

## **CHAPTER 5.0**

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# **MITIGATION MONITORING AND REPORTING PROGRAM**



## 5.0 MITIGATION MONITORING AND REPORTING PROGRAM

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### 5.1 INTRODUCTION

This document is the Final Mitigation Monitoring and Reporting Program (Final MMRP) for the Drew Solar Project. This Final MMRP has been prepared pursuant to Section 21081.6 of the California Public Resources Code, which requires public agencies to “adopt a reporting and monitoring program for the changes made to the project or conditions of project approval, adopted in order to mitigate or avoid significant effects on the environment.” A Final MMRP is required for the proposed Project because the EIR identified significant adverse impacts and mitigation measures have been identified to address these impacts. The numbering of the individual mitigation measures follows the numbering sequence as found in the Final EIR. All revisions to mitigation measures that were necessary, as a result of responding to public comments and incorporating staff-initiated revisions have been incorporated into this Final MMRP.

### 5.2 MITIGATION MONITORING AND REPORTING PROGRAM

The Final MMRP, as outlined in the table beginning on page 5.0-3, describes mitigation timing, monitoring responsibilities, and compliance verification responsibility for all mitigation measures identified in this Final EIR. The County of Imperial will be the primary agency, but not the only agency responsible for implementing the mitigation measures. In some cases, other public agencies will implement measures. In other cases, the project applicant will be responsible for implementation of measures and the County’s role is exclusively to monitor the implementation of the measures. In such cases, the project applicant may choose to require the construction contractor to implement specific mitigation measures prior to and/or during construction. The County will continue to monitor mitigation measures that are required to be implemented during the operation of the project.

The Final MMRP is presented in tabular form on the following pages. The components of the Final MMRP are described briefly below:

**Mitigation Measures:** The mitigation measures are taken from the Draft EIR, in the same order that they appear in the Draft EIR. The Final MMRP incorporates revisions to mitigation measures as well as any new mitigation measures that were necessitated as part of response to comments or the Errata.

**Mitigation Timing:** Identifies at which stage of the Project mitigation must be completed.

**Monitoring Responsibility:** Identifies the department within the County, project applicant, or consultant responsible for mitigation monitoring.

**Compliance Verification Responsibility:** Identifies the department of the County or other State agency responsible for verifying compliance with the mitigation. In some cases, verification will include contact with responsible state and federal agencies.

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MM #	Mitigation Measure	Monitoring Responsibility	Timing	Verification (Date and Initials)
<b>TRANSPORTATION</b>				
<b>4.3.5a</b>	<p><b>All CUPs (CUP#17-0031 thru CUP#17-0035 and CUP#18-0001)</b> Employee and vendor routes to each CUP shall be limited to Drew Road and Pulliam Road unless improvements are made to other county roads leading to individual CUP sites in advance of development of each CUP.</p>	Imperial County Planning and Development Services Department, Imperial County Public Works Department.	Prior to the issuance of grading permit/ Project contractor.	
<b>4.3.5b</b>	<p><b>All CUPs (CUP#17-0031 thru CUP#17-0035 and CUP#18-0001)</b> The CUP owner(s) shall limit the Project's construction traffic to paved County roadways. In the event the Applicant's construction traffic requires the use of unpaved County roadways, the Applicant shall mitigate those County unpaved roadways in accordance with ICAPCD Rule 805.</p> <p>In addition to complying with Rule 805, if 50 vehicle trips per day (VPD) (cumulative from public and project use) are triggered by the project on any single County unpaved roadway, the Applicant shall provide for the future maintenance cost of the affected roadway for the full term of the CUP which triggered the increase beyond the 50 VPD threshold.</p>	Imperial County Planning and Development Services Department, Imperial County Public Works Department.	Prior to the issuance of grading permit/ CUP owner(s).	
<b>4.3.5c</b>	<p><b>All CUPs (CUP#17-0031 thru CUP#17-0035 and CUP#18-0001)</b> As each CUP may be constructed individually and independently, the CUP owner(s) shall improve the roads per the approved haul route study. If the CUP owner(s) has already improved the roads that will be utilized by the next CUP to start construction, then no new road improvements are required.</p>	Imperial County Planning and Development Services Department, Imperial County Public Works Department.	Prior to the issuance of grading permit/ CUP owner(s).	

