

Chapter 4 Mitigation Monitoring and Reporting Program

This Mitigation Monitoring and Reporting Program (MMRP) has been formulated based upon the findings of the Initial Study/Mitigated Negative Declaration (IS/MND) for the Arroyo Pasajero/Westside Detention Basin Groundwater Recharge Project (Project) in Fresno County. The MMRP lists mitigation measures recommended in the IS/MND for the Project and identifies monitoring and reporting requirements.

For the purposes of this Project and implementation of mitigation measures regarding biological resources, the term “construction” or “construction activities” refers to staging, mobilization, vegetation removal or trimming, pump placement, pipeline placement, pump removal, and pipeline removal. For example, a “pre-construction survey” would refer to a survey conducted prior to the placement of the pump and again prior to the removal of the pump and pipeline. In addition to surveying the areas directly adjacent to the pumps and pipelines, the first survey would also cover the proposed percolation areas in order to reduce the Project’s potential flood-related impacts to species that could be inhabiting the agricultural fields.

Table 4-1 presents the mitigation measures identified for the proposed Project. Each mitigation measure is numbered with a symbol indicating the topical section to which it pertains, a hyphen, and the impact number. For example, AIR-2 would be the second mitigation measure identified in the Air Quality analysis of the IS/MND.

The first column of **Table 4-1** identifies the mitigation measure. The second column, entitled “When Monitoring is to Occur,” identifies the time the mitigation measure should be initiated. The third column, “Frequency of Monitoring,” identifies the frequency of the monitoring of the mitigation measure. The fourth column, “Agency Responsible for Monitoring,” names the party ultimately responsible for ensuring that the mitigation measure is implemented. The last columns will be used by City of Huron to ensure that individual mitigation measures have been complied with and monitored.

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Table 4-1. Mitigation Monitoring and Reporting Program

Mitigation Monitoring and Reporting Program					
Mitigation Measure/Condition of Approval	When Monitoring is to Occur	Frequency of Monitoring	Agency Responsible for Monitoring	Method to Verify Compliance	Verification of Compliance
Biological Resources					
Mitigation Measure BIO-1a (Avoidance): The Project's construction activities shall occur, if feasible, between September 16 and January 31 (outside of nesting bird season) in an effort to avoid impacts to nesting birds.	N/A	N/A	City of Huron		
Mitigation Measure BIO-1b (Nesting Bird Survey): If activities must occur within nesting bird season (February 1 to September 15), a qualified biologist shall conduct pre-construction surveys for active nests and breeding colonies within 30 days prior to the start of construction. The survey shall include the diversion points, pipeline locations, and proposed percolation areas, as well as surrounding lands within 0.5 mile. If no active nests or breeding colonies are observed, no further mitigation is required. Raptor nests are considered "active" upon the nest-building stage.	Prior to Construction	Once within 30 days of construction	City of Huron		
Mitigation Measure BIO-1c (Establish Buffers): On discovery of any active nests or breeding colonies near work areas, the biologist shall determine appropriate construction setback distances based on applicable CDFW and/or USFWS guidelines and/or the biology of the species in question. Specifically, a 300-foot disturbance-free buffer shall be implemented around breeding colonies of tricolored blackbird, and a 0.5-mile disturbance-free buffer shall be implemented around active Swainson's hawk nests, if feasible. Construction buffers shall be identified with flagging, fencing, or other easily visible means, and shall be maintained until the biologist has determined that the nestlings have fledged.	Upon discovery of active nests	As determined by qualified biologist	City of Huron		
Mitigation Measure BIO-1d (Nest Monitoring): If an active Swainson's hawk nest is observed within 0.5 mile of the work area and avoidance is not feasible, a qualified biologist shall be present onsite during construction activities to monitor the bird and nest site for signs of disturbance. If any signs of disturbance are observed, the biological monitor shall stop construction and contact the local CDFW office.	Upon discovery of active nests	During construction activities at a frequency determined by qualified biologist and regulatory agencies	City of Huron		

Chapter Four: Mitigation Monitoring and Reporting Program
 Arroyo Pasajero Mutual Water Company Groundwater Recharge Project

