

## **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 (FMMRP) for the Seville 4 Solar Project. This FMMRP 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 FMMRP.

### 5.2 MITIGATION MONITORING AND REPORTING PROGRAM

The FMMRP, 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 FMMRP is presented in tabular form on the following pages. The components of the FMMRP 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>AIR QUALITY</b>				
<b>MM 4.4.1a</b>	<p><b>Compliance with ICAPCD Regulation VIII</b></p> <p>The Project Applicant shall prepare a Dust Control Plan for control of fugitive dust during construction as required by ICAPCD Regulation VIII. The Dust Control Plan shall also include dust control measures to be implemented during the operation and maintenance phase of the Project. The Dust Control Plan shall address construction and earthmoving activities, track-out, open areas and unpaved roads. The Dust Control Plan shall also include information on the dust suppressants to be applied and the specific surface treatment(s) and/or control measures to be utilized to control track-out where unpaved and/or access points join paved public access roads. The Dust Control Plan shall be submitted for ICAPCD review prior to any earthmoving activities.</p> <p>As noted in the Methodology discussion, all construction activity CalEEMod modeling was done incorporating on-site watering three times daily during the grading activities. Accordingly, the following mitigation measures shall be employed:</p>	<i>Imperial County Planning and Development Services Department and ICAPCD.</i>	<i>Submittal of Dust Control Plan to ICAPCD for review prior to any earthmoving activities; Implementation of Dust Control Plan during construction and operation/maintenance phases as specified in the Dust Control Plan.</i>	
<b>MM 4.4.1b</b>	To reduce fugitive dust, water shall be applied to the all-weather private road at least three times per day and speeds shall be limited to 25 mph during construction.	<i>Imperial County Planning and Development Services Department and ICAPCD.</i>	<i>During construction of the all-weather private road.</i>	
<b>MM 4.4.1c</b>	<p><b>CalEEMod Construction-Phase Mitigation</b></p> <ul style="list-style-type: none"> <li>Actively disturbed areas on the Project site would also be watered at least three times a day as necessary to reduce fugitive dust emissions during grading, racking installation, panel installation, system wiring and trenching and inverter installation.</li> </ul>	<i>Imperial County Planning and Development Services Department and ICAPCD.</i>	<i>During grading, racking installation, panel installation, system wiring and trenching and inverter installation.</i>	

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MM #	Mitigation Measure	Monitoring Responsibility	Timing	Verification (Date and Initials)
<b>GEOLOGY AND SOILS</b>				
<b>MM 4.6.1</b>	Structures within the Project area shall be designed and constructed in accordance with the 2016 California Building Code (CBC) and ASCE 7-10 Seismic Parameters.	<i>Imperial County Planning and Development Services Department and Imperial County Department of Public Works.</i>	<i>Prior to approval of final building plans/As part of Project design.</i>	
<b>MM 4.6.4a</b>	All permanent slopes shall not be steeper than 3:1 to reduce wind and rain erosion. Protected slopes with ground cover may be as steep as 2:1. Note: Maintenance with motorized equipment may not be possible at this inclination.	<i>Imperial County Planning and Development Services Department and Imperial County Department of Public Works</i>	<i>Prior to approval of grading plans/During grading</i>	
<b>MM 4.6.4b</b>	Low slope angles (less than 3H:1V) shall be used for unprotected slopes. Where significant exposure is expected, addition of cement to the soil or concrete filled rock facing shall be employed to create a cemented mass that is resistant to water movement.	<i>Imperial County Planning and Development Services Department and Imperial County Department of Public Works</i>	<i>Prior to approval of grading plans/During grading</i>	
<b>MM 4.6.4c</b>	Dressing (fine grading and compacting) of the slopes shall be implemented as needed to fill small rivulets caused by direct rainfall onto the slopes. Surface soils coagulants shall also be considered for wind erosion control of the sandy ground surface	<i>Imperial County Planning and Development Services Department</i>	<i>As needed following rain events/During Project operation</i>	
<b>MM 4.6.6</b>	The Project shall implement the recommendations of the Geotechnical Report regarding structural concrete, non-structural concrete, concrete mixes and corrosivity, driven pile design criteria, settlement, excavations, stormwater detention basin berms, lateral earth pressures, seismic design, soil erosion factors for SWPPP, and all-weather access roadways.	<i>Imperial County Planning and Development Services Department, Division of Building &amp; Safety</i>	<i>Prior to issuance of building permit/during construction</i>	

