

Appendix J

Mitigation Monitoring and Reporting Program

MITIGATION MONITORING AND REPORTING PROGRAM

RE SLATE SOLAR PROJECT

Purpose of Mitigation Monitoring and Reporting Program: The California Environmental Quality Act (CEQA), Public Resources Code (PRC) Section 21081.6, requires that a Mitigation Monitoring and Reporting Program (MMRP) be established upon completing findings when an Environmental Impact Report for a project identifies significant effects or when adopting a Mitigated Negative Declaration (MND). CEQA stipulates that “the public agency shall adopt a reporting or monitoring program for the changes to the project which it has adopted or made a condition of project approval in order to mitigate or avoid significant effects on the environment. The reporting or monitoring program shall be designed to ensure compliance during project implementation.”

This MMRP has been prepared in compliance with Section 21081.6 of CEQA to ensure that all required mitigation measures are implemented and completed according to schedule and maintained in a satisfactory manner during the construction and operation of the project, as required. A table (attached), that has been prepared to assist the responsible parties in implementing the MMRP, identifies individual mitigation measures, monitoring/mitigation timing, the responsible person/agency for implementing the measure, and space to confirm implementation of the mitigation measures. The numbering of mitigation measures follows the numbering sequence found in the Initial Study and MND.

The County of Kings (County) is the lead agency for the project under CEQA and shall administer and implement the MMRP. The County is responsible for review of all monitoring reports, enforcement actions, and document disposition. The County shall rely on information provided by the project site observers/monitors (e.g., construction manager, project manager, biologist, archaeologist, etc.) as being accurate and up-to-date and shall provide personnel to field check mitigation measure status, as required.

Project Description: The RE Slate Solar Energy Project is proposed by RE Slate LLC (project applicant). The project applicant seeks a Conditional Use Permit from Kings County to construct, operate, maintain, and eventually decommission a photovoltaic electricity generating and energy storage facility and associated infrastructure. The project would generate 300 megawatts of alternating current electricity on approximately 2,490 acres of privately-owned land in unincorporated western Kings County (see Figure 1). The project would provide solar power to utility customers by interconnecting to the nearby regional electricity grid at Pacific Gas and Electric Company’s (PG&E) Mustang Switching Station located northwest of the project site utilizing a future shared generation intertie electric transmission line (gen-tie line) that will be built as part of the approved RE Mustang Two Solar Generation Facility directly southwest of the project site.

Construction of the solar facility is expected to begin as early as October 2020 and could occur in phases. Project construction is expected to take 14 months. The project would operate year-round to generate solar electricity during daylight hours and would store and dispatch power at the energy storage system during both daylight and non-daylight hours. The anticipated operating life of the facility is up to 40 years. Following the operating period, the facility would be either repowered or decommissioned.

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**MITIGATION MONITORING AND REPORTING PROGRAM CHECKLIST FOR THE
RE SLATE SOLAR PROJECT**

Mitigation Measure	Monitoring / Mitigation Timing	Reporting / Responsible Party	Verification of Compliance	
			Initials	Date
AGRICULTURAL AND FORESTRY RESOURCES				
<p>Mitigation Measure AG-1: Vegetation and Agricultural Management Plan.</p> <p>Prior to the issuance of a building permit, the applicant shall submit to Kings County a Vegetation and Agricultural Management Plan that provides for the ongoing agricultural productivity of the site for the life of the proposed project. The Vegetation and Agricultural Management Plan shall specify that 90 percent of the lands designated as Farmland of Statewide Importance and/or lands subject to Farmland Security Zone Contracts under the Williamson Act shall be used for dry farm seasonal sheep grazing and shall include specific provisions for soil preparation and revegetation. The Vegetation and Agricultural Management Plan shall include detailed provisions to ensure the successful establishment of the planned vegetative cover and shall identify appropriate maintenance activities, including conditions under which herbicides may be used, and particularly the identification and selection of herbicides that are non-toxic to livestock and wildlife. The Vegetation and Agricultural Management Plan shall also prescribe the management practices for sheep grazing. The Vegetation and Agricultural Management Plan shall include provisions for ongoing monitoring and annual reporting of agricultural activity on the site to the Kings County Community Development Agency (CDA). The Vegetation and Agricultural Management Plan shall also comply with the requirements of the Development Code related to weed abatement and pest control.</p> <p>The Vegetation and Agricultural Management Plan shall provide that, before grazing or other suitable reasonably foreseeable agricultural use is discontinued on the lands designated as Farmland of Statewide Importance and/or lands subject to Farmland Security Zone Contracts under the Williamson Act, the following will need to be completed: (1) Cancel the existing Farmland Security Zone Contracts; and (2) Mitigate for the loss of Farmland of Statewide Importance at a ratio of 1:1 with restrictive covenants which will be effective for the life of the solar project. The agricultural land preserved under the restrictive covenants shall be of equal or greater quality as defined by the California Department of Conservation’s Farmland Mapping and Monitoring Program (i.e., if Farmland of Statewide Importance is converted to solar then the agricultural land preserved must not be in a classification indicating a lower quality than Farmland of Statewide Importance).</p>	Plan submittal prior to the issuance of building permits	Applicant; Kings County CDA		

Mitigation Measure	Monitoring / Mitigation Timing	Reporting / Responsible Party	Verification of Compliance	
			Initials	Date
AGRICULTURAL AND FORESTRY RESOURCES (cont.)				
<p>Mitigation Measure AG-2: Soil Reclamation Plan.</p> <p>Prior to the issuance of a building permit, the applicant shall submit, for review and approval by the CDA, a Soil Reclamation Plan (Plan) for the restoration of the site at the end of the project’s useful life. The Plan shall contain an analysis of general preconstruction conditions of the project site, and the site shall be photographically documented by the applicant prior to the start of construction. The Plan shall contain specific measures to restore the soil to approximate its pre-project condition, including (1) removal of all above-ground and below-ground project fixtures, equipment, and non-agricultural driveways, (2) tilling to restore the sub-grade material to a density and depth consistent with its pre-project condition, (3) revegetation using a Kings County-approved grasses and forbs seed mixture designed to maximize revegetation with noninvasive species (broadcast, drilled, or other method), and (4) application of weed-free mulch spread, as needed, to stabilize the soil until germination occurs and young plants are established to facilitate moisture retention in the soil. Whether the project site has been restored to pre-construction conditions shall be assessed by Kings County staff. Additional seedlings and applications of weed-free mulch shall be applied to areas of the project site that have been determined to be unsuccessfully reclaimed (i.e., restored to pre-project conditions), until the entire project area has been restored to conditions equivalent to pre-project conditions. All waste shall be recycled or disposed of in compliance with applicable law. The applicant shall verify the completion of reclamation within 18 months after expiration of the project use permit with Planning Division staff.</p>	Plan submittal prior to the issuance of building permits	Applicant; Kings County CDA		
<p>Mitigation Measure AG-3: Financial Assurance.</p> <p>Prior to the issuance of a building permit, the applicant shall post a performance or cash bond, submit a Certificate of Deposit, submit a letter of credit, or provide such other financial assurances acceptable to the County, in an amount provided in an Engineer’s Cost Estimate, approved by the CDA, to ensure completion of the activities under the Soil Reclamation Plan. Every five years from the date of completion of construction of the project, the applicant shall submit an updated Engineer’s Cost Estimate for financial assurances for the Plan, which will be reviewed every five years by Kings County.</p>	Plan submittal prior to the issuance of building permits; Update submitted every 5 years from date of completion	Applicant; Kings County CDA		

