

**MITIGATION MONITORING
AND REPORTING PROGRAM
FOR THE
SILVA DAIRY FARMS EXPANSION PROJECT**

CONDITIONAL USE PERMIT APPLICATION NO. CUP21-011

**COUNTY OF MERCED
DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT**
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Prepared with the Technical Assistance of:



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1.1 PURPOSE OF THE MITIGATION MONITORING PROGRAM

Section 21081.6 of the California Public Resources Code requires that:

A 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. This mitigation monitoring program applies to mitigation measures adopted as part of EIRs or negative declarations.

The purpose of the Mitigation Monitoring and Reporting Program (MMRP) is to ensure that the mitigation measures included in the Environmental Impact Report (EIR) for the Silva Dairy Farms Expansion project (State Clearinghouse # 2022080190) are implemented.

1.2 DESCRIPTION OF PROJECT

The existing Silva Dairy Farms operation consists of two separate dairy facilities located on the north and south side of State Route (SR) 140 at the intersection of Edminster Road in the Stevinson area of the County. The main dairy facility is located south of SR 140 on ≈ 25 acres, and the north facility is located on ≈ 18 acres; the total existing farm area includes 414 acres on 22 parcels. The project cropland application area consists of ≈ 364 acres.

Conditional Use Permit CUP21-011 proposes to modify and expand the existing dairy to house a total of 7,300 animals, including 4,000 milk cows, 500 dry cows, and 2,800 support stock, and to officially merge the two existing separate dairy facility permits into a single permit. Considering the existing 2,953 animals at the dairy facility, the proposed expansion would represent an increase of 4,347 animals from existing numbers. The proposed project would include construction of supporting buildings and features at the dairy facility, including five new freestall barns, two loafing barns, commodity barn, milking parlor expansion, a shop, and dry manure storage and calf hutch area. With construction of the proposed facilities, approximately 7 acres of cropped acreage would be converted to active dairy facilities. The remaining acreage would continue to be cultivated with dairy feed crops.

1.3 ORGANIZATION AND FORMAT

This program describes the requirements and procedures to be followed to ensure that all mitigation measures adopted as part of this project will be implemented as described in the EIR, and adopted by the Merced County Planning Commission. This Mitigation Monitoring and Reporting Program contains the following chapters:

- **Chapter 2 - Inventory of Mitigation Measures.** This section contains a list of all mitigation measures included in the EIR as adopted by the Merced County Planning Commission in numerical order.
- **Chapter 3 - Implementation Schedule and Monitoring Checklist.** This section contains a summary description of the required mitigation measures in checklist format. The timing of implementation of mitigation measures is indicated, in addition to implementation and monitoring responsibility.

1.4 IMPLEMENTATION OF THE MITIGATION MONITORING AND REPORTING PROGRAM

The Director of Merced County Division of Environmental Health (DEH) and/or Community and Economic Development Department (CEDD) Director shall assign staff to manage the Silva Dairy Farms Expansion project MMRP under the Division's and/or Department's responsibility.

Responsible staff shall have overall responsibility for ensuring implementation of measures under their jurisdiction and verification of such measures. Responsible staff may delegate duties and responsibilities to other Division/Department staff, state regulatory agencies, consultants, the project sponsor, or other authorities as necessary and appropriate.

1.5 DOCUMENTATION

All mitigation measures will be included on the project construction plans as prepared by a qualified engineer and submitted to the County for review.

1.5.1 IMPLEMENTATION SCHEDULE AND MONITORING CHECKLIST

Chapter 3 contains a mitigation measure implementation schedule and monitoring checklist. Responsible DEH/CEDD staff may use the checklist as a summary of measures to be implemented and the entities responsible for mitigation implementation and monitoring, and check off mitigation implementation as it is completed.

1.5.2 MONITORING REPORTS

Responsible staff should prepare annual environmental monitoring reports summarizing the results of the program. The report may be based on the Mitigation Measure Implementation Table and Monitoring Checklist below, and information received from any person or agency regarding compliance. The monitoring report should include at least the following items:

1. Summary of implementation monitoring;
2. Analysis of deficiencies and actions taken to correct them, and;
3. Recommendations for future mitigation measures and other corrective actions needed.

2 INVENTORY OF MITIGATION MEASURES

This section contains all of the required mitigation measures identified in the Environmental Impact Report (EIR) for the Silva Dairy Farms Expansion project. The mitigation measures are listed in numerical order. The corresponding section in the EIR is indicated in parentheses following the issue area. For mitigation measures to be implemented for cumulative impacts, please refer to the Mitigation Monitoring Plan adopted by Merced County for the Animal Confinement Ordinance Revision project.

2.1 AIR QUALITY AND ODORS (DRAFT EIR CHAPTER 5)

Recommended Measure AQ-1:

Prior to the release of the first-issued building permit, the applicant shall provide to the County a receipt of a SJVAPCD approved ATC permit, in addition to a Dust Control Plan or Construction Notification form in compliance with Regulation VIII – Fugitive Dust PM₁₀ Prohibitions. The proposed animal confinement facility expansion may be subject to additional rules, including, but not limited to Rule 4570, Confined Animal Facilities, Rule 4102 (Nuisance), Rule 4601 (Architectural Coatings), Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations), and Rule 4002 (National Emission Standards for Hazardous Air Pollutants). The project applicant will be required to implement measures of applicable SJVAPCD Rules and Regulations as noted.

Mitigation Measure AQ-3:

Because project VOC emissions have been evaluated to exceed SJVAPCD significance thresholds, the project applicant shall consult with the SJVAPCD regarding the establishment of a Voluntary Emissions Reduction Agreement between the applicant and the SJVAPCD. SJVAPCD Rule 2201 states that agricultural sources are generally exempt from offsets, and therefore are not categorically required by the SJVAPCD. Consultation shall occur prior to issuance of building permits, and documentation of consultation with the SJVAPCD shall be provided to the County.

Mitigation Measure AQ-5:

The project applicant shall apply SJVAPCD-approved control measures to reduce PM₁₀ emissions below SJVAPCD health risk thresholds. As applied in the HRA prepared for the project, these control measures would include having at least bi-weekly scraping of corrals or pens, no exercise pens for freestall and loafing barns with the exception of Freestall Barn 6. If necessary, control measures for PM₁₀ emissions may be modified by the SJVAPCD during their permitting process. All control measure requirements shall be included in the SJVAPCD permit documents.

