

MITIGATION MONITORING AND REPORTING PROGRAM

As required by Public Resources Code Section 21081.6, subd. (a)(1), a Mitigation Monitoring and Reporting Program (MMRP) has been prepared for the Project in order to monitor the implementation of the mitigation measures that have been adopted for the Project. This Mitigation Monitoring and Reporting Program (MMRP) has been created based upon the findings of the Initial study (IS) and Environmental Impact Report (EIR) for the FNC Farming Subdivision Project in the City of Tulare.

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

Plan checking and verification of mitigation compliance shall be the responsibility of the City of Tulare.

Mitigation Measure	Responsible Party for Implementation	Implementation Timing	Responsible Party for Monitoring	Verification
<p>Mitigation Measure AG-1: Prior to issuance of a grading or building permit, whichever occurs first, the Project proponent shall provide written evidence of completion of one or more of the following measures, consistent with Tulare General Plan Policy COS-P3.12 to mitigate the loss of agricultural land at a ratio of 1:1 for net acreage before conversion:</p> <ul style="list-style-type: none"> o Funding and/or purchasing agricultural conservation easements which shall be managed and maintained by an appropriate entity; o Purchasing credits from an established agricultural farmland mitigation bank; 	<p>City of Tulare</p>	<p>Prior to Construction</p>	<p>City of Tulare</p>	

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<ul style="list-style-type: none"> ○ Contributing agricultural land or equivalent funding to an organization that provides for the preservation of farmland in California; or ○ Participating in any agricultural land mitigation program adopted by Tulare County provides equal or more effective mitigation than the measures listed above. <p>The net acreage calculation used to determine mitigation lands shall exclude the existing roads and areas already developed with structures on the project site. A site plan shall be submitted to the City of Tulare Community Development Department to substantiate the net acreage calculation, along with written evidence of compliance. Mitigation land shall meet the definition of Prime Farmland and be of similar agricultural quality or higher, as established by the Department of Conservation. Completion of the selected measure or a combination of selected mitigation measures can occur on qualifying land within the southern San Joaquin Valley (Kings, Tulare, or Kern County) that is located outside of a City's UDB and shall be approved by the City of Tulare Community Development Department Director.</p>				

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<p>Mitigation Measure BIO-1: Swainson's Hawk Nesting Habitat</p> <p>A. Protocol Surveys: If construction, grading, or project-related improvements are to commence between March 1 and September 15, a qualified biologist with expertise in Swainson's hawk shall conduct protocol surveys of potential nesting habitat within 0.5 mile of any ground disturbing activities prior to initiation of such activities. Protocol level surveys shall be conducted in conformance with the "Swainson's Hawk Survey Protocols, Impact Avoidance, and Minimization Measures for Renewable Energy Projects in the Antelope Valley of Los Angeles and Kern," (https://www.wildlife.ca.gov/conservation/survey-protocols#377281284-birds) (June 2, 2010) hereby incorporated by references. This protocol prescribes minimum standards for survey equipment, mode of survey, angle and distance to tree, speed, visual and audible clues, distractions, notes and observations, and timing of surveys. If construction work begins after September 15 and ends before March 1 (outside of the breeding season), impacts to the Swainson's hawk would be avoided. Surveys would not be required for work conducted during this part of the year. A written report with the pre-construction survey results must be provided to the Planning Department and CDFW within 30 days prior to commencement of construction-related activities. The report shall include: the date of the report, authors, and affiliations, contact information, introduction, methods, study location, including map, results, discussion, and literature cited. B. Nest</p>	<p>City of Tulare</p>	<p>30 days Prior to the Start of Construction</p>	<p>City of Tulare</p>	