Mitigation Measure	Monitoring / Mitigation Timing	Reporting / Responsible Party	Verification of Compliance	
			Initials	Date
AGRICULTURAL AND FORESTRY RESOURCES (cont.)				
<p>Mitigation Measure AG-4: Solid Waste Management Plan.</p> <p>To ensure that solid waste generated during project construction and operation is properly disposed of or recycled, prior to issuance of building permits, the applicant shall prepare a Solid Waste Management Plan acceptable to the County pursuant to Section 1112.B.2.g of the Development Code. The non-hazardous waste generated during construction and operation will be segregated on-site for recycling or disposal at a Class III landfill. Hazardous wastes generated during project construction and operation will be either recycled or disposed of at a Class I disposal facility, as required.</p>	Plan submittal prior to the issuance of building permits	Applicant; Kings County CDA		
AIR QUALITY				
<p>Mitigation Measure AQ-1: Tier 4 Off-road Equipment.</p> <p>All off-road diesel-powered construction equipment greater than 50 hp shall meet US Environmental Protection Agency-Certified Tier 4 emission standards and shall be outfitted with best available control technology devices certified by the California Air Resources Board (CARB). A copy of each unit's certified tier specification, best available control technology documentation, and CARB or San Joaquin Air Pollution Control District (SJVAPCD) operating permit shall be provided to the Kings County CDA at the time of mobilization of each applicable unit of equipment.</p>	This mitigation measure shall be included in all construction documents for implementation prior to and during construction/ decommissioning	Construction Contractor; Kings County CDA		
<p>Mitigation Measure AQ-2: Voluntary Emissions Reduction Agreement.</p> <p>If the applicant is unable to guarantee that all off-road diesel-powered construction equipment greater than 50 hp will meet Tier 4 emissions standards, then the project applicant will enter into a Voluntary Emissions Reduction Agreement (VERA) with SJVAPCD to mitigate or reduce project emissions beyond the requirements of Rule 9510 through the payment of fees (on a per-ton basis) to SJVAPCD. The payment of fees will be made to SJVAPCD based on the fee schedule in the development mitigation contract and the amount of reduction necessary to offset project NOx emissions below SJVAPCD thresholds.</p>	This mitigation measure shall be included in all construction documents for implementation prior to and during construction	Application; Construction Contractor; Kings County CDA		

Mitigation Measure	Monitoring / Mitigation Timing	Reporting / Responsible Party	Verification of Compliance	
			Initials	Date
AIR QUALITY (cont.)				
<p>Mitigation Measure AQ-2: Reduce Valley Fever Exposure.</p> <p>In order to reduce exposure of the public and workers from Valley Fever spores during ground disturbing activities, the following measures shall be implemented during project construction and decommissioning:</p> <ul style="list-style-type: none"> • Implement the Dust Control Plan required to be approved for the project by the San Joaquin Valley Air Pollution District under District Rule 8021 prior to ground disturbing activity. • When exposure to dust is unavoidable for workers who will be disturbing the top 2-12 inches of soil, provide workers with National Institute for Occupational Safety and Health-approved respiratory protection with particulate filters rated as N95, N99, N100, P100, or HEPA, as recommended in the California Department of Public Health publication "Preventing Work-Related Coccidioidomycosis (Valley Fever)." 	Prior to and during construction/ decommissioning	Construction Contractor; SJVAPCD; Kings County CDA		
BIOLOGICAL RESOURCES				
<p>Mitigation Measure BIO-1a: Avoid Construction- and Decommissioning-related Disturbances During Burrowing Owl Nesting Season.</p> <p>Construction- and decommissioning-related ground disturbance activities shall begin outside of the burrowing owl nesting season (February 1 through August 31) unless reasonably necessary to stay on schedule, and the site shall be maintained in a manner that is inhospitable to burrowing owl by using methods such as ground squirrel control (the use of poison baits or other substances that could be potentially harmful to San Joaquin kit fox will not be allowed per Mitigation Measure BIO-3c) and maintaining regular site disturbance by construction equipment and personnel. This will discourage burrowing owl from occupying the project site during construction.</p>	<p>This mitigation measure shall be included in all construction documents for implementation during construction/ decommissioning</p> <p>If feasible, construction/ decommissioning-related disturbances will occur prior to February 1 or after August 31</p>	<p>Construction Contractor;</p> <p>Qualified Biologist;</p> <p>Kings County CDA</p>		

Mitigation Measure	Monitoring / Mitigation Timing	Reporting / Responsible Party	Verification of Compliance	
			Initials	Date
BIOLOGICAL RESOURCES (cont.)				
<p>Mitigation Measure BIO-1b: Burrowing Owl Take Avoidance Survey.</p> <p>No more than 14 days prior to initiation of ground disturbing activities for construction or decommissioning, a qualified biologist shall conduct a Take Avoidance survey of the project site and surrounding areas to a distance of 150 meters in accordance with the methods outlined in the California Department of Fish and Wildlife (CDFW) Staff Report on Burrowing Owl Mitigation (2012) or most recently adopted guidance. The pre-construction survey will cover all areas within 150 meters of the portion of the site in which construction/decommissioning is scheduled to start. Surveys will be phased based on the construction/decommissioning schedule such that the surveys are conducted no more than 14 days ahead of the start of ground disturbance in new areas. If construction/decommissioning activities in portions of the site cease for a period of 14 days, those portions of the site will be resurveyed for burrowing owls prior to the resumption of construction/decommissioning activities. If no occupied breeding or wintering owl burrows are identified, no further mitigation would be required.</p> <p>If occupied burrows are identified on the site or within 150 meters of the project disturbance area, one of the following actions shall be taken: 1) permanent avoidance of the burrow or 2) establishment of a temporary avoidance buffer followed by passive relocation and compensatory mitigation for loss of habitat in conjunction with the measures below:</p> <ul style="list-style-type: none"> • If an occupied wintering burrow is discovered during pre-construction surveys, a 50-meter buffer area will be established around the burrow until the owl leaves on its own (if the burrow is more than 50 meters offsite and/or more than 50 meters from the work area, no buffer is necessary). Ground-disturbing work conducted during the nonbreeding (winter) season (September 1 to January 31) can proceed near the occupied burrow so long as the work occurs no closer than 50 meters to the burrow, and the burrow is not directly affected by the project activity. A smaller buffer may be established in consultation with CDFW and monitored at the discretion of a qualified biologist. If the 50-meter buffer cannot be maintained for the duration of occupancy by the owl, owls may be excluded from an occupied wintering burrow in accordance with the conditions of a Burrowing Owl Exclusion Plan, which will be submitted for approval by CDFW prior to passive relocation of any burrowing owls. 	<p>This mitigation measure shall be included in all construction documents for implementation during construction/ decommissioning</p> <p>Take Avoidance Surveys no more than 14 days prior to initiation of all ground disturbing activities</p>	<p>Qualified Biologist;</p> <p>CDFW;</p> <p>Kings County CDA</p>		