Recommended Measure AQ-7:

To minimize potential for odor nuisance conditions, beyond ACO requirements, the Odor Control Plan shall include notification of all neighbors, including tenants, within the windshed and sensitive area setbacks, and shall provide neighbors with a point of contact for nuisance complaints at the dairy facility. The applicant shall inform all neighbors within the windshed and sensitive area setbacks of the facility of methods to contact this individual and/or the Merced County Division of Environmental Health in the event of nuisance conditions, both in English and in Spanish. The applicant shall continue to implement all measures within the approved Odor Control Plan

throughout the active life of the dairy. The applicant/dairy operator shall maintain a record of complaints received, and make them available for review by DEH upon request. Nuisance complaints shall include the following information: (1) The nature of the complaint; (2) The date the complaint was received; (3) If available, the name, address, and telephone number of the person(s) making the complaint; and (4) The actions taken by the operator in response to the complaint. The project applicant shall provide documentation regarding the preparation and distribution of the information document to Merced County prior to herd expansion.

Recommended Measure AQ-8a:

Implement Recommended Measure AQ-1, which requires that prior to the release of the first-issued building permit, the applicant shall provide to the County a receipt of a SJVAPCD approved ATC permit, in addition to a Dust Control Plan or Construction Notification form in compliance with Regulation VIII – Fugitive Dust PM₁₀ Prohibitions, in addition to implementation of the SJVAPCD measures.

Recommended Measure AQ-8b:

To minimize exposure to dust potentially containing spores that cause Valley fever, the Dust Control Plan shall include controls and work practices that reduce workers' exposure, which may include:

- Minimize the area of soil disturbed.
- Use water, appropriate soil stabilizers, and/or re-vegetation to reduce airborne dust.
- Stabilize all spoils piles by tarping or other methods.
- Provide enclosed air-conditioned cabs for vehicles that generate dust and make sure workers keep windows and outside air vents closed.
- Suspend work during heavy winds.
- Keep workers upwind of digging and other dust-producing activities, such as grading, driving, dumping soil, drilling, or blasting.
- Use vacuums equipped with HEPA filters, water, wet towels, or other wet methods to clean soiled equipment, tools, and surfaces. Do not use compressed air, dry sweeping, or other methods that create dust when cleaning.
- Keep break areas, eating areas, and sleeping quarters, if provided, clean and protected from sources of dust.
- When exposure to dust is unavoidable, provide NIOSH-approved respiratory protection with particulate filters rated as N95, N99, N100, P100, or HEPA. Employers must develop and implement a respiratory protection program in accordance with Cal/OSHA's Respiratory Protection standard (8 CCR 5144). Face coverings and masks do not protect against Valley Fever.
- Take measures to reduce transporting spores offsite, such as:
 - √ Clean tools, equipment, and vehicles safely before transporting offsite.
 - √ At dusty worksites, provide coveralls and change rooms, and showers where possible. Ensure workers change into clean clothes and shoes before leaving the worksite. (CDPH 2022).

Recommended Measure AQ-8c:

In accordance with AB203 (2019), the project's construction contractors shall provide training and personal protective respiratory equipment to construction workers and provide information to all construction personnel and visitors to the construction site about Valley fever. Project construction contractors shall be required to provide the training and protective gear, and permit periodic inspection of the construction site by Merced County staff to confirm compliance. Construction contractors have a legal responsibility to immediately report to Cal/OSHA any Valley fever cases among employees.

2.2 BIOLOGICAL RESOURCES (DRAFT EIR CHAPTER 6)

Mitigation Measure BIO-1a:

Protocol Surveys and Nesting Impacts:

Protocol Surveys: For grading or construction work that begins between March 1 and August 30, a qualified biologist with expertise in Swainson's hawk shall conduct protocol surveys of potential nesting habitat within 0.5-mile of any earth-moving activities prior to initiation of such activities.

The project applicant shall conduct a protocol-level survey in conformance with the "Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley," Swainson's Hawk Technical Advisory Committee (<https://www.wildlife.ca.gov/conservation/survey-protocols#377281284-birds>) (May 31, 2000) hereby incorporated by reference. This protocol prescribes minimum standards for survey equipment, mode of survey, angle and distance to tree, speed, visual and audible clues, distractions, notes and observations, and timing of surveys. If construction work begins after August 30 and ends before March 1 (outside of the breeding season), impacts to the Swainson's hawk would be avoided. Surveys would not be required for work conducted during this part of the year.

A written report with the pre-construction survey results must be provided to the Merced County Community and Economic Development Department and CDFW within 30 days prior to commencement of construction-related activities. The report shall include: the date of the report, authors and affiliations, contact information, introduction, methods, study location, including map, results, discussion, and literature cited.

Mitigation Measure BIO-1b:

Nest Avoidance: If the required protocol surveys show there are no active nests within 0.5 mile of construction activities, then no additional mitigation for nest disturbance will be required. If nesting Swainson's hawks are observed within 0.5-mile of the project site, the project applicant must implement a minimum 0.5-mile nest protection buffer until the breeding season has ended or until a qualified biologist determines that the young have fledged and are no longer reliant on the nest for survival.

If implementation of the above measures to avoid take is not feasible, the applicant shall obtain an Incidental Take Permit from the CDFW pursuant to Fish and Game Code Section 2081 prior to construction.

Mitigation Measure BIO-1c:

Foraging Impacts: CDFW requires mitigation for loss of foraging habitat based on the presence of active nests within 10 miles of the project. If an active nest site is identified within 10 miles of the project site, the project proponent shall provide off-site foraging habitat at a specified Mitigation Ratio that is based on proximity of the nest to the project site. Mitigation ratios for loss of foraging habitat are as follows:

Distance from Project Boundary	Mitigation Acreage Ratio*
Within 1 mile	1.00:1**
Between 1 and 5 miles	0.75:1
Between 5 and 10 miles	0.50:1

*Ratio means [acres of mitigation land] to [acres of foraging habitat impacted].
**This ratio shall be 0.5:1 if the acquired lands can be actively managed for prey production.

CDFW provides options for off-site habitat management by fee title acquisition or conservation easement acquisition with CDFW-approved management plan, and by the acquisition of comparable habitat. Mitigation credits may be pursued through a CDFW-approved mitigation bank for Swainson's hawk impacts in Merced County.

The CDFW pre-approved CEQA mitigation measures are found in the Staff Report Regarding Mitigation for Impacts to Swainson's Hawks in the Central Valley of California (CDFG 1994).

The Merced County Community and Economic Development Department may negotiate Management Conditions that differ from the foregoing CDFW pre-approved mitigation measures, if such conditions are consistent with California Fish and Wildlife Commission and the state legislative policy, and such conditions are approved by CDFW prior to reaching agreement with the project applicant.

Mitigation Measure BIO-2a:

Prior to the initiation of construction, construction staff shall attend an Environmental Awareness Training Program that will cover special-status species that could occur on or near the site, their distribution, identification characteristics, sensitivities to human activities, legal protection, penalties for violation of state and federal laws, required project avoidance, minimization, and mitigation measures, and procedures to follow if a potential special-status species is observed.