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4.3.5d	<p><b>All CUPs (CUP#17-0031 thru CUP#17-0035 and CUP#18-0001)</b>            Project construction traffic will utilize County roads, therefore a fair share shall be paid per the approved haul route study, and the Developer will be required to repair any damages caused to County roads by construction traffic during construction and maintain them in safe conditions. The Imperial County Public Works Department/Road Commissioner shall have final authority as to the fair share percentage and the final payment amounts based on the final and approved access points in the project's grading and improvement plans. Fair share shall be paid in full prior to Issuance of grading, building and encroachment permits.</p>	Imperial County Planning and Development Services Department, Imperial County Public Works Department/Road Commissioner.	Prior to the issuance of grading, building and encroachment permits.	
4.3.5e	<p><b>CUP#17-0031, CUP#17-0032, CUP#17-0033, CUP#17-0034, CUP#17-0035 and CUP#18-0001</b>            Fair share payments shall be paid per the approved haul route study as approved by Imperial County Public Works Department prior to issuance of grading, building and encroachment permits.</p>	Imperial County Planning and Development Services Department, Imperial County Public Works Department/Road Commissioner.	Prior to the issuance of grading, building and encroachment permits.	
4.3.5f	<p><b>CUP#17-0031, CUP#17-0032, CUP#17-0033, CUP#17-0034, CUP#17-0035 and CUP#18-0001</b>            Prior to issuance of final Certificate of Occupancy, CUP owner shall be responsible for repairing any damage caused to County roads and bridges it utilizes via improvements as determined by the County Road Commissioner based on the final and approved access points in the Project's grading and improvement plans.</p>	Imperial County Planning and Development Services Department, Imperial County Public Works Department/Road Commissioner.	Prior to the issuance of grading, building and encroachment permits.	

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MM #	Mitigation Measure	Monitoring Responsibility	Timing	Verification (Date and Initials)
4.3.5g	<p><b>CUP#17-0031</b>                      Fair share payments shall be paid for future road maintenance of at least one-half mile of road improvements (calculated to include 100% of shoulder work, grinding 1-inch of asphalt and final 2-inches of overlays) along Drew Road from SR 98 to the Mount Signal Drain No. 1 or as approved by ICDPW prior to issuance of the first grading permit based on the final and approved access points in the Project’s grading and improvement plans. Final distance of road improvements and unit costs for the fair share shall be determined by the Road Commissioner.</p>	Imperial County Planning and Development Services Department, Imperial County Public Works Department/Road Commissioner.	Prior to the issuance of grading, building and encroachment permits.	
4.3.5h	<p><b>CUP#17-0032</b>                      Fair share payments shall be paid for future road maintenance of at least one-half mile of road improvements (calculated to include 100% of shoulder work, grinding 1-inch of asphalt and final 2-inches of overlays) along Pulliam Road from SR 98 to the Carr Drain or as approved by ICDPW prior to issuance of the first grading permit based on the final and approved access points in the Project’s grading and improvement plans. Final distance of road improvements and unit costs for the fair share shall be determined by the Road Commissioner.</p>	Imperial County Planning and Development Services Department, Imperial County Public Works Department/Road Commissioner.	Prior to the issuance of grading, building and encroachment permits.	
4.3.5i	<p><b>CUP#17-0033</b>                      Fair share payments shall be paid for future road maintenance of at least one-half mile of road improvements (calculated to include 100% of shoulder work, grinding 1-inch of asphalt and final 2-inches of overlays) along Pulliam Road from Carr Drain to Kubler Road or as approved by ICDPW prior to issuance of the first grading permit based on the final and approved access points in the Project’s grading and improvement plans. Final distance of road improvements and unit costs for the fair share shall be determined by the Road Commissioner.</p>	Imperial County Planning and Development Services Department, Imperial County Public Works Department/Road Commissioner.	Prior to the issuance of grading, building and encroachment permits.	