Mitigation Measure	Monitoring / Mitigation Timing	Reporting / Responsible Party	Verification of Compliance	
			Initials	Date
BIOLOGICAL RESOURCES (cont.)				
Mitigation Measure BIO-1b: Burrowing Owl Take Avoidance Survey (cont.).				
<ul style="list-style-type: none"> • If an occupied nesting burrow is discovered during pre-construction surveys, an avoidance buffer of 200 meters shall be established around the burrow location and maintained until a qualified biologist has determined that the nest has fledged or is no longer active (a 200-meter avoidance buffer is appropriate for low-intensity impacts near nesting burrows during breeding season [CDFW 2012]). No project activities shall take place within the 200-meter buffer during the time in which it is in place. A smaller buffer may be established in consultation with CDFW and monitored at the discretion of a qualified biologist. • If an occupied nest burrow cannot be avoided, and the burrow is not actively in use as a nest, a 200-meter buffer will be established until the burrowing owls can be excluded from burrows in accordance with a Burrowing Owl Exclusion Plan, which will be submitted for approval by CDFW prior to passive relocation of any burrowing owls. The Burrowing Owl Exclusion Plan shall be based on the recommendations made in the Staff Report on Burrowing Owl Mitigation (CDFW 2012) or most recently adopted guidance and shall include the following information for each proposed passive relocation: <ul style="list-style-type: none"> ○ Confirmation by site surveillance that the burrow(s) is empty of burrowing owls and other species; ○ Type of scope to be used and appropriate timing of scoping; ○ Occupancy factors to look for and what shall guide determination of vacancy and excavation timing; ○ Methods for burrow excavation; ○ Removal of other potential owl burrow surrogates or refugia on-site; ○ Methods for photographic documentation of the excavation and closure of the burrow; ○ Monitoring of the site to evaluate success and, if needed, to implement remedial measures to prevent subsequent owl use to avoid take; ○ Methods for assuring the impacted site shall continually be made inhospitable to burrowing owls and fossorial mammals. 				

Mitigation Measure	Monitoring / Mitigation Timing	Reporting / Responsible Party	Verification of Compliance	
			Initials	Date
BIOLOGICAL RESOURCES (cont.)				
<p>Mitigation Measure BIO-1c: Off-Site Burrowing Owls.</p> <p>If an occupied burrow is identified off-site within 150 meters of the project disturbance area and passive exclusion is deemed necessary to protect the owls, burrowing owls may be excluded from burrows if permission is granted by the land owner and in accordance with the Burrowing Owl Exclusion Plan, which will be submitted for approval by CDFW prior to passive relocation of any burrowing owls. If burrowing owls cannot be excluded from an off-site burrow and it is not feasible to maintain an avoidance buffer as stated above, coordination will be conducted with CDFW to determine appropriate measures to minimize impacts to off-site burrowing owls. Such measures could include, but are not limited to: (1) installation of barriers between the construction or decommissioning area and the occupied burrows to block noise and views of construction or decommissioning equipment and personnel, and (2) regular monitoring by a qualified biologist to determine if construction or decommissioning activities are resulting in disturbance of the owls that could lead to nest abandonment or harm to adult owls or their young. If such disturbance was occurring, the biological monitor will have the authority to halt construction or decommissioning activities until further modifications could be made to avoid disturbance of the owls.</p>	<p>This mitigation measure shall be included in all construction documents for implementation during construction/ decommissioning</p> <p>Prior to and during construction/ decommissioning</p>	<p>Qualified Biologist;</p> <p>CDFW;</p> <p>Kings County CDA</p>		
<p>Mitigation Measure BIO-1d: Compensatory Mitigation for Lost Breeding Habitat.</p> <p>If burrowing owl pairs are passively relocated, compensatory mitigation for lost wintering/breeding habitat shall be provided either through dedication of 6 acres of suitable habitat (per pair of relocated owls) off-site in accordance with the conditions of a Burrowing Owl Exclusion Plan, or through purchase of credits at a CDFW-approved mitigation bank in the region. The service area of the Kern Water Bank Authority Mitigation Bank includes the project site in Kings County, and burrowing owl mitigation credits are available. No compensatory mitigation is required for passive relocation or eviction of transient, unpaired owls.</p>	<p>This mitigation measure shall be included in all construction documents for implementation during construction/ decommissioning</p> <p>Prior to construction/ decommissioning; maintained for the life of the project</p>	<p>Applicant;</p> <p>CDFW;</p> <p>Kings County CDA</p>		
<p>Mitigation Measure BIO-1e: Management of Permanent Avoidance Buffers.</p> <p>If permanent avoidance buffers are established, such areas shall be managed for the duration of the project to preserve current values as foraging habitat for burrowing owl. Management shall include: (1) exclusion of all project activities throughout the construction, operation, and decommissioning phases, including staging, parking, driving, or dumping; (2) vegetation management by grazing or mowing to preserve open, low-growing vegetation;</p>	<p>This mitigation measure shall be included in all construction documents for implementation during construction</p> <p>Maintained for the life of the project</p>	<p>Applicant;</p> <p>Kings County CDA</p>		

Mitigation Measure	Monitoring / Mitigation Timing	Reporting / Responsible Party	Verification of Compliance	
			Initials	Date
BIOLOGICAL RESOURCES (cont.)				
<p>Mitigation Measure BIO-1e: Management of Permanent Avoidance Buffers (cont.).</p> <p>(3) fencing to discourage human incursion; (4) signage identifying the area as a biologically sensitive area managed for burrowing owl, and; (5) a worker education and awareness program for all personnel working on the site including contractors and sub-contractors.</p>				
<p>Mitigation Measure BIO-2: Swainson’s Hawk Nest Avoidance.</p> <p>Prior to initiation of construction/decommissioning activities during the Swainson’s hawk breeding season (March 1 – September 15), the applicant shall determine the presence of active Swainson’s hawk nests within 0.25-mile of the project site using the most recent published survey protocols (i.e., 3 surveys by a qualified biologist in each of the two periods preceding the construction start date; SHTAC 2000). If an active Swainson’s hawk nest is discovered, the applicant shall initiate consultation with CDFW prior to starting any construction-related activities within 0.25-mile of the nest(s). Construction-related activities may commence in parts of the project site greater than 0.25-mile from the nest(s). If no active nests are discovered, no further action is required.</p>	<p>This mitigation measure shall be included in all construction documents for implementation during construction/ decommissioning</p> <p>Pre-construction surveys to occur prior to construction/ decommissioning between March 1 – September 15. Surveys not required in areas continuously active prior to March 1</p>	<p>Qualified Biologist; Kings County CDA; Construction Contractor</p>		
<p>Mitigation Measure BIO-3a: Preconstruction Surveys for San Joaquin Kit Fox.</p> <p>A qualified biologist shall conduct a preconstruction survey no more than 14 days prior to the beginning of ground disturbance and/or construction/decommissioning activities, or any other project activity likely to impact San Joaquin kit fox, to determine if potential San Joaquin kit fox dens are present in or within 500 feet of the project site (inaccessible areas outside of the project site can be surveyed using binoculars or spotting scopes from public roads). The surveys shall be conducted in all areas of suitable habitat for San Joaquin kit fox. Surveys need not be conducted for all areas of suitable habitat at one time; they may be phased so that surveys occur within 14 days prior to disturbance of any particular portion of the site.</p>	<p>This mitigation measure shall be included in all construction documents for implementation during construction/ decommissioning</p> <p>Pre-construction within 14 days prior to construction/ decommissioning</p>	<p>Qualified Biologist; USFWS</p>		

