

## **ATTACHMENT – D**

# Mitigation Monitoring and Reporting Program

**RESOLUTION NO.**

**A RESOLUTION OF THE IMPERIAL COUNTY BOARD OF SUPERVISORS FOR APPROVAL OF THE MITIGATION MONITORING AND REPORTING PROGRAM FOR THE WESTSIDE CANAL BATTERY ENERGY STORAGE PROJECT**

**WHEREAS**, a Mitigation Monitoring and Reporting Program (MM&RP) has been prepared in accordance with the requirements of the California Environmental Quality Act, the State CEQA Guidelines, and the County's "Rules and Regulations to Implement CEQA as Amended"; and

**WHEREAS**, the Board of Supervisors for the County of Imperial has the authority to approve the MM&RP; and

**WHEREAS**, public notice of said application has been given, and the Board of Supervisors has considered evidence presented by the Planning & Development Services Department and other interested parties at a public hearing held with respect to this item on November 16, 2021.

**NOW THEREFORE**, the Board of Supervisors of the County of Imperial **DOES HEREBY RESOLVE** as follows:

**SECTION 1.** The Board of Supervisors has considered the proposed Mitigation Monitoring and Reporting Program (MM&RP) prior to making a decision on the project. The Planning Commission finds and determines that the Environmental Impact Report is adequate and prepared in accordance with the requirements of the California Environmental Quality Act (CEQA), which analyzes environmental effects, based upon the following findings and determinations.

**SECTION 2.** That in accordance with State Planning and Zoning law and the County of Imperial regulations, the following findings for the approval and certification of the Final EIR, MM&RP and Findings of Fact have been made as follows:

1. That the Final Project EIR SCH#2020040122, Candidate CEQA Findings for the above projects have been prepared in accordance with the requirements of the California Environmental Quality Act, the State CEQA Guidelines, and the County's "Rules and Regulations to Implement CEQA as Amended".
2. That the County has reviewed, analyzed, and considered Final EIR, the environmental impacts therein identified for this Project, the Candidate CEQA Findings, and the Mitigation Monitoring and Reporting Program and the entire Record of Proceedings prior to approving this project.

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3. That the Final EIR and the Candidate CEQA Findings reflect the independent judgment of the County.
4. That the Candidate CEQA Findings are supported by substantial evidence and backed by information provided to the County by experts, including but not limited to the County staff and the EIR preparer, on whom the County relies.
5. That the County accept as its own, incorporate as if set forth in full herein, and make each and every one of the findings contained in the Candidate CEQA Findings, including feasibility of mitigation measures pursuant to Public Resources Code 21081(a)/CEQA Guidelines 15091.
6. That the Mitigation Monitoring and Reporting Program is designed to ensure that during project implementation, the Developer and any other responsible parties shall implement the Project components and comply with feasible mitigation measures identified in the CEQA Findings, the Project entitlements, and the Mitigation Monitoring and Reporting Program and that these measures are fully enforceable through permit conditions, agreements, and/or other measures, such as their inclusion in the Mitigation Monitoring and Reporting Program.
7. That the Project will not individually or cumulative have an adverse effect on fish and wildlife resources, as defined in Section 711.2 of the Fish and Game Code.
8. That the Record of Proceedings consists of the Final EIR (and all its technical reports and addendums thereto); the County staff reports; the CEQA Findings; the Mitigation Monitoring and Reporting Program; the various Project entitlements and documents referenced therein; all final reports, applications, memoranda, maps, letters, and other planning documents prepared by the EIR planning/environmental consultant; all final reports, memoranda, maps, letters, and other planning documents prepared by the County staff; all documents submitted by members of the public and public agencies in connection with the Final EIR; minutes and transcripts of all public meetings and public hearings; all written and verbal public testimony presented during a noticed public hearing for the proposed project which such testimony was taken and any and all other materials which constitute the record of proceeding pursuant to Public Resources Code section 21167.6(e); and matters of common knowledge to the County staff and Planning Commission, including, but not limited to the County General Plan, the County Land Use Ordinance, County policies, which may be found during regular business hours, and the Imperial County Planning & Development Services Department at 801 Main Street, El Centro, CA 92243.
9. That the County does hereby certify the Final EIR, approve the Findings and the MM&RP.

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**NOW, THEREFORE**, based on the above findings, the Board of Supervisors of the County of Imperial **DOES HEREBY APPROVE** the proposed Mitigation Monitoring and Reporting Program for the Final EIR (SCH#2020040122), the Candidate CEQA Findings, and the above project.

**PASSED, ADOPTED, AND APPROVED** by the Board of Supervisors of the County of Imperial this 16<sup>th</sup> day of November, 2021.

AYES:

NOES:

ABSENT:

ABSTAIN:

\_\_\_\_\_  
Michael W. Kelley, Chairman  
Imperial County Board of Supervisors

ATTEST: \_\_\_\_\_  
BLANCA ACOSTA, Clerk of the  
Board of Supervisors, County of  
Imperial, State of California

## MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Required Time of Compliance	Responsible Implementing Party	Responsible Monitoring Party	Status of Implementation
<b>AGRICULTURAL AND FORESTRY RESOURCES</b>				
<p><b>AG-1: Payment of Agricultural and Other Benefit Fees</b> One of the following options included below is to be implemented prior to the issuance of a grading permit or building permit for the Project:</p> <p><b>Mitigation for Non-Prime Farmland</b> <b>Option 1:</b> Provide Agricultural Conservation Easement(s). The Permittee shall procure Agricultural Conservation Easements on a "1 on 1" basis on land of equal size, of equal quality farmland, outside the path of development. The conservation easement shall meet Department of Conservation regulations and shall be recorded prior to issuance of any grading or building permits; or</p> <p><b>Option 2:</b> Pay Agricultural In-Lieu Mitigation Fee. The Permittee shall pay an "Agricultural In-Lieu Mitigation Fee" in the amount of 20 percent of the fair market value per acre for the total acres of the proposed site based on five comparable sales of land used for agricultural purposes as of the effective date of the permit, including program costs on a cost recovery/time and material basis. The Agricultural In-Lieu Mitigation Fee, will be placed in a trust account administered by the Imperial County Agricultural Commissioner's office and will be used for such purposes as the acquisition, stewardship, preservation, and enhancement of agricultural lands within Imperial County, or,</p> <p><b>Option 3:</b> Public Benefit Agreement. The Permittee and County shall voluntarily enter into an enforceable Public Benefit Agreement or Development Agreement that includes an Agricultural Benefit Fee payment that is 1) consistent with Board Resolution 2012-005; 2) the Agricultural Benefit Fee must be held by the County in a restricted account to be used by the County only for such purposes as the stewardship, preservation and enhancement of agricultural lands within Imperial County and to implement the goals and objectives of the Agricultural Benefit program, as specified in the Development Agreement, including addressing the mitigation of agricultural job loss on the local economy.</p>	Prior to Construction	Project Applicant	Imperial County	

Mitigation Measure	Required Time of Compliance	Responsible Implementing Party	Responsible Monitoring Party	Status of Implementation
<b>AIR QUALITY</b>				
<p><b>AIR-1: Regulation VIII (Fugitive Dust Control Measures)</b> All construction sites, regardless of size, must comply with the requirements contained within Regulation VIII.</p> <p><i>Standard Mitigation Measures for Fugitive Dust (PM10) Control</i></p> <ul style="list-style-type: none"> <li>a) All disturbed areas, including Bulk Material storage which is not being actively utilized, shall be effectively stabilized and visible emissions shall be limited to no greater than 20 percent opacity for dust emissions by using water, chemical stabilizers, dust suppressants, tarps, or other suitable material such as vegetative ground cover.</li> <li>b) All on-site and off-site unpaved roads would be effectively stabilized, and visible emissions shall be limited to no greater than 20 percent opacity for dust emissions by paving, chemical stabilizers, dust suppressants and/or watering.</li> <li>c) All unpaved traffic areas 1 acre or more with 75 or more average vehicle trips per day would be effectively stabilized and visible emission shall be limited to no greater than 20 percent opacity for dust emissions by paving, chemical stabilizers, dust suppressants and/or watering.</li> <li>d) The transport of Bulk Materials shall be completely covered unless 6 inches of freeboard space from the top of the container is maintained with no spillage and loss of Bulk Material. In addition, the cargo compartment of all Haul Trucks is to be cleaned and/or washed at delivery site after removal of Bulk Material.</li> <li>e) All Track-Out or Carry-Out would be cleaned at the end of each workday or immediately when mud or dirt extends a cumulative distance of 50 linear feet or more onto a paved road within an urban area.</li> <li>f) Movement of Bulk Material handling or transfer shall be stabilized prior to handling or at points of transfer with application of sufficient amounts of water, chemical stabilizers or by sheltering or enclosing the operation and transfer line.</li> <li>g) The construction of any new unpaved road is prohibited within any area with a population of 500 or more unless the road meets the definition of a temporary unpaved road. Any temporary unpaved road shall be effectively stabilized, and visible emissions shall be limited to no greater than 20 percent opacity for dust emission by paving, chemical stabilizers, dust suppressants and/or watering.</li> </ul>	During construction	Project Applicant, Construction Contractor	Imperial County	

