

## Dos Palos Clean Power Project Mitigation Monitoring and Reporting Program

Mitigation Measure	Requirements of Measure	Compliance Method	Verification Timing	Responsible Party
<u>Agriculture and Forestry Resources</u>				
<b>MM AG-1</b>	<p>At the time of application for building and construction permits, the project applicant shall offset impacts associated with conversion of productive agricultural land (defined as land designated "Prime Farmland," "Farmland of Statewide Importance," and "Unique Farmland" by the California Department of Conservation as shown on their latest Important Farmland Map, prepared in accordance with the Farmland Mapping and Monitoring Program) to non-agricultural uses by implementing one of the options described below:</p> <p><b>Option 1. Agricultural Land Easement.</b> If Option 1 is selected, the project Applicant shall offset impacts associated with conversion of productive agricultural land to non-agricultural uses by arranging for the imposition of an agricultural conservation easement on no less than 1 acre of mitigation land for each acre of land proposed for conversion. The agricultural easement on mitigation land shall be held in perpetuity by a qualified entity that operates in Merced County, or by Merced County on a temporary basis until transferred to a qualified entity, and shall meet the following criteria (as detailed in Merced County Code Section 9.30.050):</p> <ol style="list-style-type: none"> <li>1. <b>Location.</b> The mitigation land shall be located within Merced County.</li> <li>2. <b>Land Uses.</b> The mitigation land is subject to an agricultural designation in the County General Plan and zoned for agricultural use and is located outside a city sphere of influence as adopted by the Local Agency Formation Commission of Merced County. The type of agricultural-related activity allowed on the mitigation land shall be specified in the easement and is at least as restrictive as the requirements of the agricultural zoning district. The agricultural easement shall prohibit all residential, commercial, or industrial development and any land uses or activities that substantially impair or diminish the agricultural productive capacity of the mitigation land or that are otherwise inconsistent with the conservation purposes of this chapter. Any legal nonconforming use of the mitigation land shall be abandoned prior to execution of the agricultural easement, or if maintained, will not interfere with agricultural use of the mitigation land.</li> <li>3. <b>Soil Quality.</b> The soil quality of the mitigation land shall have the agricultural productive capacity equivalent to or better than that of the land proposed for conversion.</li> <li>4. <b>Water Supply.</b> The available water supply for the mitigation land shall be at least equal to that of the land proposed for conversion in terms of quantity, quality, and security. The water supply on the agricultural mitigation land shall be protected in the farmland conservation easement or other document evidencing the agricultural mitigation.</li> <li>5. <b>Existing Interests and Encumbrances.</b> The mitigation land shall not be already subject to an encumbrance or interest that would legally or practicably prevent converting the land, in whole or in part, to a nonagricultural use, such as a</li> </ol>	<p>Submittal of documentation demonstrating imposition of an agricultural land easement, payment of in lieu fee, or implementation of alternative mitigation method</p>	<p>At the time of application for building and construction permits</p>	<p>Project Applicant</p>