Mitigation Measure	Monitoring / Mitigation Timing	Reporting / Responsible Party	Verification of Compliance	
			Initials	Date
BIOLOGICAL RESOURCES (cont.)				
<p>Mitigation Measure BIO-3a: Preconstruction Surveys for San Joaquin Kit Fox (cont.).</p> <ul style="list-style-type: none"> • If potential dens are observed and avoidance of the dens is determined to be feasible by a qualified biologist in consultation with the project proponent and the County, the following minimum buffer distances shall be established prior to construction/decommissioning activities (consistent with United States Fish and Wildlife [USFWS] 2011): <ul style="list-style-type: none"> ○ Potential den: 50 feet ○ Atypical den: 50 feet ○ Known den: 100 feet ○ Natal/pupping den: at least 500 feet - USFWS must be contacted. • Buffer establishment shall follow the USFWS Standardized Recommendations for Protection of the Endangered San Joaquin Kit Fox Prior to or During Ground Disturbance (USFWS 2011) under "Exclusion Zones." • If occupied San Joaquin kit fox dens are observed on the site, USFWS must be contacted. 				
<p>Mitigation Measure BIO-3b: Avoid Adverse Effects to San Joaquin Kit Fox Dens.</p> <p>If avoidance of the potential dens is not feasible, the following measures are required to avoid potential adverse effects to the San Joaquin kit fox:</p> <ul style="list-style-type: none"> • If the qualified biologist determines that potential dens are inactive, the biologist shall excavate these dens by hand with a shovel to prevent foxes from re-using them during construction. • If the qualified biologist determines that a potential non-natal den may be active, an on-site passive relocation program may be implemented with prior concurrence from the USFWS. This program shall consist of excluding San Joaquin kit foxes from occupied burrows by installation of one-way doors at burrow entrances, monitoring of the burrow for one week to confirm usage has been discontinued, and excavation and collapse of the burrow to prevent reoccupation. After the qualified biologist determines that the San Joaquin kit foxes have stopped using active dens within the project boundary, the dens shall be hand-excavated with a shovel to prevent re-use during construction with prior concurrence from USFWS. 	<p>This mitigation measure shall be included in all construction documents for implementation during construction/ decommissioning</p> <p>During pre-construction survey within 14 days prior to construction/ decommissioning</p>	<p>Qualified Biologist; USFWS</p>		

Mitigation Measure	Monitoring / Mitigation Timing	Reporting / Responsible Party	Verification of Compliance	
			Initials	Date
BIOLOGICAL RESOURCES (cont.)				
<p>Mitigation Measure BIO-3c: Avoid and Minimize Impacts to San Joaquin Kit Fox.</p> <p>In addition, the following avoidance and minimization measures for San Joaquin kit fox shall be implemented during construction/decommissioning of the project (USFWS 2011):</p> <ul style="list-style-type: none"> a. Project-related vehicles shall observe a daytime speed limit of 20 mph and a nighttime speed limit of 10 mph throughout the project site, except on County roads and state and federal highways. Off-road traffic shall be prohibited outside of designated project areas. b. To prevent inadvertent entrapment of kit foxes or other animals during the construction or decommissioning phases of the project, all excavated, steep-walled holes or trenches more than 2-feet deep should be covered at the close of each working day by plywood or similar materials. If the trenches cannot be closed, one or more escape ramps constructed of earthen-fill or wooden planks should be installed. Before such holes or trenches are filled, they should be thoroughly inspected for trapped animals. If at any time a trapped or injured kit fox is discovered, the USFWS and the CDFW should be contacted as noted under measure I referenced below. c. Kit foxes are attracted to den-like structures such as pipes and may enter stored pipes and become trapped or injured. All construction pipes, culverts, or similar structures with a diameter of 4-inches or greater that are stored at a construction site for one or more overnight periods should be thoroughly inspected for kit foxes before the pipe is subsequently buried, capped, or otherwise used or moved in any way. If a kit fox is discovered inside a pipe, that section of pipe should not be moved until the USFWS has been consulted. If necessary, and under the direct supervision of the biologist, the pipe may be moved only once to remove it from the path of construction activity, until the fox has escaped. d. All food-related trash items such as wrappers, cans, bottles, and food scraps should be disposed of in securely closed containers and removed at least once a week from a construction or project site. e. No firearms shall be allowed on the project site. 	<p>This mitigation measure shall be included in all construction documents for implementation during construction/ decommissioning</p> <p>During construction/ decommissioning</p>	<p>Construction Contractor;</p> <p>Qualified Biologist;</p> <p>USFWS;</p> <p>CDFW</p>		

Mitigation Measure	Monitoring / Mitigation Timing	Reporting / Responsible Party	Verification of Compliance	
			Initials	Date
BIOLOGICAL RESOURCES (cont.)				
Mitigation Measure BIO-3c: Avoid and Minimize Impacts to San Joaquin Kit Fox (cont.).				
<p>f. No pets, such as dogs or cats, should be permitted on the project site to prevent harassment, mortality of kit foxes, or destruction of dens.</p> <p>g. Use of rodenticides, herbicides, poison baits, or other substances potentially harmful to San Joaquin kit fox shall be restricted. This is necessary to prevent primary or secondary poisoning of kit foxes and the depletion of prey populations on which they depend. Use of such compounds should observe label and other restrictions mandated by the USEPA, CDFR, and other State and Federal legislation, as well as additional project-related restrictions deemed necessary by the USFWS. If rodent control must be conducted, zinc phosphide should be used because of a proven lower risk to kit fox.</p> <p>h. An employee education program shall be implemented and required for all personnel approved to work on the site during construction, operations, maintenance, and decommissioning. The program shall consist of a brief presentation by persons knowledgeable in kit fox biology and legislative protection to explain endangered species concerns to contractors, their employees, and military and/or agency personnel involved in the project. The program shall include the following: A description of the San Joaquin kit fox and its habitat needs; a report of the occurrence of kit fox in the project area; an explanation of the status of the species and its protection under the Endangered Species Act; and a list of measures being taken to reduce impacts to the species during project construction and implementation. A fact sheet conveying this information shall be prepared for distribution to the previously referenced people and anyone else who may enter the project site;</p> <p>i. A representative shall be appointed by the project proponent who will be the contact source for any employee or contractor who might inadvertently kill or injure a kit fox or who finds a dead, injured or entrapped kit fox. The representative will be identified during the employee education program and their name and telephone number shall be provided to the Service.</p>				

Mitigation Measure	Monitoring / Mitigation Timing	Reporting / Responsible Party	Verification of Compliance	
			Initials	Date
BIOLOGICAL RESOURCES (cont.)				
Mitigation Measure BIO-3c: Avoid and Minimize Impacts to San Joaquin Kit Fox (cont.).				
<p>j. Upon completion of the project, all areas subject to temporary ground disturbances, including storage and staging areas, temporary roads, pipeline corridors, etc. shall be re-contoured if necessary, and revegetated to promote restoration of the area to pre-project conditions. An area subject to "temporary" disturbance means any area that is disturbed during the project, but after project completion will not be subject to further disturbance and has the potential to be revegetated. Appropriate methods and plant species used to revegetate such areas shall be determined on a site-specific basis in consultation with the USFWS, CDFW, and revegetation experts.</p> <p>k. In the case of trapped animals, escape ramps or structures should be installed immediately to allow the animal(s) to escape, or the USFWS should be contacted for guidance.</p> <p>l. Any contractor, employee, or military or agency personnel who are responsible for inadvertently killing or injuring a San Joaquin kit fox should immediately report the incident to their representative. This representative should contact the CDFW immediately in the case of a dead, injured or entrapped kit fox. The CDFW contact for immediate assistance is State Dispatch at (916) 445-0045. They will contact the local warden or the wildlife biologist at (530) 934-9309. The USFWS should be contacted at Endangered Species Division, 2800 Cottage Way, Suite W2605, Sacramento, CA 95825, (916) 414-6620 or (916) 414-6600.</p> <p>m. The Sacramento Fish and Wildlife Office and CDFW shall be notified in writing within three working days of the accidental death or injury to a San Joaquin kit fox during project related activities. Notification must include the date, time, and location of the incident or of the finding of a dead or injured animal and any other pertinent information.</p> <p>n. New sightings of kit fox shall be reported to the CNDDDB. A copy of the reporting form and a topographic map clearly marked with the location of where the kit fox was observed should also be provided to the USFWS at the address listed under measure l.</p> <p>o. Fencing of the project site shall incorporate wildlife-friendly fencing design. Fencing plans may use one of several potential designs that will allow kit foxes to pass through the fence while still providing for project security and exclusion of other unwanted species (i.e. domestic dogs and coyotes). Raised fences or fences with entry/exit points of at least 6 inches in diameter spaced along the bottom of the fence to allow species such as San Joaquin kit fox access into and through the project site will be appropriate designs.</p>				