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MM #	Mitigation Measure	Monitoring Responsibility	Timing	Verification (Date and Initials)
<b>CULTURAL RESOURCES</b>				
<b>MM 4.7.3a</b>	If avoidance of archaeological sites P-13-008029 (subsumed 08587)/CA-IMP-1266 (subsumed 8010), P-13-008586/CA-IMP-8009, P-13-008606/CA-IMP-8089, P-13-009941/CA-IMP-10004, P-13-009942/CA-IMP-10005, P-13-014438, JL_S_1, JL_S_2, JL_S_3, JL_S_4, JL_S_5, JL_S_6, JL_S_7, JL_S_8, JL_I_3, JL_I_4, JL_I_6A and JL_I_6B is not possible, a formal evaluation for eligibility for the CRHR under CEQA Guidelines and the Imperial County General Plan Renewable Energy and Transmission Element MMRP CUL-1d (Site Characterization, Sitting and Design and Construction) shall be undertaken. Evaluation shall include a combination of surface mapping and collection, excavation, and special analyses designed to understand site formation and human habitation of the resource in a regional context.	<i>Imperial County Department of Planning and Development Services</i>	<i>Avoidance, during construction/ Evaluation by Qualified Archaeologist prior to construction</i>	
<b>MM 4.7.3b</b>	In keeping with mitigation measures CUL-1d and CUL-3 of the MMRP for the Final Programmatic Environmental Impact Report for the Imperial County Renewable Energy and Transmission Element Update, Imperial County, California, construction monitoring by a qualified archaeologist and a local Native American monitor of all ground disturbance is recommended due to the presence of numerous prehistoric cultural resources within the survey area and 1-mile record search radius.	<i>Imperial County Department of Planning and Development Services</i>	<i>During all ground disturbing activities/ Native American Monitor</i>	
<b>MM 4.7.4</b>	If subsurface deposits are discovered during construction, all work shall halt within a 200-foot radius of the discovery. A qualified professional archaeologist shall be retained to evaluate the significance of the find. A local Native American monitor, following the Guidelines for Monitors/Consultants of Native American Cultural, Religious, and Burial Sites established by the NAHC, may also be required. Work cannot continue at the discovery site until the archaeologist conducts sufficient research and data collection to make a determination that the resource is either 1) not cultural in origin; or 2) not potentially significant or eligible for listing on the NRHP or CRHR. If a potentially-eligible resource is	<i>Applicant; NAHC; Imperial County Department of Planning and Development Services; and Imperial County Coroner</i>	<i>During construction</i>	

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	encountered, then the archaeologist, lead agency, and project proponent shall arrange for either 1) total avoidance of the resource, if possible; or 2) test excavations to evaluate eligibility for the CRHR and, if eligible, data recovery as mitigation.			
MM 4.7.5	In the event that evidence of human remains is discovered, construction activities within 200 feet of the discovery shall be halted or diverted and the Imperial County Coroner shall be notified (Section 7050.5 of the Health and Safety Code). If the Coroner determines that the remains are Native American, the Coroner will notify the NAHC which will designate a Most Likely Descendant (MLD) for the Project (Section 5097.98 of the Public Resources Code). The designated MLD then has 48 hours from the time access to the property is granted to make recommendations concerning treatment of the remains (AB 2641). If the landowner does not agree with the recommendations of the MLD, the NAHC can mediate (Section 5097.94 of the Public Resources Code). If no agreement is reached, the landowner must rebury the remains where they will not be further disturbed (Section 5097.98 of the Public Resources Code). This will also include either recording the site with the NAHC or the appropriate Information Center; using an open space or conservation zoning designation or easement; or recording a document with the county in which the property is located (AB 2641).	<i>Imperial County Department of Planning and Development Services; Paleontological Monitor; and Construction Contractor</i>	<i>During construction</i>	
MM 4.7.6a	Prior to the start of construction, a paleontological resource monitoring plan shall be prepared. The plan shall include specific locations and construction activities requiring monitoring, procedures to follow for monitoring and fossil discovery, and a curation agreement with the SDNHM or other approved repository.	<i>Imperial County Department of Planning and Development Services; Paleontological Monitor; Project Applicant</i>	<i>Prior to construction</i>	