Mitigation Measure BIO-2b:

1. Construction of the proposed wastewater storage pond and any ground disturbance within 200 feet of suitable aquatic habitat shall be restricted to the period between May 1 and October 1. This is the active period for GGS when the potential for direct mortality is reduced because GGS can actively avoid disturbance.
2. Prior to the start of construction of the proposed wastewater storage pond, a qualified biologist shall conduct a preconstruction survey for GGS prior to the initiation of disturbance. Exclusion fencing shall be installed, as directed by the qualified biologist, to isolate the workspace within 200 feet of suitable aquatic habitat and exclude snakes from the work areas. Exclusion fencing will be buried at the base to prevent snakes from moving

under the fence into the construction area. Exclusion fencing shall be maintained for the duration of work in these areas and shall be routinely inspected to ensure the fencing is intact and effective.

3. If a GGS is observed, the USFWS and CDFW shall be notified immediately. Construction will be suspended in the area until the snake leaves the site of its own volition.
4. All excavations within 200 feet of suitable GGS habitat shall be covered or have escape ramps installed to prevent entrapment prior to the end of work each day.
5. Erosion control materials shall consist of tightly woven fibers and netting to prevent entanglement of reptiles and amphibians. No monofilament materials will be allowed.

Mitigation Measure BIO-3a:

Implement Mitigation Measure BIO-2a.

Mitigation Measure BIO-3b:

If construction of the dairy expansion project involves excavation or other ground disturbance, and all ground disturbance is located in upland areas greater than 200 feet from suitable aquatic habitat, implementation of the project is expected to have a less-than-significant impact to western pond turtle, and no mitigation is required.

If construction involves excavation or other ground disturbance within 200 feet of waterways, ponds, or other suitable aquatic habitat such as the irrigation ditch and wetland area adjacent to the proposed wastewater pond location, the following measures shall be implemented:

1. A qualified biologist shall conduct preconstruction surveys for western pond turtles. Surveys shall be conducted within 48 hours prior to the start of construction at these locations to ensure that individuals are not present in the work area.
2. Prior to ground disturbance activities, exclusion fencing shall be installed, as directed by the qualified biologist, to isolate the workspace within 200 feet of suitable aquatic habitat and exclude turtles from the work areas. Exclusion fencing will be buried at the base to prevent turtles from moving under the fence into the construction area. Exclusion fencing shall be maintained for the duration of work in these areas and shall be routinely inspected to ensure the fencing is intact and effective. If western pond turtle is found within the work area, construction will be suspended in the area until the turtle leaves of their own volition and the biologist will coordinate with CDFW to ensure that the turtles are not harmed.

Mitigation Measure BIO-4a:

Implement Mitigation Measure BIO-2a. The required employee Awareness Training shall incorporate the content set forth in measure #9 of Mitigation Measure BIO-4b (below).

Mitigation Measure BIO-4b:

1. Project-related vehicles should observe a daytime speed limit of 20-mph throughout the site in all project areas, except on county roads and state and federal highways; this is particularly important at night when kit foxes are most active. Night-time operations should be minimized to the extent possible. However, if it does occur, then the speed limit should be reduced to 10-mph. Off-road traffic outside of designated project areas should be prohibited.

2. To prevent inadvertent entrapment of San Joaquin kit foxes or other animals, all excavated, steep-walled holes or trenches more than two 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 shall 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 San Joaquin kit fox is discovered, USFWS and CDFW shall be contacted as noted under Measures 12 and 13 referenced below.
3. San Joaquin kit foxes are attracted to den-like structures such as pipes and may enter stored pipes and become trapped or injured. All pipes, culverts, or similar structures with a diameter of four-inches or greater that are stored at the 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 San Joaquin 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.
4. 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 the project site.
5. No firearms shall be allowed on the project site.
6. If any San Joaquin kit fox or American badger, or their sign, are detected on site, dogs and cats shall be kept off the project site to prevent harassment, mortality of San Joaquin kit foxes or American badgers, and/or destruction of their dens.
7. Use of rodenticides and herbicides in project areas should be restricted. This is necessary to prevent primary or secondary poisoning of San Joaquin kit foxes and the depletion of prey populations on which they depend. All uses of such compounds should observe label and other restrictions mandated by the U.S. Environmental Protection Agency, California Department of Food and Agriculture, 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.
8. 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 San Joaquin kit fox or who finds a dead, injured or entrapped San Joaquin kit fox. The representative will be identified during the employee education program and their name and telephone number shall be provided to the Service.
9. An employee education program should be conducted for any project that has anticipated impacts to kit fox or other endangered species. The program should 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 should 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 should be prepared for distribution to the previously referenced people and anyone else who may enter the project site.

10. Upon completion of the project, all areas subject to temporary ground disturbance, including storage and staging areas, temporary roads, pipeline corridors, etc. should be recontoured if necessary, and revegetated to promote restoration of the area to pre-project conditions.
11. 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.
12. Anyone responsible for inadvertently killing or injuring a San Joaquin kit fox shall immediately report the incident to their representative. This representative shall contact the CDFW immediately in the case of a dead, injured or entrapped kit fox.
13. 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.
14. New sightings of San Joaquin 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 below.
15. Any project-related information required by the USFWS or questions concerning the above conditions or their implementation may be directed in writing to the U.S. Fish and Wildlife Service at: Endangered Species Division, 2800 Cottage Way, Suite W2605, Sacramento, California, 95825-1846.

Mitigation Measure BIO-5a:

Implement Mitigation Measure BIO-2a.

Mitigation Measure BIO-5b:

1. Ground clearing and initiation of construction activities shall occur outside the breeding season, if feasible (September 15 to February 15).
2. If construction outside the breeding season is not feasible, a preconstruction survey shall be conducted within 10 days prior to the start of ground disturbance or vegetation removal to determine presence / absence of TCBB within 500 feet of project activities. If a lapse in construction of greater than 10 days occurs, another focused survey shall be conducted before reinitiating construction (This measure is also required for all MBTA protected nesting birds, as set forth in Mitigation Measure BIO-6a.)
3. If a TCBB nest colony is discovered during preconstruction surveys, a minimum 300 foot buffer shall be applied around the nesting colony and all disturbance within the buffer area will be prohibited until the breeding season has ended or the qualified biologist has determined that there are no active nests remaining in the colony and the young have fledged and are no longer reliant on the colony or parental care for survival.
4. If implementation of the above measures to avoid take is not feasible, the applicant shall obtain an Incidental Take Permit from the CDFW pursuant to Fish and Game Code section 2081 prior to construction.