Mitigation Measure	Monitoring / Mitigation Timing	Reporting / Responsible Party	Verification of Compliance	
			Initials	Date
BIOLOGICAL RESOURCES (cont.)				
<p>Mitigation Measure BIO-4: Preconstruction Nesting Surveys.</p> <p>If project (construction/decommissioning) ground-disturbing or vegetation clearing and grubbing activities commence during the avian breeding season (February 1 – August 31), a qualified biologist shall conduct a preconstruction nesting bird survey no more than 7 days prior to initiation of such activities. The survey area shall include suitable raptor nesting habitat within 300 feet of the project boundary (inaccessible areas outside of the project site can be surveyed from the site or from public roads using binoculars or spotting scopes). Pre-construction surveys are not required in areas where project activities have been continuous since prior to February 1, as determined by a qualified biologist. Areas that have been inactive for more than 14 days during the avian breeding season must be re-surveyed prior to resumption of project activities. If no active nests are identified, no further mitigation is required. If active nests are identified, the following measure is required:</p> <p>A suitable buffer (e.g. 0.5 mile for Swainson’s hawk, 300 feet for common raptors; 100 feet for passerines) shall be established by a qualified biologist around active nests and no construction/decommissioning activities within the buffer shall be allowed until a qualified biologist has determined that the nest is no longer active (i.e. the nestlings have fledged and are no longer reliant on the nest, or the nest has failed). Encroachment into the buffer may occur at the discretion of a qualified biologist. Any encroachment into the buffer shall be monitored by a qualified biologist to determine whether nesting birds are being impacted.</p>	<p>This mitigation measure shall be included in all construction documents for implementation during construction/ decommissioning</p> <p>Pre-construction surveys to occur within 7 days of construction/ decommissioning between February 1- August 31. Surveys not required in areas continuously active prior to February 1. Areas that are inactive for more than 14 days must be re-surveyed</p>	<p>Qualified Biologist;</p> <p>Kings County CDA;</p> <p>Construction Contractor</p>		
<p>Mitigation Measure BIO-5: Cap Hollow Tubes and Poles.</p> <p>Should any vertical tubes, such as solar mount poles, chain link fencing poles, or any other hollow tubes or poles be used on the project site, the tubes or poles shall be capped immediately after installation to avoid entrapment of birds.</p>	<p>This mitigation measure shall be included in all construction documents for implementation during construction/ decommissioning.</p>	<p>Kings County CDA;</p> <p>Construction Contractor</p>		

Mitigation Measure	Monitoring / Mitigation Timing	Reporting / Responsible Party	Verification of Compliance	
			Initials	Date
BIOLOGICAL RESOURCES (cont.)				
<p>Mitigation Measure BIO-6: Protect Aquatic Resources.</p> <p>The U.S. Army Corps of Engineers (USACE), Regional Water Quality Control Board (RWQCB), and CDFW will be contacted prior to commencement of any construction activity that would impact the bed or bank of any active canal on the project site (except for activities exempted under RGL 07-02, which may not require notification of the USACE and RWQCB) and permits will be obtained as required. Impacts to jurisdictional waters will be mitigated in accordance with agency requirements to ensure no net loss of acreage or value to waters of the U.S. and/or waters of the state. The loss of jurisdictional waters will be mitigated for at a minimum ratio of 1:1 (i.e., 1 acre created per 1 acre impacted) to ensure no net loss of acreage or value to waters of the U.S. and/or waters of the state, except where exempted by regulation. This may be accomplished by purchasing credits in a mitigation bank approved by the USACE, RWQCB, and CDFW, or creation/preservation/or enhancement of waters in the project site or Off-site Reserves.</p> <p>Construction activities would be required to follow standard engineering practices that reduce impacts to water quality. These practices include reduction of sediment loading and sediment disturbance as well as other standard Best Management Practices (BMPs) for maintaining water quality in the project area. Avoidance and minimization measures that would be implemented to reduce impacts to waters on the project site may include, but are not limited to, the following:</p> <ul style="list-style-type: none"> • Standard construction BMPs will be implemented throughout construction, in order to avoid and minimize adverse effects to water quality within the project site. Appropriate erosion control measures will be used (e.g., hay bales, filter fences, vegetative buffer strips or other accepted equivalents, mulching, and seeding) to reduce siltation and contaminated runoff from entering waters and to stabilize disturbed soils. • Construction by-products and pollutants such as petroleum products, chemicals, or other deleterious materials shall not be allowed to enter into canals. A plan for the emergency clean-up of any spills of fuel or other materials should be available when construction equipment is in use. A frac-out plan shall be prepared prior to any directional drilling under canals. 	<p>This mitigation measure shall be included in all construction documents for implementation during construction/ decommissioning</p>	<p>Kings County CDA; Construction Contractor</p>		

Mitigation Measure	Monitoring / Mitigation Timing	Reporting / Responsible Party	Verification of Compliance	
			Initials	Date
BIOLOGICAL RESOURCES (cont.)				
Mitigation Measure BIO-6: Protect Aquatic Resources (cont.).				
<ul style="list-style-type: none"> Equipment and vehicles will be staged, maintained, refueled, and serviced at designated construction staging areas, which will be a minimum of 100 feet from the wetted width of a canal to prevent contamination of soil or water and staging areas will be bermed to prevent the discharge of pollutants to ground and runoff water. All construction material and fill shall be stored and contained in a designated area that is located away from channel areas to prevent transport of materials into adjacent waterbodies. In addition, a silt fence shall be installed to collect any discharge, and adequate materials should be available for spill clean-up and during storm events. Construction vehicles and equipment shall be maintained to prevent contamination of soil or water from external grease and oil or from leaking hydraulic fluid, fuel, oil, and grease. Storage areas containing hazardous or potentially toxic materials such as herbicides and petroleum products shall have an impermeable membrane between the ground and the hazardous material and shall be bermed to prevent the discharge of pollutants to ground water and runoff water. 				
CULTURAL RESOURCES				
Mitigation Measure CUL-1: Damage to Historic Levee Roads.				
<p>Resource HELIX-001 consists of a complex of six WWD features located within or adjacent to the Project site footprint. These features include four canals and adjacent levee roads, and two wells. As a historical resource (i.e., a cultural resource found to be eligible for listing on the CRHR), the following measures will be implemented to address inadvertent impacts to HELIX-001 during and after construction:</p> <ol style="list-style-type: none"> The physical condition and attributes of the levee roads will be documented by a qualified archaeologist prior to construction and at the completion of construction activities. Documentation will include an overall description of each road, as well as specific information about construction details, dimensions, and elevations, as appropriate. Any significant alterations will be described in terms of the resource and its setting, focusing on whether the road retains the seven aspects of historic integrity. Each of the roads will be photo documented to provide a visual record of the road before and after construction. The photographs will be georeferenced on aerial maps. 	<p>Prior to and during construction – this mitigation measure shall be included in all construction documents for implementation during construction</p>	<p>Kings County CDA; Archeologist or Qualified Cultural Resource Monitor; Construction Contractor</p>		

