

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 Pixley Irrigation District (District) New Lateral 4 Facility and Deer Creek Structure Retrofit Project (Project) in Tulare County. The MMRP lists mitigation measures recommended in the IS/MND for the Project and identifies monitoring and reporting requirements.

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 the District to ensure that individual mitigation measures have been complied with and monitored.

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-1: Worker Environmental Action Plan (WEAP) Training					
Prior to initiating construction activities (including staging and mobilization), all personnel associated with Project construction shall attend mandatory Worker Environmental Awareness Program (WEAP) training, conducted by a qualified biologist, to aid workers in identifying special status resources that may occur in the Project area. The specifics of this program shall include identification of the sensitive species and suitable habitats, a description of the regulatory status and general ecological characteristics of sensitive resources, and review of the limits of construction and mitigation measures required to reduce impacts to biological resources within the work area. A fact sheet conveying this information, along with photographs or illustrations of sensitive species with potential to occur onsite, shall also be prepared for distribution to all contractors, their employees, and all other personnel involved with construction of the Project. All employees shall sign a form documenting that they have attended WEAP training and understand the information presented to them.	Prior to the start of construction and during construction upon arrival of new personnel	Prior to the start of construction and during construction upon arrival of new personnel	Pixley Irrigation District		
Mitigation Measure BIO-1b: Construction Operational Hours					
Construction shall be conducted during daylight hours to reduce disturbance to wildlife that could be foraging within work areas.	During construction		Pixley Irrigation District		
Mitigation Measure BIO-2a: Avoidance of Nesting Bird Season					
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.	During construction activities	Daily, during construction activities	Pixley Irrigation District		
Mitigation Measure BIO-2b: Pre-Construction 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 within 30 days prior to the start of construction. The survey shall include the proposed work area and surrounding lands within 0.5 mile. If no active nests are observed, no further mitigation is required. Raptor nests are considered "active" upon the nest-building stage.	Within 30 days prior to the start of work performed from February 1 to September 15	Once	Pixley Irrigation District		

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Mitigation Measure/Condition of Approval	When Monitoring is to Occur	Frequency of Monitoring	Agency Responsible for Monitoring	Method to Verify Compliance	Verification of Compliance
Mitigation Measure BIO-2c: Establish Nest Buffers					
On discovery of any active nests 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. 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.	On discovery of active nests	Once, per nest, or more frequently as determined by biologist	Pixley Irrigation District		
Mitigation Measure BIO-3a Burrowing Owl 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 proposed work area and surrounding lands within 500 feet. If no burrowing owl individuals or suitable burrows are observed, no further mitigation is required.	Within 30 days prior to the start of work	Once	Pixley Irrigation District		
Mitigation Measure BIO-3b Burrowing Owl 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 3-10.	On discovery of active burrow	Once, per burrow, or more frequently as determined by biologist	Pixley Irrigation District		
Mitigation Measure BIO-3c Burrowing Owl 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.			Pixley Irrigation District		
Mitigation Measure BIO-4a Burrowing Mammals Burrow Survey:					
Within 30 days prior to the start of construction, a pre-construction survey for San Joaquin kit fox and American badger individuals and suitable burrows shall be conducted on and within 200 feet of proposed work areas. Any burrows within the survey area that are determined to be suitable for use by the San Joaquin kit fox or American badger shall be monitored for a period of three days using tracking medium and/or remotely triggered cameras. If an active kit fox or American badger 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.	Within 30 days prior to the start of work	Once	Pixley Irrigation District		

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Mitigation Measure/Condition of Approval	When Monitoring is to Occur	Frequency of Monitoring	Agency Responsible for Monitoring	Method to Verify Compliance	Verification of Compliance
Mitigation Measure BIO-4b Burrowing Mammals Minimization					
The Project shall observe all minimization and protective measures from the Construction and On-Going Operational Requirements of the USFWS 2011 <i>Standardized Recommendations for Protection of the San Joaquin Kit Fox Prior to or During Ground Disturbance</i> , including, but not limited to: construction speed limits, covering of pipes, installation of escape structures, restriction of herbicide and rodenticide use, proper disposal of food items and trash, prohibition of pets and firearms, and completion of an employee education program.	On discovery of active burrow	Once, per burrow, or more frequently as determined by biologist	Pixley Irrigation District		
Mitigation Measure BIO-4c Burrowing Mammals 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 or American badger during construction. Notification must include the date, time, and location of the incident and any other pertinent information.	On discovery of death or injury to a San Joaquin kit fox or American badger during construction.		Pixley Irrigation District		
Mitigation Measure BIO-5 Special Status Reptiles Pre-construction Survey					
A qualified biologist will perform a pre-construction survey for special status reptiles and amphibians with potential to occur onsite (blunt-nosed leopard lizard, Bakersfield legless lizard, coast horned lizard, and western spadefoot) within 30 days prior to the start of construction. The survey will cover all Project areas, including ingress/egress routes, staging areas, and 500-foot radius. If no special status reptiles or amphibians are observed, construction may begin. If special status reptiles and/or amphibians are observed during the pre-construction survey, all construction activities shall be delayed, and CDFW shall be consulted to determine the best course of action.	Within 30 days prior to the start of work	Once	Pixley Irrigation District		
Cultural Resources					
Mitigation Measure CUL-1: Archaeological Resources					
In the event that archaeological resources are encountered at any time during development or ground-moving activities within the entire project area, all work in the vicinity of the find shall halt until a qualified archaeologist can assess the discovery. The District shall implement all recommendations of the archaeologist necessary to avoid or reduce to a less than significant level potential impacts to cultural resource. Appropriate actions could include a Data Recovery Plan or preservation in place.	In the event archaeological resources are uncovered	During excavation	Pixley Irrigation District		

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Mitigation Measure CUL-2: Human Remains					
If human remains are uncovered, or in any other case when human remains are discovered during construction, the Tulare County Coroner is to be notified to arrange proper treatment and disposition. If the remains are identified—on the basis of archaeological context, age, cultural associations, or biological traits—as those of a Native American, California Health and Safety Code 7050.5 and Public Resource Code 5097.98 require that the coroner notify the NAHC within 24 hours of discovery. The NAHC will then identify the Most Likely Descendent who will determine the manner in which the remains are treated.	In the event human remains are uncovered	During excavation	Pixley Irrigation District		