Mitigation Measure	Required Time of Compliance	Responsible Implementing Party	Responsible Monitoring Party	Status of Implementation
<p><b>AIR-2: Construction Equipment Control Measures</b>  <i>Standard Mitigation Measures for Equipment Exhaust Emissions Control</i></p> <ul style="list-style-type: none"> <li>a) Use of equipment with alternative fueled or catalyst-equipped diesel engine, including for all off-road and portable diesel-powered equipment.</li> <li>b) Minimize idling time either by shutting equipment off when not in use or limit the idling time to a maximum of 5 minutes.</li> <li>c) Limit, to the extent feasible, the hours of operation of heavy-duty equipment and/or the number of equipment in use.</li> <li>d) Replace fossil fueled equipment with electrically driven equivalents (provided they are not run via a portable generator set).</li> </ul> <p><i>Required Mitigation Measures for Construction Equipment Mobilization</i></p> <ul style="list-style-type: none"> <li>a) The 1.2-mile portion of the access road from the IV Substation to the project site shall be covered with construction mats.</li> <li>b) No more than eight pieces of construction equipment shall be delivered to the project site in one day.</li> <li>c) A speed limit of 15 mph on the access road shall be enforced.</li> </ul> <p><i>Required Mitigation Measures for Construction Activities</i></p> <ul style="list-style-type: none"> <li>a) The 1.2-mile portion of the southern access road from the IV Substation to the project site shall be covered with construction mats.</li> <li>b) A material delivery speed limit of 15 mph on the access road shall be enforced.</li> <li>c) For material deliveries from the south, one of the following dust suppressant measures would be required for the 4.4-mile service road: <ul style="list-style-type: none"> <li>A water truck shall apply water every 3 hours, or as deliveries occur, or</li> <li>A chemical dust suppressant shall be applied.</li> </ul> </li> <li>d) For the 0.3-mile portion of the northern access route that is unpaved (south of Wixom Road to the worker parking area) one of the following dust suppressant measures would be required: <ul style="list-style-type: none"> <li>• A water truck shall apply water every 3 hours, or as worker access occurs; or</li> <li>• A chemical dust suppressant shall be applied.</li> <li>• A water truck shall apply water to all active onsite grading areas every 3 hours.</li> </ul> </li> </ul> <p><i>Enhanced Mitigation Measures for Construction Equipment</i>  To help provide a greater degree of reduction of PM emissions from construction combustion equipment, ICAPCD recommends the following measures:</p>	<p>During construction</p>	<p>Project Applicant, Construction Contractor</p>	<p>Imperial County, IAPCD</p>	

Mitigation Measure	Required Time of Compliance	Responsible Implementing Party	Responsible Monitoring Party	Status of Implementation
<p>a) Curtail construction during periods of high ambient pollutant concentrations; this may include ceasing of construction activity during the peak hour of vehicular traffic on adjacent roadways.</p> <p>b) Implement activity management (e.g., rescheduling activities to reduce short-term impacts).</p>				
<p><b>AIR-3: Operational Dust Control Plan</b>  To help reduce fugitive dust emission from on-site unpaved roads and accumulation of small dunes during operations, an Operational Dust Control Plan (ODCP) would be prepared. The ODCP would include strategies for how dust emissions would be controlled and maintained during Project operations. The ODCP would be submitted to the ICAPCD for approval prior to the issuance of a Certificate of Occupancy.</p>	During operation	Project Applicant	Imperial County, IAPCD	
<b>BIOLOGICAL RESOURCES</b>				
<p><b>BR-1 Compensation for Permanent and Temporary Impacts to Vegetative Communities</b>  To compensate for permanent and temporary impacts to on-site vegetative communities, within the Project Site, habitat (which may include preservation areas within portions of the Project Site not impacted by construction or mitigation lands outside of the main Project Site) that contains the same quality of vegetative communities impacted by the Project and that is not already public land shall be preserved and managed in perpetuity at the following ratios – temporary impacts to native vegetation communities shall be mitigated at a 1:1 mitigation ratio (one acre preserved/restored for each acre impacted) and permanent impacts shall be mitigated at a ratio of 2:1. Impacts to CDFW listed sensitive or riparian communities shall be mitigated at a ratio of 3:1. Land acquired/dedicated for impacts to native vegetation communities must be with lands occupied by habitat of a similar type and quality.</p>	Prior to Construction	Project Applicant	Imperial County	
<p>Prior to the disturbance of vegetation, the Applicant shall obtain County approval of preserved and/or mitigation lands as well as documentation of a recorded conservation easement. The compensation for the loss of habitats may be achieved either by a) on-site habitat creation or enhancement habitats with similar species composition to those present prior to construction, b) offsite creation or enhancement of, or c) participation in an established mitigation bank program. Prior to the removal of native vegetation, if on- or off-site mitigation is required, a Habitat Restoration Plan (HRP) shall be prepared that will guide all restoration and monitoring activities (refer to MM BR-2 for details on the plan requirements).</p>				



<p><b>BR-2: Develop a Habitat Restoration Plan</b></p> <p>The Applicant shall restore temporarily disturbed areas to pre-construction conditions or better prior to the issuance of a grading permit and removal of any vegetation and/or wetland habitat. To this end, the Applicant shall retain a County qualified biologist, knowledgeable in the area(s) of annual grassland and wetland habitat restoration, to prepare a Habitat Restoration Plan (HRP). The Applicant shall submit the HRP to the County for approval (in consultation with CDFW and USFWS). The biologist will also be responsible for monitoring the implementation of the plan as well as the progress on achieving the established success criteria. The HRP shall expressly identify the process by which all disturbed areas shall be restored to pre-construction conditions or better. The plan will address restoration and revegetation related to disturbance from construction. It will also address restoration and revegetation required after decommissioning of the Project should this be required. The decommissioning plan shall include, at a minimum, the following items:</p>	<p>Prior to Construction</p>	<p>Project Applicant</p>	<p>Imperial County, CDFW, USFWS</p>
<p>a) Figures depicting areas proposed for temporary disturbance/mitigation lands – The HRP shall include detailed figures indicating the locations and vegetation types of areas proposed for temporary disturbance. These figures shall be updated, as necessary, to reflect current Site conditions should they change.</p> <p>b) Proposed species for restoration/revegetation – The species palette proposed for restoration/revegetation shall include a combination of native annual and perennial species known to currently occur on the Project site and in adjacent habitats.</p> <p>c) Seed source and collection guidelines – Seeds shall first be collected from the stock of native plants occurring on the proposed Project site, during the appropriate collection period (late spring through the summer, depending on the species) and prior to disturbance from construction activities. Additional seed may be collected from stock within a 25-mile radius will be collected to maintain local genetic integrity. If seed collection from these areas is not possible then a seed source must be obtained from a local seed supplier familiar with native species. Seed will be limited to the species and quantity specified in the seed mix palette prepared for the Project. All seed will originate from the Project region, within +/- 1000 feet elevation of the Project site. The seed supplier chosen will provide a list of three references with the bid proposal. The references will include year, contact names, and telephone numbers. Seeds will be tested for percent purity, percent germination, number of pure live seeds per pound, and weed seed content. Seed testing will be the responsibility of the seed supplier.</p> <p>d) Planting methodology – A description of the preferred methods proposed for container plant installation or seeding shall be provided (e.g., hydroseeding, drill seeding, broadcast seeding, etc.). Additionally, a</p>			