Mitigation Measure BIO-6a:

To reduce project related impacts to active bird nests and to reduce the potential for construction activities to interrupt breeding and rearing behaviors of birds, the following measures shall be implemented prior to and during construction activities:

1. Ground clearing and initiation of construction activities shall occur from September 15 to February 15, outside the breeding season, if feasible.
2. If ground clearing outside of nesting season is not feasible, a preconstruction survey shall be conducted to determine the presence of nesting birds for any ground clearing or construction activities that will be initiated during the breeding season (February 15 through September 15). The project site and potential nesting areas within 100 feet of the site for MBTA protected birds and 500 feet for raptors shall be surveyed within seven days prior to the initiation of construction. Surveys will be performed by a qualified biologist or ornithologist to verify the presence or absence of nesting birds.
3. Construction shall not occur within a 500-foot buffer surrounding nests of raptors or a 100-foot buffer surrounding nests of migratory birds until the young have fledged or a qualified biologist determines the nest is no longer active.
4. If construction within these buffer areas is required, prior approval shall be obtained from the CDFW.

Mitigation Measure BIO-6b:

Implement Mitigation Measure BIO-1c.

Mitigation Measure BIO-9:

Prior to issuance of a building or other development permit, a Lighting Plan shall be developed to modify existing and future lighting at the Silva Dairy Farm. Project-related lighting shall be minimized and directed away or shielded to maintain lighting within developed areas of the facility and away from sensitive areas. No light trespass shall occur onto adjacent fields or off site. The Lighting Plan must comply with the following general standards:

- Lighting shall be designed so that exterior light fixtures are hooded, with light directed downward or toward the area to be illuminated, and so that backscatter to the nighttime sky is minimized. The design of the lighting shall be such that the luminescence or light sources are shielded to prevent light trespass outside the project site boundary and neither the lamp nor the reflector interior surface are visible from outside the footprint of the facilities;
- Light fixtures shall be installed on poles of minimal height and/or be building-mounted;
- All lighting shall be of minimum necessary brightness consistent with worker safety;
- The number of lighting fixtures shall be limited to the minimum required;
- Illuminated areas not occupied on a continuous basis shall have switches or motion detectors to light the area only when occupied;
- All lighting poles, fixtures, and hoods will be dark-colored;
- Unless determined necessary by the County for safety or security reasons, any signs at the entry of the project site will not be lit (reflective coating is acceptable);
- When possible, green light bulbs will be utilized to minimize lighting impact on birds;
- The Lighting Plan must specify the type and intensity of lighting and shall be approved by the County and implemented prior to final inspection.

2.3 CULTURAL RESOURCES AND TRIBAL CULTURAL RESOURCES (DRAFT EIR CHAPTER 7)

Mitigation Measure CUL-1:

The project applicant and construction contractor shall implement measures to address discovery of unanticipated buried cultural or paleontological resources. If buried cultural resources such as chipped or ground stone, midden deposits, historic debris, building foundations, or paleontological resources are inadvertently discovered during ground-disturbing activities, work shall stop in that area and within 100 feet of the find until a qualified archaeologist or paleontologist can assess the significance of the find and, if necessary, develop responsible treatment measures in consultation with Merced County and other appropriate agencies. Measures must result in the avoidance, preservation, or recordation of the resource.

Mitigation Measure CUL-2a:

Implement Mitigation Measure CUL-1.

Mitigation Measure CUL-2b:

The project applicant and construction contractor shall implement a plan to address discovery of human remains. If remains of Native American origin are discovered during proposed project construction, it shall be necessary to comply with state laws concerning the disposition of Native American burials, which fall within the jurisdiction of the Native American Heritage Commission (NAHC). If any human remains are discovered or recognized in any location other than a dedicated cemetery, 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 has been informed and has determined that no investigation of the cause of death is required; and
- If the remains are of Native American origin:
 - √ The most likely descendants of the deceased Native Americans (identified by the NAHC) has made a recommendation to the landowner or person responsible for the excavation work for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in PRC 5097.98; or
 - √ The NAHC has been unable to identify a descendant, or the descendant failed to make a recommendation within 24 hours after being notified.

According to the California Health and Safety Code, six or more human burials at one location constitute a cemetery (Section 8100), and disturbance of Native American cemeteries is a felony (Section 7052). Section 7050.5 requires that construction or excavation be stopped in the vicinity of discovered human remains until the coroner can determine whether the remains are those of a Native American. If the remains are determined to be Native American, the coroner must contact the NAHC.

2.4 GREENHOUSE GAS EMISSIONS AND ENERGY USE (DRAFT EIR CHAPTER 8)

Mitigation Measure GHG-1:

The proposed herd expansion shall not occur until the manure digester cluster is operational, or other alternate feasible Scoping Plan mitigation strategies are implemented, should the digester be

determined infeasible due to changes in funding conditions. Once operational, the dairy operator shall use the digester to store manure from the existing and proposed herd in order to capture methane for energy use to displace fossil fuel use and reduce GHG emissions from the dairy. The project sponsor shall provide documentation of use of the dairy digester cluster or other alternate Scoping Plan mitigation strategies to Merced County prior to herd expansion.

2.5 NUISANCE CONDITIONS FROM INSECTS (DRAFT EIR CHAPTER 9)

Mitigation Measure HAZ-1:

The applicant shall implement the odor control measures set forth in the Odor Control Plan in Mitigation Measure AQ-7. The odor control measures include best management practices and manure management measures that would also act to control nuisance insects, and also provides a point of contact for nuisance complaints at the dairy facility, both in English and in Spanish, beyond ACO requirements.

2.6 HYDROLOGY, WATER QUALITY, AND SOIL EROSION (DRAFT EIR CHAPTER 10)

Recommended Measure HYD-1:

Prior to the initiation of any grading or construction, the applicant shall submit Permit Registration Documents (PRD) for the Construction General Permit Order (Order 2022-0057-DWQ) to the State Water Resources Control Board, and comply with, and implement, all requirements of the permit. The NPDES permit shall require implementation of Best Available Technology Economically Achievable (BAT) and Best Conventional Pollutant Control Technology (BCT) to reduce or eliminate pollutants in stormwater runoff. The NPDES permit shall also include any additional requirements necessary to achieve applicable water quality standards. The Construction General Permit requires a site-specific Storm Water Pollution Prevention Plan (SWPPP) to be developed by the discharger. The SWPPP must list any BMPs that the discharger will use to protect storm water runoff, and define the placement of identified BMPs. The SWPPP must be kept on-site, made available for review, and uploaded through the Stormwater Applications and Reports Tracking System (SMARTS). Proof of registration shall be submitted to the Merced County Building and Safety Division prior to the initiation of construction.

Mitigation Measure HYD-3a:

Based on the results of the CVDRMP study, the CVRWQCB should develop a revised Dairy General Order, or similar regulation, with updated standards that apply to all confined animal facilities within the Central Valley. The revised Dairy General Order should re-examine seepage rates from all areas, including but not limited to corrals, wastewater ponds, and application fields; maximum permeability rates for areas that require lining to prevent groundwater degradation; and implementation of an antidegradation policy for groundwater. The revised Dairy General Order requirements would apply to the Silva Dairy Farms Expansion project. The revised Dairy General Order, individual WDRs, or similar discretionary entitlements shall be issued by the CVRWQCB prior to the proposed expansion of the herd.

