation Measure Air Quality-1: Odor Control Measures</b></p> <ul style="list-style-type: none"> <li>The project applicant shall install an odor control system for indoor cultivation. The indoor odor control system must meet or exceed an odor removal efficiency of 91 to 96 percent, consistent with the proposed Cannabuster™ odor elimination system (Pinchin, 2020). The odor control system shall be properly maintained and implemented throughout the life of the project for facilities to control odors from facility processes that produce nuisance odors at the nearest residential property.</li> <li>The applicant shall post signs at the property line that provide a 24-hour project contact phone number in the case of nuisance odors.</li> <li>The applicant shall report any complaints of nuisance odors to the County within 72 hours of the complaint.</li> <li>The County may request modifications to the odor control system during project operation should nuisance odors persist at the property boundary after application of the odor control system.</li> <li>If odor from outdoor cultivation is determined to be a nuisance, the County may require cultivation to be moved to the indoor greenhouses by the next cultivation cycle.</li> </ul>	<p>All indoor and outdoor cultivation areas</p>	<p>During Operations</p>	<p>Project Applicant ensure project-related odors is minimized</p> <p>Applicant shall report complaints to the Community Development Department within 72-hours.</p>	<ul style="list-style-type: none"> <li>Project Applicant</li> <li>County</li> </ul>
<p><b>Mitigation Measure Biology-1: Nesting Bird Survey</b></p> <p>A preconstruction survey shall be performed prior to construction. The following measures shall be implemented:</p> <ul style="list-style-type: none"> <li>Use of heavy equipment, grading, demolition, construction, and/or tree removal, shall avoid the nesting season to the greatest extent feasible.</li> <li>If use of heavy equipment, grading, demolition, construction, and/or tree removal are scheduled to occur during the nonbreeding season (September 1 through February 15), no measures are required.</li> </ul>	<p>Any area within the project boundary</p>	<p>Prior to construction during the nesting season (February 16 – August 31)</p> <hr/> <p>During construction during the nesting season if active nests occur in the area.</p>	<p>1) Conduct pre-construction survey</p> <p>2) establish active nest buffers.</p> <hr/> <p>Maintain active nest buffers until the nestlings have fledged.</p>	<ul style="list-style-type: none"> <li>Qualified biologist</li> <hr/> <li>Qualified biologist</li> </ul>

## APPENDIX A - MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Applicable Locations	Timing	Monitoring/Reporting Action	Responsible and Involved Parties
<ul style="list-style-type: none"> <li>• If construction activities occur during the nesting season, a pre-construction survey for active bird nests in the project site shall be conducted on the project site and within 500 feet of the project site by a qualified biologist approved by the County.               <ul style="list-style-type: none"> <li>– If no nesting or breeding behavior is observed, construction may proceed.</li> <li>– If an active nest is detected, a determination shall be made by a qualified biologist as to whether construction work could affect the active nest. If it is determined that construction would not affect an active nest, work may proceed.</li> <li>– If an active nest is detected, <del>a determination shall be made by a qualified biologist as to whether construction work could affect the active nest. If it is determined that construction would not affect an active nest, work may proceed. If it is determined that construction activities are likely to impair the successful rearing of the young,</del> a 'no-disturbance buffer' in the form of orange mesh Environmentally Sensitive Area (ESA) fencing shall be established around occupied nests to prevent destruction of the nest and to prevent disruption of breeding or rearing behavior. The extent of the 'no-disturbance buffer' shall be <u>no less than 300 feet (500 feet for raptors), a smaller buffer may be</u> determined by a qualified biologist <del>in consultation with CDFW</del>. 'No-disturbance buffers' shall be maintained until the end of the breeding season or until a qualified wildlife biologist has determined that the nestlings have fledged. A qualified wildlife biologist shall inspect the active nest to determine whether construction activities are disturbing to the nesting birds or nestlings. If the qualified wildlife biologist determines that construction activities pose a disturbance to nesting, construction work shall be stopped in the area of the nest, and the 'no-disturbance buffer' expanded.</li> </ul> </li> </ul>				

