

MITIGATION MONITORING AND REPORTING PROGRAM

This Mitigation Monitoring and Reporting Program (MMRP) has been prepared by the City of Sanger and formulated based upon the findings of the Environmental Impact Report (EIR) (State Clearinghouse #2018031047) for the Sanger 2035 General Plan Update and North Academy Master Plan Project (Project). The MMRP lists mitigation measures recommended in the EIR 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 of Sanger to ensure that individual mitigation measures have been monitored.

The City finds that the impacts of the proposed project have been mitigated to the extent feasible by the mitigation measures identified in the EIR and in the MMRP. The City adopts the MMRP for the Project that accompanies the EIR. The City will use the MMRP to track compliance with project mitigation measures. The MMRP designates responsibility and anticipated timing for the implementation of mitigation measures and conditions within the jurisdiction of the City. The MMRP will remain available for public review during the compliance period. The MMRP is attached to and incorporated into the Project and is approved in conjunction with certification of the EIR and adoption of the Findings of Fact. In the event of any conflict between the Findings of Fact and the MMRP with respect to the requirements of an adopted mitigation measure, the more stringent measure shall control, and shall be incorporated automatically into both the Findings of Fact and the MMRP. The City approves and will implement all the mitigation measures identified in the EIR and MMRP.

Mitigation Measure	Party responsible for Implementing Mitigation	Implementation Timing	Party responsible for Monitoring	Verification (name/date)
Air Quality				
<p>AIR-1: Developers within the Planning Area of projects that have the potential to generate significant odor impacts as determined through review of SJVAPCD odor complaint history for similar facilities and consultation with the SJVAPCD shall prepare an odor assessment and shall implement odor control measures recommended by the SJVAPCD or the City.</p>	Applicant/construction contractor	As determined by the SJVAPCD and/or the City of Sanger	City of Sanger and/or SJVAPCD	
Biological Resources				
<p>BIO-1 (Preconstruction Surveys): Prior to construction activities in drainages and canals, a qualified biologist shall conduct a preconstruction survey for the Sanford’s arrowhead during the May-October blooming period for this species.</p> <p>BIO-2 (Avoidance): If a Sanford’s arrowhead population is identified within the construction zone, it shall be avoided by a minimum distance of 50 feet if possible. The avoidance area shall be identified on the ground with construction fencing, brightly-colored flagging, or other easily visible means.</p> <p>BIO-3 (Salvage): If it is not possible to avoid populations of Sanford’s arrowhead identified within construction zones, a qualified biologist shall remove all individual plants to be impacted and relocate them to a suitable portion of the drainage/canal that is nearby but will not be impacted.</p> <p>BIO-4 (Minimization): Construction-related disturbance of grassland habitats within 400 feet of creeks, canals,</p>	Applicant/construction contractor	Prior to and during construction activities	City of Sanger	

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<p>ponds, and basins in the rural zone should occur between November 1 and May 31, or outside of the annual time frame in which gravid females in the project vicinity typically seek out nest sites and lay eggs, eggs incubate, and hatchlings emerge.</p> <p>BIO-5 (Preconstruction Surveys): If construction-related disturbance of grassland habitats within 400 feet of creeks, canals, ponds, and basins in the rural zone must occur between June 1 and October 31, a qualified biologist shall conduct preconstruction surveys for western pond turtle nests within 30 days prior to the start of construction. The presence of turtle eggshells and/or disturbed earth would indicate the potential presence of a nest. Such areas shall be carefully hand-excavated by the biologist to determine whether a nest is present.</p> <p>Preconstruction surveys for western pond turtles must also be conducted within 24 hours prior to the start of construction activities in inundated drainages or canals in either the urban or rural zone, and in inundated ponds or basins in the rural zone. These surveys shall encompass all aquatic habitat and surrounding uplands within 100 feet that are proposed for impact. Any turtles that are discovered during the preconstruction surveys shall be relocated to similar habitat outside of the impact area.</p> <p>BIO-6 (Avoidance of Active Nests): If the preconstruction surveys for western pond turtle nests identify one or more active nests, a 50-foot buffer shall be established around the nest(s). No construction personnel or equipment shall enter the avoidance area until after a</p>				