**Commented [CB1]:** This measure reflects the exact same language used in the West II Solar Project.

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	<p>conservation easement, open space easement, flowage easement, avigation easement, long-term agricultural lease, profit, or an interest in the subsurface estate that would preclude development of the surface estate. A contract entered pursuant to the Williamson Act shall not constitute an encumbrance for purposes of this section.</p> <p>6. <b>Physical Limitations.</b> There shall be no physical conditions or contamination on the mitigation land that would legally or practicably prevent converting the land, in whole or in part, to a nonagricultural use.</p> <p>7. <b>Existing Home.</b> The mitigation land shall have no existing home, unless the land proposed for conversion includes an existing home.</p> <p>8. <b>Public Ownership.</b> The mitigation land may be owned by a public agency if it is managed for compatible agricultural use in perpetuity similar to an agricultural easement placed on privately owned land.</p> <p>9. <b>Permanently Preserve.</b> The mitigation land shall conform to the perpetuity requirements contained in Internal Revenue Service Code Section 170(h) to ensure the land will satisfy the intent of this ordinance to permanently preserve the agricultural land placed under easement.</p> <p><b>Option 2. Payment of an In-Lieu Fee.</b> As an alternative to Option 1 as detailed above, the applicant may choose to seek approval to implement the following alternative mitigation option, as detailed in Merced County Code Section 9.30.040:</p> <p>1. <b>In-Lieu Fee.</b> An applicant for conversion may satisfy the mitigation obligation set forth in Merced County Code Section 9.30.030(B) by paying to a qualified entity a fee in lieu of conveying an agricultural easement. If a qualified entity is unwilling or unable to accept the in-lieu fee and acquire an agricultural easement, the in-lieu fee may be paid to Merced County.</p> <p style="padding-left: 40px;">Merced County shall establish the amount of in-lieu fees on a case-by-case basis unless the applicant for conversion has reached agreement on the fee amount with a qualified entity, or unless Merced County has previously adopted the resolution provided for in Merced County Code Section 9.30.040(B)(5).</p> <p><b>Option 3. Applicant-Designed Mitigation Options.</b> The applicant proposing conversion may propose an alternative method of mitigation for review and approval by Merced County subject to the requirements of the Merced County Code. Proposed alternative mitigation must satisfy all of the following criteria:</p> <ol style="list-style-type: none"> <li>1. The proposed mitigation must result in permanent protection of mitigation land;</li> <li>2. The applicant must bear all costs of reviewing, approving, managing, and enforcing the mitigation;</li> <li>3. The proposed mitigation must be in substantial compliance with the requirements for mitigation land and agricultural easements set forth in Merced County Code Section 9.30.050; and</li> <li>4. The proposed mitigation must be in all respects at least as protective of agricultural land as the mitigation required by the Merced County Code.</li> </ol>			

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<i>Air Quality</i>				
<b>MM AQ-1</b>	<b>Permit Requirements.</b> Prior to ground disturbance and construction, the Construction Contractor shall obtain all required permits for dust control and the use of portable equipment, 50 horsepower or greater, from the San Joaquin Valley Air Pollution Control District. Upon application for construction permits, all required mitigation measures shall be shown on all applicable grading or construction plans and implemented during all applicable grading and construction activities.	The Construction Contractor shall obtain all required permits for dust control and the use of portable equipment	Prior to ground disturbance and construction	Project Applicant, San Joaquin Valley Air Pollution Control District
<b>MM AQ-2</b>	<b>Dust Control Measures.</b> No person shall perform any construction, demolition, excavation, extraction, or other earth-moving activities unless measures are sufficiently implemented to limit visible dust emissions (VDE) to 20% opacity and comply with the conditions for a stabilized surface area when applicable. In addition to the requirements of this rule, a person shall comply with all other applicable requirements of San Joaquin Valley Air Pollution Control District Regulation VIII. An individual shall monitor the fugitive dust emissions to ensure the following requirements are met:  a. Pre-Activity: 1. Pre-water site sufficient to limit VDE to 20% opacity, and 2. Phase work to reduce the amount of disturbed surface area at any one time.  b. During Active Operations: 1. Apply water or chemical/organic stabilizers/suppressants sufficient to limit VDE to 20% opacity; 2. Construct and maintain wind barriers sufficient to limit VDE to 20% opacity. If utilizing wind barriers, control measure 2.a above shall also be implemented; and 3. Apply water or chemical/organic stabilizers/suppressants to unpaved haul/access roads and unpaved vehicle/equipment traffic areas sufficient to limit VDE to 20% opacity and meet the conditions of a stabilized unpaved road surface.  c. Temporary Stabilization During Periods of Inactivity: 1. Restrict vehicular access to the area; and 2. Apply water or chemical/organic stabilizers/suppressants, sufficient to comply with the conditions of a stabilized surface. If an area having 0.5 acre or more of disturbed surface area remains unused for 7 or more days, the area must comply with the conditions for a stabilized surface area as defined in section 3.58 of Rule 8011.	Implement measures to limit visible dust emissions	Prior to and during ground disturbance and construction activities on the project site	Project Applicant