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4.3.5j	<p><b>CUP#17-0034</b>            Fair share payments shall be paid for future road maintenance of at least one-half mile of road improvements (calculated to include 100% of shoulder work, grinding 1-inch of asphalt and final 2-inches of overlays) along Drew Road from Mount Signal Drain No. 1 to Kubler Road, or as approved by Imperial County Public Works Department prior to issuance of the first grading permit based on the final and approved access points in the Project's grading and improvement plans, unless the condition has already been satisfied as part of CUP#17-0033. Final distance of road improvements and unit costs for the fair share shall be determined by the Road Commissioner.</p>	Imperial County Planning and Development Services Department, Imperial County Public Works Department/Road Commissioner.	Prior to the issuance of grading, building and encroachment permits.	
4.3.5k	<p><b>CUP#17-0035 and CUP#18-0001</b>            Fair share payments shall be paid for future road maintenance of at least one mile of road improvements (calculated to include 100% of shoulder work, grinding 1-inch of asphalt and final 2-inches of overlays) along Drew Road from SR 98 up to Kubler Road unless this condition has already been satisfied as part of CUP 17-0031 or CUP 17-0035 relating to construction haul route, or as approved by Imperial County Public Works Department prior to issuance of the first grading permit based on the final and approved access points in the Project's grading and improvement plans. Final distance of road improvements and unit costs for the fair share shall be determined by the Road Commissioner.</p>	Imperial County Public Works Department.	Prior to the issuance of grading, building and encroachment permits.	



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<b>GEOLOGY AND SOILS</b>				
<b>4.6.1</b>	A Fault Hazard Study including fault trenching shall be prepared for CUP#17-0035 and CUP#18-0001 to address any issues associated with the presence of an Alquist-Priolo Earthquake Fault Zone.	Imperial County Department of Planning and Development Services, Division of Building & Safety.	As a Condition of Approval/Prior to approval of final building plans.	
<b>4.6.2</b>	Prior to approval of final building plans, a registered civil engineer or certified engineering geologist, having at least five years of experience in the field of seismic hazard evaluation and mitigation, shall prepare a Final Geotechnical and GeoHazards Report containing site-specific evaluations of the ground shaking hazards affecting the Project, identify the portions of the Project site containing ground shaking hazards, and identify appropriate Project design measures pursuant to the established and proven methodologies (e.g. Special Publication 117A). The Report shall also include site-specific evaluations of potential for liquefaction, expansive soils and corrosive soils for all solar field site parcels, energy storage components and Gen-Tie foundations. The Report shall identify appropriate Project design measures pursuant to the established and proven methodologies set forth in the 2016 CBC. All recommended Project design measures as set forth in the Final Geotechnical and GeoHazards Report shall be incorporated into and reflected on the final design and building plans for each CUP. All recommended Project design measures as set forth in the Final Geotechnical and GeoHazards Report shall be incorporated into and reflected on the final design and building plans. The Final Geotechnical and GeoHazards Report and Project plans shall be submitted for review and approval by the Imperial County Planning and Development Services Department, Division of Building & Safety prior to approval of the final building plans.	Imperial County Department of Planning and Development Services, Division of Building & Safety.	Prior to approval of final building plans/ As part of Project design.	

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4.6.7a	Concrete mixed with higher cement contents (6 sacks Type V Portland Cement) and low water-cement ratios (0.45 w/c ratio) shall be used for all concrete structures proposed as part of the Project subject to approval by the County Engineer and Planning Director.	Imperial County Engineer/Imperial County Department of Planning and Development Services, Division of Building & Safety.	During Project construction.	
4.6.7b	Zinc coatings (galvanizing) or increased structural sections shall be used to protect all steel posts and to compensate for metal loss due to corrosion subject to approval by the County Engineer and Planning Director.	Imperial County Engineer/Imperial County Department of Planning and Development Services, Division of Building & Safety.	During Project construction.	
4.6.8	Qualified Paleontological monitor(s) shall be hired to oversee excavations or drilling activities greater than 10 feet in depth. Monitors shall be empowered to temporarily halt or divert equipment to allow removal of abundant or large specimens. Recovered specimens shall be prepared to a point of identification and permanent preservation, including washing of sediments to recover small invertebrates and vertebrates. Fossil specimens shall be curated by accessioning into an established, accredited museum repository with permanent retrievable paleontological storage. A report of findings with an appended itemized inventory of specimens shall be prepared. Submittal of the report and inventory to the Imperial County Planning and Development Services Department, along with confirmation of the curation of recovered specimens into an established, accredited museum repository, shall signify completion of the program to mitigate impacts to paleontological resources.	Paleontological Monitor and Imperial County Planning and Development Services Department.	During construction involving drilling or excavations to depths of 10 feet or more.	

