

**Mitigation Monitoring and Reporting Program
Initial Study No. 8081
Unclassified Conditional Use Permit Application No. 3713**

Mitigation Measures					
Mitigation Measure No.*	Impact	Mitigation Measure Language	Implementation Responsibility	Monitoring Responsibility	Time Span
*1.	Aesthetics	All outdoor lighting shall be hooded and directed downward as to not shine toward adjacent properties and public streets.	Applicant	Applicant/Fresno County Department of Public Works and Planning (PWP)	On-going; for the duration of the project
*2.	Biological Resources	A qualified biologist shall conduct protocol-level surveys in accordance with the U.S. Fish and Wildlife Service (USFWS) "Interim Guidance on Site Assessment and Field Surveys for Determining Presence or a Negative Finding of the California Tiger Salamander October 2003" at the appropriate time of year to determine the existence and extent of California Tiger Salamander (CTS) breeding and refugia habitat. The protocol-level surveys for CTS require more than one survey season and are dependent upon sufficient rainfall to complete. As a result, consultation with the California Department of Fish and Wildlife (CDFW) and the USFWS is recommended well in advance of beginning the surveys and prior to any planned vegetation- or ground-disturbing activities. The protocol-level survey shall include a 100-foot buffer around the Project area in all areas of wetland and upland habitat that could support CTS.	Applicant	Applicant/PWP/ California Department of Fish & Wildlife (CAFW); US Fish & Wildlife Service (USFWS)	As noted
*3.	Biological Resources	If California Tiger Salamander (CTS) protocol-level surveys are not conducted, a minimum 50-foot no-disturbance buffer shall be delineated around all small mammal burrows in suitable upland refugia habitat within and/or adjacent to the Project site. Furthermore, potential or known breeding habitat within and/or adjacent to the project site shall be delineated with a minimum 250-foot no-disturbance buffer. These surveys are repeated any time the disturbance area of the Project expands or there is the potential to eliminate small mammal burrows. Alternatively, the applicant can assume presence of CTS	Applicant	Applicant/PWP/ CDFW	As noted

		within the project site and obtain from CDFW an Incidental Take Permit (ITP) in accordance with Fish and Game Code section 2081 subdivision (b).			
*4.	Biological Resources	If through surveys it is determined that CTS are occupying or have the potential to occupy the project site, consultation with CDFW is warranted to determine if the project can avoid Take. If 'Take' cannot be avoided, Take authorization would be warranted prior to initiating ground-disturbing activities to comply with California Endangered Species Act. Take authorization would occur through the acquisition of an Incidental Take Permit (ITP) from CDFW, pursuant to Fish and Game Code section 2081 subdivision (b). In the absence of protocol surveys, the applicant can assume presence of CTS within the project site and obtain an ITP from CDFW.	Applicant	Applicant/PWP/CDFW	As noted
*5.	Biological Resources	A qualified wildlife biologist shall conduct surveys for nesting Swainson's hawk (SWHA) following the survey methods developed by the Swainson's hawk Technical Advisory Committee (SWHA TAC, 2000) prior to project implementation. The survey protocol includes early season surveys to assist the project proponent in implementing necessary avoidance and minimization measures, and in identifying active nest sites prior to initiating ground-disturbing activities.	Applicant	Applicant/PWP/CDFW	As noted
*6.	Biological Resources	If expansion of any project activities will take place during the normal bird breeding season (March 1 through September 15), additional pre-activity surveys for active nests shall be conducted by a qualified biologist no more than 10 days prior to the start of the project implementation. A minimum no-disturbance buffer of one-half mile shall be delineated around active nests until the breeding season has ended or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or parental care for survival.	Applicant	Applicant/PWP/CDFW	As noted
*7.	Biological Resources	In the event an active SWHA nest is detected during surveys and the one-half mile no-disturbance buffer around the nest cannot feasibly be implemented, consultation with CDFW is warranted to discuss how to implement the project and avoid Take. If Take cannot be avoided, Take authorization through the acquisition of an	Applicant	Applicant/PWP/CDFW	As noted