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<p>qualified biologist has determined that the hatchlings have emerged.</p> <p>BIO-7 (Relocation of Turtle Eggs/Hatchlings): If it is not possible to avoid the active pond turtle nest(s), eggs and/or hatchlings shall be relocated to nearby suitable habitat in consultation with a qualified herpetologist.</p> <p>BIO-8 (Temporal Avoidance): In order to avoid impacts to nesting Swainson’s hawks, construction activities in the rural zone shall occur, where possible, outside the nesting season, typically defined as March 1-September 15.</p> <p>BIO-9 (Preconstruction Surveys): If construction activities in the rural zone must occur between March 1 and September 15, a qualified biologist shall conduct preconstruction nest surveys for Swainson’s hawks on and within ½ mile of the work area within 30 days prior to the start of construction. The survey shall consist of inspecting all accessible, suitable trees of the survey area for the presence of nests and hawks.</p> <p>BIO-10 (Avoidance of Active Nests): Should any active Swainson’s hawk nests be discovered within the survey area, an appropriate disturbance-free buffer shall be established based on local conditions and agency guidelines. Disturbance-free buffers shall be identified on the ground with flagging, fencing, or by other easily visible means, and shall be maintained until a qualified biologist has determined that the young have fledged and are capable of foraging independently.</p>				

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<p>BIO-11 (Take Avoidance Survey): A preconstruction “take avoidance” survey for burrowing owls shall be conducted by a qualified biologist between 14 and 30 days prior to the start of construction according to methods described in the Staff Report on Burrowing Owl Mitigation (CDFW 2012). The survey area shall include all suitable habitat on and within 200 meters of the construction zone, where accessible.</p>				
<p>BIO-12 (Avoidance of Active Nests): If construction activities are undertaken during the breeding season (February 1-August 31) and active nest burrows are identified within or near the construction zone, a 200-meter disturbance-free buffer shall be established around these burrows, or alternate avoidance measures implemented in consultation with CDFW. The buffers shall be enclosed with temporary fencing to prevent construction equipment and workers from entering the setback area. Buffers shall remain in place for the duration of the breeding season, unless otherwise arranged with CDFW. After the breeding season (i.e. once all young have left the nest), passive relocation of any remaining owls may take place as described below.</p>				
<p>BIO-13 (Avoidance or Passive Relocation of Resident Owls): During the non-breeding season (September 1-January 31), resident owls occupying burrows in the construction zone may either be avoided, or passively relocated to alternative habitat. If the project applicant chooses to avoid active owl burrows within the construction zone during the non-breeding season, a 50-meter disturbance-free buffer shall be established around these burrows, or alternate avoidance measures implemented in consultation with CDFW.</p>				

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<p>The buffers shall be enclosed with temporary fencing and shall remain in place until a qualified biologist determines that the burrows are no longer active. If the project applicant chooses to passively relocate owls during the non-breeding season, this activity shall be conducted in accordance with a relocation plan prepared by a qualified biologist.</p> <p>BIO-14 (Compensatory Mitigation): The project applicant shall mitigate, at a 1:1 ratio, for all potential burrowing owl habitat removed within 600 meters of active burrowing owl burrows, as identified during the preconstruction surveys provided for in Mitigation Measure BIO-9. Potential burrowing owl habitat in the planning area generally includes agricultural fields (suitable for foraging), ruderal habitat (suitable for nesting), and non-native grassland habitat (suitable for nesting or foraging). Compensatory mitigation shall entail either (1) acquiring suitable replacement habitat in the project vicinity, to be preserved in perpetuity under conservation easement and managed according to the provisions of a long-term management plan, or (2) purchasing credits at a CDFW-approved burrowing owl conservation bank.</p> <p>BIO-15 (Preconstruction Surveys): A preconstruction survey for American badgers shall be conducted by a qualified biologist within 30 days of the start of construction.</p> <p>BIO-16 (Avoidance of Natal Dens): Should an active natal den be identified during the preconstruction surveys, a suitable disturbance-free buffer shall be established around the den and maintained until a qualified</p>				