				<p>discussion on timing of seeding, type of irrigation system proposed, potential need of irrigation, type and duration of irrigation, and erosion controls proposed for revegetation activities shall be included.</p> <p>e) Invasive, non-native vegetation Control – A comprehensive discussion on weed control for the Project site will be developed and included in the HRP. This will serve to prevent the type conversion of natural habitats to those dominated by invasive species known to occur in the area.</p> <p>f) Monitoring program – Areas subject to restoration/revegetation shall be monitored to assess conditions and to make recommendations for successful habitat establishment. Monitoring will be performed by a County qualified biologist(s), knowledgeable in the area of annual grassland habitat restoration. Monitoring should include, at a minimum, the following:</p> <ol style="list-style-type: none"> <li>1. Qualitative Monitoring – Qualitative monitoring surveys will be performed monthly in all restored/revegetated areas for the first year following planting in any phase of the Project. Qualitative monitoring will be on a quarterly schedule thereafter, until final completion approval of each restoration/revegetation area. Qualitative surveys will assess native plant species performance, including growth and survival, germination success, reproduction, plant fitness and health as well as pest or invasive plant problems. A County qualified wildlife biologist will assist in monitoring surveys and will actively search for mammal and other wildlife use. Monitoring at this stage will indicate need for remediation or maintenance work well in advance of final success/failure determination. The monitoring reports will describe site progress and conditions and list all observations pertinent to eventual success, and make recommendations as appropriate re: remedial work, maintenance, etc.</li> <li>2. Quantitative Monitoring – Quantitative monitoring will occur annually for years one to five or until the success criteria are met. Within each revegetation area, as shown figures referenced above, the biologist will collect data in a series of 1 m<sup>2</sup> quadrats to estimate cover and density of each plant species within the revegetated areas. Data will be used to measure native species growth performance, to estimate native and non-native species coverage, seed mix germination, native species recruitment and reproduction, and species diversity. Additionally, within wetland habitat restoration areas, the biologist shall conduct sampling events to document the presence of hydric soil characteristics/indicators (if present). Based on these results, the biologist will make recommendations for maintenance or remedial work on the site and for adjustments to the approved seed mix.</li> </ol>
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a.	Success criteria – Criteria for successful restoration/revegetation of disturbed areas shall be provided.																																																																																															
b.	Reporting – Reporting will include progress reports summarizing site status and recommended remedial measures that will be submitted by the biologist to the County quarterly, with the exception of the site visits immediately preceding the development of each annual status report (see below). Each progress report will list estimated species coverage and diversity, species health and overall vigor, the establishment of volunteer native species, topographical/soils conditions, problem weed species, the use of the site by wildlife species, significant drought stress, and any recommended remedial measures deemed necessary to ensure compliance with specified performance criteria. One annual site status report that summarizes site conditions will be forwarded by the biologist to the County, the USFWS and the CDFW at the end of each year following implementation of this plan until the established success criteria have been met. Each annual report will list species coverage and diversity measured during yearly quantitative surveys, compliance/non-compliance with required performance standards, species health and overall vigor, the establishment of volunteer native species, hydrological and topographical conditions, the use of the site by wildlife species, and the presence of invasive weed species. In the event of substantial noncompliance with the required performance criteria, the reports will include remedial measures deemed necessary to ensure future compliance with specified performance criteria. Each annual report will include, at the minimum:																																																																																															
	<ul style="list-style-type: none"> <li>• The name, title, and company of all persons involved in restoration monitoring and report preparation</li> <li>• Maps or aeriels showing restoration areas, transect locations, and photo documentation locations.</li> <li>• An explanation of the methods used to perform the work, including the number of acres treated for removal of non-native plants</li> <li>• An assessment of the treatment success.</li> </ul>																																																																																															

Mitigation Measure	Required Time of Compliance	Responsible Implementing Party	Responsible Monitoring Party	Status of Implementation
<p><b>BR-3: Implement a Worker Environmental Education Program</b>  Prior to any Project activities on the Site (i.e., surveying, mobilization, fencing, grading, or construction), a Worker Environmental Education Program (WEEP) shall be prepared and implemented by a qualified biologist(s). The WEEP shall be submitted to the County for review and approval prior to issuance of construction permits and implemented throughout the duration of the construction activities. The WEEP shall be put into action prior to the beginning of any Site related activities, including but not limited to those activities listed above, and implemented throughout the duration of Project construction. The WEEP, shall include, at a minimum, the following items:</p> <ul style="list-style-type: none"> <li>a) Training materials and briefings shall include, but not be limited to a discussion of the Federal and State Endangered Species Acts, BGEPA, and the MBTA; the consequences of non-compliance with these acts; identification and values of plant and wildlife species and significant natural plant community habitats; hazardous substance spill prevention and containment measures; a contact person and phone number in the event of the discovery of dead or injured wildlife; and a review of mitigation requirements.</li> <li>b) A discussion of measures to be implemented for avoidance of the sensitive resources discussed above and the identification of an on-site contact in the event of the discovery of sensitive species on the Site.</li> <li>c) Protocols to be followed when roadkill is encountered in the work area or along access roads to minimize potential for additional mortality of scavengers, including listed species such as the California condor and the identification of an on-site representative to whom the roadkill will be reported. Roadkill shall be reported to the appropriate local animal control agency within 24 hours.</li> <li>d) Maps showing the known locations of special status wildlife, populations of rare plants and sensitive vegetative communities, seasonal depressions and known waterbodies, wetland habitat, exclusion areas, and other construction limitations (e.g., limited operating periods, etc.). These features shall be included on the Project's plans and specifications drawings.</li> <li>e) Literature and photographs or illustrations of potentially occurring special-status plant and/or wildlife species will be provided to all Project contractors and heavy equipment operators.</li> <li>f) The Applicant shall provide to the County evidence that all on-site construction and security personnel have completed the WEEP prior to the start of Site mobilization. A special hardhat sticker or wallet size card shall be issued to all personnel completing the training, which shall be carried with the trained personnel at all times while on the Project Site. All</li> </ul>	<p>Prior to and during Construction</p>	<p>Project Applicant, Construction Contractor</p>	<p>Imperial County</p>	

Mitigation Measure	Required Time of Compliance	Responsible Implementing Party	Responsible Monitoring Party	Status of Implementation
<p>new personnel shall receive this training and may work in the field for no more than five days without participating in the WEEP. A log of all personnel who have completed the WEEP training shall be kept on Site.</p> <p>g) A weather protected bulletin board or binder shall be centrally placed or kept on-site (e.g., in the break room, construction foreman's vehicle, construction trailer, etc.) for the duration of the construction. This board or binder will provide key provisions of regulations or Project conditions as they relate to biological resources or as they apply to grading activities. This information shall be easily accessible for personnel in all active work areas.</p> <p>h) Develop a standalone version of the WEEP, that covers all previously discussed items above, and that can be used as a reference for maintenance personnel during Project operations.</p>				
<p><b>BR-4: Implementation of Best Management Practices</b>  BMPs will be implemented as standard operating procedures during all ground disturbance, construction, and operation related activities to avoid or minimize Project impacts on biological resources. These BMPs will include but are not limited to the following:</p> <p>a) Compliance with BMPs will be documented and provided to the County in a written report on an annual basis. The report shall include a summary of the construction activities completed, a review of the sensitive plants and wildlife encountered, a list of compliance actions and any remedial actions taken to correct the actions, and the status of ongoing mitigation efforts.</p> <p>b) Prior to ground disturbance of any kind the Project work areas shall be clearly delineated by stakes, flags, or other clearly identifiable system.</p> <p>c) Vehicles and equipment shall be parked on pavement, existing roads, and previously disturbed areas to the extent practicable.</p> <p>d) Speed limit signs, imposing a speed limit of 15 miles per hour, will be installed throughout the Project Site prior to initiation of Site disturbance and/or construction. To minimize disturbance of areas outside of the construction zone, all Project-related vehicle traffic shall be restricted to established roads, construction areas, and other designated areas. These areas will be included in preconstruction surveys and to the extent possible, should be established in locations disturbed by previous activities to prevent further impacts. Off-road traffic outside of designated Project areas will be prohibited.</p> <p>e) No vehicles or equipment shall be refueled within 100 feet of an ephemeral drainage or wetland unless a bermed and lined refueling area is constructed. Spill kits shall be maintained on-site in sufficient quantity to accommodate at least three complete vehicle tank failures of 50</p>	<p>During Construction and operation</p>	<p>Project Applicant, Construction Contractor</p>	<p>Imperial County</p>	