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<b>CULTURAL RESOURCES &amp; TRIBAL CULTURAL RESOURCES</b>				
<b>4.7.2a</b>	A monitor from the Campo Band of Mission Indians and the Colorado River Indian Tribes shall be present as Native American monitors for initial ground disturbing activities within the boundaries of the Project site. Following initial disturbance, a determination shall be made by the County in accordance with State regulations if continued monitoring is necessary based on the outcome of any discoveries or lack thereof.	Imperial County Planning and Development Services Department/Campo Band of Mission Indians and Colorado River Indian Tribes.	During initial ground disturbing activities/ as needed.	
<b>4.7.2b</b>	In the event that archaeological resources (sites, features, or artifacts) are exposed during construction activities for the Project, all construction work occurring within 100 feet of the find shall immediately stop until a qualified archaeologist meeting the Secretary of the Interior's Professional Qualification Standards can evaluate the significance of the find and determine whether or not additional study is warranted. If the discovery is clearly not significant (e.g., an isolate) the archaeologist may simply record the find and allow work to continue. If the discovery proves potentially significant under CEQA, additional work such as preparation of an archaeological treatment plan, testing, or data recovery may be warranted.	Archaeological Monitor and Imperial County Planning and Development Services Department.	During construction involving drilling or excavations to depths of 10 feet or more.	

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4.7.3	<p>In accordance with Section 7050.5 of the California Health and Safety Code, if human remains are found, the County Coroner shall be notified of the discovery immediately. No further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains shall occur until the County Coroner has determined, within 2 working days of notification of the discovery, the appropriate treatment and disposition of the human remains. If the County Coroner determines that the remains are, or are believed to be, Native American, he or she shall notify the NAHC in Sacramento within 24 hours. In accordance with California Public Resources Code Section 5097.98, the NAHC must immediately notify those persons it believes to be the MLD from the deceased Native American. The MLD shall complete inspection within 48 hours of being granted access to the site. The designated Native American representative would then determine, in consultation with the property owner, the disposition of the human remains.</p> <p>In the event that any human remains or objects subject to provision of the Native American Graves Protection and Repatriation Act, or cultural resources such as sites, trails, artifacts are identified during ground disturbance, please contact the Colorado River Indian Tribes' Tribal Historic Preservation Office (CRIT THPO) within 48 hours.</p>	Imperial County Planning and Development Services Department, Imperial County Coroner in coordination with NAHC and CRIT THPO.	During construction.	

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<b>AGRICULTURAL RESOURCES</b>				
4.9.1a	<p><b>Payment of Agricultural and Other Benefit Fees</b></p> <p>One of the following options included below shall be implemented prior to the issuance of a grading permit or building permit (whichever is issued first) for the proposed Project:</p> <p><b>For Non-Prime Farmland:</b></p> <ul style="list-style-type: none"> <li>• <b>Option 1:</b> The Permittee shall procure Agricultural Conservation Easements on a 1 to 1 basis on land of equal size, of equal quality of farmland, outside the path of development. The Conservation Easement shall meet the State Department of Conservation’s regulations and shall be recorded prior to issuance of any grading or building permits;</li> <li>• <b>Option 2:</b> The Permittee shall pay an “Agricultural In-Lieu Mitigation Fee” in the amount of 20% of the fair market value per acre for the total acres of 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</li> <li>• <b>Option 3:</b> The Permittee and County 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,</li> </ul>	<p><i>Imperial County Planning and Development Services Department.</i></p>	<p><i>Prior to the issuance of a grading permit or building permit (whichever is issued first).</i></p>	

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4.9.1a	<p>preservation and enhancement of agricultural lands within Imperial County and to implement the goals and objectives of the Agricultural Benefit program, as specified the Development Agreement, including addressing the mitigation of agricultural job loss on the local economy.</p> <p><b>For Prime Farmland:</b></p> <ul style="list-style-type: none"> <li>• <b>Option 1:</b> The Permittee shall procure Agricultural Conservation Easements on a "2 to 1" basis on land of equal size, of equal quality farmland, outside of the path of development. The Conservation Easements shall meet the State Department of Conservation's regulations and shall be recorded prior to issuance of any grading or building permits; or</li> <li>• <b>Option 2:</b> The Permittee shall pay an "Agricultural In-Lieu Mitigation Fee" in the amount of 30 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.</li> <li>• <b>Option 3:</b> The Permittee and County shall 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 the</li> </ul>	<p><i>Imperial County Planning and Development Services Department.</i></p>	<p><i>Prior to the issuance of a grading permit or building permit (whichever is issued first).</i></p>	