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<b>MM 4.7.6b</b>	<p>A qualified paleontological monitor shall be present during ground-breaking activities associated with Project construction. The depth of excavation that requires paleontological monitoring shall be determined by the paleontological monitor and the construction contractor based on initial observations during construction earth moving.</p> <p>The paleontological monitor will be equipped to salvage fossils as they are unearthed (to help avoid construction delays) and to remove samples of sediments that are likely to contain the remains of small fossil invertebrates and vertebrates.</p> <p>Monitors are 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 them into an established, accredited museum repository with permanent retrievable paleontological storage. A report of findings with an appended itemized inventory of specimens will be prepared. The report and inventory, when submitted to the Imperial County Department of Planning and Development Services, along with confirmation of the curation of recovered specimens into an established, accredited museum repository, will signify completion of the program to mitigate impacts to paleontological resources.</p> <p>In general, a paleontological monitor will not be required after possible fossil bearing sediments have been fully explored.</p>	<p><i>Imperial County Department of Planning and Development Services; Paleontological Monitor; and Construction Contractor</i></p>	<p><i>During construction</i></p>	



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<b>HYDROLOGY AND WATER QUALITY</b>				
<b>MM 4.11.5</b>	Construction and operation activities within Flood Zone A shall be halted during flash flood warnings and events or any other flooding events as predicted by local weather forecasts or the National Weather Service to which the Project site is subject. Upon notification of potential flood events in the Project vicinity, any non-stationary equipment and personnel located within Flood Zone A shall be relocated outside of the flood zone until such time as the threat of flooding has passed.	<i>Imperial County Department of Planning and Development Services</i>	<i>During potential flood events throughout Project construction and operation/Based on local weather forecasts and the National Weather Service</i>	
<b>BIOLOGICAL RESOURCES</b>				
<b>MM 4.12.4a</b>	If construction or other Project activities are scheduled to occur during the bird breeding season (February through August for raptors and March through August for most other birds), a pre-construction nesting bird survey shall be conducted by a qualified biologist. The focus of the survey will be detecting nesting activities of bird and raptor species on the Project site, including presence of loggerhead shrike. The survey should be completed no more than 3 days prior to initial ground disturbance. The nesting bird survey should include the Project site and adjacent areas where Project activities have the potential to cause nest failure. If an active nest is identified, a qualified biologist should establish an appropriate disturbance limit buffer around the nest using flagging or staking. Construction activities will need to be avoided within any disturbance limit buffer zones until the nest is deemed no longer active by the biologist.	<i>Imperial County Department of Planning and Development Services</i>	<i>Prior to construction/by a qualified biologist</i>	
<b>MM 4.12.4b</b>	The Applicant shall develop and implement a Worker Environmental Awareness Program (WEAP) prior to the start of construction. The WEAP shall be submitted to the Imperial County Planning and Development Services Department for review and approval prior to the issuance of building permits. The WEAP training shall cover the following:	<i>Project contractor/ Imperial County Planning and Development Services Department/CDFW, USFWS as appropriate</i>	<i>WEAP prepared prior to construction/ Implemented during Project construction</i>	

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	<ul style="list-style-type: none"> <li>• The potential presence and ecology of sensitive biological resources found on-site, such as loggerhead shrike, flat-tailed horned lizard, burrowing owl, potential jurisdictional waters, and nesting avian species;</li> <li>• Flagging/fencing of exclusion areas;</li> <li>• Proper implementation of protective measures to avoid impacts to special-status species and sensitive vegetation communities (i.e. mesquite series east of the Project site boundary);</li> <li>• The reasons, need, and method by which employees should report on wildlife mortality, follow nest management protocols, disposal of carcasses, comply with applicable regulations (including the consequences of noncompliance), and the appropriate agencies (CDFW, USFWS) and personnel (ICPDSD) that should be contacted after incidents; and</li> <li>• Other permit requirements and environmental issues.</li> </ul> <p>All construction site personnel shall be required to attend the WEAP training in conjunction with hazard and safety training prior to working on-site.</p>			
<b>MM 4.12.5</b>	<p>Pre-construction surveys for burrowing owl are recommended. The surveys should follow the methods described in the CDFW’s Staff Report on Burrowing Owl Mitigation (CDFW 2012). Two surveys should be conducted, with the first survey being scheduled between 30 and 14 days before initial ground disturbance (grading, grubbing, and construction), and second survey being conducted no more than 24-hours prior to initial ground disturbance. If burrowing owls and/or suitable burrowing owl burrows are identified on the Project site during the surveys, the Project should consult with CDFW and follow the methods listed in the CDFW’s Staff Report on Burrowing Owl Mitigation (CDFW 2012) for avoidance and/or passive relocation.</p>	<i>Project Applicant in collaboration with CDFW</i>	<i>Prior to commencing construction</i>	