Mitigation Measure	Required Time of Compliance	Responsible Implementing Party	Responsible Monitoring Party	Status of Implementation
<p>gallons each. Any vehicles driven and/or operated within or adjacent to drainages or wetlands shall be checked and maintained daily to prevent leaks of materials.</p> <p>f) All general trash, food-related trash items (e.g., wrappers, cans, bottles, food scraps, cigarettes, etc.) and other human-generated debris will be stored in animal proof containers and/or removed from the Site each day. No deliberate feeding of wildlife will be allowed.</p> <p>g) All pipes and culverts with a diameter of greater than 4 inches shall be capped or taped closed. Prior to capping or taping the pipe/culvert shall be inspected for the presence of wildlife. If encountered the wildlife shall be allowed to escape unimpeded.</p> <p>h) No firearms will be allowed on the Project Site, unless otherwise approved for security personnel.</p> <p>i) To prevent harassment or mortality of listed, special-status species and common wildlife, or destruction of their habitats no domesticated animals of any kind shall be permitted in any Project area.</p> <p>j) Use of chemicals, fuels, lubricants, or biocides will comply with all local, state, and federal regulations. All uses of such compounds shall observe label and other restrictions mandated by the U.S. EPA, California Department of Food and Agriculture, and other state and federal legislation, as well as additional Project-related restrictions deemed necessary by the USFWS and CDFW. Use of rodenticides is restricted.</p> <p>k) Any contractor or employee that inadvertently kills or injures a special-status animal, or finds one either dead, injured, or entrapped, will immediately report the incident to the on-site representative identified in the WEEP. The representative will contact the USFWS, CDFW, and County by telephone by the end of the day, or at the beginning of the next working day if the agency office is closed. In addition, formal notification shall be provided in writing within three working days of the incident or finding. Notification will include the date, time, location, and circumstances of the incident. Any threatened or endangered species found dead or injured will be turned over immediately to CDFW for care, analysis, or disposition.</p> <p>l) During the Site disturbance and/or construction phase, grading and construction activities before dawn and after dusk, is prohibited.</p> <p>m) Avoidance and minimization of vegetation removal within active construction areas, including the flagging of sensitive vegetative communities or plants.</p> <p>n) Avoidance and minimization of construction activities resulting in impacts to wetlands, streambeds, and banks of any ephemeral drainage unless permitted to do so.</p> <p>o) All excavation, steep-walled holes, or trenches in excess of 6 inches in</p>				

Mitigation Measure	Required Time of Compliance	Responsible Implementing Party	Responsible Monitoring Party	Status of Implementation
<p>depth will be covered at the close of each working day by plywood or similar materials or provided with one or more escape ramps constructed of earth dirt fill or wooden planks. Trenches will also be inspected for entrapped wildlife each morning prior to onset of construction activities and immediately prior to covering with plywood at the end of each working day. Before such holes or trenches are filled, they will be thoroughly inspected for entrapped wildlife. Any wildlife discovered will be allowed to escape before construction activities are allowed to resume or removed from the trench or hole by a qualified biologist holding the appropriate permits (if required).</p> <p>p) New light sources will be minimized, and lighting will be designed (e.g., using down-cast lights) to limit the lighted area to the minimum necessary.</p>				
<p><b>BR-5: Wildlife Pre-Construction Surveys and Biological Monitoring</b>  Prior to ground disturbance or vegetation clearing within the Project Site, a qualified biologist shall conduct surveys for wildlife (no more than 72 hours prior to Site disturbing activities) where suitable habitat is present and directly impacted by construction activities. Wildlife found within the Project Site or in areas potentially affected by the Project will be relocated to the nearest suitable habitat that will not be affected by the Project prior to the start of construction. Special-status species found within a Project impact area shall be relocated by an authorized biologist to suitable habitat outside the impact area.</p>	Prior to Construction	Project Applicant	Imperial County	
<p><b>BR-6: Implement Biological Construction Monitoring</b>  Prior to the commencement of ground disturbance or Site mobilization activities the Applicant shall retain a qualified biologist(s), for the duration of Project construction, with demonstrated expertise with listed and/or special-status plants, terrestrial mammals, and reptiles to monitor(s), on a daily basis, all construction activities. The qualified biologist(s) shall be present at all times during ground disturbing activities immediately adjacent to, or within, habitat that supports populations of the listed or special status species identified within the Project boundaries. Any listed or special-status plants shall be flagged for avoidance. Any special-status terrestrial species found within a Project impact area shall be relocated by the authorized biologist and relocated to suitable habitat outside the impact area. If the installation of exclusion fencing is deemed necessary by the authorized biologist, the authorized biologist shall direct the installation of the fence. Clearance surveys for special-status species shall be conducted by the authorized biologist prior to the initiation of construction each day.</p>	Prior to Construction	Project Applicant	Imperial County	

Mitigation Measure	Required Time of Compliance	Responsible Implementing Party	Responsible Monitoring Party	Status of Implementation
<p>If the biological monitor observes a dead or injured listed or special-status wildlife species on the construction Site during construction, a written report shall be sent to the County, CDFW and/or USFWS within five calendar days. The report will include the date, time of the finding or incident (if known), and location of the carcass and circumstances of its death (if known). The biological monitor shall, immediately upon finding the remains, coordinate with the on-site construction foreman to discuss the events that caused the mortality (if known) and implement measures to prevent future incidents. Details of these measures shall be included with the report. Species remains shall be collected and frozen as soon as possible, and CDFW and/or USFWS shall be contacted regarding ultimate disposal of the remains.</p>				
<p><b>BR-7: Conduct Pre-Construction Surveys for Nesting and Breeding Birds and Implementation of Avoidance Measures</b>  Prior to any Site disturbance (i.e., mobilization, staging, grading or construction), the Applicant shall retain a qualified biologist(s) to conduct pre-construction surveys for nesting birds within the recognized breeding season (generally February 15 – September 15 but may start earlier for some raptor species) in all areas within 500 feet of Project components (staging areas, substation sites, battery facility structures including, solar arrays, and access road locations). The initial survey event must be completed no more than three days prior to vegetation removal or ground disturbing activities. The required survey dates may be modified based on local conditions, as determined by the qualified biologist(s), with the approval of the County, in consultation with the USFWS and/or CDFW. Measures intended to exclude nesting birds shall not be implemented without prior approval by the County in consultation with USFWS and/or CDFW and shall not exceed County noise standards.</p>	<p>Prior to and during Construction</p>	<p>Project Applicant, Construction Contractor</p>	<p>Imperial County, CDFW, USFWS</p>	
<p>If breeding birds with active nests are found prior to or during construction, a biological monitor shall establish a 300-foot buffer around the nest for ground-based construction activities and no activities will be allowed within the buffer(s) until the young have fledged from the nest or the nest fails.</p> <p>The prescribed buffers may be adjusted to reflect existing conditions including ambient noise, topography, and disturbance with the approval of the County, CDFW and USFWS as appropriate. The biological monitor(s) shall conduct regular monitoring of the nest to determine success/failure and to help ensure that Project activities are not conducted within the buffer(s) until the nesting cycle is complete or the nest fails. The biological monitor(s) shall be responsible for documenting the results of the surveys and ongoing monitoring and will provide a copy of the monitoring reports for impact areas to the respective agencies.</p>				



