

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 City of Kerman's Tract 6293 Residential Project (proposed Project). The MMRP lists mitigation measures recommended in the IS/MND for the proposed Project and identifies monitoring and reporting requirements as well as conditions recommended by responsible agencies who commented on the project.

The first column of the Table identifies the mitigation measure. The second column, entitled "Party Responsible for Implementing Mitigation," names the party responsible for carrying out the required action. The third column, "Implementation Timing," identifies the time the mitigation measure should be initiated. The fourth column, "Party Responsible for Monitoring," names the party ultimately responsible for ensuring that the mitigation measure is implemented. The last column will be used by the City to ensure that individual mitigation measures have been monitored.

Mitigation Measure	Party responsible for Implementing Mitigation	Implementation Timing	Party responsible for Monitoring	Verification (name/date)
<p>BIO-1</p> <p>To the extent practicable, construction shall be scheduled to avoid the nesting season, which extends from February through August. If it is not possible to schedule construction between September and January, a pre-construction clearance survey for nesting birds shall be conducted by a qualified biologist to ensure that no active nests will be disturbed during the implementation of the Project. A pre-construction clearance survey shall be conducted by a qualified biologist no more than 1410 days prior to the start of construction activities. This survey shall establish behavioral baseline of all identified nests. Once construction begins, a qualified biologist will continuously monitor nests to detect behavioral changes resulting from the Project. If behavioral changes occur, all work causing that change shall stop and CDFW shall be consulted for additional avoidance and minimization measures. If continuous monitoring of identified nests 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</p>	Project Applicant	Prior to and during construction	Project Applicant	

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<p>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. CDFW shall be notified in advance of implementing a variance.</p>				
<p>BIO-2</p> <p>A qualified biologist shall conduct surveys for nesting Swainsons hawk following the survey methods developed by the Swainson's Hawk Technical Advisory Committee prior to project implementation. If ground-disturbing activities are to take place during the normal bird breeding season (March 1 through September 15), additional pre-activity surveys shall be conducted for active nests by a qualified biologist no more than 10 days prior to the start of construction activities. A minimum no-disturbance buffer of 0.5 miles shall be delineated around active nests until the breeding season has ended or until a qualified biologist has determined that the birds have</p>	Project Applicant	Prior to and during construction	Project Applicant	

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<p>fledged and are no longer reliant upon the nest or parental care for survival. If an active nest is detected during surveys, consultation with CDFW should occur to discuss how to implement the project and avoid take. If take cannot be avoided, take authorization through the issuance of an Incidental Take Permit shall occur.</p>				
<p>BIO-3</p> <p>Presence/absence of BUOW shall be assessed by having a qualified biologist conduct surveys following the California Burrowing Owl Consortium's "Burrowing Owl Survey Protocol and Mitigation Guidelines" and CDFW's Staff Report on Burrowing Owl Mitigation". Specifically, CBOC and CDFW's Staff Report suggest three or more surveillance surveys 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, if BUOW habitat is present. CDFW recommends no-disturbance buffers, as outlined in the "Staff Report on Burrowing Owl Mitigation", be implemented prior to and during any ground-disturbing activities. Specifically, CDFW's Staff Report recommends that impacts to</p>	Project Applicant	Prior to and during construction	Project Applicant	

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<p>occupied burrows 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. If BUOW are found within these recommended buffers and avoidance is not possible, it is important to note that according to the Staff Report (CDFG 2012), exclusion is not a take avoidance, minimization, or mitigation method and is considered a potentially significant impact under CEQA. However, if necessary, burrow exclusion shall be conducted by qualified biologists and only during the non-breeding season, before breeding behavior is exhibited and after the burrow is confirmed empty through non-invasive methods, such as surveillance. Replacement of occupied burrows with artificial burrows at a ratio of 1 burrow collapsed to 1 artificial burrow constructed (1:1) shall be implemented to evict BUOW. BUOW may attempt to colonize or re-colonize an area that will be impacted; thus, CDFW recommends</p>				

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ongoing surveillance, at a rate that is sufficient to detect BUOW if they return.				
CUL-1 Should evidence of prehistoric archeological resources be discovered during construction, the contractor shall halt all work within 25 feet of the find and the resource shall be evaluated by a qualified archaeologist. If evidence of any archaeological, cultural, and/or historical deposits is found, hand excavation and/or mechanical excavation shall proceed to evaluation the deposits for determination of significance as defined by the CEQA guidelines. The archaeologist shall submit reports, to the satisfaction of the City of Kerman, describing the testing program and subsequent results. These reports shall identify any program mitigation that the project proponent shall complete in order to mitigate archaeological impacts (including resource recovery and/or avoidance testing and analysis, removal, reburial, and curation of archaeological resources).	Project Applicant	Prior to and during construction	Project Applicant	
CUL-2 In order to ensure that the proposed project does not impact buried human remains during construction, the project proponent	Project Applicant	During construction	Project Applicant	

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<p>shall be responsible for on-going monitoring of project construction. Prior to the issuance of any grading permit, the project proponent shall provide the City of Kerman with documentation identifying construction personnel that will be responsible for on-site monitoring. If buried human remains are encountered during construction, further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains shall be halted until the Fresno County Coroner is contacted and the coroner has made the determinations and notifications required pursuant to Health and Safety Code Section 7050.5. If the coroner determines that Health and Safety Code Section 7050.5(c) require that he give notice to the Native American Heritage Commission, then such notice shall be given within 24 hours, as required by Health and Safety Code Section 7050.5(c). In that event, the NAHC will conduct the notifications required by Public Resources Code Section 5097.98. Until the consultations described below have been completed, the landowner shall further ensure that the immediate vicinity, according to generally accepted cultural or archaeological standards or practices where Native American human remains are located, is not disturbed by further development activity until the landowner has discussed and conferred with the Most Likely Descendants on all reasonable options regarding the</p>				

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<p>descendants' preferences and treatments, as prescribed by Public Resources Code Section 5097.98(b). The NAHC will mediate any disputes regarding treatment of remains in accordance with Public Resources Code Section 5097.94(k). The landowner shall be entitled to exercise rights established by Public Resources Code Section 5097.98(e) if any of the circumstances established by that provision become applicable.</p>				