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MM #	Mitigation Measure	Monitoring Responsibility	Timing	Verification (Date and Initials)
<p><b>MM 4.12.6</b></p>	<p><b>MM 4.12.6</b> A Bird and Bat Conservation Strategy (BBCS) shall be developed by the Project Applicant in coordination with the County of Imperial, USFWS, and CDFW.</p> <p>The BBCS will include the following components:</p> <ul style="list-style-type: none"> <li>• A description and assessment of the existing habitat and avian and bat species;</li> <li>• An avian and bat risk assessment and specific measures to avoid, minimize, reduce, or eliminate avian and bat injury or mortality during all phases of the project.</li> <li>• A post-construction monitoring plan that will be implemented to assess impacts on avian and bat species resulting from the Project. The post-construction monitoring plan will include a description of standardized carcass searches, scavenger rate (i.e., carcass removal) trials, searcher efficiency trials, and reporting. Statistical methods will be used to estimate Project avian and bat fatalities if sufficient data is collected to support statistical analysis.</li> <li>• An injured bird response plan that delineates care and curation of any and all injured birds.</li> <li>• A nesting bird management strategy to outline actions to be taken for avian nests detected within the impact footprint during operation of the Project.</li> <li>• A conceptual adaptive management and decision-making framework for reviewing, characterizing, and responding to monitoring results.</li> <li>• Monitoring studies following commencement of commercial operation of each CUP area. Monitoring results will be reviewed annually by the Applicant and the County of Imperial, in consultation with CDFW and USFWS, to inform adaptive management responses.</li> </ul> <p>During Project construction, incidental avian carcasses or injured birds found during construction shall be documented. Should a carcass be found by Project personnel, the carcass shall be photographed, the location shall be marked, the carcass shall not be moved, and a qualified</p>	<p><i>Imperial County Planning and Development Services Department/ CDFW and USFWS.</i></p>	<p><i>Prior to the start of construction/ Throughout Project construction and operation.</i></p>	

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	<p>biologist shall be contacted to examine the carcass. When a carcass is detected, the following data shall be recorded (to the extent possible): observer, date/time, species or most precise species group possible, sex, age, estimated time since death, potential cause of death or other pertinent information, distance and bearing to nearest structure (if any) that may have been associated with the mortality, location (recorded with a Global Positioning System [GPS]), and condition of carcass. Utility lines constructed above-ground shall conform to Avian Power Line Interaction Committee (APLIC) standards.</p> <ul style="list-style-type: none"> <li>• Post-construction monitoring studies shall be conducted by a third-party independent contractor for at least 2 years following commencement of commercial operation of the Project. Monitoring results shall be reviewed annually by the Applicant and the County of Imperial, in consultation with CDFW and USFWS, to determine if and to what extent post-construction monitoring studies shall be continued in future years.</li> </ul>			
<b>PUBLIC SERVICES AND UTILITIES</b>				
<b>MM 4.13.1</b>	The Project Applicant shall pay a fair share contribution towards capital purchases (e.g. specialized equipment) which may be required to assist in servicing the Project; costs for services during construction and the life of the Project; and/or training as negotiated with the ICFD.	<i>Imperial County Planning and Development Services Department/Imperial County Fire Department</i>	<i>As a Condition of Approval/Prior to issuance of a Building Permit</i>	
<b>MM 4.13.3</b>	The Project Applicant shall pay a fair share contribution towards the purchase of a marked and equipped four-wheel drive patrol vehicle for the ISCO.	<i>Imperial County Planning and Development Services Department/Imperial County Sheriff's Department</i>	<i>As a Condition of Approval/Prior to issuance of a Building Permit</i>	

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