		Incidental Take Permit (ITP), pursuant to Fish and Game Code section 2081 subdivision (b) is warranted to comply with California Endangered Species Act.																										
*8.	Biological Resources	A qualified biologist shall conduct a habitat assessment in advance of project implementation, to determine if the project area or its vicinity contains suitable habitat for Burrowing Owl (BUOW).	Applicant	Applicant/PWP/CDFW	As noted																							
*9.	Biological Resources	A qualified biologist shall conduct surveys following the California Burrowing Owl Consortium's "Burrowing Owl Survey Protocol and Mitigation Guidelines" (CBOC 1993) and CDFW's Staff Report on Burrowing Owl Mitigation" (CDFG 2012). Three or more surveillance surveys shall be conducted during daylight with each visit occurring at least three weeks apart during the peak breeding season (April 15 to July 15), when BUOW are most detectable.	Applicant	Applicant/PWP/CDFW	As noted																							
*10.	Biological Resources	A no-disturbance buffers, as outlined in the "Staff Report on Burrowing Owl Mitigation" (CDFG 2012), shall be implemented prior to and during any ground-disturbing activities. Impacts to occupied burrows shall be avoided in accordance with the following table unless a qualified biologist approved by CDFW verifies through non-invasive methods that either: 1) the birds have not begun egg laying and incubation; or 2) that juveniles from the occupied burrows are foraging independently and are capable of independent survival.	Applicant	Applicant/PWP/CDFW	As noted																							
		<table border="1"> <thead> <tr> <th rowspan="2">Location</th> <th rowspan="2">Time of Year</th> <th colspan="3">Level of Disturbance</th> </tr> <tr> <th>Low</th> <th>Med</th> <th>High</th> </tr> </thead> <tbody> <tr> <td>Nesting sites</td> <td>April 1-Aug 15</td> <td>200 m*</td> <td>500 m</td> <td>500 m</td> </tr> <tr> <td>Nesting sites</td> <td>Aug 16-Oct 15</td> <td>200 m</td> <td>200 m</td> <td>500 m</td> </tr> <tr> <td>Nesting sites</td> <td>Oct 16-Mar 31</td> <td>50 m</td> <td>100 m</td> <td>500 m</td> </tr> </tbody> </table>	Location	Time of Year	Level of Disturbance			Low	Med	High	Nesting sites	April 1-Aug 15	200 m*	500 m	500 m	Nesting sites	Aug 16-Oct 15	200 m	200 m	500 m	Nesting sites	Oct 16-Mar 31	50 m	100 m	500 m			
Location	Time of Year	Level of Disturbance																										
		Low	Med	High																								
Nesting sites	April 1-Aug 15	200 m*	500 m	500 m																								
Nesting sites	Aug 16-Oct 15	200 m	200 m	500 m																								
Nesting sites	Oct 16-Mar 31	50 m	100 m	500 m																								
*11.	Biological Resources	A qualified biologist shall conduct focused surveys for western spadefoot and their requisite habitat features to evaluate potential impacts resulting from ground- and vegetation-disturbance	Applicant	Applicant/PWP/CDFW	As noted																							
*12.	Biological Resources	Avoidance whenever possible is encouraged via delineation and observance of a 50-foot no-disturbance buffer around burrows. If western spadefoot are observed on the project site, project activities in their immediate vicinity shall be ceased and individuals be allowed to leave the project site on their own accord. Alternatively, a qualified biologist with appropriate 'Take'	Applicant	Applicant/PWP/CDFW	As noted																							

