

Morning Star Packing Plant Facility Upgrades Project Mitigation Monitoring and Reporting Program

| Mitigation Measure | Requirements of Measure | Compliance Method | Verification Timing | Responsible Party |
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| <i>Air Quality</i> | | | | |
| AQ-1 | <p>Permit Requirements. 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.</p> | <p>The Construction Contractor obtain required permits for dust control and use of portable equipment 50 horsepower or greater</p> | <p>Prior to ground disturbing activities and construction</p> | <p>Project Applicant, San Joaquin Valley Air Pollution Control District</p> |
| AQ-2 | <p>Dust Control Measures. 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:</p> <ol style="list-style-type: none"> 1. Pre-Activity: <ol style="list-style-type: none"> a. Pre-water site sufficient to limit VDE to 20% opacity, and b. Phase work to reduce the amount of disturbed surface area at any one time. 2. During Active Operations: <ol style="list-style-type: none"> a. Apply water or chemical/organic stabilizers/suppressants sufficient to limit VDE to 20% opacity; b. 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 c. 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. 3. Temporary Stabilization During Periods of Inactivity: <ol style="list-style-type: none"> a. Restrict vehicular access to the area; and b. 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. | <p>Dust control measures shall be shown on all site plants</p> | <p>Prior to construction, demolition, excavation, or other earth-moving activities</p> | <p>Project Applicant</p> |

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| AQ-3 | Construction Emissions. The project shall utilize clean off-road construction equipment, including the latest tier equipment, where feasible. | Use clean off-road construction equipment | During construction | Project Applicant |
| Biological Resources | | | | |
| BIO-1 | <p>Nesting Bird Surveys. 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-disturbing activities to determine presence/absence of nesting birds. Surveys shall cover all areas potentially affected by the project through 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 County of Merced Community & Economic Development Department. If nesting activity is detected, the following measures shall be implemented:</p> <ol style="list-style-type: none"> 1. Buffer Establishment. 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. 2. Variance of Buffer Distances. 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 California Department of Fish and Wildlife shall be notified in advance of implementing a variance. 3. Nest Monitoring. 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 nest 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. 4. Nest Removal. 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 | Submittal of nesting bird survey report as applicable | No more than 10 days prior to the start of demolition and/or ground disturbing activities During nesting bird season (February 1 – September 15) | Project Applicant |

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| | until a qualified biologist has determined that the nest has become inactive or young have fledged and become independent of the nest. | | | |
| | 5. Reporting. A qualified biologist shall document all active nests and submit a letter report to the County of Merced documenting project compliance with the Migratory Bird Treaty Act, California Fish and Game Code, and applicable project mitigation measures. | | | |
| Cultural Resources | | | | |
| CR-1 | 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 the County of Merced 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 notify the County of Merced as applicable | During project activities | Project Applicant |
| Noise | | | | |
| N-1 | <p>During construction, the following construction noise best management practices shall be shown on all construction plans and implemented on-site:</p> <ol style="list-style-type: none"> 1. Construction activities (excluding activities that would result in a safety concern to the public or construction workers) shall be limited to between the hours of 7:00 a.m. and 6:00 p.m., Monday through Saturdays where possible. Construction activities would be prohibited on Sundays and legal holidays. Haul truck operations shall be limited to these same hourly restrictions. 2. Construction equipment shall be properly maintained and equipped with exhaust mufflers and engine shrouds in accordance with manufacturers' recommendations. 3. To the extent locally available, electrified, or alternatively powered construction equipment shall be used. 4. Construction equipment staging areas shall be located at the furthest distance possible from nearby noise-sensitive land uses. 5. Stationary noise sources such as generators, pumps, and pavement crushers, shall be located at the furthest distance possible from noise-sensitive uses. | Construction noise best management practices shall be shown on all site plans | Prior to construction | Project Applicant |

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