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	<p>Development Agreement, including addressing the mitigation of agricultural job loss on the local economy; the Project and other recipients of the Project's Agricultural Benefit Fee funds; or emphasis on creation of jobs in the agricultural sector of local economy for the purpose of off-setting jobs displaced by this Project.</p> <ul style="list-style-type: none"> <li>• <b>Option 4:</b> The Permittee shall revise their CUP Application/Site Plan to avoid Prime Farmland.</li> </ul>			
4.9.1b	<p><b>Reclamation/Decommissioning Plan and Security</b> Prior to the issuance of a grading permit or building permit (whichever is issued first) for the proposed Project, the Permittee shall submit to Imperial County a Reclamation and Decommissioning Plan. The plan shall document the procedures by which each CUP area will be returned to its current agricultural condition/LESA score of 57.9. The Permittee shall also provide financial assurance/bonding in an amount equal to a cost estimate prepared by a California-licensed general contractor or civil engineer for implementation of the Reclamation Plan in the event Permittee fails to perform the Reclamation Plan.</p>	<i>Imperial County Planning and Development Services Department.</i>	<i>Prior to the issuance of a grading permit or building permit (whichever is issued first).</i>	
<b>BIOLOGICAL RESOURCES</b>				
4.12.1a	<p><b>General Avoidance and Minimization Measures</b> <b><u>Debris/Non-native Vegetation/Pollution</u></b></p> <ul style="list-style-type: none"> <li>• Fully covered trash receptacles that are animal-proof will be installed and used onsite to contain all food, food scraps, food wrappers, beverage containers, and other miscellaneous trash.</li> <li>• No litter or debris will be discharged into state-jurisdictional waters.</li> <li>• Work areas shall be kept clean of debris, such as trash, and construction materials.</li> <li>• Vehicle and Equipment Restrictions and Maintenance</li> <li>• Vehicle operation within jurisdictional resources when surface water is present will be prohibited except as necessary to perform work in</li> </ul>	<i>Imperial County Planning and Development Services Department.</i>	<i>During construction and operation, as appropriate/Applicant and Project Contractor.</i>	

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4.12.1a	<p>IID facilities pursuant to USACE, RWQCB, and/or CDFW permits and/or authorizations. Any equipment or vehicles driven and/or operated within or adjacent to a state-jurisdictional channel will be checked and maintained by the operator daily to prevent leaks of oil or other petroleum products that could be deleterious to aquatic life if introduced to the watercourse.</p> <ul style="list-style-type: none"> <li>• Vehicles and equipment access will be limited to the identified impact areas and speed limit of 15 mph will be enforced. The work areas and sensitive areas will be flagged prior to construction in order to ensure construction activities remain within the approved work limits. During operations and maintenance, vehicles and equipment will be restricted from entering sensitive habitat, and limited to maintenance access roads, where feasible, and the minimal area necessary to perform the work.</li> <li>• Staging and storage areas for spoils, equipment, materials, fuels, lubricants, and solvents will be located outside the state-jurisdictional channels and within the designated impact area. Stationary equipment, such as motors, pumps, generators, compressors, and welders, located adjacent to state-jurisdictional waters shall be positioned over drip-pans or other containment. Prior to refueling and lubrication, vehicles and other equipment shall be moved away from the jurisdictional waters.</li> </ul> <p><b><u>Other Restrictions on Activities and Personnel</u></b></p> <ul style="list-style-type: none"> <li>• No pets, such as cats or dogs, permitted on the Project site during construction or operations and maintenance.</li> <li>• Any contractor, employee, or agency personnel who kills, injures, or traps a wildlife species shall immediately report the incident to the Project biologist during construction and the operations manager during operations and maintenance.</li> </ul>	<p><i>Imperial County Planning and Development Services Department.</i></p>	<p><i>During construction and operation, as appropriate/Applicant and Project Contractor.</i></p>	