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<p>Avoidance. If the required protocol surveys show there are no active nests within 0.5-mile of construction activities, then no additional mitigation for nest disturbance will be required. If nesting Swainson’s hawks are observed within 0.5- mile of the project site, the project applicant must implement CDFW pre- approved mitigation measures to avoid nest impacts during construction. These measures include: 1. All project-related activities with the potential to cause nest abandonment or forced fledging of young shall be avoided until the young have fledged. 2. If disturbances, habitat conversions, or other project-related activities, that may cause nest abandonment or forced fledging, are necessary, within the nest protection buffer zone (0.5-mile), monitoring of the nest site by a qualified raptor biologist, funded by the project applicant, shall be required, to determine if the nest is abandoned. If the nest is abandoned, but the nestlings are still alive, the project proponent is required to fund the recovery and hacking, that is the controlled release of captive reared young, of the nestling. 3. The project applicant shall be required to coordinate with CDFW to determine if project activities with the potential to cause disturbance to nesting Swainson’s hawks within the 0.5-mile buffer may proceed with a reduced nest buffer and an approved biological monitor. CDFW may authorize a reduced nest buffer with the presence of a monitoring biologist during construction activities to ensure that he nest is not disturbed. 4. Routine disturbances such as agricultural activities, commuter traffic, and routine maintenance</p>				

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<p>activities within 0.5- mile of an active nest are not prohibited. C. Foraging Impacts: Generally, CDFW requires mitigation for foraging habitat based on the presence of active nests within 10 miles of the project. If an active nest site is identified within ten miles of the project site, the project proponent will be required by CDFW to provide off-site foraging habitat management lands at a specified Mitigation Ratio that is based on nest proximity to the project site.</p>				
<p>Mitigation Measure BIO-2A: Nesting Bird, Roosting Bat, Burrowing Owl Survey, San Joaquin kit fox den Survey: If project related activities are scheduled between February 1 to August 31 (the typical nesting season), a focused survey for nests shall be conducted by a Designated Biologist within fourteen (14) calendar days prior to the beginning of Project-related activities. The Designated Biologist shall survey: a minimum radius of 500-feet for migratory birds around the Project Area, and for sign of roosting bats, active burrowing owl burrows or active San Joaquin kit fox dens. If no active nests, roosts, burrows or dens are found, project activities may proceed as scheduled.</p>	<p>City of Tulare</p>	<p>14 days Prior to the Start of Construction</p>	<p>City of Tulare</p>	
<p>Mitigation Measure BIO-2B: Active Nests or Roosts or Burrows or Dens If an active nest, roost or burrow or den is located, then active nests, roosts or burrows or dens should be avoided, and a nodisturbance or destruction buffer shall be determined and established by a Designated Biologist. The buffer shall be kept in place until after the breeding nesting season or the Designated</p>	<p>City of Tulare</p>	<p>Ongoing during Construction</p>	<p>City of Tulare</p>	

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<p>Biologist confirms the young have fledged, are foraging independently, and the nest or burrow is no longer active for the season. The extent of these buffers shall be determined by the Designated Biologist and will depend on the species present, the level of noise or construction disturbance, line of sight between the nest and the disturbance, ambient levels of noise and other disturbances, and other topographical or artificial barriers. If an occupied burrowing owl burrow is located the Biologist will consult with CDFW to install one-way doors over the burrow for an individual or an appropriate buffer distance for a nesting pair. If an active San Joaquin kit fox den is located, then consultation with the USFWS would be required in order to document this federally listed species presence in the Project Area.</p>				
<p>Mitigation Measure BIO-1c: Project Delay If a lapse in Project-related work of thirty (30) calendar days or longer occurs, the Designated Biologist shall complete another focused survey before Project work can be reinitiated.</p>	City of Tulare	Prior to restarting construction	City of Tulare	
<p>Mitigation Measure CUL-1: If previously unknown resources are encountered before or during grading activities, construction shall stop in the immediate vicinity of the find and a qualified historical resources specialist shall be consulted to determine whether the resource requires further study. The qualified historical resources specialist shall make recommendations to the City on the measures that shall be implemented to protect the discovered resources, including but not limited to excavation of the finds</p>	City of Tulare	Ongoing During Construction	City of Tulare	