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MM AQ-3	<b>Construction Emissions.</b> The project shall utilize clean off-road construction equipment, including the latest tier equipment, where feasible.	Utilize clean off-road construction equipment	During construction activities on the project site	Project Applicant
MM AQ-4	<b>Asbestos-Containing Material and Lead-Based Paint.</b> At the time of application for demolition permits, an asbestos-containing material (ACM) and lead-based paint survey consisting of a visual inspection, sampling, testing, and reporting shall be performed to determine if building materials contain ACM and/or lead-based paint and would require special handling and disposal during demolition. If ACM is detected, proposed demolition activities shall be conducted in full compliance with the requirements stipulated in the National Emission Standards for Hazardous Air Pollutants (40 Code of Federal Regulations 61, Subpart M – Asbestos: National Emission Standards for Hazardous Air Pollutants). If elevated concentrations of metals from lead-based paint are detected, demolition activities shall be conducted in full compliance with the requirements of Sections 402 and 406 of the Toxic Substances Control Act. If survey results are negative, the survey report shall be submitted to Merced County in tandem with the application for demolition permits. If survey results are positive for either ACM or lead-based paint, the survey report shall be submitted to both Merced County and the San Joaquin Valley Air Pollution Control District.	Perform an asbestos-containing material (ACM) and lead-based paint survey and submit findings to Merced County and the San Joaquin Valley Air Pollution Control District.	At the time of application for demolition permits	Project Applicant, Merced County, SJVAPCD

**Commented [CB2]:** This measure is the only AQ measure that is in addition to the measures identified for the West II solar project. This measure is reflective of the requirements set forth by federal standards and SJVAPCD for demolition of structures built prior to 1978/1980.

**Biological Resources**

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MM BIO-1	<p><b>Nesting Bird Surveys.</b> If demolition, site preparation, and/or construction activities are proposed during the typical nesting bird season (February 1–September 15), a nesting bird survey shall be conducted by a qualified biologist no more than 10 days prior to the start of demolition and/or ground disturbance activities to determine presence/absence of nesting birds. Surveys shall cover all areas potentially affected by the project via direct impacts (e.g., nest destruction) or indirect impacts (e.g., noise, vibration, odors, movement of workers or equipment, etc.). If absence of nesting birds is verified, construction can proceed with submittal of the survey report to the Merced County Community and Economic Development Department. If nesting activity is detected, the following measures shall be implemented:</p> <ol style="list-style-type: none"> <li><b>Buffer Establishment.</b> If an active bird nest is observed during preconstruction surveys or during construction, 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 implemented using high visibility markers or fencing. If an active tricolored blackbird nesting colony is found during preconstruction surveys, a 300-foot no-disturbance buffer shall be implemented. 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 parental care for survival.</li> <li><b>Variance of Buffer Distances.</b> Variance from the no-disturbance buffers described above may be allowable when there is a compelling biological or ecological reason to do so, such as when the construction area would be concealed from a nest site by topography. Any variance from the no-disturbance buffers shall be advised and supported by a qualified biologist and CDFW shall be notified in advance of implementing a variance.</li> <li><b>Nest Monitoring.</b> If nest buffers are reduced, the biologist shall monitor any construction activities that take place within 250 feet of non-listed bird species nests, within 300 feet of an active tricolored blackbird nesting colony, and 500 feet of non-listed raptor nests. If nesting birds show any signs of disturbance, including changes in behavior, significantly reducing frequency of nests visits, or refusal to visit the nest, the biologist will stop work and increase the nest buffer. If appropriate on a case-by-case basis, as determined by the qualified biologist, nest monitoring may be reduced to weekly spot-check monitoring, at a minimum, if the biologist determines that the nesting birds have shown no signs of disturbance from construction activities and a continuation of the same types of construction activities are unlikely to disturb the nesting birds.</li> <li><b>Nest Removal.</b> Nests, eggs, or young of birds covered by the Migratory Bird Treaty Act and California Fish and Game Code shall not be moved or disturbed until a qualified biologist has determined that the nest has become inactive or young have fledged and become independent of the nest.</li> <li><b>Reporting.</b> A qualified biologist shall document all active nests and submit a letter report to Merced County documenting project compliance with the Migratory Bird Treaty Act, California Fish and Game Code, and applicable project mitigation measures.</li> </ol>	Survey results shall be submitted to Merced County	If construction activities are proposed during the typical nesting bird season (February 1–September 15); within 10 days prior to construction activities on the project site	Project Applicant