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4.12.1a	<ul style="list-style-type: none"> <li>All pipes, culverts, or similar structures with a diameter of 4 inches or more that are stored at a construction site for one or more overnight periods shall be thoroughly inspected for special-status wildlife and nesting birds before the pipe is subsequently buried, capped, or otherwise used or moved in any way, and subsequently covered to prevent entry to nesting birds and other wildlife. If an animal is discovered inside a pipe, that section of pipe shall not be moved until the Project biologist has been consulted and the animal has either moved from the structure on its own accord or until the animal has been captured and relocated by a qualified biologist.</li> </ul>	<i>Imperial County Planning and Development Services Department.</i>	<i>During construction and operation, as appropriate/Applicant and Project Contractor.</i>	
4.12.1b	<p><b>Environmental Awareness Training, Biological Monitoring, and Compliance</b></p> <p><u>Worker Environmental Awareness Program and Ongoing Training</u> Prior to the initiation of any on-site grading, all construction/contractor personnel working on site must complete training through a Worker Environmental Awareness Program (WEAP). New construction workers engaged in construction activities (e.g., grading, utility installation, etc.) shall complete WEAP training within the first week of deployment on the site. Additionally, operational staff shall complete WEAP training prior to deployment on the site.</p> <p><u>Biological Monitoring and Compliance Documentation</u></p> <ul style="list-style-type: none"> <li>The Project biologist shall perform the biological monitoring and compliance documentation for the Project during construction, including the following:</li> <li>Prior to the initiation of any on-site grading, the Project biologist will document that required pre-construction surveys and/or relocation efforts have been implemented.</li> <li>The Project biologist will periodically monitor activities during initial grading.</li> </ul>	<i>Imperial County Planning and Development Services Department.</i>	<i>During construction and operation, as appropriate/Applicant, Project Contractor and Operator.</i>	

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4.12.1b	<ul style="list-style-type: none"> <li>• The Project biologist will note any evidence of trash and, if present, communicate the presence and requirement to remove the trash to the construction manager.</li> <li>• The Project Biologist shall have the following minimum qualifications: (1) Have a bachelor’s degree in biological sciences, zoology, botany, ecology or a closely related field; (2) Have at least 2 years of experience in biological compliance for construction projects; and (3) Have at least 1 year of field experience with biological resources found in the geographic region of the Project.</li> </ul>	<p><i>Imperial County Planning and Development Services Department.</i></p>	<p><i>During construction and operation, as appropriate/ Applicant, Project Contractor and Operator.</i></p>	
4.12.1c	<p><b>Burrowing Owl Surveys and Avoidance/Relocation.</b></p> <ul style="list-style-type: none"> <li>• No more than 14 days prior to ground-disturbing activities (vegetation clearance, grading), a qualified wildlife biologist (i.e., a wildlife biologist with previous burrowing owl survey experience) shall conduct pre-construction take avoidance surveys on and within 656 feet of the construction zone (where safe and legally accessible) to identify occupied breeding or wintering burrowing owl burrows. The two-pass take avoidance burrowing owl surveys shall be conducted in accordance with the Staff Report on Burrowing Owl Mitigation (2012 Staff Report; CDFG 2012) and shall consist of walking parallel transects 22 feet to 65 feet apart, adjusting for vegetation height and density as needed, and noting any suitably sized burrows with fresh burrowing owl sign or presence of burrowing owls. As each burrow is investigated, biologists shall also look for signs of American badger and desert kit fox. Copies of the burrowing owl survey results will be submitted to the CDFW.</li> </ul>	<p><i>Imperial County Planning and Development Services Department.</i></p>	<p><i>No more than 14 days prior to ground-disturbing activities/ qualified wildlife biologist.</i></p>	