Should the CVRWQCB not develop and implement a revised General Order, or similar discretionary entitlements, then HYD-3b through HYD-3k below must be implemented.

Mitigation Measure HYD-3b:

The following Best Management Practices shall be implemented as applicable:

1. Positive drainage shall be included in project design and construction to ensure that excessive ponding does not occur. The design shall comply with Title 3, Division 2, Chapter 1, Article 22, Section 646.1 of the Food and Agriculture Code for construction and maintenance of dairy or facility surroundings, corrals, and ramps, as described below.
2. Dirt or unpaved corrals, or unpaved lanes, shall not be located closer than 25 feet from the milking barn or closer than 50 feet from the milk house. Corral drainage must be provided.
3. A paved (concrete or equivalent) ramp or corral shall be provided to allow the animals to enter and leave the milking barn. This paved area shall be curbed (minimum of 6 inches high and 6 inches wide) and sloped to a drain. Cow washing areas shall be paved (concrete or equivalent) and sloped to a drain. The perimeter of the area shall be constructed in a manner that will retain the wash water to a paved drained area. Paved access shall be provided to permanent feed racks, mangers, and water troughs. Water troughs shall be provided with: (1) a drain to carry the water from the corrals; and (2) pavement (concrete or equivalent) which is at least 10 feet wide at the drinking area.
4. The cow standing platform at permanent feed racks shall be paved with concrete or equivalent for at least 10 feet back of the stanchion line.
5. As unpaved areas are cleaned, depressions tend to form, allowing ponding and increased infiltration. Regular maintenance shall include filling of depressions. Personnel shall be taught the correct use of manure collection machines (wheel loaders or elevating scrapers).

Mitigation Measure HYD-3c:

The CVRWQCB should issue interim individual WDRs or other type of discretionary permit for the proposed dairy expansion based on the CVDRMP study. The applicant shall comply with requirements of the NMP/WMP, implement CVRWQCB requirements included in the interim individual WDR for the proposed dairy expansion, and with all Merced County ACO requirements not superseded by the conditions of the individual WDR. The interim individual WDRs or similar requirements shall be issued by the CVRWQCB prior to the proposed expansion of the herd.

Mitigation Measure HYD-3d:

As set forth in the NMP, proposed application rates of liquid and/or solid manure shall not exceed agronomic rates. Nutrient samples shall be collected prior to and during applications periods to confirm agronomic rates within all portions of cropped areas receiving manure, and to protect water supplies. A Sampling and Analysis Plan in the NMP shall include soil testing frequency for nitrogen, potassium, phosphorus, and salts. Modifications to the NMP may be required as outlined in the interim individual WDR for the proposed dairy expansion to be issued by the CVRWQCB.

Mitigation Measure HYD-3e:

The applicant shall comply with the Salt and Nitrate Control Program requirements to protect surface waters and groundwater from salts and nitrates in wastewater, as set forth in Board Resolution R5-2018-0034 and Resolution R5-2020-0057 (Basin Plan Amendments implementing CV-SALTS). Since the dairy is a member of the Central Valley Dairy Representative Monitoring

Program, and the CVDRMP has committed to participate in the Salt Control Program on behalf of its members, the applicant is not required to take further action to comply with the Salt Control Program as of the date of this EIR, but may be required to do so in the future. Similarly, the Silva Dairy Farm has been issued a Notice to Comply for the Nitrate Control Program, and will be required to comply with the action plan to be developed its Management Zone. These management practices and/or facility upgrades will be implemented over a timeframe that may extend as long as 35 years. By participating in these programs, the merged dairy will comply with the regulatory requirements established by both the Salt and Nitrate Control Programs.

Mitigation Measure HYD-3f:

Because the Silva Dairy is a member of a Groundwater Monitoring Coalition, no site-specific shallow groundwater monitoring system has been implemented at the Silva Dairy. As a condition of the interim individual WDR issued for the facility, the CVRWQCB may require shallow groundwater monitoring wells to be installed and monitored or require the facility to contribute to a regional representative groundwater monitoring system to confirm water table gradients and water quality variations. Monitoring well requirements and a monitoring schedule shall be included in the interim individual WDR issued for the facility. The resulting groundwater monitoring objectives for either the regional program or individual site shall be used to assess and mitigate groundwater impacts.

Mitigation Measure HYD-3g:

Groundwater monitoring of the on-site domestic and irrigation wells as required under the General Order shall be completed by the dairy operator. Potential future groundwater monitoring wells may be sampled as required by the interim individual WDR, or depending on the success of the regional representative monitoring program. If appropriate, surrounding properties with domestic water supply wells within 500 feet of the land application property could be considered for sampling for nitrate and E.C. at a minimum. A well monitoring schedule shall be incorporated into the interim individual WDR issued for the facility.

Mitigation Measure HYD-3h:

After project implementation and subsequent groundwater monitoring, if the dairy shows increased concentration in groundwater of constituents of concern, additional manure exportation, a reduction in herd size, or additional crop acres may be necessary to accommodate the proposed dairy expansion. A new Report of Waste Discharge (ROWD) may be required by the CVRWQCB. The ROWD shall clearly demonstrate that the herd size will not constitute a threat to groundwater quality. If necessary, the CVRWQCB shall revise the interim individual WDR issued to the facility.

Mitigation Measure HYD-3i:

The Department of Community and Economic Development and the Division of Environmental Health shall make a final inspection of the facility prior to the commencement of expanded operations to confirm the dairy meets local and state requirements.

Mitigation Measure HYD-3j:

During construction, all soils that contain manure or process water residue shall be maintained on the project site.

Mitigation Measure HYD-3k:

Over the course of operations, should it be determined by the CVRWQCB that the existing wastewater ponds do not have adequate depth to groundwater, the CVRWQCB may require the applicant to retrofit the existing ponds with a liner that meets Tier 1 pond standards. Alternatively, should the proposed ponds to be constructed as part of the dairy expansion provide adequate wastewater storage for the existing and proposed herd, the existing ponds could be decommissioned consistent with ACO and CVRWQB requirements.

Mitigation Measure HYD-6:

Prior to the issuance of any building permit, the project applicant shall demonstrate compliance with the well permitting requirements of Drought Executive Order N-7-22 and the Merced County Groundwater Ordinance as outlined in Impact HYD-6 of this EIR, including submittal of the proposed well plans to the Merced Subbasin Groundwater Sustainability Agency and submittal of written verification from the GSA to Merced County DEH that the proposed replacement well location and use is consistent with the GSP.