**Commented [CB3]:** This mitigation measure language has been updated to reflect the most recent CDFW guidance.

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MM BIO-2	<b>Burrowing Owl Preconstruction Surveys.</b> A qualified biologist shall conduct preconstruction surveys of all areas of potential habitat that will be permanently or temporarily impacted, plus a 150-meter (approximately 492 feet) buffer in areas subject to legal access, to locate active breeding or wintering burrowing owl burrows. The survey(s) shall occur no more than 14 days prior to ground-disturbing activities (e.g., vegetation clearance, grading). The survey methodology shall be consistent with the take avoidance survey methods outlined in the California Department of Fish and Wildlife <i>Staff Report on Burrowing Owl Mitigation</i> (California Department of Fish and Wildlife 2012). Because burrowing owl may re-colonize a site after periods of inactivity, time lapses of 7 days during the breeding season or 14 days during the non-breeding season between project activities shall trigger subsequent surveys, including, but not limited to, a final survey conducted within 24 hours prior to ground disturbance to identify any additional burrowing owl or burrows necessitating avoidance, minimization, or mitigation measures. The need for additional surveys will be at the final discretion of the biologist.	Survey results shall be submitted to Merced County	Within 2 weeks prior to construction activities on the project site. If period(s) of inactivity occurs, within 24 hours of construction activities on the project site	Project Applicant
MM BIO-3	<b>Burrowing Owl Avoidance.</b> If burrowing owl(s) are detected on-site during preconstruction surveys or during construction, no ground-disturbing activities within a minimum 200-meter (approximately 656 feet) avoidance buffer shall occur around occupied burrows during the breeding season (February 1–August 31), unless authorized by the California Department of Fish and Wildlife. During the non-breeding season (September 1–January 31), no ground-disturbing activities within a minimum 50-meter (approximately 164 feet) avoidance buffer shall occur around occupied burrows, unless authorized by the California Department of Fish and Wildlife.	If present, avoid ground-disturbing activities around occupied burrows	If burrowing owl are detected on-site; during construction activities on the project site	Project Applicant
MM BIO-4	<b>Burrowing Owl Mitigation.</b> If occupied burrow avoidance is infeasible during the non-breeding season or during the breeding season where resident owls have not yet begun egg laying or incubation, or where the juveniles are foraging independently and capable of independent survival, the applicant shall coordinate with the California Department of Fish and Wildlife to develop a Burrowing Owl Exclusion and Mitigation Plan. The plan shall differentiate strategies for active burrows found on the project site vs. active burrows found adjacent to the project site. For example, an Exclusion and Mitigation Plan strategy may include: <ul style="list-style-type: none"> <li>a. Passive exclusion of burrowing owl from burrows within the project site using one-way doors.</li> <li>b. Excavation of potential burrowing owl burrows within the project site that are confirmed to be empty of burrowing owl adults and/or young.</li> <li>c. Creation of artificial burrowing owl burrows within the project property to offset the loss of known occupied burrowing owl burrows.</li> <li>d. Acquisition of burrowing owl conservation lands and/or bank credits.</li> </ul>	If applicable, a Burrowing Owl Exclusion and Mitigation Plan	If burrow avoidance is infeasible; prior to issuance of construction permits	Project Applicant

**Commented [CB4]:** All burrowing owl and Swainson's hawk mitigation measures reflect the same language as the West II Clean Power Project mitigation measures.