Mitigation Monitoring and Reporting Program																			
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Mitigation Measure BIO-1e (Pre-construction Take Avoidance Survey): A qualified biologist shall conduct a pre-construction take avoidance survey for burrowing owls and suitable burrows, in accordance with CDFW's Staff Report on Burrowing Owl Mitigation (2012), within 30 days prior to the start of construction activities. The survey shall include the diversion points, pipeline locations, and proposed percolation areas containing suitable habitat, as well as surrounding lands within 500 feet. If no burrowing owl individuals or suitable burrows are observed, no further mitigation is required.	Prior to Construction	Once within 30 days of construction	City of Huron																
<p>Mitigation Measure BIO-1f (Avoidance): If an active burrowing owl burrow is detected, the occurrence shall be reported to the local CDFW office and the CNDDDB, and disturbance-free buffers shall be implemented in accordance with CDFW's 2012 Staff Report on Burrowing Owl Mitigation, as outlined in the table below:</p> <table border="1"> <thead> <tr> <th>Location</th> <th>Time of Year</th> <th>Level of Disturbance</th> </tr> </thead> <tbody> <tr> <td></td> <td></td> <td><i>Low</i></td> </tr> <tr> <td>Nesting sites</td> <td>April 1 – August 15</td> <td>200 meters</td> </tr> <tr> <td>Nesting sites</td> <td>August 16 – October 15</td> <td>200 meters</td> </tr> <tr> <td>Nesting sites</td> <td>October 16 – March 31</td> <td>50 meters</td> </tr> </tbody> </table>	Location	Time of Year	Level of Disturbance			<i>Low</i>	Nesting sites	April 1 – August 15	200 meters	Nesting sites	August 16 – October 15	200 meters	Nesting sites	October 16 – March 31	50 meters	Upon Discovery of an Active Burrow	As determined by qualified biologist	City of Huron	
Location	Time of Year	Level of Disturbance																	
		<i>Low</i>																	
Nesting sites	April 1 – August 15	200 meters																	
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Nesting sites	October 16 – March 31	50 meters																	
Mitigation Measure BIO-1g (Consultation with CDFW and Passive Relocation): If avoidance of an active burrowing owl burrow is not feasible, CDFW shall be immediately consulted to determine the best course of action, which may include passive relocation during non-breeding season. Passive relocation and/or burrow exclusion shall not take place without coordination with CDFW and preparation of an approved exclusion and relocation plan.	Upon Discovery of an Active Burrow	As determined by qualified biologist and CDFW	City of Huron																
Mitigation Measure BIO-2 (Pre-construction Survey): A qualified biologist shall conduct a pre-construction take avoidance survey for western spadefoot within 30 days prior to the start of construction activities. The survey shall include the diversion points, pipeline locations, and surrounding areas within 500 feet in order to ensure the Project does not directly impact western spadefoot individuals or breeding pools. If western spadefoot individuals or occupied breeding pools are detected, the biologist will contact the local CDFW office for information on how to proceed.	Prior to Construction	Once within 30 days of construction	City of Huron																

Chapter Four: Mitigation Monitoring and Reporting Program
 Arroyo Pasajero Mutual Water Company Groundwater Recharge Project

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Mitigation Measure BIO-3a (Pre-Construction Survey): A qualified biologist shall conduct a pre-construction take avoidance survey for San Joaquin kit fox within 30 days prior to the start of construction activities. The survey shall include the diversion points, pipeline locations, and proposed percolation areas containing suitable habitat, as well as surrounding lands within 200 feet. If an active kit fox den is detected within or adjacent to the Project area, construction will be delayed, and CDFW and USFWS shall be consulted to determine the best course of action.	Prior to Construction	Once within 30 days of construction	City of Huron		
Mitigation Measure BIO-3b (Avoidance and Minimization): The Project shall observe the following avoidance and minimization measures: <ul style="list-style-type: none"> Construction activities and routine maintenance traffic shall be limited to daylight hours. Project-related vehicles shall observe a 20-mph speed limit in all Project areas. Pipes, culverts, or similar structures with a diameter of 4-inches or greater that are stored overnight shall be thoroughly inspected for kit foxes before the pipe is subsequently capped, used or moved. Alternatively, pipes with a diameter of 4-inches or greater that are left onsite shall be immediately capped or covered with a mesh or wire barrier to exclude kit foxes from entering the pipes. During construction activities, all food-related trash items such as wrappers, cans, bottles, and food scraps shall be disposed of in closed containers and removed from the site daily. Project-related personnel shall be prohibited from carrying firearms onsite. Project-related personnel shall be prohibited from bringing pets (domestic dogs and cats) onsite. Prior to construction activities, construction personnel shall be given an educational pamphlet which they are required to read. The pamphlet will be prepared by a qualified biologist and will include, at a minimum, the following information: 1) a description and photograph of the San Joaquin kit fox; 2) a discussion of habitat requirements and reported occurrences of this species in the Project's vicinity; 3) a description of the various State and federal regulations protecting this species and the potential penalties for violation; 4) a list of measures being taken to reduce the Project's potential impacts to this species; and 5) the name and contact information for the Project's representative who will handle 	Prior to and During Construction	Daily	City of Huron		

Chapter Four: Mitigation Monitoring and Reporting Program
 Arroyo Pasajero Mutual Water Company Groundwater Recharge Project

Mitigation Monitoring and Reporting Program					
Mitigation Measure/Condition of Approval	When Monitoring is to Occur	Frequency of Monitoring	Agency Responsible for Monitoring	Method to Verify Compliance	Verification of Compliance
reporting of inadvertent injury or mortality of this species to the appropriate regulatory agencies.					
Mitigation Measure BIO-3c (Mortality Reporting): The Sacramento Field Office of USFWS and the Fresno Field Office of CDFW will be notified in writing within three working days in the case of the accidental death or injury to a San Joaquin kit fox during construction. Notification must include the date, time, and location of the incident and any other pertinent information.	Upon discovery of kit fox mortality (within three days)	Upon each discovery (within three days)	City of Huron		
Cultural Resources					
Mitigation Measure CUL-1: If human remains are uncovered during construction, the USBR Mid-Pacific Regional Cultural Resources Officer and Reclamation NAGPRA Specialist must be notified immediately and the Fresno County Coroner is to be notified to arrange for proper treatment and disposition of the remains. If the remains are identified on the basis of archaeological context, age, cultural associations, or biological traits to be those of a Native American, California Health and Safety Code 7050.5 requires that the county coroner notify the NAHC within 24 hours of discovery. The NAHC will then identify the Most Likely Descendant, who will be afforded the opportunity to recommend means for treatment of the human remains following protocols in California Public Resources Code 5097.98.	In the event human remains are uncovered	During excavation	City of Huron		