Mitigation Measure	Required Time of Compliance	Responsible Implementing Party	Responsible Monitoring Party	Status of Implementation
<p>If for any reason a bird nest must be removed during the nesting season, the Applicant shall provide written documentation providing concurrence from the USFWS and CDFW authorizing the nest relocation. Additionally, the Applicant shall provide a written report documenting the relocation efforts. The report shall include what actions were taken to avoid moving the nest, the location of the nest, what species is being relocated, the number and condition of the eggs taken from the nest, the location of where the eggs are incubated, the survival rate, the location of the nests where the chicks are relocated, and whether the birds were accepted by the adopted parent.</p> <p>Surveys shall be conducted to include all structural components, related structures, as well as all construction equipment. If birds are found to be nesting in facility structures, buffers as described above shall be implemented. If birds are found to be nesting in construction equipment, that equipment shall not be used until the young have fledged the nest or, if no young are present, until after the breeding season has passed.</p> <p>If trees are to be removed as part of Project-related construction activities, they will be done so outside of the nesting season to avoid additional impacts to nesting raptors. If removal during the nesting season cannot be avoided, the biological monitor must confirm that the nest is vacant prior to its removal. If nests are found within these structures and contain eggs or young, the biological monitor shall allow no activities within a 300-foot buffer for nesting birds and/or a 500-foot buffer for raptors until the young have fledged the nest.</p>				
<p><b>BR-8: Implement Avian Power Line Interaction Committee guidelines</b>  The Applicant will be required to construct all transmission facilities, towers, poles, and lines in accordance with and comply with all policies set forth in the Suggested Practices for Raptor Protection on Power Lines: The State of the Art in 2006 and Reducing Avian Collisions with Power Lines: The State of the Art in 2012 (APLIC), to minimize avian electrocutions as a result of the construction of the Project. Details of design components shall be indicated on all construction plans and measures to comply with Avian Power Line Interaction Committee (APLIC) policies and guidelines shall be detailed in a separate attachment, all of which will be submitted with the construction permit application. The Applicant shall be required to monitor for new versions of the APLIC guidelines and update designs or implement new measures as needed during Project construction, provided these actions do not require the purchase of previously ordered transmission line structures. A review of compliance with submitted materials will be conducted prior to the final County inspection.</p>	<p>Prior to and during Construction</p>	<p>Project Applicant</p>	<p>Imperial County, APLIC</p>	

Mitigation Measure	Required Time of Compliance	Responsible Implementing Party	Responsible Monitoring Party	Status of Implementation
<p><b>BR-9: Conduct Pre-Construction Surveys for State and Federally Threatened, Endangered, Proposed, Petitioned, and Candidate Plants and Implementation of Avoidance Measures</b></p> <p>Prior to initial ground disturbance and for undisturbed areas in subsequent construction years, the Applicant shall conduct pre- construction surveys for State and federally listed Threatened and Endangered, Proposed, Petitioned, and Candidate plants in all areas subject to ground-disturbing activity, including, but not limited to, battery facility structures including, access roads, poles/towers, solar array footing preparation, construction areas, and assembly yards. The surveys shall be conducted during the appropriate blooming period(s) by a qualified plant ecologist/biologist according to protocols established by the USFWS, CDFW, and CNPS. All listed plant species found shall be marked and avoided. Any populations of special-status plants found during surveys will be fully described, mapped, and a CNPS Field Survey Form or written equivalent shall be prepared.</p> <p>These surveys must be accomplished during a year in which rainfall totals are at least 80 percent of average and in which the temporal distribution of rainfall is not highly abnormal (e.g., with most rainfall occurring very early or late in the season) to be reasonably certain of the presence/absence of rare plant species, unless surveys of reference populations document that precipitation conditions would not have adversely affected the ability to detect the species. This condition may be waived with the approval of the County after consultation with the CDFW and USFWS. If a listed plant species cannot be avoided, consultation with USFWS and CDFW will occur.</p> <p>Prior to Site grading or vegetation removal, any populations of listed plant species identified during the surveys within the Project limits and beyond, shall be protected and a buffer zone placed around each population. The buffer zone shall be established around these areas and shall be of sufficient size to eliminate potential disturbance to the plants from human activity and any other potential sources of disturbance including human trampling, erosion, and dust. The size of the buffer depends upon the proposed use of the immediately adjacent lands and includes consideration of the plant's ecological requirements (e.g., sunlight, moisture, shade tolerance, physical and chemical characteristics of soils) that are identified by a qualified plant ecologist and/or botanist. The buffer for herbaceous and shrub species shall be, at minimum, 50 feet from the perimeter of the population or the individual. A smaller buffer may be established, provided there are adequate measures in place to avoid the take of the species, with the approval of the USFWS, CDFW, and County.</p>	<p>Prior to Construction</p>	<p>Project Applicant, Construction Contractor</p>	<p>Imperial County, CDFW, USFWS, CNPS</p>	

Mitigation Measure	Required Time of Compliance	Responsible Implementing Party	Responsible Monitoring Party	Status of Implementation
<p>Where impacts to listed plants are determined to be unavoidable, the USFWS and/or CDFW shall be consulted for authorization. Should any CESA-listed plant species be detected, an incidental take permit would need to be obtained. Additional mitigation measures to protect or restore listed plant species or their habitat, including but not limited to a salvage plan including seed collection and replanting, may be required by the USFWS or CDFW before impacts are authorized, whichever is appropriate.</p> <p><b>BR-10: Compensate for Impacts to State and Federally Threatened, Endangered, Proposed, Petitioned, and Candidate Plants</b>            To compensate for permanent impacts to State and Federally Threatened, Endangered, Proposed, Petitioned and Candidate plants, habitat (which may include preservation areas within the undisturbed areas of the Project footprint, mitigation lands outside of the main Project Site or a combination of both) that is not already public land shall be preserved and managed in perpetuity at a 1:1 mitigation ratio (one acre preserved for each acre impacted). Prior to the disturbance of habitat for or take of listed plant species the Applicant will be required to obtain County approval of preserved and/or mitigation lands as well as provide documentation of a recorded conservation easement(s). Compensation for temporary impacts shall include land acquisition and/or preservation at a 0.5:1 ratio. The preserved habitat for a significantly impacted plant species shall be of equal or greater habitat quality to the impacted areas in terms of soil features, extent of disturbance, vegetation structure, and will contain verified extant populations, of the same size or greater, of the State or Federally listed plants that are impacted.</p> <p>Habitat shall be preserved through the use of permanent open space easements. Mitigation lands cannot be located on land that is currently held publicly. Mitigation lands may include (depending on the habitat requirements of particular species):</p> <ul style="list-style-type: none"> <li>• Areas outside the Project boundary, but within the general Project region</li> <li>• Preservation areas within portions of the Project Site that are at least 100 feet from Project components and are either (1) not permanently impacted by construction and operation of the Project, or (2) temporarily disturbed and then restored according to the requirements in Mitigation Measure BR-2; and</li> <li>• Degraded areas (e.g., areas that have been actively dry-farmed) that are restored to high quality habitat through the implementation of a County-approved restoration plan.</li> </ul> <p>Criteria for appropriate mitigation land are species specific; the following factors must be considered in assessing the quality of potential mitigation habitat: (1)</p>	<p>Prior to and during construction</p>	<p>Project Applicant</p>	<p>Imperial County, CDFW, USFWS</p>	

Mitigation Measure	Required Time of Compliance	Responsible Implementing Party	Responsible Monitoring Party	Status of Implementation
<p>Current land use; (2) Location (e.g., habitat corridor, part of a large block of existing habitat, adjacency to source populations, proximity to Project facilities or other potential sources of disturbance); (3) Vegetation composition and structure; (4) Slope; (5) Soil composition and drainage; and (6) Level of occupancy or use by relevant species.</p> <p>The Applicant shall either provide open space easements or provide funds for the acquisition of such easements to a "qualified easement holder" (defined below). The CDFW is a qualified easement holder. To qualify as a "qualified easement holder" a private land trust must have the following:</p> <ul style="list-style-type: none"> <li>• Substantial experience managing open space easements that are created to meet mitigation requirements for impacts to sensitive species</li> <li>• Adopted the Land Trust Alliance's Standards and Practices</li> <li>• A stewardship endowment fund to pay for its perpetual stewardship obligations</li> </ul> <p>The County shall determine whether a proposed easement holder meets these requirements.</p> <p>The Applicant shall also be responsible for donating to the conservation easement holder fees sufficient to cover: (1) Administrative costs incurred in the creation of the conservation easement (appraisal, documenting baseline conditions, etc.) and (2) Funds in the form of a non-wasting endowment to cover the cost of monitoring and enforcing the terms of the conservation easement in perpetuity. The amount of these administrative and stewardship fees shall be determined by the conservation easement holder in consultation with the County.</p> <p>Open space easement(s) shall also be subject to the following conditions:</p> <ul style="list-style-type: none"> <li>• The locations of acceptable easement(s) shall be developed with approval of CDFW and USFWS.</li> <li>• The primary purpose of the easement(s) shall be conservation of impacted species and habitats, but the conservation easement(s) shall also allow livestock grazing when and where it is deemed beneficial for the habitat needs of impacted species.</li> </ul> <p>Open space easement(s) shall:</p> <ul style="list-style-type: none"> <li>• Be held in perpetuity by a qualified easement holder (defined above).</li> <li>• Be subject to a legally binding agreement that shall: (1) Be recorded with the County Recorder(s); and (2) Name CDFW or another organization to which the easement(s) will be conveyed if the original holder is dissolved.</li> <li>• Be subject to the management requirements outlined in Mitigation</li> </ul>				