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MM BIO-5	<p><b>Swainson's Hawk Surveys.</b> To meet California Department of Fish and Wildlife recommendations for mitigation and protection of Swainson's hawk, surveys shall be conducted for a 0.5-mile radius around all project activities. Surveys shall be conducted by a qualified biologist and follow the <i>Recommended timing and methodology for Swainson's hawk nesting surveys in California's Central Valley</i> (Swainson's Hawk Technical Advisory Committee 2000). At a minimum, a qualified biologist shall conduct 3 surveys during two of the three recommended survey periods (Survey Periods II, III and V) totaling a minimum of six surveys prior to project initiation as outlined in the Swainson's Hawk Technical Advisory Committee's (2000) recommended methodology. Surveys shall be completed in Survey Periods II (March 20–April 5), III (April 5–April 20), and V (June 10–July 30). <b>Surveys shall not be conducted in Period IV (April 21–June 10).</b> The survey periods are defined by the timing of migration, courtship, and nesting in a "typical" year for the majority of Swainson's hawk; however, the best times to survey will vary depending on seasonal factors. Known nest locations should be visited during surveys to verify nesting activity in the area. If Swainson's hawk absence is verified with 0.5 mile of the project site, project activities can proceed providing acceptance by the California Department of Fish and Wildlife of the survey results. Verification of acceptance of survey results by the California Department of Fish and Wildlife shall be submitted to Merced County prior to the start of construction.</p>	Verification of acceptance of survey results by the California Department of Fish and Wildlife shall be submitted to Merced County	Prior to start of mobilization for construction activities	Project Applicant
MM BIO-6	<p><b>Swainson's Hawk Nest Protection.</b> If a Swainson's hawk nest is observed within 0.5 mile of the project site during the protocol surveys outlined in Mitigation Measure MM BIO-5 or during construction, the applicant shall coordinate with the California Department of Fish and Wildlife to determine if an Incidental Take Permit is required and implement measures to avoid take of Swainson's hawk. Such measures may include but may not be limited to:</p> <ol style="list-style-type: none"> <li>Implementation of avoidance buffers;</li> <li>When possible, seasonal restrictions of project activities during the nesting season; and</li> <li>Acquisition of Swainson's hawk conservation lands and/or bank credits.</li> </ol>	Verification of acceptance by the California Department of Fish and Wildlife shall be submitted to Merced County	If a Swainson's hawk nest is observed within 0.5 mile of the project site; prior to and during construction activities, potentially during operation if applicable	Project Applicant

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MM BIO-7	<p><b>San Joaquin Kit Fox Preconstruction Surveys.</b> A qualified biologist shall complete a preconstruction survey for San Joaquin kit fox no less than 14 days and no more than 30 days prior to the start of initial project activities to ensure San Joaquin kit fox is not present within all proposed work areas and a 200-foot buffer around work areas where feasible per U.S. Fish and Wildlife Service Standard Recommendations (2011). The biologist shall survey for sign of San Joaquin kit fox and known or potential San Joaquin kit fox dens. The results of the survey shall be submitted to Merced County within 5 days of the survey and prior to start of initial project activities. The submittal shall include the date the survey was conducted, survey method, and survey results, including a map of the location of any San Joaquin kit fox sign, and/or known or potential San Joaquin kit fox dens, if present.</p> <p>a. If no San Joaquin kit fox sign, potential or known San Joaquin kit fox dens are identified, then the San Joaquin kit fox Standard Protection Avoidance and Protection Measure shall be implemented and project work may begin.</p> <p>b. If the qualified biologist identifies potential San Joaquin kit fox den(s), the den(s) will be monitored for 3 consecutive nights with an infra-red camera, prior to any project activities, to determine if the den is being used by San Joaquin kit fox. If no San Joaquin kit fox activity is observed during the 3 consecutive nights of camera placement, then project work can begin with the Standard San Joaquin kit fox Avoidance and Protection Measures and the San Joaquin kit fox Protection Measures if San Joaquin kit fox are observed.</p> <p>c. If a known den is identified within 200-feet of any proposed project work areas, no work may start in that area and Mitigation Measure MM BIO-8 shall be implemented.</p> <p>d. If 30 days lapse between different phases of project activities (e.g., vegetation trimming and the start of grading), where no or minimal work activity occurs, the San Joaquin kit fox survey shall be updated.</p>	A qualified biologist shall complete a preconstruction survey for San Joaquin kit fox and submit survey results to Merced County	Prior to the start of initial construction activities; no less than 14 days and no more than 30 days prior	Project Applicant

**Commented [CB5]:** Based on existing conditions observed on-site and proximate records our biologists determined that there is potential for San Joaquin kit fox to traverse the project site. Unlike other wildlife, SJ kit fox are not deterred by construction activities/human activity and can even be attracted by it. Therefore we've identified the standard preconstruction survey measures in accordance with CDFW guidance (BIO-7), compliance measures to be implemented only if active dens are found (not expected, BIO-8), and standard avoidance measures to be implemented during construction (BIO-9).