Mitigation Measure	Monitoring / Mitigation Timing	Reporting / Responsible Party	Verification of Compliance	
			Initials	Date
CULTURAL RESOURCES (cont.)				
Mitigation Measure CUL-1: Damage to Historic Levee Roads (cont.).				
<p>2. Construction vehicle speeds on levee roads will be limited to 15 miles per hour.</p> <p>3. Levees and canals will not be crossed by construction vehicles (i.e., vehicles will not drive perpendicularly across/up/down the roads/levees or canals).</p> <p>4. If any portion of HELIX-001 is inadvertently damaged during construction, the construction contractor would be required to repair the road to bring it to a usable condition for ongoing use by the KRCD for operation and maintenance of their facility. Repair of the road would be conducted to retain as many of the original features of the road as possible thus retaining its historic integrity while allowing for its continued use.</p> <p>Within 24 hours of discovering a project-related inadvertent impact to the historic levee road, the contractor shall provide to the County a written account that:</p> <ol style="list-style-type: none"> 1. Describes the resource affected; 2. Defines in detail the nature and extent of the impact on the resource including photographs and maps as appropriate; 3. Identifies the project activity that resulted in the impact, when the impact occurred, and whether measures were in place to prevent the impact; 4. Describes measures taken to protect the resources from further impacts; 5. Provides an assessment of whether the impacts have affected the significance of the resource; and 6. Defines how the contractor proposes to proceed to address the impact. <p>Resolution of impacts on cultural resources will be determined through coordination between the County, the contractor, and a qualified archaeologist. The applicant shall include a standard inadvertent discovery clause in every construction contract to inform contractors of these requirements.</p>				

Mitigation Measure	Monitoring / Mitigation Timing	Reporting / Responsible Party	Verification of Compliance	
			Initials	Date
CULTURAL RESOURCES (cont.)				
<p>Mitigation Measure CUL-2: Discovery of Previously Unknown Historical Resources.</p> <p>In the event that buried historical resources are discovered during construction, operations shall stop within 50 feet of the find and a qualified archaeologist shall be consulted to determine whether the resource is potentially eligible for listing on the CRHR. The applicant shall include a standard inadvertent discovery clause in every construction contract to inform contractors of this requirement.</p> <p>If the archaeologist determines that construction activities could damage a potential historical resource, mitigation will be implemented in accordance with Section 15126.4 of the State CEQA Guidelines. If avoidance of the resource is not feasible, a qualified archaeologist will prepare and implement a detailed treatment plan in consultation with the County, and if Native American artifacts are involved, with the Santa Rosa Rancheria Tachi Yokut Tribe. Treatment for most historical resources may consist of (but is not limited to) documentation of the resource on the appropriate Department of Parks and Recreation (DPR) 523-series forms, sample excavation and artifact collection (if appropriate), and historical research. The treatment plan will include provisions for analysis of data in a regional context, reporting of results in a timely manner, curation of artifacts and data at an approved facility, and dissemination of reports to local and state repositories, libraries, and interested professionals. The applicant shall include a standard inadvertent discovery clause in every construction contract to inform contractors of this requirement.</p>	<p>Prior to and during construction – this mitigation measure shall be included in all construction documents for implementation during construction</p>	<p>Kings County CDA; Archeologist or Qualified Cultural Resource Monitor; Construction Contractor</p>		
<p>Mitigation Measure CUL-3: Discovery of Previously Unknown Archaeological Resources.</p> <p>In the event that archaeological resources are discovered during construction, mitigation measure CUL-1 shall first be applied. If the qualified archaeologist determines that the find does not meet the criteria of a historical resource under CEQA, the criteria of a unique archaeological resource described in PRC Section 21083.2(g) shall be applied.</p> <p>If the archaeologist determines that construction activities could damage a resource that meets the criteria of a unique archaeological resource, mitigation will be implemented in accordance with PRC Section 21083.2 and Section 15126.4 of the CEQA Guidelines. The applicant shall include a standard inadvertent discovery clause in every construction contract to inform contractors of this requirement. Consistent with Section 15126.4(b)(3), this may be accomplished through planning</p>	<p>Prior to and during construction – this mitigation measure shall be included in all construction documents for implementation during construction</p>	<p>Kings County CDA; Archeologist or Qualified Cultural Resource Monitor; Construction Contractor</p>		

Mitigation Measure	Monitoring / Mitigation Timing	Reporting / Responsible Party	Verification of Compliance	
			Initials	Date
CULTURAL RESOURCES (cont.)				
<p>Mitigation Measure CUL-3: Discovery of Previously Unknown Archaeological Resources (cont.).</p> <p>construction to avoid the resource; incorporating the resource within open space; capping and covering the resource; or deeding the site into a permanent conservation easement. If preservation in place is not feasible, a qualified archaeologist will prepare and implement a detailed treatment plan in consultation with the County, and if Native American artifacts are involved, with the Santa Rosa Rancheria Tachi Yokut Tribe. Treatment of unique archaeological resources may consist of (but is not limited to) sample excavation, artifact collection, site documentation on DPR 523 forms, and historical research, with the aim to target the recovery of important scientific data contained in the portion(s) of the significant resource to be impacted by the project. The treatment plan will include provisions for analysis of data in a regional context, reporting of results in a timely manner, curation of artifacts and data at an approved facility, and dissemination of reports to local and state repositories, libraries, and interested professionals.</p>				
<p>Mitigation Measure CUL-4: Discovery of Human Remains.</p> <p>In the event of the accidental discovery or recognition of any human remains, State CEQA Guidelines Section 15064.5, Health and Safety Code Section 7050.5, PRC Section 5097.94, and Section 5097.98 must be followed. If during project development there is accidental discovery or recognition of any human remains, the following steps shall be taken:</p> <p>a. There shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until the County Coroner is contacted to determine if the remains are Native American and if an investigation of the cause of death is required. If the coroner determines the remains are Native American, the coroner shall contact the California Native American Heritage Commission (NAHC) within 24 hours, and the NAHC shall identify the person or persons it believes to be the “most likely descendant” (MLD) of the deceased Native American(s). The MLD shall make recommendations to the landowner or the person responsible for the excavation work within 48 hours, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in PRC Section 5097.98.</p>	<p>Prior to and during construction – this mitigation measure shall be included in all construction documents for implementation during construction</p>	<p>Kings County CDA; Archeologist or Qualified Cultural Resource Monitor; Construction Contractor</p>		