Mitigation Measure	Required Time of Compliance	Responsible Implementing Party	Responsible Monitoring Party	Status of Implementation
<p>Measure BR-2.</p> <p>However, if lands acquired or protected for the compensation of permanent impacts to wildlife and/or vegetative communities (discussed above) contain similar sized populations of the impacted listed plant species, no further mitigation would be required.</p>				
<p><b>BR-11: Conduct Pre-Construction Surveys for Special-Status Plants and Implement Avoidance Measures</b></p> <p>Prior to initial ground disturbance and for undisturbed areas in subsequent construction years, the Applicant shall conduct pre-construction surveys for special-status plant species in all areas subject to ground-disturbing activity, including, but not limited to, battery facility structures including, access roads, poles/towers, construction areas, and assembly yards. The surveys shall be conducted during the appropriate blooming period(s) by a qualified plant ecologist/biologist according to protocols established by the USFWS, CDFW, and CNPS. All listed plant species found shall be marked and avoided. Any populations of special-status plants found during surveys will be fully described, mapped, and a CNPS Field Survey Form or written equivalent shall be prepared. These surveys must be accomplished during a year in which rainfall totals are at least 80 percent of average and in which the temporal distribution of rainfall is not highly abnormal (e.g., with most of the rainfall occurring very early or late in the season) to be reasonably certain of the presence/absence of rare plant species, unless surveys of reference populations document that precipitation conditions would not have adversely affected the detectability of the species.</p> <p>Prior to Site grading, any populations of special-status plant species identified during the surveys shall be protected by a buffer zone. The buffer zone shall be established around these areas and shall be of sufficient size to eliminate potential disturbance to the plants from human activity and any other potential sources of disturbance including human trampling, erosion, and dust. The size of the buffer depends upon the proposed use of the immediately adjacent lands and includes consideration of the plant's ecological requirements (e.g., sunlight, moisture, shade tolerance, physical and chemical characteristics of soils) that are identified by a qualified plant ecologist and/or botanist. The buffer for herbaceous and shrub species shall be, at minimum, 50 feet from the perimeter of the population or the individual. A smaller buffer may be established, provided there are adequate measures in place to avoid the take of the species, with the approval of the USFWS, CDFW, and County. Highly visible flagging shall be placed along the buffer area and remain in good working order during the duration of any construction activities in the area. If Project related impacts result in the loss of more than 10 percent of the on-site population of any Special-Status plant</p>	<p>Prior to Construction</p>	<p>Project Applicant, Construction Contractor</p>	<p>Imperial County, CDFW, USFWS, CNPS</p>	

Mitigation Measure	Required Time of Compliance	Responsible Implementing Party	Responsible Monitoring Party	Status of Implementation
<p>species, compensatory mitigation will be required as described below.</p> <p><b>BR-12. Compensate for Impacts to Special-Status Plant Species</b>            If Project related impacts result in the loss of more than 10 percent of the on-site population of any Special-Status plant species, compensatory mitigation will be required. Prior to the disturbance of habitat for or take of Special Status plants/populations the Applicant must receive County approval of preserved and/or mitigation lands as well as present documentation of a recorded conservation easement(s). Compensation will be required for all impacts that exceed the 10 percent threshold (e.g., impacts to 15 percent of a population will only require compensation for 5 percent or the amount of impacts that exceed the 10 percent threshold). To compensate for permanent impacts to special-status plant species, habitat (which may include preservation of areas within the undisturbed areas of the Project footprint, mitigation lands outside of the main Project Site or a combination of both) that is not already public land shall be preserved and managed in perpetuity at a 1:1 mitigation ratio (one acre preserved for each acre impacted). Compensation for temporary impacts shall include land acquisition and/or preservation at a 0.5:1 ratio. The preserved habitat for a significantly impacted plant species shall be of equal or greater habitat quality to the impacted areas in terms of soil features, extent of disturbance, vegetation structure, and will contain verified extant populations, of the same size or greater, of the special-status plants that are impacted. Impacts could include direct impacts resulting from loss of habitat or indirect impacts if a significant population or portion thereof is unable to be avoided.</p> <p>Habitat shall be preserved by using permanent open space easements. Mitigation lands cannot be located on land that is currently publicly held.</p> <p>Mitigation lands may include (depending on the habitat requirements of particular species) the following:</p> <ul style="list-style-type: none"> <li>• Areas outside the Project boundary, but within the County</li> <li>• Preservation areas within portions of the Project Site that are at least 100 feet from Project facilities and are either (1) not permanently impacted by construction and operation of the Project, or (2) are temporarily disturbed and then restored according to the requirements in Mitigation Measure BR-2</li> <li>• Criteria for appropriate mitigation land are species-specific; however, the following factors must be considered in assessing the quality of potential mitigation habitat: (1) Current land use; (2) Location (e.g., habitat corridor, part of a large block of existing habitat, adjacency to source populations, proximity to Project facilities or other potential sources of</li> </ul>	<p>Prior to Construction</p>	<p>Project Applicant</p>	<p>Imperial County, CDFW, USFWS, CNPS</p>	

Mitigation Measure	Required Time of Compliance	Responsible Implementing Party	Responsible Monitoring Party	Status of Implementation
<p>disturbance); (3) Vegetation composition and structure; (4) Slope; (5) Soil composition and drainage; and (6) Level of occupancy or use by relevant species.</p> <p>The Applicant shall either provide open space easements or provide funds for the acquisition of open space easements to a "qualified easement holder" (defined below). CDFW is a qualified easement holder. To qualify as a "qualified easement holder" a private land trust must have the following:</p> <ul style="list-style-type: none"> <li>• Substantial experience managing open space easements that are created to meet mitigation requirements for impacts to special status species</li> <li>• Adopted the Land Trust Alliance's Standards and Practices</li> <li>• A stewardship endowment fund to pay for its perpetual stewardship obligations</li> </ul> <p>The County shall determine whether a proposed easement holder meets these requirements.</p> <p>The County shall determine whether a proposed easement holder meets these requirements.</p> <p>The Applicant shall also be responsible for donating to the easement holder fees sufficient to cover: (1) Administrative costs incurred in the creation of the easement (appraisal, documenting baseline conditions, etc.) and (2) Funds in the form of a non-wasting endowment to cover the cost of monitoring and enforcing the terms of the easement in perpetuity. The amount of these administrative and stewardship fees shall be determined by the easement holder in consultation with the County.</p> <p>Open space easement(s) shall also be subject to the following conditions:</p> <ul style="list-style-type: none"> <li>• The locations of acceptable easement(s) shall be developed with approval of CDFW and USFWS</li> <li>• The primary purpose of the easement(s) shall be conservation of impacted species and habitats, but the easement(s) shall also allow livestock grazing when and where it is deemed beneficial for the habitat needs of impacted species</li> </ul> <p>Open space easement(s) shall:</p> <ul style="list-style-type: none"> <li>• Be held in perpetuity by a qualified easement holder (defined above)</li> <li>• Be subject to a legally binding agreement that shall: (1) Be recorded with the County Recorder(s); and (2) Name CDFW or another organization to</li> </ul>				