## APPENDIX A - MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Applicable Locations	Timing	Monitoring/Reporting Action	Responsible and Involved Parties
<p><b>Mitigation Measure BIO-2: Prohibited Development in Sensitive Habitats</b></p> <p>Future development under the Specific Plan would be prohibited within any streams, riparian habitats, sensitive natural communities, or other water bodies in the project area. No future development would occur in the floodplain to protect sensitive natural communities and special-status species.</p>	Any area within the project boundary	During future development	Future owners/developer ensure no future construction occurs within sensitive habitats	<ul style="list-style-type: none"> <li>• Project Applicant</li> <li>• County</li> </ul>
<p><b>Mitigation Measure BIO-3: Mitigation for Riparian Habitat <u>and/or Fish and Game Code Section 1602 Resources</u>.</b></p> <p>If construction activities impact riparian habitat <u>and/or Fish and Game Code Section 1602 resources</u>, the permanent loss of riparian habitat <u>and/or Fish and Game Code Section 1602 resources</u> shall be compensated through <u>either on-site restoration, purchase of mitigation bank credits from a CDFW approved mitigation bank, and/or land acquisition, management and conservation in perpetuity and funding thereof. enhancement or establishment of riparian habitat.</u> Permanent impacts to riparian habitat shall be compensated <u>at a ratio commensurate with the quality of habitat impacted and habitat created and the type of mitigation provided through enhancement of riparian areas at a minimum 2:1 ratio (enhancement:impact) or creation of riparian areas at a minimum 1:1 ratio.</u> All areas of temporary impact will be restored to preconstruction contours and habitat conditions. The applicant will prepare a habitat mitigation plan that includes:</p> <ul style="list-style-type: none"> <li>• Baseline conditions within the mitigation site</li> <li>• Proposed mitigation site conditions</li> <li>• Mitigation methods (e.g., habitat creation or enhancement)</li> <li>• Performance standards/success criteria including a minimum of 70% vegetated cover with native riparian vegetation that are the target of the creation and enhancement efforts and less than 3% invasive species cover</li> </ul>	Riparian Habitat	Prior to construction in riparian habitat	Annual monitoring and reporting post-mitigation for five years or until success criteria are met.	<ul style="list-style-type: none"> <li>• Applicant develops plan</li> <li>• Contractor implements</li> <li>• County verifies mitigation completed</li> </ul>

## APPENDIX A - MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Applicable Locations	Timing	Monitoring/Reporting Action	Responsible and Involved Parties
<ul style="list-style-type: none"> <li>Habitat maintenance including trash removal, invasive weed removal, and repair of any damage to the mitigation site</li> <li>Monitoring requirements including annual monitoring during the establishment period. The annual monitoring will include surveys for native vegetation cover, photo documentation at defined photo-monitoring locations, and monitoring for invasive species and any other habitat stressors. Monitoring will be conducted for the first five years or until success criteria are met.</li> </ul>				
<p><b>Mitigation Measure Cultural Resources-1: Cultural Resources Preservation and Treatment</b></p> <p>Exclusion fencing shall be established and maintained around any eligible <span style="color: red;">and potentially eligible</span> cultural resources including a 100-foot buffer from the outer limits of any known surface deposits. The fencing shall be comprised of dark, non-reflective material intended for permanent use such as galvanized hog wire and shall be a minimum of 4 feet tall to ensure visibility and minimize unauthorized access. Signs stating “Environmentally Sensitive Area, Do Not Enter, Contact Mono County (760-924-1800) With Any Questions” shall be posted around the exclusion zone for avoidance. The exclusion zone avoidance fence and signs shall be maintained in perpetuity by current and future property owner(s). Alternatively, removal of the identified resource(s) may occur at the request of a Native American tribe for pre-historic resources or historical society for historic-era resources. The removed resources may be reburied at a location selected by the tribe or historical society at their request.</p> <p>If preservation-in-place and reburial are not an option for treatment, the landowner shall relinquish all ownership and rights to the materials and confer with the tribe for pre-historic resources or historical society for historic-era resources to identify an American Association of Museums-accredited facility that can</p>	Any area within the project site where eligible or known cultural resources occur.	<p>Prior to construction</p> <hr/> <p>During construction</p>	<p>Fence a 100-foot ESA around all known cultural resource sites within the project area.</p> <hr/> <p>(1) Establish a 100-foot ESA around all eligible cultural resource sites,                      (2) post signage around the exclusion zone,                      (3) current and future property owners will maintain the exclusion zone,                      (4) Native American tribe may remove or rebury the resource,                      (5) if preservation or reburial are not an option for treatment, the landowner shall relinquish all ownership to the materials and</p>	<ul style="list-style-type: none"> <li>County</li> <li>Contractor</li> <li>Qualified archaeologist hired by the applicant and verified by the County.</li> </ul>