Mitigation Measure HYD-7:

- As recommended by the Flood Protection Analysis report (Sousa 2021), the following measures shall be implemented to meet General Order requirements for flood protection: The proposed wastewater pond shall be constructed mostly above existing grade and shall have a depth of approximately 12 feet. The existing grade in the area of the pond is approximately 73 to 74 feet. The estimated BFE in the area of the pond is approximately 74.8 feet. The top of the embankments of the pond shall be constructed to approximately 11 feet above existing grade, or to an elevation of approximately 84 feet.
- Following construction of the proposed facilities and prior to commencement of dairy operations, the project applicant shall obtain a flood proofing certificate in accordance with Section 18.26.050 of the Merced County Code from the Merced County Building and Safety Division. If any portion of the dairy facility is found not to comply with flood proofing requirements, the project applicant shall complete flood proofing as necessary to obtain the flood-proofing certificate from the County.

Mitigation Measure HYD-9:

Over the course of operations, the project sponsor shall obtain written agreement from the recipients of manure exported off site to require demonstrated compliance with the following:

- The recipient must be explicitly authorized by the appropriate RWQCB to discharge exported manure and/or wastewater in any manner or location that could impact or threaten to impact water quality. Such authorization may be granted via issuance of individual WDRs or waiver of WDRs, enrollment under a general WDRs order or waiver, or other action of the RWQCB.
- The recipient belongs to an approved third-party group or coalition compliant with the Long-term Irrigated Lands Regulatory Program General Orders adopted by the RWQCB, is covered by an Individual Discharger General Order, or is otherwise covered by Confined Animal Facility WDRs as adopted by the RWQCB.
- All manure shall be applied to cropland at rates and times that are reasonable for the crop, soil, climate, special local situations, and management system. Manure applications shall be timed and managed to minimize nitrogen movement below the root zone and to minimize percolation of waste constituents to groundwater.

- All stormwater that is or has been in contact with manure shall be maintained on site. No storm drainage that has been in contact with manure shall be allowed to flow or seep onto adjacent properties or public roads, or into any waterway.
- Where the commingling of water containing manure can take place with irrigation wells and irrigation and/or drainage district facilities, these facilities must be protected from pollution by a backflow device or method that is approved by the Division of Environmental Health and/or the appropriate irrigation/drainage district. It is the obligation of the property owner to install and maintain or cause to be installed and maintained the backflow device or method.
- Manure shall not be applied within 100 feet of any domestic well, irrigation well, or surface water body. Surface water bodies include creeks, streams, lakes and reservoirs, but do not include canals constructed above grade. Adequate protection of surface water bodies or irrigation wells shall prevent discharge or infiltration of manure constituents to the water body or well.
- The project sponsor shall provide the most recent analysis of the liquid or dry manure, in writing, to the manure recipient. The signed agreement between the project sponsor and the recipient of manure exported off site shall be submitted to the Merced County Division of Environmental Health for review.

Mitigation Measure HYD-10a:

Implement Mitigation Measure HYD-3, which requires compliance with Merced County and RWQCB regulations to minimize impacts to surface and groundwater quality.

Mitigation Measure HYD-10b:

Implement Mitigation Measure HYD-9, which requires compliance with Merced County and RWQCB regulations to minimize impacts to surface and groundwater quality from manure applied to cropland off site.

Mitigation Measure HYD-10c:

Implement Mitigation Measure HYD-6, which requires the applicant to demonstrate compliance with the requirements of Drought Executive Order N-7-22 and the Merced County Groundwater Ordinance.

2.7 CUMULATIVE IMPACTS (DRAFT EIR CHAPTER 13)

The Merced County Board of Supervisors adopted all mitigation measures identified for cumulative impacts from new and expanding dairies in the County in 2002, and a Mitigation Monitoring and Reporting Program for the Animal Confinement Ordinance Revision project was adopted for these measures at that time. Since the Merced County Animal Confinement Ordinance EIR was completed in 2002, the 2030 Merced County General Plan EIR (2013) updated conclusions on the cumulative condition for all project types, including proposed and expanding dairy facility projects such as the Silva Dairy Farms Expansion project. Mitigation monitoring for cumulative mitigation measures occurs within the previously adopted 2002 Mitigation Monitoring and Reporting Program for the ACO and the 2013 MMRP for the 2030 General Plan and is not duplicated in this current document for the Silva Dairy Farms Expansion project.

3 IMPLEMENTATION SCHEDULE AND CHECKLIST

This section contains an abbreviated description of each mitigation measure presented in tabular, checklist format. A complete description of each measure is contained in the preceding Chapter 2, *Inventory of Mitigation Measures*, contained within this document.

The mitigation measures to be implemented by the project applicant(s) and successors in interest are separated into the following phases:

- √ Prior to Issuance of a Building Permit
- √ Prior to Construction
- √ During Construction
- √ Prior to Final Inspection / Prior to Initiation of New Operations
- √ Prior to Herd Expansion
- √ Ongoing Operations

A summary of the checklist is presented below. Some measures have components that are to be implemented during several project phases. These measures are noted in each category. For mitigation measures that require implementation of a different mitigation measure required for the project, only the measure monitored is listed below.

Timing of Implementation of Measure	Mitigation Measure Number
Prior to Issuance of a Building Permit	AQ-1, AQ-3, AQ-7, AQ-8a, AQ-8b, AQ-8c, BIO-1a, BIO-9, HAZ-1, HYD-6, HYD-7, HYD-10c
Prior to Construction	BIO-1a, BIO-1b, BIO-1c, BIO-2a, BIO-2b, BIO-3a, BIO-3b, BIO-4a, BIO-4b, BIO-5a, BIO-5b, BIO-6a, BIO-6b, CUL-1, CUL-2a, CUL-2b, HYD-1, HYD-10a
During Construction	AQ-1, AQ-8a, AQ-8b, AQ-8c, BIO-1a, BIO-1b, BIO-2b, BIO-3b, BIO-4b, BIO-5b, BIO-6a, BIO-9, CUL-1, CUL-2a, CUL-2b, HYD-1, HYD-3j, HYD-7, HYD-10a
Prior to Final Inspection / Initiation of New Operations	AQ-5, HYD-3e, HYD-3i, HYD-7, HYD-10a
Prior to Herd Expansion	GHG-1, HYD-3a, HYD-3b, HYD-3c, HYD-10a
Ongoing Operations	AQ-1, AQ-5, AQ-7, AQ-8a, AQ-8b, BIO-9, GHG-1, HAZ-1, HYD-3b, HYD-3c, HYD-3d, HYD-3e, HYD-3f, HYD-3g, HYD-3h, HYD-3k, HYD-6, HYD-9, HYD-10a, HYD-10b, HYD-10c

Silva Dairy Farms Expansion Mitigation Measure Implementation Schedule and Monitoring Checklist