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4.12.1c	<ul style="list-style-type: none"> <li>• If burrowing owls are detected on site, no ground-disturbing activities will be permitted within 656 feet of an occupied burrow during the breeding season (February 1 to August 31), unless otherwise authorized by CDFW. During the nonbreeding season (September 1 to January 31), ground-disturbing work can proceed near active burrows as long as the work occurs no closer than 165 feet from the burrow. Depending on the level of disturbance, a smaller buffer may be established in consultation with CDFW.</li> <li>• If avoidance of active burrows is infeasible during the nonbreeding season, then, before breeding behavior is exhibited and after the burrow is confirmed empty by site surveillance and/or scoping, a qualified biologist shall implement a passive relocation program in accordance with Appendix E (i.e., Example Components for Burrowing Owl Artificial Burrow and Exclusion Plans) of the 2012 Staff Report. Passive relocation consists of excluding burrowing owls from occupied burrows by closing or collapsing the burrows and providing suitable artificial burrows nearby for the excluded burrowing owls.</li> <li>• Where required buffering will not be feasible, passive relocation is an option in consultation with CDFW, but it is preferred to install appropriate artificial burrows (in accordance with the negotiated Plan) and then let the owls decide whether they would like to abandon the existing burrow. Only burrows that are in danger by construction should be collapsed if at all possible.</li> <li>• A Burrowing Owl Relocation Plan will be prepared and approved by CDFW prior to commencement of burrowing owl exclusion activities if this method of mitigation is required. The plan will detail the procedures of the passive relocation effort, the location of constructed replacement burrows, design of replacement burrows, and post relocation monitoring requirements.</li> </ul>	<p><i>Imperial County Planning and Development Services Department.</i></p>	<p><i>No more than 14 days prior to ground-disturbing activities/qualified wildlife biologist.</i></p>	

## 5.0 MITIGATION MONITORING AND REPORTING PROGRAM

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4.12.1d	<p><b>Nesting Bird Pre-Construction Surveys and Avoidance Plan</b></p> <ul style="list-style-type: none"> <li>The Project biologist shall conduct pre-construction surveys no earlier than 7 days prior to any on-site grading and construction activities that occurs during the nesting season defined as February 1 – September 15 or as determined by the Project biologist. Pre-construction surveys shall be conducted within the designated construction area and a 500-foot buffer (where safe and legally accessible). Burrowing owl measures are addressed in MM 4.12.1c.</li> <li>The purpose of the pre-construction surveys will be to determine whether occupied nests are present in the construction zone or within 500 feet of the construction zone boundary on lands that are legally accessible.</li> <li>If occupied nests are found, then limits of construction to avoid occupied nests shall be established by the Project biologist in the field with flagging, fencing, or other appropriate barriers (e.g., 250 feet around active passerine nests to 500 feet around active raptor nests), and construction personnel shall be instructed on the sensitivity of nest areas. The Project biologist may adjust the 250-foot or 500-foot setback at his or her discretion depending on the species and the location of the nest (e.g., if the nest is well protected in an area buffered by dense vegetation the setback may be reduced). Once a Project biologist has determined that the birds have fledged and are no longer reliant upon the nest or parental care for survival, construction may proceed.</li> </ul>	<p><i>Imperial County Planning and Development Services Department.</i></p>	<p><i>No earlier than 7 days prior to any on-site grading and construction activities that occurs during the nesting season/Project biologist.</i></p>	

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4.12.1e	<p><b>Transmission Line Design</b></p> <p>All transmission towers and lines are designed to conform to Avian Power Line Interaction Committee (APLIC) standards. APLIC standards identify the necessary physical separation between energized and/or grounded structures, conductors, hardware, or equipment to avoid the potential for that to be bridged by birds, thus avoiding the potential for electrocution. The proposed Project shall implement recommendations by the APLIC (2006, 2012) to protect raptors and other birds.</p>	During Project design/As part of Project construction.	<i>Imperial County Planning and Development Services Department.</i>	
4.12.3	<p><b>CUP#17-0033 - Federal and State Agency Permits</b></p> <p>To comply with the state and federal regulations for impacts to jurisdictional resources regulated by the United States and State of California, the following permits and agreement shall be obtained, or evidence shall be provided from the respective resource agency satisfactory to the County that such an agreement or permit is not required if development activities are proposed within jurisdictional waters:</p> <ul style="list-style-type: none"> <li>• A Clean Water Act Section 404 permit issued by the USACE for all Project-related disturbances of jurisdictional non-wetland waters and/or wetlands.</li> <li>• A Clean Water Act Section 401 permit issued by the RWQCB for all Project-related disturbances of jurisdictional non-wetland waters and/or wetlands.</li> <li>• A Section 1602 Streambed Alteration Agreement issued by the CDFW for all Project-related disturbances of any streambed and associated riparian habitat.</li> </ul>	<i>Imperial County Planning and Development Services Department, USACE, RWQCB and CDFW.</i>	<i>Prior to issuance of a Building Permit/in accordance with USACE, RWQCB and CDFW requirements.</i>	

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