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<b>MM BIO-8</b>	<p><b>Impacts to San Joaquin Kit Fox Dens.</b> If the San Joaquin Kit Fox Preconstruction Survey results determine that known, active, or natal San Joaquin kit fox dens will be impacted, then the following mitigation measures shall be implemented:</p> <ul style="list-style-type: none"> <li>a. A permanent minimum avoidance buffer using fencing or flagging shall be maintained as follows:                             <ul style="list-style-type: none"> <li>1. At least 100 feet around den(s);</li> <li>2. At least 200 feet around natal dens (in which young are reared); and</li> <li>3. At least 500 feet around any natal dens with observed young (i.e., San Joaquin kit fox pups) (except for any portions of the buffer zone that are already fully developed).</li> </ul> </li> <li>b. Avoidance buffer zones shall be considered Environmentally Sensitive Areas, and no activities are allowed within a buffer except as follows:                             <ul style="list-style-type: none"> <li>1. If the work within the buffer area will not result in the destruction of the den and the den will be conserved/retained.</li> <li>2. If the den is unoccupied (based on the required 4 consecutive days of monitoring), then the den can be covered in a secure manner to prevent access by San Joaquin kit fox while the work is being conducted. After the work is done, the den can be uncovered to allow use by San Joaquin kit fox.</li> <li>3. If the den is occupied and the San Joaquin kit fox does not vacate the den, then a smaller buffer could be established, including a barricade to prevent the San Joaquin kit fox from exiting the den and entering the work site. A qualified biologist shall monitor the den while the work is being conducted.</li> </ul> </li> <li>c. The U.S. Fish and Wildlife Service and California Department of Fish and Wildlife shall be notified immediately via telephone or e-mail if any San Joaquin kit fox active dens, natal dens, or occupied atypical dens are discovered within or immediately adjacent to any proposed development footprint. The Applicant shall bear the costs of implementing the San Joaquin kit fox den avoidance requirements. A reduced avoidance buffer may be authorized with regulatory agency approval.                             <ul style="list-style-type: none"> <li>1. For active dens and potential dens that exhibit signs of San Joaquin kit fox use or characteristics suggestive of San Joaquin kit fox dens (including dens in natural substrate and in/under manmade structures) that cannot be avoided, and if, after 4 consecutive days of monitoring with tracking medium or infrared camera, a qualified biologist has determined that San Joaquin kit fox is not currently present, the den may be excavated. Natal dens shall not be excavated until the pups and adults have vacated and then only after consultation with the U.S. Fish and Wildlife Service and California Department of Fish and Wildlife. If the excavation process reveals evidence of current use by San Joaquin kit fox, then den excavation shall cease immediately and tracking or camera monitoring, as described above, shall be conducted/resumed. Excavation of the den may be completed when, in the judgment of a qualified biologist, the</li> </ul> </li> </ul>	<p>Implement San Joaquin kit fox (SJKF) den protection measures</p>	<p>During construction activities, if SJKF dens are found on-site</p>	<p>Project Applicant</p>
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	<p>San Joaquin kit fox has escaped from the partially excavated den. San Joaquin kit fox dens shall be carefully excavated until it is certain no San Joaquin kit fox individuals are inside. Dens shall be fully excavated, filled with dirt, and compacted to ensure that San Joaquin kit fox cannot reenter or use the den during Covered Activities. If an individual San Joaquin kit fox does not vacate a den within the proposed construction footprint within a reasonable timeframe, the Applicant shall coordinate with U.S. Fish and Wildlife Service and California Department of Fish and Wildlife and obtain written/email guidance from both agencies prior to proceeding with den excavation. The Applicant shall bear the costs of implementing the San Joaquin kit fox den excavation requirements.</p> <p>d. If active San Joaquin kit fox dens are detected on-site, the Applicant shall coordinate with the U.S. Fish and Wildlife Service and/or California Department of Fish and Wildlife to obtain all necessary regulatory authorizations to facilitate federal Endangered Species Act and/or California Endangered Species Act compliance, if required. This coordination may include but may not be limited to acquisition of a federal and state incidental take permit for San Joaquin kit fox.</p>			