Timing of Verification (To occur prior to the following actions)	Measure Complete? (check)	Mitigation Measures	Responsibility - Implementation	Responsibility - Monitoring
Prior to Issuance of a Building Permit, During Construction, Ongoing Operations		Recommended Measure AQ-1: Provide a receipt of a SJVAPCD approved ATC permit in addition to a Dust Control Plan or Construction Notification form, and implement all measures of applicable SJVAPCD Rules and Regulations.	Project Applicant	Merced Co. DEH, SJVAPCD
Prior to Issuance of a Building Permit		Mitigation Measure AQ-3: Consult with the SJVAPCD regarding the establishment of a Voluntary Emissions Reduction Agreement between the applicant and the SJVAPCD.	Project Applicant	Merced CEDD, SJVAPCD
Prior to Initiation of New Operations, Ongoing Operations		Recommended Measure AQ-5: Apply SJVAPCD-approved control measures to reduce PM ₁₀ emissions below SJVAPCD health risk thresholds.	Project Applicant	Merced Co. DEH, SJVAPCD
Prior to Issuance of a Building Permit, Ongoing Operations		Recommended Measure AQ-7: Revise the Odor Control Plan to provide additional information to neighbors regarding point of contact for nuisance complaints.	Project Applicant	Merced Co. CEDD
Prior to Issuance of a Building Permit, During Construction, Ongoing Operations	See AQ-1.	Recommended Measure AQ-8a: Implement Recommended Measure AQ-1, which requires receipt of a SJVAPCD approved Dust Control Plan.	Project Applicant	Merced Co. DEH, SJVAPCD
Prior to Issuance of a Building Permit, During Construction, Ongoing Operations		Recommended Measure AQ-8b: Implement the Dust Control Plan, which shall include controls and work practices that reduce workers' exposure.	Project Applicant	Merced Co. DEH, SJVAPCD
Prior to Issuance of a Building Permit, During Construction		Recommended Measure AQ-8c: Construction Contractor shall provide training and personal protective respiratory equipment to construction workers and inform construction personnel and visitors about Valley fever. Report any Valley fever cases among employees to Cal/OSHA.	Project Applicant	Merced Co. DEH, SJVAPCD
Prior to Issuance of Building Permit, Prior to Construction, During Construction		Mitigation Measure BIO-a: <i>Protocol Surveys</i> : Conduct protocol surveys if work begins between March 1 and August 30. Mitigate for loss of Swainson's hawk nesting habitat.	Project Applicant	Merced CEDD, CDFW
Prior to Construction, During Construction		Mitigation Measure BIO-1b: <i>Nest Avoidance</i> : Implement measures to minimize potential impacts to Swainson's Hawk nests.	Project Applicant	Merced CEDD, CDFW

Silva Dairy Farms Expansion Mitigation Measure Implementation Schedule and Monitoring Checklist

Timing of Verification (To occur prior to the following actions)	Measure Complete? (check)	Mitigation Measures	Responsibility - Implementation	Responsibility - Monitoring
Prior to Construction		Mitigation Measure BIO-1c: <i>Foraging Impacts</i> : The project applicant shall consult with CDFW to determine if mitigation is necessary for the loss of approximately 26 acres of potential Swainson’s hawk foraging habitat, and implement measures as required.	Project Applicant	Merced CEDD, CDFW
Prior to Construction		Mitigation Measure BIO-2a: Construction staff shall attend an Environmental Awareness Training Program covering special status species that could occur on or near the site.	Project Applicant	Merced CEDD, CDFW
Prior to Construction, During Construction		Mitigation Measure BIO-2b: Construction of the proposed wastewater storage pond shall be restricted to the period between May 1 and October 1. Preconstruction surveys shall be completed and measures taken to exclude snakes from work areas. Should giant gartersnake(s) be observed, USFWS and CDFW shall be notified immediately.	Project Applicant	Merced CEDD, CDFW
Prior to Construction	See BIO-2a.	Mitigation Measure BIO-3a: Implement Mitigation Measure BIO-2a.	Project Applicant	Merced CEDD, CDFW
Prior to Construction, During Construction		Mitigation Measure BIO-3b: If wastewater pond construction involves trench excavation in areas with water present, conduct preconstruction surveys with 48 hours of the start of construction. If western pond turtle is found, coordinate with CDFW and relocate if necessary.	Project Applicant	Merced CEDD, CDFW
Prior to Construction	See BIO-2a.	Mitigation Measure BIO-4a: Implement Mitigation Measure BIO-2a.	Project Applicant	Merced CEDD
Prior to Construction, During Construction		Mitigation Measure BIO-4b: The project applicant must follow the USFWS guidelines for protection of San Joaquin Kit Fox. Measures include preconstruction surveys for the kit fox and badger, preventative measures to avoid potential impacts to these species, and compulsory action should any animal be encountered.	Project Applicant	Merced CEDD
Prior to Construction	See BIO-2a.	Mitigation Measure BIO-5a: Implement Mitigation Measure BIO-2a.	Project Applicant	Merced CEDD, CDFW
Prior to Construction, During Construction		Mitigation Measure BIO-5b: The project applicant must take preventative measures to avoid potential impacts to tri-colored blackbird, including pre-construction surveys if construction is to occur during breeding season, and compulsory actions should a nest colony be encountered.	Project Applicant	Merced CEDD, CDFW
Prior to Construction, During Construction		Mitigation Measure BIO-6a: Implement measures to minimize potential project-related impacts breeding and rearing behaviors of other birds.	Project Applicant	Merced CEDD, CDFW

Silva Dairy Farms Expansion Mitigation Measure Implementation Schedule and Monitoring Checklist