		authorization can move them out of harm's way and to a suitable location.			
*13.	Biological Resources	A qualified biologist shall conduct a habitat assessment, well in advance of the project implementation, to determine if the project area or its immediate vicinity contain suitable habitat for the American badger.	Applicant	Applicant/PWP/CDFW	As noted
*14.	Biological Resources	If suitable habitat is present, a qualified biologist shall conduct focused surveys for American badgers and their requisite habitat features (dens) to evaluate potential impacts resulting from ground- and vegetation-disturbance.	Applicant	Applicant/PWP/CDFW	As noted
*15.	Biological Resources	Avoidance whenever possible is encouraged via delineation and observation of a 50-foot no-disturbance buffer around dens until it is determined through non-invasive means that individuals occupying the den have dispersed.	Applicant	Applicant/PWP/CDFW	As noted
*16.	Biological Resources	A qualified biologist shall conduct focused surveys for Western Pond Turtle (WPT) ten days prior to the expansion of any Project activities beyond its current footprint. In addition, focused surveys for nests occur during the egg-laying season (March through August) shall be conducted and that any nests discovered remain undisturbed until the eggs have hatched. If any WPT are discovered at the site immediately prior to, or during project activities, they be allowed to move out of the area on their own.	Applicant	Applicant/PWP/CDFW	As noted
*17.	Biological Resources	To evaluate project impact on nesting birds, a qualified wildlife biologist shall conduct pre-activity surveys for active nests no more than 10 days prior to the start of ground or vegetation disturbance to maximize the probability that nests that could potentially be impacted are detected. Surveys shall cover a sufficient area (any area potentially affected by the project) around the project site to identify nests and determine their status.	Applicant	Applicant/PWP/CDFW	As noted
*18.	Biological Resources	Prior to initiation of project activities, a qualified biologist shall conduct a survey to establish a behavioral baseline of all identified nests. Once project activities begin, a qualified biologist shall continuously monitor nests to detect behavioral changes resulting from the project. If behavioral changes occur, halt the work causing that	Applicant	Applicant/PWP/CDFW	As noted

		change shall be halted and the California Department of Fish and Wildlife shall be consulted for additional avoidance and minimization measures.			
*19.	Biological Resources	If continuous monitoring of identified nests by a qualified wildlife biologist is not feasible, a minimum no-disturbance buffer of 250 feet around active nests of non-listed bird species and a 500-foot no-disturbance buffer around active nests of non-listed raptors shall be established. These buffers shall remain in place until the breeding season has ended or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or on-site parental care for survival. Variance from these no-disturbance buffers is possible when there is compelling biological or ecological reason to do so, such as when the project site would be concealed from a nest site by topography. A qualified wildlife biologist shall advise and support any variance from these buffers and notify California Department of Fish & Wildlife (CDFW) in advance of implementing a variance.	Applicant	Applicant/PWP/CDFW	As noted
*20.	Cultural Resources	A qualified professional archaeologist shall be contracted to supervise an archaeological monitor in observing ground-disturbing work for any archaeological deposits and/or human remains.	Applicant	Applicant/PWP	As noted
*21.	Cultural Resources	In the event that cultural resources are unearthed during ground-disturbing activities, all work shall be halted in the area of the find. An Archeologist shall be called to evaluate the findings and make any necessary mitigation recommendations. If human remains are unearthed during ground disturbing activities, no further disturbance is to occur until the Fresno County Sheriff-Coroner has made the necessary findings as to origin and disposition. All normal evidence procedures shall be followed by photos, reports, video, and etc. If such remains are determined to be Native American, the Sheriff-Coroner must notify the Native American Commission within 24 hours.	Applicant	Applicant/PWP	Prior to construction of the project
*22.	Noise	The project-related noise levels shall not exceed the applicable County of Fresno daytime (7:00 a.m. to 10:00 p.m.) noise level standards contained in the Fresno County Ordinance Code. If, during events, the sound produced by onsite speaker systems exceeds the noise	Applicant	Applicant/PWP/Fresno County Dept. of Public Health,	On-going; for the duration of the project

		level standards, the noise shall be controlled to end, or move indoors before 10 p.m. to comply with the standards.		Environmental Heath Division	
*23.	Transportation	The proposed guard shack shall be setback a minimum of 200 feet from the Tollhouse Road (State Route 168). Mandating of stoppage of vehicles for collection of fees or checking for identification at the guard shack shall only be allowed beyond 200 feet of driveway so as to not cause queues to back up into the highway during large events. If the guard observe queuing, vehicles shall be required to move into parking lot to keep traffic moving.	Applicant	Applicant/PWP/ California Dept. of Transportation (Caltrans)	On-going; for the duration of the project

*MITIGATION MEASURE – Measure specifically applied to the project to mitigate potential adverse environmental effects identified in the environmental document.

EA:

G:\4360Devs&Pln\PROJSEC\PROJDOCS\CUP\3700-3799\3713\IS-CEQA\CUP3713 MMRP docx