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<p>biologist has determined that the cubs have dispersed or the den has been abandoned.</p> <p>BIO-17 (Construction Timing): If feasible, project construction will occur outside of the avian nesting season, typically defined as February 1 to August 31.</p> <p>BIO-18 (Preconstruction Surveys): If construction must occur between February 1 and August 31, a qualified biologist shall conduct preconstruction surveys for active migratory bird nests within 14 days prior to the start of work. For projects within the urban zone, the survey area shall encompass the work area and accessible surrounding lands within 100 feet. For projects within the rural zone, the survey area shall encompass the work area and accessible surrounding lands within 250 feet.</p> <p>BIO-19 (Avoidance of Active Nests): Should any active nests be discovered within the survey area, the biologist shall identify a suitable disturbance-free buffer around the nest(s). Buffers shall be identified on the ground with flagging or fencing and shall be maintained until the biologist has determined that the young have fledged and are capable of foraging independently.</p> <p>BIO-20 (Temporal Avoidance): To avoid potential impacts to maternity bat roosts, removal of buildings, bridges, and large trees should occur outside of the period between April 1 and September 30, the time frame within which colony-nesting bats generally assemble, give birth, nurse their young, and ultimately disperse.</p>				

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<p>BIO-21 (Preconstruction Surveys): If removal of buildings, bridges, or large trees is to occur between April 1 and September 30 (general maternity bat roost season), then within 30 days prior to their removal, a qualified biologist shall survey them for the presence of bats. The biologist shall look for individuals, guano, and staining, and shall listen for bat vocalizations. If necessary, the biologist will wait for nighttime emergence of bats from roost sites. If no bats are observed to be roosting or breeding, then no further action would be required, and construction could proceed.</p>				
<p>BIO-22 (Minimization): If a non-breeding bat colony is detected during preconstruction surveys, the individuals shall be humanely evicted under the direction of a qualified biologist to ensure that no harm or “take” of any bats occurs as a result of construction activities.</p>				
<p>BIO-23 (Avoidance of Maternity Roosts): If a maternity colony is detected during preconstruction surveys, the biologist shall identify a suitable disturbance-free buffer around the colony. The buffer shall remain in place until the biologist determines that the nursery is no longer active.</p>				
<p>BIO-24 (Tree Surveys): Both prior to and immediately following project activities in riparian habitat along the Kings River and Collins Creek, a qualified biologist shall conduct a tree survey within project boundaries. The location of each tree in the survey area shall be mapped, and species and diameter at breast height (DBH) recorded.</p>				

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<p>BIO-25 (Riparian Mitigation and Monitoring Plan): If the follow-up tree survey determines that native riparian trees greater than 4 inches DBH have been removed by project activities, a qualified biologist shall prepare a riparian mitigation and monitoring plan that will provide a framework for required compensatory mitigation. The plan shall outline the required planting scenario, success criteria, and monitoring requirements.</p>				
<p>BIO-26 (Compensatory Mitigation): Compensatory mitigation shall be provided for the removal of any native riparian tree 4 inches DBH or greater. Trees between 4 and 24 inches DBH shall be replaced on or immediately adjacent to the project site at a ratio of 3:1. Trees greater than 24 inches DBH shall be replaced on or immediately adjacent to the project site at a ratio of 10:1. The planting and subsequent monitoring effort shall be conducted in accordance with the riparian mitigation and monitoring plan provided for in Mitigation Measure BIO-25.</p>				
<p>BIO-27 (Delineation of Jurisdictional Waters): Prior to the start of construction, a qualified biologist shall conduct a delineation of jurisdictional waters within and adjacent to the waterway(s) proposed for impact. The survey techniques, delineation report, and accompanying waters map shall meet the minimum standards of the USACE. The report and map shall be submitted to the USACE for purposes of obtaining a Preliminary Jurisdictional Determination or Approved Jurisdictional Determination, at the project applicant’s discretion.</p>				

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<p>BIO-28 (Clean Water Act Permitting): If it is determined that the waterway(s) to be impacted fall under the jurisdiction of the USACE, the project applicant shall obtain a Clean Water Act Section 404 permit and Section 401 Water Quality Certification, and shall adhere to all the provisions thereof, including compensatory mitigation requirements for loss of Waters of the U.S.</p>				
<p>Cultural Resources</p>				
<p>CUL-1: Should any potentially significant cultural, historical, archaeological or fossil resources be discovered, no further ground disturbance shall occur in the area of the discovery until the Planning Director concurs in writing that adequate provisions are in place to protect these resources. Unanticipated discoveries shall be evaluated for significance by a certified professional archaeologist or paleontologist that meets the Secretary of the Interior’s Professional Qualifications Standards. If significance criteria are met, then the project shall be required to perform data recovery, professional identification, radiocarbon</p>	<p>Applicant/ construction contractor</p>	<p>Prior to and during construction activities</p>	<p>City of Sanger</p>	