Mitigation Measure	Required Time of Compliance	Responsible Implementing Party	Responsible Monitoring Party	Status of Implementation
<p>which the easement(s) will be conveyed if the original holder is dissolved</p> <ul style="list-style-type: none"> <li>Be subject to the management requirements outlined in Mitigation Measure BR-2</li> </ul> <p>If lands acquired or protected for the compensation of permanent impacts to wildlife and/or vegetative communities contain similar sized populations of the impacted special-status plant species, of equal or greater habitat value, these mitigation lands may be used to achieve the required compensation ratios for special status plant species.</p>				
<p><b>BR-13: Complete Focused Pre-Construction Surveys for American Badger and Desert Kit Fox Surveys and Implementation of Avoidance Measures</b></p> <p>No more than 30 days prior to the commencement of construction activities, the Applicant shall retain a qualified biologist to conduct pre-construction surveys for American badger and desert kit fox within suitable habitat on the Project Site. If present, occupied dens shall be flagged and ground-disturbing activities avoided within 50 feet of the occupied den. Maternity dens shall be avoided during pup-rearing season (15 February through 1 July) and a minimum 200-foot buffer established. The extent of buffers shall be flagged in the field utilizing a method highly visible by construction crews. Buffers may be modified with the concurrence of the CDFW. Maternity dens shall be flagged for avoidance, identified on construction maps, and a biological monitor shall be present during construction to monitor for adequate protection of all identified dens and to help ensure that all flagging is kept in good working order.</p> <p>If avoidance of a non-maternity den (impacts to maternity dens is not allowed) is not feasible, badgers or foxes shall be relocated by slowly excavating the burrow (either by hand or mechanized equipment under the direct supervision of the biologist, removing no more than 4 inches at a time) before or after the rearing season (15 February through 1 July). Any passive relocation of badgers or foxes shall occur only after consultation with the CDFW and the biological monitor.</p> <p>Prior to the final County inspection or occupancy, whichever comes first, a written report documenting all badger related activities (e.g., den flagging, monitoring, badger removal, etc.) shall be provided to the County. A copy of the report will also be provided to the CDFW.</p>	Prior to Construction	Project Applicant	Imperial County, CDFW	
<p><b>BR-14: Pre-Construction Surveys and Avoidance/Relocation Measures for Flat-tailed Horned Lizard</b></p> <p>Focused pre-construction surveys shall be conducted for flat-tailed horned lizard. During construction, areas of active surface disturbance shall be surveyed</p>	Prior to Construction	Project Applicant	Imperial County, CDFW, USFWS	



Mitigation Measure	Required Time of Compliance	Responsible Implementing Party	Responsible Monitoring Party	Status of Implementation
<p>periodically, at least hourly, when surface temperatures exceed 29°C (85°F) for the presence of flat-tailed horned lizard. Flat-tailed horned lizards would be removed from harm's way during construction activities by the on-site biological monitor(s). To the extent feasible, methods to find flattailed horned lizards would be designed to achieve a maximal capture rate and would include, but not be limited to using strip transects, tracking, and raking around shrubs. During construction, the minimum survey effort would be 30 minutes per 0.40 hectare (one acre). Persons that handle flat-tailed horned lizards would first obtain all necessary permits and authorization from the CDFW. A Horned Lizard Observation Data Sheet and a Project Reporting Form, per Appendix 8 of the Rangewide Management Strategy, would also need to be completed. During construction, quarterly reports describing flat-tailed horned lizards removal activity would be submitted to the USFWS, CDFW, and the County.</p> <p>The removal of flat-tailed horned lizard out of harm's way would include relocation to nearby suitable habitat in low-impact areas of the Yuba Management Area, which is located to the west and south of the Project Site. Relocated flat-tailed horned lizards would be placed in the shade of a large shrub in undisturbed habitat. If surface temperatures in the sun are less than 24°C (75°F) or exceed 38°C (100°F), a qualified biologist, if authorized, would hold the flat-tailed horned lizard for later release. Initially, captured flat-tailed horned lizards would be held in a cloth bag, cooler, or other appropriate clean, dry container from which the lizard cannot escape. Lizards would be held at temperatures between 75°F and 90°F and would not be exposed to direct sunlight. Release would occur as soon as possible after capture and during daylight hours. The qualified biologist would be allowed some judgment and discretion when relocating lizards to maximize survival of flat-tailed horned lizards found in the Project area.</p> <ul style="list-style-type: none"> <li>To the maximum extent practicable, grading in flat-tailed horned lizard habitat would be conducted during the active season, which is defined as March 1 through September 30, or when ground temperatures are between 24°C (75°F) and 38°C (100°F). If grading cannot be conducted during this time, any flat-tailed horned lizards found would be removed to low-impact areas (see above) where suitable burrowing habitat exists, (e.g., sandy substrates and shrub cover).</li> </ul>				
<p><b>BR-15: Compensation for Impact to Flat-Tailed Horned Lizard</b> Pursuant to Title 43 CFR and the Federal Land Policy and Management Act of 1976, federal land management agencies may permit actions that result in flat-tailed horned lizard habitat loss on their lands; however, for losses both within and outside the Management Areas, compensation is charged if residual effects would</p>	After construction	Project Applicant	Imperial County	

Mitigation Measure	Required Time of Compliance	Responsible Implementing Party	Responsible Monitoring Party	Status of Implementation
<p>occur after all reasonable on-site mitigation has been applied. The goal of compensation is to prevent the net loss of flat-tailed horned lizard habitat and make the net effect of a project neutral or positive to flat-tailed horned lizards by maintaining a habitat base for flat-tailed horned lizards. To achieve this goal, compensation will be based on the acreage of flat-tailed horned lizard habitat lost after all reasonable on-site mitigation has been applied at a 1:1 ratio for habitat lost outside a flat-tailed horned lizard Management Area. For this Project, compensation will be required for a loss of approximately 54 acres of flat-tailed horned lizard habitat.</p>				
<p><b>BR-16: Develop a Habitat Mitigation and Monitoring Plan</b>  To help ensure the success of on-site preserved land and acquired mitigation lands, required for compensation of permanent impacts to vegetative communities and listed or special-status plants and wildlife, the Applicant shall retain a qualified biologist to prepare a Habitat Monitoring and Mitigation Plan (HMMP). The HMMP will be submitted to the County for approval, prior to the issuance of a construction permit. Prior to the final County inspection final impact acreages must be presented to the County and acquisition of off-site lands must be verified.</p> <p>The HMMP will include, at a minimum, the following information:</p> <ol style="list-style-type: none"> <li>Summary of anticipated habitat impacts and the proposed mitigation.</li> <li>Detailed description of the location and boundaries of undisturbed Project areas proposed for preservation, off-site mitigation lands and a description of existing site-wide conditions. The HMMP shall include detailed analysis showing that the mitigation lands meet the performance criteria outlined in MM BR-2 (Develop a Habitat Restoration Plan) and MM BR-15 (Compensate for Impacts to Flat-Tailed Horned Lizard).</li> <li>Discussion of measures to be undertaken to enhance (e.g., through focused management) the on-site preserved habitat and off-site mitigation lands for listed and special-status species.</li> <li>Description of management and maintenance measures (e.g., vegetation management, fencing maintenance, etc.).</li> <li>Discussion of habitat and species monitoring measures for on-site preservation areas and offsite mitigation lands, including specific, objectives, performance criteria, monitoring methods, data analysis, reporting requirements, monitoring schedule, etc.</li> <li>Development of a monitoring strategy for the monitoring of indirect impacts to vegetation and wildlife from alteration to the solar and hydric regimes as a result of Project facilities.</li> <li>Development of a monitoring strategy, which shall serve to document the persistence of flat-tailed horned lizard populations within the Project Site and on mitigation lands. This monitoring will be conducted for a minimum</li> </ol>	<p>Prior to and after construction</p>	<p>Project Applicant</p>	<p>Imperial County</p>	

Mitigation Measure	Required Time of Compliance	Responsible Implementing Party	Responsible Monitoring Party	Status of Implementation
<p>of 5 years after the completion of construction activities. The strategy should include, at the minimum, the following:</p> <p>h) Documentation of pre-Project population levels for the species noted above, based on results of focused pre-construction surveys and previously supplied Applicant data.</p> <p>i) On-going monitoring of species populations upon completion of construction activities, while the Project is in operation, for a minimum of three years.</p> <p>j) Monitoring of reference populations for this species in areas that contain undisturbed habitat, such as the Yuba Management Area.</p> <p>k) An analysis of the comparison of percent changes in population levels at the Project and reference sites to be used in the determination of additional compensatory mitigation.</p> <p>l) The applicant shall prepare a contingency plan for mitigation elements that do not meet performance or final success criteria within 5 years. This plan will include specific triggers for remediation if performance criteria are not being met and a description of the process by which remediation of problems with the mitigation site (e.g., presence of noxious weeds) will occur.</p>				
<p><b>BR-17: Burrowing Owl Protection Measures</b></p> <p>The following measures shall be implemented during Project construction, operation, and decommissioning with respect to burrowing owls:</p> <ul style="list-style-type: none"> <li>A qualified biologist(s) shall be on-site during all construction activities in suitable burrowing owl habitat. A qualified biologist (i.e., a biologist with previous burrowing owl survey experience) shall conduct pre-construction clearance surveys of the permanent and temporary impact areas to locate active breeding or wintering burrowing owl burrows no more than 14 days prior to construction. The survey methodology shall be consistent with the methods outlined in the CDFG Staff Report (CDFG 2012). Copies of the survey results shall be submitted to CDFW and the County.</li> <li>If no burrowing owls are detected, no further mitigation is necessary. If burrowing owls are detected, no ground-disturbing activities, such as road construction or facility construction, shall be permitted except in accordance with the staff report or by written authorization of CDFW staff. Burrowing owls shall not be excluded from burrows unless or until a Burrowing Owl Exclusion Plan is developed by the lead biologist and approved by the applicable local CDFW office and submitted to the County. The plan shall adhere to the requirements set forth in the Burrowing Owl Mitigation Staff Report (CDFW 2012).</li> </ul>	Prior to and during construction	Project Applicant	Imperial County, CDFW	