Timing of Verification (To occur prior to the following actions)	Measure Complete? (check)	Mitigation Measures	Responsibility - Implementation	Responsibility - Monitoring
Prior to Construction		Mitigation Measure BIO-6b: Implement Mitigation Measure BIO-1c.	Project Applicant	Merced CEDD, CDFW
Prior to Issuance of a Building Permit, During Construction, Ongoing Operations		Mitigation Measure BIO-9: Applicant shall develop a Lighting Plan to modify existing and future lighting in compliance with general standards. Lighting shall be minimized and directed away or shielded to prevent light trespass onto adjacent fields or off site.	Project Applicant	Merced CEDD
Prior to Construction, During Construction		Mitigation Measure CUL-1: Implement a plan to address discovery of unanticipated cultural resources. If any archaeological, cultural, historical resources, artifacts, or other features are discovered, work shall be suspended until a qualified archaeologist assesses the discovery and provides consultation with appropriate agencies. Appropriate mitigation shall be implemented as advised.	Project Applicant, Construction Contractor, Merced CEDD	Merced CEDD
Prior to Construction, During Construction	See CUL-1.	Mitigation Measure CUL-2a: Implement the plan to address discovery of unanticipated cultural resources set forth in Mitigation Measure CUL-1.	Project Applicant, Construction Contractor, Merced CEDD	Merced CEDD
Prior to Construction, During Construction		Mitigation Measure CUL-2b: Implement a plan to address discovery of human remains. In the event human remains are discovered, no further disturbance shall occur until the county coroner has made the necessary findings as to the origin and disposition of the remains, and notified the appropriate parties.	Project Applicant, Construction Contractor, Merced CEDD	Merced CEDD
Prior to Herd Expansion, Ongoing Operations		Mitigation Measure GHG-1: Proposed herd expansion shall not take place until the manure digester cluster is operational or other Scoping Plan mitigation strategies are implemented. Applicant shall use the digester to store manure from the existing and proposed herd, and provide documentation of use of the digester to Merced County.	Project Applicant	Merced CEDD
Prior to Issuance of a Building Permit, Ongoing Operations	See AQ-7.	Mitigation Measure HAZ-1: Implement the Odor Control Plan as revised in Mitigation Measure AQ-7.	Project Applicant	Merced DEH, Merced CEDD
Prior to Construction, During Construction		Recommended Measure HYD-1: Submit permit registration documents for the Construction General Permit Order 2009-0009-DWQ to the SWRCB, and comply with all requirements of the permit.	Project Applicant	Merced Co. Building and Safety Division, SWRCB
Prior to Herd Expansion		Mitigation Measure HYD-3a: Based on results of the CVDRMP study, the CVRWQCB should develop and implement a revised Dairy General Order.	CVRWQCB	Merced DEH, Merced CEDD, CVRWQCB

Silva Dairy Farms Expansion Mitigation Measure Implementation Schedule and Monitoring Checklist

Timing of Verification (To occur prior to the following actions)	Measure Complete? (check)	Mitigation Measures	Responsibility - Implementation	Responsibility - Monitoring
Prior to Herd Expansion, Ongoing Operations		Mitigation Measure HYD-3b: Implement BMPs to prevent contamination of groundwater.	Project Applicant	Merced DEH, Merced CEDD, CVRWQCB
Prior to Herd Expansion, Ongoing Operations		Mitigation Measure HYD-3c: The CVRWQCB should issue interim individual WDRs or other type of discretionary permit for the proposed dairy expansion based on the CVD RMP study. Comply with requirements of the NMP/WMP, the individual WDR, and all Merced County ACO requirements not superseded by the conditions of the individual WDR.	Project Applicant	Merced DEH, Merced CEDD, CVRWQCB
Ongoing Operations		Mitigation Measure HYD-3d: Apply liquid and solid manure to not exceed agronomic rates as set forth in the NMP. Confirm agronomic rates with soil testing as described in the NMP.	Project Applicant	Merced DEH, Merced CEDD, CVRWQCB
Prior to Final Inspection / Initiation of New Operations, Ongoing Operations		Mitigation Measure HYD-3e: Comply with CVRWQCB permit requirements to protect surface waters and groundwater from salts in wastewater.	Project Applicant	Merced DEH, Merced CEDD, CVRWQCB
Ongoing Operations		Mitigation Measure HYD-3f: Maintain continued membership in the groundwater monitoring network, and install a site-specific groundwater monitoring system if required by the CVRWQCB in its individual WDR for the facility.	Project Applicant	Merced DEH, Merced CEDD, CVRWQCB
Ongoing Operations		Mitigation Measure HYD-3g: Continue groundwater monitoring of the on-site domestic and irrigation wells. A well monitoring schedule shall be incorporated into the interim individual WDR issued for the facility.	Project Applicant	Merced DEH, Merced CEDD, CVRWQCB
Ongoing Operations		Mitigation Measure HYD-3h: After monitoring, if groundwater contamination is shown, implement corrective measures.	Project Applicant	Merced DEH, Merced CEDD, CVRWQCB
Prior to Final Inspection or Initiation of New Operations		Mitigation Measure HYD-3i: Conduct final inspection of the facility to confirm that the dairy meets local and state requirements.	Project Applicant	Merced DEH, Merced CEDD, CVRWQCB
During Construction		Mitigation Measure HYD-3j: During construction, all soils that contain manure or process water residue shall be maintained on the project site.	Project Applicant	Merced DEH, Merced CEDD, CVRWQCB

Silva Dairy Farms Expansion Mitigation Measure Implementation Schedule and Monitoring Checklist

Timing of Verification (To occur prior to the following actions)	Measure Complete? (check)	Mitigation Measures	Responsibility - Implementation	Responsibility - Monitoring
Ongoing Operations		Mitigation Measure HYD-3k: If required by CVRWQCB, retrofit existing ponds with a liner that meets Tier 1 pond standards. Should the ponds proposed for construction provide adequate wastewater storage for the existing and the proposed herd, the existing ponds could be decommissioned consistent with ACO and CVRWQCB requirements.	Project Applicant	Merced DEH, Merced CEDD, CVRWQCB
Prior to Issuance of a Building Permit, Ongoing Operations		Mitigation Measure HYD-6: Applicant shall demonstrate compliance with all well permitting requirements of Drought Executive Order N-722 and the Merced County Groundwater Ordinance.	Project Applicant	Merced DEH, Merced CEDD
Prior to Issuance of a Building Permit, During Construction, Prior to Final Inspection		Mitigation Measure HYD-7: Measures shall be implemented to meet General Order requirements for flood protection. Prior to commencement of dairy operations, applicant shall complete flood proofing and obtain a flood proofing certificate in accordance with Merced County Code Section 18.26.050.	Project Applicant, Merced County Building and Safety Division	Merced County Building and Safety Division
Ongoing Operations		Mitigation Measure HYD-9: Obtain written agreement from the recipients of manure exported off site, and provide the most recent analysis of the dry manure, in writing, to the manure recipient.	Project Applicant	Merced DEH, Merced CEDD
Prior to and During Construction, Prior to Final Inspection / Initiation of New Operations, Prior to Herd Expansion, Ongoing Operations	See HYD-3.	Mitigation Measure HYD-10a: Implement Mitigation Measure HYD-3, which requires compliance with Merced County and RWQCB regulations to minimize impacts to surface and groundwater quality.	Project Applicant	Merced DEH, Merced CEDD
Ongoing Operations	See HYD-9.	Mitigation Measure HYD-10b: Implement Mitigation Measure HYD-9, which requires compliance with Merced County and RWQCB regulations to minimize impacts to surface and groundwater quality from manure applied to cropland off site.	Project Applicant	Merced DEH, Merced CEDD
Prior to Issuance of a Building Permit, Ongoing Operations	See HYD-6.	Mitigation Measure HYD-10c: Implement Mitigation Measure HYD-6, which requires the applicant to demonstrate compliance with the requirements of Drought Executive Order N-7-22 and the Merced County Groundwater Ordinance.	Project Applicant	Merced DEH, Merced CEDD