## APPENDIX A - MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Applicable Locations	Timing	Monitoring/Reporting Action	Responsible and Involved Parties
accept the materials into its permanent collections and provide proper care, in accordance with the 1993 California Curation Guidelines. A curation agreement with an appropriately qualified repository shall be developed between the landowner and museum that legally and physically transfers the materials and associated records to the facility. This agreement shall stipulate the payment of fees necessary for permanent curation of the materials and associated records and the obligation of the project applicant to pay those fees.			confer with the tribe or historical society.	
		Following construction	Remove fencing	
<p><b>Mitigation Measure Cultural Resources-2: Cultural Resources Monitoring</b></p> <p>A qualified archaeologist approved by the County shall be on-site to monitor all ground disturbing construction activities within 50 feet of any known cultural resource. If cultural resources are encountered during ground-disturbing activities, work in the immediate area shall halt, the County shall be notified, and the discovery shall be evaluated in accordance with the requirements of Mitigation Measure CUL-2.</p>	Any area within the project boundary where cultural resources are known to occur	During construction.	A qualified archaeologist will monitor ground-disturbing activities within 50 feet of any known cultural resource.	<ul style="list-style-type: none"> <li>• Qualified archaeologist</li> <li>• County</li> </ul>
<p><b>Mitigation Measure Cultural Resources-3: Inadvertent Discovery of Archaeological Resources</b></p> <p>If evidence of any subsurface archaeological features or deposits are discovered during construction-related earth-moving activities, all ground-disturbing activity in the area of the discovery shall be halted within 50 feet of the find, and the finds shall be protected until they are examined by a qualified archaeologist approved by the County. Finds may include but are not limited to:</p> <ul style="list-style-type: none"> <li>• Prehistoric archaeological materials might include obsidian and chert flaked-stone tools (e.g., projectile points, knives, scrapers) or toolmaking debris; culturally darkened soil (“midden”) containing heat-affected rocks, artifacts, or shellfish remains; stone-milling equipment (e.g., mortars, pestles, handstones,</li> </ul>	Any area within the project boundary	During construction	<p>(1) Cease activity within 50 feet of the find,</p> <p>(2) evaluate and determine whether the resource is eligible, unique, or could be a tribal resource,</p> <p>(3) If the resource could be a tribal cultural resource, notify Native American tribe,</p> <p>(4) if a resource is considered historical, unique, or a tribal</p>	<ul style="list-style-type: none"> <li>• Contractor</li> <li>• County</li> <li>• Qualified archaeologist hired by the applicant and verified by the County.</li> </ul>



## APPENDIX A - MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Applicable Locations	Timing	Monitoring/Reporting Action	Responsible and Involved Parties
<p>milling slabs); and battered stone tools, such as hammerstones and pitted stones.</p> <ul style="list-style-type: none"> <li>Historic-era materials might include building or structure footings and walls and deposits of metal, glass, and/or ceramic refuse.</li> </ul> <p>A qualified archaeologist who meets the U.S. Secretary of the Interiors professional qualifications in archaeology and is approved by the County shall be retained to assess the significance of the find and make recommendations for further evaluation and treatment as necessary. A Native American representative from a traditionally and culturally affiliated tribe will be notified and invited to assess the find if the artifacts are of Native American ancestry and determined to be more than an isolated find. If, after evaluation, a resource is considered a historical resource or unique archaeological resource (as defined in CEQA Guidelines Section 15064.5), or a tribal cultural resource (as defined in PRC Section 21074), all preservation options shall be considered as required by CEQA (see CEQA Guidelines Section 15126.4 and PRC 21084.3), including possible capping, data recovery, mapping, or avoidance of the resource. Treatment that preserves or restores the cultural character and integrity of a tribal cultural resource may include tribal monitoring, culturally appropriate recovery of cultural objects, and reburial of cultural objects or cultural soil. Work in the area may resume upon completion of treatment. The results of the identification, evaluation, and/or data recovery program for any unanticipated discoveries shall be presented in a professional-quality report that details all methods and findings, evaluates the nature and significance of the resources, analyzes and interprets the results, and distributes this information to the public except for information deemed confidential and protected under state law.</p>			<p>cultural resource, all preservation options will be considered, (5) work may resume upon completion of resource treatment.</p>	
		Following construction	Provide a public report of results of the identification, evaluation, and/or data recovery program for any unanticipated discoveries.	<ul style="list-style-type: none"> <li>Qualified archaeologist hired by the applicant and verified by the County.</li> </ul>