Mitigation Measure	Required Time of Compliance	Responsible Implementing Party	Responsible Monitoring Party	Status of Implementation
<ul style="list-style-type: none"> <li>In accordance with the Burrowing Owl Exclusion Plan, a qualified biologist shall excavate burrows using hand tools. Sections of flexible plastic pipe or burlap bag shall be inserted into the tunnels during excavation to maintain an escape route for any animals inside the burrow. One-way doors shall be installed at the entrance to the active burrow and other potentially active burrows within 160 feet of the active burrow. Forty-eight hours after the installation of the oneway doors, the doors can be removed, and ground-disturbing activities can proceed. Alternatively, burrows can be filled to prevent reoccupation.</li> <li>During construction activities, monthly and final compliance reports shall be provided to CDFW, the County, and other applicable resource agencies documenting the effectiveness of mitigation measures and the level of burrowing owl take associated with the Project.</li> </ul>				
<p><b>BR-18: Compensation for Impacts to Burrowing Owl</b> Should burrowing owls be found on-site, compensatory mitigation for lost breeding or wintering habitat shall be implemented on-site or off-site in accordance with Burrowing Owl Mitigation Staff Report guidance and in consultation with CDFW.</p> <p>At a minimum, the following recommendations shall be implemented:</p> <ul style="list-style-type: none"> <li>Temporarily disturbed habitat shall be restored, if feasible, to pre-Project conditions, including decompaction soil and revegetating.</li> <li>Permanent impacts to nesting, occupied and satellite burrows, and burrowing owl habitat shall be mitigated such that the habitat acreage, number of burrows, and burrowing owl impacted are replaced at a 1:1 ratio based on a site-specific analysis that shall include the following:</li> <li>Permanent conservation of similar vegetation communities to provide for burrowing owl nesting, foraging, wintering, and dispersal (i.e., during breeding and nonbreeding seasons) comparable to or better than that of the impact area, and with sufficiently large acreage, and presence of fossorial mammals.</li> <li>Permanently protect mitigation lands through a conservation easement deeded to a nonprofit conservation organization or public agency with a conservation mission. If the Project is located within the service area of a CDFW-approved burrowing owl conservation bank, the applicant may purchase available burrowing owl conservation bank.</li> </ul> <p>If the acquired lands or mitigation credits for other wildlife species or vegetation communities can be managed to support burrowing owl, the proposed mitigation lands could be aggregated so that the purchase of mitigation lands for one species could cover all or a portion of the mitigation requirements for the remaining</p>	During and after construction	Project Applicant	Imperial County, CDFW	

Mitigation Measure	Required Time of Compliance	Responsible Implementing Party	Responsible Monitoring Party	Status of Implementation
species. Mitigation lands shall not already be public land.				
<b>GEOLOGY AND SOILS</b>				
<p><b>GEO-1: Inadvertent Discovery</b>            In the event that unanticipated paleontological resources or unique geologic resources are encountered during ground-disturbing activities, work must cease within 50 feet of the discovery and a paleontologist shall be hired to assess the scientific significance of the find. The consulting paleontologist shall have knowledge of local paleontology and the minimum levels of experience and expertise as defined by the Society of Vertebrate Paleontology's Standard Procedures (2010) for the Assessment and Mitigation of Adverse Impacts to Paleontological Resources. If any paleontological resources or unique geologic features are found within the Project Site, the consulting paleontologist shall prepare a paleontological Treatment and Monitoring Plan to include the methods that will be used to protect paleontological resources that may exist within the Site, as well as procedures for monitoring, fossil preparation and identification, curation of specimens into an accredited repository, and preparation of a report at the conclusion of the monitoring program.</p>	During construction	Project Applicant	Imperial County	
<b>HYDROLOGY AND WATER QUALITY</b>				
<p><b>HYD-1: Prepare Stormwater Pollution Prevent Plan and Implement Best Management Practices</b>            Prior to issuance of any grading permit, the Applicant or its contractor shall prepare a Project-specific SWPPP and be responsible for securing coverage under SWRCB's NPDES stormwater permit for general construction activity (Order 2009-0009-DWQ). The SWPPP shall detail the treatment measures and BMPs to control pollutants that shall be implemented and complied with during both the construction and decommissioning of the Project. Example BMPs may include but are not limited to the following practices:</p> <ul style="list-style-type: none"> <li>• Designation of restricted-entry zones</li> <li>• Sediment tracking control measures (e.g., crushed stone or riffle metal plate at construction entrance)</li> <li>• Truck washdown areas</li> <li>• Diversion of runoff away from disturbed areas</li> <li>• Protective measures for sensitive areas, outlet protection</li> <li>• Provision mulching for soil stabilization during construction, and provision for revegetation upon completion of construction within a given area</li> <li>• Treatment measures to trap sediment once it has been mobilized, such as straw bale barriers, straw mulching, fiber rolls and wattles, silt fencing,</li> </ul>	Prior to construction	Project Applicant, Contractor	Imperial County, Imperial Irrigation District	

Mitigation Measure	Required Time of Compliance	Responsible Implementing Party	Responsible Monitoring Party	Status of Implementation
<p>and siltation or sediment ponds</p> <p><b>HYD-2: Final Project Drainage Plan</b> Prior to issuance of any grading permit, the applicant shall submit a Final Project Drainage Plan. The Drainage Plan shall adhere to the County's Engineering Guidelines Manual, IID "Draft" Hydrology Manual, or other recognized source with approval by the County Engineer to control and manage the discharge of stormwater to the proposed retention basins. Retention basins shall be integrated into the Drainage Plan to the maximum extent practical. The Drainage Plan shall provide both short- and long-term drainage solutions to ensure the proper sequencing of drainage facilities and management of runoff generated from the Project's impervious surfaces, as necessary.</p>	Prior to construction	Project Applicant, Construction Contractor	Imperial County, Imperial Irrigation District	
<b>TRIBAL CULTURAL RESOURCES</b>				
<p><b>CULT-1: Workers Environmental Awareness Program</b> A qualified archaeologist shall be retained to prepare a cultural resource focused Workers Environmental Awareness Program (WEAP) training that shall be given to all ground disturbing construction personnel to minimize harm to undiscovered archaeological resources or potential tribal resources that may be discovered during construction. All Site workers shall be required to complete WEAP Training with a focus on cultural resources, including education on the consequences of unauthorized collection of artifacts and that reviews discovery protocol. WEAP training shall also explain the protocol for notification, and requirements to retain a qualified archaeologist to evaluate any unexpected finds, as well as protocols regarding notification of tribal representatives.</p>	Prior to and during construction	Project Applicant	Imperial County	
<p><b>CULT-2: Continued Consultation with the San Pasqual Ban of Mission Indians</b> If no other responses to Imperial County's invitation to consult on the Project are received, prior to construction, the County shall continue consultation with the San Pasqual Band of Mission Indians (San Pasqual). If the County, as the lead agency, determines through continued consultation that there is substantial evidence the Project may adversely impact a yet unidentified Tribal Cultural Resource that meets criteria established in Public Resources Code Section 5024.1, the County shall determine if measures are needed to minimize potential impacts to TCRs including:</p> <ul style="list-style-type: none"> <li>• Requirements for Native American Monitoring of Project Ground Disturbing Activities</li> <li>• Development of an Unexpected Discovery Plan for Archaeological</li> </ul>	Prior to construction	Project Applicant	Imperial County	

Mitigation Measure	Required Time of Compliance	Responsible Implementing Party	Responsible Monitoring Party	Status of Implementation
<p>Resources</p> <ul style="list-style-type: none"> <li>Development of a Treatment Plan for Artifacts Considered to be Tribal Cultural Resources</li> </ul> <p>If the County, through continued consultation efforts, determines there is not substantial evidence to support the existence of potential TCRs at the Project site, no additional measures shall be required.</p>				