Mitigation Measure	Monitoring / Mitigation Timing	Reporting / Responsible Party	Verification of Compliance	
			Initials	Date
CULTURAL RESOURCES (cont.)				
Mitigation Measure CUL-4: Discovery of Human Remains (cont.).				
<p>b. There shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until the County Coroner is contacted to determine if the remains are Native American and if an investigation of the cause of death is required. If the coroner determines the remains are Native American, the coroner shall contact the California Native American Heritage Commission (NAHC) within 24 hours, and the NAHC shall identify the person or persons it believes to be the “most likely descendant” (MLD) of the deceased Native American(s). The MLD shall make recommendations to the landowner or the person responsible for the excavation work within 48 hours, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in PRC Section 5097.98.</p> <p>i. Where the following conditions occur, the landowner or his authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity either in accordance with the recommendations of MLD or on the project site in a location not subject to further subsurface disturbance:</p> <p>ii. The NAHC is unable to identify a MLD or the MLD failed to make a recommendation within 48 hours after being notified by the commission.</p> <p>iii. The descendant identified fails to make a recommendation.</p> <p>iv. The landowner or his authorized representative rejects the recommendation of the descendant, and mediation by the NAHC fails to provide measures acceptable to the landowner.</p>				
GEOLOGY AND SOILS				
<p>Mitigation Measure GEO-1: Expansive Soils.</p> <p>Prior to the issuance of the building permit for the project, the applicant shall retain a qualified registered civil engineer to prepare a preliminary soils report, based on soil borings or excavations, to determine the potential for soils expansion and to prepare recommendations for corrective actions to mitigate potential damage to project structures due to potential soils expansion. The preliminary soils report shall be submitted to CDA Building Division for review and approval. The potential damage from soils expansion can be reduced by one or more of several alternative</p>	<p>Prior to issuance of the building permit</p>	<p>Applicant;</p> <p>Registered Civil Engineer;</p> <p>Kings County CDA; Building Division</p>		

Mitigation Measure	Monitoring / Mitigation Timing	Reporting / Responsible Party	Verification of Compliance	
			Initials	Date
GEOLOGY AND SOILS (cont.)				
<p>Mitigation Measure GEO-1: Expansive Soils (cont.).</p> <p>engineering measures, as recommended by the registered civil engineer. These measures could include: over excavation and replacement with non-expansive soils; extending foundations below the zone of shrink and swell; chemically treating the soils with quicklime or cement; or foundation design measures. The corrective measures specified by would become conditions of Building Permit approval and would be subject to inspection and approval by the County Building Official.</p>				
<p>Mitigation Measure GEO-2: Discovery of Paleontological Resources.</p> <p>In the event a fossil is discovered during construction for the proposed project, excavations within 50 feet of the find shall be temporarily halted or delayed until the discovery is examined by a qualified paleontologist, in accordance with Society of Vertebrate Paleontology standards. The applicant shall include a standard inadvertent discovery clause in every construction contract to inform contractors of this requirement. If the find is determined to be significant and if avoidance is not feasible, the paleontologist shall design and carry out a data recovery plan consistent with the Society of Vertebrate Paleontology standards.</p>	Prior to and during construction – this mitigation measure shall be included in all construction documents for implementation during construction	Kings County CDA; Archeologist or Qualified Cultural Resource Monitor; Construction Contractor		
HAZARDS AND HAZARDOUS MATERIALS				
<p>Mitigation Measure HAZ-1: Protection from Hazardous Materials.</p> <p>In order to protect the public from potential release of hazardous materials, the project applicant shall prepare and implement a Hazardous Materials Business Plan (HMBP) in accordance with the requirements of the County Public Health Department Environmental Services Division and the Hazardous Materials Release Response Plan and Inventory Act of 1985. Under this state law, the applicant is required to prepare an HMBP to be submitted to the County Public Health Department, Environmental Health Services Division, which is the Certified Unified Program Agency for the County. The HMBP shall include a hazardous material inventory, emergency response procedures, training program information, and basic information on the location, type, quantity, and health risks of hazardous materials stored, used, or disposed of at the proposed project site,</p>	Prior to and during construction	Applicant; Kings County Public Health Department Environment-al Services Division		

Mitigation Measure	Monitoring / Mitigation Timing	Reporting / Responsible Party	Verification of Compliance	
			Initials	Date
HAZARDS AND HAZARDOUS MATERIALS (cont.)				
Mitigation Measure HAZ-1: Protection from Hazardous Materials (cont.).				
<p>and procedures for handling and disposing of unanticipated hazardous materials encountered during construction. The HMBP shall include an inventory of the hazardous waste generated on-site and specify procedures for proper disposal. As required, hazardous waste will be transported by a licensed hauler and disposed of at a licensed facility. According to the HMBP reporting requirements, workers must be trained to respond to releases of hazardous materials in accordance with State and federal laws and regulations governing hazardous materials and hazardous waste (e.g., HAZWOPER training required by Occupational Safety and Health Administration [OSHA]). Any accidental release of small quantities of hazardous materials shall be promptly contained and abated in accordance with applicable regulatory requirements and reported to the Environmental Health Services Division. As the Certified Unified Program Agency for the County, the Environmental Health Services Division of the County Public Health Department is responsible for implementation and enforcement of HMBPs.</p> <p>Failure to comply with the HMBP requirements is civilly liable to the County in an amount not more than two thousand dollars for each day in which the violation occurs. If the violation results in, or significantly contributes to, an emergency, including a fire, the business shall also be assessed the full cost of the County or city emergency response, as well as the cost of cleaning up and disposing of the hazardous materials. If the business continues to be in violation after reasonable notice of violating the HMBP requirements, the business is civilly liable to the administering county or city in an amount not to exceed five thousand dollars for each day in which the violation occurs (Health and Safety Code Section 25515). In the United States, any person other than a governmental entity who violates any requirement of United States Code (USC) Title 42 Section 11022 and 42 USC 11023 shall be liable for civil and administrative penalties of not more than \$37,500 for each violation. Each day a violation continues shall constitute a separate violation (42 USC 11045 (c)(1)). The adjustment to civil monetary penalties for inflation can be found at 40 CFR Section 19.4.</p>				

Mitigation Measure	Monitoring / Mitigation Timing	Reporting / Responsible Party	Verification of Compliance	
			Initials	Date
HAZARDS AND HAZARDOUS MATERIALS (cont.)				
<p>Mitigation Measure HAZ-2: Discovery of Previously Unknown Hazardous Materials.</p> <p>In the event that buried or previously undiscovered hazardous materials are discovered during construction (examples include but are not limited to soil staining, transite piping, and hazardous materials storage), operations potentially affecting the site of the hazard shall stop and a qualified environmental specialist shall be consulted to determine whether the site poses a potential risk to humans and/or the environment. If transite piping is discovered, the construction contractor shall retain a qualified environmental specialist to test the piping for asbestos prior to handling it and, if necessary (depending on the results), shall engage a certified asbestos abatement contractor to abate asbestos containing piping in accordance with all applicable laws, including OSHA guidelines. All hazardous materials identified on site that may be impacted by construction will be properly handled and disposed of in accordance with local, state and federal regulations related to proper handling, transport, and disposal of hazardous material. Any accidental release of small quantities of hazardous materials shall be promptly contained and abated in accordance with applicable regulatory requirements and reported to the County Environmental Health Services Division.</p>	During construction	Applicant; Contractor; Qualified Hazardous Materials Specialist and/or Asbestos Abatement Contractor		
<p>Mitigation Measure HAZ-3: Old Valley Pipeline Buffer.</p> <p>To reduce the risk to workers, structures, and water quality from residual contamination related to the Old Valley Pipeline (OVP), a 50-foot-wide area shall be maintained on either side of the OVP alignment (minimum 100 feet wide) within which specific design considerations shall be incorporated and additional worker protections shall be exercised during construction. The 50-foot buffer shall be depicted on the site plans, and the contractor shall be made aware of the restrictions and requirements within the buffer. Design considerations shall include:</p> <p>a. Soil vapor intrusion may be a concern for structures built above residual weathered crude oil impacted areas, therefore, no occupiable structures shall be constructed above or within the 50-foot buffer of the OVP alignment without the area first being remediated in accordance with a Hazardous Materials Remediation Plan prepared by a qualified hazardous materials specialist and that has been approved by the County and applicable oversight agencies (e.g., the RWQCB, DTSC, and the County Division of Environmental Health Services).</p> <p>b. Similarly, to minimize the potential for storm water infiltration and potential groundwater impacts, storm water basins shall not be constructed within the 50-foot buffer of the OVP alignment within the area first being remediated as described above.</p>	During construction	Applicant; Contractor; Qualified Hazardous Materials Specialist		