<b>MM BIO-9</b>	<p><b>San Joaquin Kit Fox Avoidance and Protection Measures.</b> The following mitigation measures shall be implemented during all demolition, site disturbance, and construction activities, as detailed in the <i>Standardized Recommendations for Protection of the Endangered San Joaquin Kit Fox Prior to or During Ground Disturbance</i> (U.S. Fish and Wildlife Service 2011):</p> <ol style="list-style-type: none"> <li>a. Project-related vehicles should observe a daytime speed limit of 20 miles per hour throughout the site in all project areas, except on county roads and federal and state highways; this is particularly important at night when San Joaquin kit fox are most active. Nighttime construction should be minimized to the extent possible. However, if it does occur, then the speed limit should be reduced to 10 miles per hour. Off-road traffic outside of designated project areas should be prohibited.</li> <li>b. To prevent inadvertent entrapment of San Joaquin kit fox or other wildlife during the construction phase of a 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 shall be installed. Before such holes or trenches are filled, they should be thoroughly inspected for trapped wildlife. If at any time a trapped or injured San Joaquin kit fox is discovered, the U.S. Fish and Wildlife Service and California Department of Fish and Wildlife shall be contacted.</li> <li>c. San Joaquin kit fox 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 San Joaquin kit fox before the pipe is subsequently buried, capped, or otherwise used or moved in any way. If San Joaquin kit fox are discovered inside a pipe, that section of pipe should not be moved until U.S. Fish and Wildlife Service has been consulted. If necessary, and under the direct supervision of the biological monitor, the pipe may be moved only once to remove it from the path of construction activity, until the fox has escaped.</li> <li>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.</li> <li>e. No firearms shall be allowed on the project site.</li> <li>f. No pets, such as dogs or cats, should be permitted on the project site to prevent harassment, mortality of San Joaquin kit fox, or destruction of dens.</li> <li>g. Use of rodenticides and herbicides in project areas shall be restricted. This is necessary to prevent primary or secondary poisoning of San Joaquin kit fox 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 federal and state legislation, as well as additional project-related restrictions deemed necessary by the U.S. Fish and Wildlife</li> </ol>	<p>Implement San Joaquin kit fox (SJKF) avoidance and protection measures</p>	<p>During all construction activities</p>	<p>Project Applicant</p>
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- Service. If rodent control must be conducted, zinc phosphide should be used because of a proven lower risk to San Joaquin kit fox.
- h. A representative shall be appointed by the Applicant 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 U.S. Fish and Wildlife Service.
  - i. An employee education program should be conducted for any project that has anticipated impacts to San Joaquin kit fox or other endangered species. The program should consist of a brief presentation by persons knowledgeable in San Joaquin 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 San Joaquin kit fox in the project area, an explanation of the status of the species and its protection under the federal Endangered Species Act and California 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.
  - j. Upon completion of the project, all areas subject to temporary ground disturbances, 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. 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 should be determined on a site-specific basis in consultation with the U.S. Fish and Wildlife Service, the California Department of Fish and Wildlife, and revegetation experts.
  - k. In the case of trapped wildlife, escape ramps or structures should be installed immediately to allow the wildlife to escape, or the U.S. Fish and Wildlife Service should be contacted for guidance.
  - l. Any contractor, employee, or military or agency personnel who are responsible for inadvertently killing or injuring a San Joaquin kit fox shall immediately report the incident to their representative. This representative shall contact the California Department of Fish and Wildlife immediately in the case of a dead, injured, or entrapped San Joaquin kit fox. The U.S. Fish and Wildlife Service shall be contacted at (916) 414-6620 or (916) 414-6600, and the California Department of Fish and Wildlife contact for immediate assistance is State Dispatch at (916) 445-0045.
  - m. The Sacramento U.S. Fish and Wildlife Service and California Department of Fish and Wildlife shall be notified in writing within 3 working days of the accidental death or injury to an San Joaquin kit fox during project-related activities. Notification must include the date, time, and location of the incident
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Mitigation Monitoring and Reporting Program