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<p>and evaluation of the finds in accordance with Section 15064.5 of the CEQA Guidelines and the City’s Historic Preservation Ordinance. If the resources are determined to be unique historical resources as defined under Section 15064.5 of the CEQA Guidelines, measures shall be identified by the monitor and recommended to the Lead Agency. Appropriate measures for significant resources could include avoidance or capping, incorporation of the site in green space, parks, or open space, or data recovery excavations of the finds. No further grading shall occur in the area of the discovery until the Lead Agency approves the measures to protect these resources. Any historical artifacts recovered as a result of mitigation shall be provided to a City-approved institution or person who is capable of providing long-term preservation to allow future scientific study.</p>				
<p>Mitigation Measure CUL-2: In the event that human remains are unearthed during excavation and grading activities of any future development Project, all activity shall cease immediately. Pursuant to Health and Safety Code (HSC) Section 7050.5, no further disturbance shall occur until the County Coroner has made the necessary findings as to origin and disposition pursuant to PRC Section 5097.98(a). If the remains are determined to be of Native American descent, the coroner shall within 24 hours notify the Native American Heritage Commission (NAHC). The NAHC shall then contact the most likely descendent of the deceased Native American, who shall then serve as the consultant on how to proceed</p>	<p>City of Tulare</p>	<p>Ongoing During Construction</p>	<p>City of Tulare</p>	

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<p>with the remains. Pursuant to PRC Section 5097.98(b), upon the discovery of Native American remains, the landowner shall ensure that the immediate vicinity, according to generally accepted cultural or archaeological standards or practices, where the Native American human remains are located is not damaged or disturbed by further development activity until the landowner has discussed and conferred with the most likely descendants regarding their recommendations, if applicable, taking into account the possibility of multiple human remains. The landowner shall discuss and confer with the descendants all reasonable options regarding the descendants' preferences for treatment.</p>				
<p>Mitigation Measure HRA-1: Implement Tier 4 Engine Controls for all off-road, diesel-fueled equipment during construction.</p>	City of Tulare	Prior to the Start of Construction	City of Tulare	
<p>HAZ-1 Soil Sampling: Prior to the commencement of construction activities, the Project site must undergo soil sampling conducted by a qualified environmental consultant. A Soil Sampling and Analysis Plan (SSAP) will be developed and approved by the relevant regulatory agency. Soil samples will be collected and analyzed for contaminants, and the results will be compared to DTSC thresholds. If contamination is found, a Remediation Plan will be implemented to address the issue before construction begins. All activities will be documented and clearance from the regulatory agency must be obtained before proceeding with construction.</p>	City of Tulare	Prior to the Start of Construction	City of Tulare	
<p>Mitigation Measure HYD-1: Prior to the issuance of any construction/grading</p>	City of Tulare	Prior to the Start of Construction	City of Tulare	

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<p>permit and/or the commencement of any clearing, grading, or excavation, the Applicant shall submit a Notice of Intent (NOI) for discharge from the Project site to the California SWRCB Storm Water Permit Unit.</p> <ul style="list-style-type: none"> • Prior to issuance of grading permits for Phase 1 the Applicant shall submit a copy of the NOI to the City. • The City shall review noticing documentation prior to approval of the grading permit. City monitoring staff will inspect the site during construction for compliance. 				
<p>Mitigation Measure HYD-2: The Applicant shall require the building contractor to prepare and submit a Storm Water Pollution Prevention Plan (SWPPP) to the City 45 days prior to the start of work for approval. The contractor is responsible for understanding the State General Permit and instituting the SWPPP during construction. A SWPPP for site construction shall be developed prior to the initiation of grading and implemented for all construction activity on the Project site in excess of one (1) acre, or where the area of disturbance is less than one acre but is part of the Project’s plan of development that in total disturbs one or more acres. The SWPPP shall identify potential pollutant sources that may affect the quality of discharges to storm water and shall include specific BMPs to control the discharge of material from the site. The following BMP methods shall include, but would not be limited to:</p>	<p>City of Tulare</p>	<p>45 Prior to the Start of Construction</p>	<p>City of Tulare</p>	