Mitigation Measure	Monitoring / Mitigation Timing	Reporting / Responsible Party	Verification of Compliance	
			Initials	Date
HAZARDS AND HAZARDOUS MATERIALS (cont.)				
Mitigation Measure HAZ-3: Old Valley Pipeline Buffer (cont.).				
<p>c. If excavation activities greater than 6 feet in depth will occur within the buffer area, the contractor shall obtain a qualified environmental specialist to conduct air quality monitoring for crude oil soil vapors and monitor for crude oil soil staining. If stained soils are encountered or if hydrogen sulfide gas is present in excess of the permissible exposure limit, Mitigation Measure HAZ-2 shall be implemented to address potential risks and the appropriate methods of removal and disposal.</p>				
Mitigation Measure HAZ-4: Avoid and Minimize Impacts to Underground Natural Gas Pipelines.				
<p>At least two days prior to ground disturbing activities, the applicant shall call Underground Service Alert at 811 to provide notification of the planned activities, including the locations of excavation activities. No ground disturbing activities shall take place until the locations of the underground SoCalGas facilities are identified and marked at the site by the utility provider. The excavator and pipeline operator shall conduct an on-site meeting pursuant to Gov. Code Section 4216, to Gov. Code determine actions required to verify the location of the pipeline. If excavation is planned to occur within 2 feet of the field marked pipeline location, hand tools shall be used to expose the exact locations of all lines before using any power-driven excavation equipment in the area.</p> <p>Should construction activities result in any damage to the pipeline (including a slight gouge, scrape, or dent to a pipeline, it's coating, or any component attached to or running alongside the pipe, such as a wire), the damage shall be immediately reported by calling 1-800-427-2200.</p>	At least two days prior to onset of construction	Applicant; Contractor		
HYDROLOGY AND WATER QUALITY				
Mitigation Measure HYD-1: Stormwater Quality Protection.				
<p>The applicant shall file a Notice of Intent (NOI) to comply with the Construction General Permit with the Central Valley Regional Water Quality Control Board (CVRWQCB) prior to each phase of construction and project decommissioning. Individual Stormwater Pollution Prevention Plans (SWPPPs) shall be prepared for each NOI (project construction and project decommissioning) and shall detail the treatment measures and BMPs to control pollutants that shall be implemented and complied with during the construction and post-construction phases of the project.</p>	<p>NOI submittal prior to the issuance of building permits and prior to decommissioning.</p> <p>During all phases of construction and decommissioning</p>	<p>Applicant; Contractor; CVRWQCB; Kings County CDA</p>		

Mitigation Measure	Monitoring / Mitigation Timing	Reporting / Responsible Party	Verification of Compliance	
			Initials	Date
HYDROLOGY AND WATER QUALITY (cont.)				
<p>Mitigation Measure HYD-1: Stormwater Quality Protection (cont.).</p> <p>The SWPPP(s) required for decommissioning will specify BMPs to be implemented during that final project phase. The SWPPPs are subject to approval by the CVRWQCB, which makes the final determination on which BMPs are required for the project. The construction contracts for each project phase and for the decommissioning phase will include the requirement to implement the BMPs in accordance with the SWPPPs, and proper implementation of the specified BMPs is subject to inspection by the CVRWQCB staff. Example BMPs may include practices such as: designation of restricted-entry zones, sediment tracking control measures (e.g., crushed stone or riffle metal plate at construction entrance), truck washdown areas, diversion of runoff away from disturbed areas, protective measures for sensitive areas, outlet protection, provision mulching for soil stabilization during construction, and provision for revegetation upon completion of construction within a given area. The SWPPPs will also prescribe treatment measures to trap sediment once it has been mobilized, such as straw bale barriers, straw mulching, fiber rolls and wattles, silt fencing, and siltation or sediment ponds.</p>				
TRANSPORTATION AND TRAFFIC				
<p>Mitigation Measure TRA-1: Minimize Impacts to Traffic Level of Service During Construction, Operation and Maintenance, and Decommissioning.</p> <p>As a condition of approval and prior to the issuance of encroachment permits, the applicant shall consult with the Kings County Public Works Department regarding construction-related traffic that may affect level of service (LOS). To minimize impacts on LOS at the Avenal Cutoff Road/SR-198 eastbound ramps construction worker arrival and departures and delivery of equipment shall not be allowed to use the Avenal Cutoff Road/SR-198 intersection during peak traffic hour traffic periods in the p.m. (4:00 to 6:00 is the p.m. peak period). The applicant shall identify alternate travel times for workers and deliveries or identify alternate routes during the peak hour and provide to the County for approval.</p>	<p>Prior to issuance of encroachments permits; during construction</p>	<p>Applicant; Contractor; Kings County Public Works Department</p>		

Mitigation Measure	Monitoring / Mitigation Timing	Reporting / Responsible Party	Verification of Compliance	
			Initials	Date
TRANSPORTATION AND TRAFFIC (cont.)				
<p>Mitigation Measure TRA-2: Traffic Management During Construction and Decommissioning Activities.</p> <p>As a condition of approval, and prior to the issuance of encroachment permits, the applicant shall consult with Caltrans and/or the Kings County Public Works Department prior to initiation of construction and decommissioning activities that may affect area traffic (such as equipment and supply delivery necessitating lane closure, trenching, etc.). Additionally, the project plans will be reviewed by the appropriate County departments for conformance with all applicable fire-safety code and ordinance requirements for emergency access. The contractor shall implement appropriate traffic controls in accordance with the California Vehicle Code and other state and local requirements to avoid or minimize impacts on traffic. Traffic measures that shall be implemented during construction and decommissioning activities include:</p> <ol style="list-style-type: none"> a. Construction traffic shall not block emergency equipment routes. b. Construction activities shall be designed to minimize work on, and delays to or safety concerns for other users of, public rights-of-way and local streets. As examples, this might include the following: <ol style="list-style-type: none"> i. Identify designated off-street parking areas for all project-related vehicles throughout the construction and decommissioning periods. ii. Identify approved truck routes for the transport of all construction and decommissioning-related equipment and materials. iii. Limit the employee arrivals and departures, and the delivery of equipment and materials, to non-peak traffic periods. iv. Provide for farm worker vehicle access and safe pedestrian and vehicle access. v. Provide advance warning and appropriate signage whenever road or lane closures are necessary. c. Construction shall comply with San Joaquin Valley Air Pollution Control District standards for unpaved roads, which include a requirement to keep vehicle speeds below 15 miles per hour. 	<p>Prior to issuance of encroachments permits; during construction</p>	<p>Applicant; Contractor; Kings County Public Works Department</p>		

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