Mitigation Measure	Requirements of Measure	Compliance Method	Verification Timing	Responsible Party
	<p>or of the finding of a dead or injured wildlife and any other pertinent information.</p> <p>n. New sightings of San Joaquin kit fox shall be reported to the California Natural Diversity Database. A copy of the reporting form and a topographic map clearly marked with the location of where the San Joaquin kit fox was observed should also be provided to the U.S. Fish and Wildlife Service.</p>			
<b>Cultural Resources</b>				
<b>MM CR-1</b>	<b>Inadvertent Cultural Resource Encounter.</b> In the event that cultural resources are encountered during project activities, all ground-disturbing activities within a 25-foot radius of the find shall cease and Merced County shall be notified immediately. Work shall not continue until a qualified archaeologist assesses the find and determines the need for further study. If the find includes Native American-affiliated materials, a local Native American tribal representative will be contacted to work in conjunction with the approved archaeologist to determine the need for further study. A standard inadvertent discovery clause shall be included in every grading and construction contract to inform contractors of this requirement.	Cease ground disturbing activities and immediately notify Merced County	In the event that cultural resources are encountered during project activities; during ground disturbance activities on the project site	Project Applicant
<b>Noise</b>				
<b>MM N-1</b>	<b>Construction Noise Control Best Management Practices.</b> During construction, the following construction noise best management practices shall be shown on all construction plans and implemented on-site: <ul style="list-style-type: none"> <li>a. Construction work hours shall be limited to the hours of 7:00 a.m. to 6:00 p.m. Monday through Friday. No construction shall be permitted on Saturdays, Sundays, or federal or state holidays.</li> <li>b. Heavy equipment engines shall be covered, and exhaust pipes shall include a muffler in good working condition.</li> <li>c. Stationary equipment such as compressors, generators, and welder machines shall be located as far away from surrounding residence as possible. The project shall connect to existing electrical service at the site to avoid the use of stationary, diesel-fueled, or other alternatively fueled power generators, if feasible.</li> <li>d. Impact tools such as jack hammers shall be hydraulically or electrically powered wherever possible to avoid noise associated with compressed air exhaust from pneumatically powered tools. When use of pneumatic tools is unavoidable, it shall be ensured the tool will not exceed a decibel limit of 85 A-weighted decibels at a distance of 50 feet. Pneumatic tools shall also include a noise suppression device on the compressed air exhaust.</li> <li>e. No radios or other amplified sound devices shall be audible beyond the property line of the construction site.</li> </ul>	Measures shall be shown on all construction plans and implemented on-site	At the time of submittal of construction plans, during construction activities on the project site	Project Applicant

Mitigation Measure	Requirements of Measure	Compliance Method	Verification Timing	Responsible Party
f.	Use construction equipment that is in good working order and inspect mufflers for proper functionality.			
g.	Use of "quiet" construction methods and equipment (e.g., improved mufflers, use of intake silencers, engine enclosures) when feasible.			
h.	Use construction equipment with lower noise emission ratings whenever possible, particularly for air compressors.			
i.	Prohibit the idling of inactive construction equipment for more than 5 minutes;			
j.	Measures for notifying the public of construction activities, complaint procedures, and monitoring construction noise levels shall include the following: <ol style="list-style-type: none"> <li data-bbox="426 670 982 686">1. Designation of an on-site construction noise manager for the project;</li> <li data-bbox="426 703 982 816">2. Notify neighboring noise-sensitive receptors within 300 feet of the project construction area at least 30 days in advance of high-intensity noise-generating activities (e.g., pile driving, other activities that may generate noise levels greater than 75 A-weighted decibels at noise-sensitive receptors) about the timing and estimated duration of the activity;</li> <li data-bbox="426 833 951 881">3. Post a sign on-site describing noise complaint procedures and a complaint hotline number that shall always be answered during construction;</li> <li data-bbox="426 898 972 930">4. Implement a procedure for notifying the planning department of any noise complaints within one week of receiving a complaint.</li> </ol>			
k.	Where feasible, the following additional measures shall be implemented for proposed pile-driving activities: <ol style="list-style-type: none"> <li data-bbox="426 995 982 1149">1. When pile driving is to occur within 600 feet of a noise-sensitive receptor, implement "quiet" pile-driving technology (such as pre-drilling of piles, sonic pile drivers, auger cast-in-place, or drilled-displacement, or the use of more than one pile driver to shorten the total pile-driving duration [only if such measure is preferable to reduce impacts to sensitive receptors]) where feasible, in consideration of geotechnical and structural requirements and conditions;</li> <li data-bbox="426 1157 982 1239">2. Where the use of driven impact piles cannot be avoided, properly fit impact pile driving equipment with an intake and exhaust muffler and a sound-attenuating shroud, as specified by the manufacturer and/or install a temporary noise barrier; and</li> <li data-bbox="426 1247 982 1279">3. Conduct noise monitoring (measurements) before, during, and after the pile-driving activity.</li> </ol>			

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