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<ul style="list-style-type: none"> • Dust control measures will be implemented to ensure success of all onsite activities to control fugitive dust; • A routine monitoring plan will be implemented to ensure success of all onsite erosion and sedimentation control measures; • Provisional detention basins, straw bales, erosion control blankets, mulching, silt fencing, sand bagging, and soil stabilizers will be used; • Soil stockpiles and graded slopes will be covered after two weeks of inactivity and 24 hours prior to and during extreme weather conditions; and <p>BMPs will be strictly followed to prevent spills and discharges of pollutants onsite, such as material storage, trash disposal, construction entrances, etc.</p>				
<p>Mitigation Measure HYD-3: A Development Maintenance Manual for the Project shall include comprehensive procedures for maintenance and operations of any stormwater facilities to ensure long-term operation and maintenance of post-construction stormwater controls. The maintenance manual shall require that stormwater BMP devices be inspected, cleaned, and maintained in accordance with the manufacturer’s maintenance conditions. The manual shall require that devices be cleaned prior to the onset of the</p>	<p>City of Tulare</p>	<p>Ongoing through Construction and Operation</p>	<p>City of Tulare</p>	

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<p>rainy season (i.e., mid-October) and immediately after the end of the rainy season (i.e., mid-May). The manual shall also require that all devices be checked after major storm events. The Development Maintenance Manual shall include the following:</p> <ul style="list-style-type: none"> • Runoff shall be directed away from trash and loading dock areas; • Bins shall be lined or otherwise constructed to reduce leaking of liquid wastes; • Trash and loading dock areas shall be screened or walled to minimize offsite transport of trash; and • Impervious berms, trench catch basin, drop inlets, or overflow containment structures nearby docks and trash areas shall be installed to minimize the potential for leaks, spills or wash down water to enter the drainage system. 				
<p>Mitigation Measure TRT-1: The- following improvements shall be implemented as part of the Project’s off-site transportation mitigation. These improvements are necessary to ensure that intersections continue to operate at an acceptable Level of Service (LOS) in compliance with the City of Tulare’s General Plan and minimize congestion as the Project is developed:</p> <ol style="list-style-type: none"> 1. Mooney Blvd & Cartmill Ave: Add a northbound through lane (NBT) and a southbound through lane (SBT). 	<p>City of Tulare</p>	<p>Prior to the Respective Phase</p>	<p>City of Tulare</p>	

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<p>2. Mooney Blvd & Prosperity Ave: Add a northbound through lane (NBT), northbound left-turn lane (NBL), southbound through lane (SBT), southbound left-turn lane (SBL), eastbound through lane (EBT), eastbound left-turn lane (EBL), westbound through lane (WBT), and westbound left-turn lane (WBL).</p> <p>3. Morrison St & Prosperity Ave: Install a traffic signal, eastbound right-turn lane (EBR) and westbound left-turn lane (WBL) as part of Phase 1 opening day improvements.</p> <ul style="list-style-type: none"> • A focused traffic study shall be completed prior to Phases 2 and 3 to determine whether warrants for traffic signal construction are projected to be met by the completion of each phase. If the traffic signal warrants will be met, a traffic signal or roundabout will be required as an opening day improvement for that phase. <p>4. Mooney Blvd & Seminole Ave: Install a traffic signal.</p> <ul style="list-style-type: none"> • A focused traffic study shall be completed prior to Phases 2 and 3 to determine whether warrants for traffic signal construction will be met. If so, a traffic signal and median island modifications will be part of opening day requirements for Phases 2 and 3. 				

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<p>5. Morrison St & Tulare Ave: Add an eastbound right-turn lane (EBR).</p> <p>6. Prosperity Ave & Oakmore St: This intersection shall incorporate an eastbound right-turn lane (EBR), eastbound left-turn lane (EBL) and a westbound left-turn lane (WBL) by opening day of Phase 3.</p> <ul style="list-style-type: none"> A focused traffic study shall be completed prior to Phase 3 to determine if warrants for traffic signal construction will be met. If so, a traffic signal or roundabout will be required by opening day of Phase 3. <p>All traffic improvements shall be subject to Caltrans design and permitting requirements, including completion of an Intersection Control Evaluation per Caltrans guidelines, with completion of the improvements recommended therein required as an opening day improvement.</p>				