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<p>dates as applicable, and other special studies; curate materials with recognized scientific or educational repository; and provide a comprehensive final report as required by Senate Bill 18; California Historical Building Code (Title 24, Part 8); California Public Resources Code Sections 5020-5029.5, 5079-5079.65, 5097.9-5097.998, and 5097.98; and California State Health and Safety Code, Section 7050.5, as applicable.</p> <p>CUL-2: If human remains are unearthed during excavation and/or construction activities, all activity shall cease immediately. No further disturbance shall occur until the County Coroner has made the necessary findings as to the origin and disposition pursuant to PRC Section 5097.98(b). If the human remains are determined to be of Native American decent, 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 with the remains. Pursuant to PRC Section 5097.98(b), upon the discovery of Native American remains, the City shall ensure that the immediate vicinity, according to generally accepted cultural or archeological standards or practices, where the Native American human remains are located is not damaged or disturbed by further development activity until the City has discussed and conferred with the most likely descendants regarding their recommendations.</p>				
Greenhouse Gas Emissions				

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<p>GHG-1: Until such time as the City adopts a Climate Action Plan, the City shall review and require all future development projects to be consistent with the GHG emissions impact analysis and mitigation framework developed by the SJVAPCD as part of its Climate Change Action Plan. Future projects which are not exempt from review under the Climate Change Action Plan framework shall demonstrate that GHG emissions reduction measures have been included in the project design to reduce total emissions by 29 percent or the SJVAPCD emissions reduction threshold in effect at the time environmental review is being conducted for individual projects.</p>	<p>City of Sanger</p>	<p>Prior to issuance of building permits</p>	<p>City of Sanger</p>	
<p>Hydrology and Water Quality</p>				
<p>HYD-1: Prior to exceeding existing water supply capacity for development projects subject to CEQA, the City will review projects on an individual basis, which will include an analysis of the following: Inventory of existing water demands; quantification of proposed water use; assessment of opportunities for enhanced water conservation; assessment of any shortfalls in future water demands; and identification of alternative water sources or other methods of achieving sufficient water use reduction and/or to achieve water balance. This analysis will be performed within the context of City's General Plan; the City's Municipal Code; State and federal regulations; and the requirements of the Sustainable Groundwater Management Plan / Groundwater Sustainability Plan.</p>	<p>City of Sanger</p>	<p>Prior to issuance of building permits</p>	<p>City of Sanger</p>	
<p>Transportation (General Plan Update)</p>				

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<p>TRA-1: When a land use development project is proposed, the City shall require the preparation of a traffic/transportation impact study (as directed by the City Engineer) when one or more of the following conditions occur: 1) The proposed project requires an amendment to the Land Use Element of the General Plan; 2) The proposed project would result in substantial changes to the off-site transportation system; or 3) When certain traffic count criteria are met, such as if the project: a.) Exceeds 100 AM and/or PM peak hour trips (based on the trip generation rates identified in the ITE Trip Generation Manual) or b.) Generates more than 50 peak hour trips an existing City intersection.</p>	City of Sanger	Prior to issuance of building permits	City of Sanger	
<p>Transportation (North Academy Corridor Master Plan)</p>				
<p>TRA-2: As determined by the City of Sanger, and as a condition of approval, the developer(s) of the North Academy Master Plan shall mitigate its fair share of transportation related impacts by paying the project’s fair share of mitigation costs and/or constructing the improvements and receiving credits and reimbursements for the portion of construction for the following improvements: <u>Existing Plus Project Intersection Deficiencies and Mitigations</u></p> <ul style="list-style-type: none"> • Academy Avenue / Butler Avenue: Install traffic signal. • Academy Avenue / California Avenue: Install All-way-stop control. 	City of Sanger	Prior to issuance of building permits	City of Sanger	

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<ul style="list-style-type: none"> • Academy Avenue / Church Avenue: Install traffic signal. <p><u>Existing Plus Project Roadway Segment Deficiencies and Mitigations</u></p> <ul style="list-style-type: none"> • Bethel Avenue between Florence Avenue and SR 180: Widen to 4 lanes. <p><u>Cumulative Plus Project Intersection Deficiencies and Mitigations</u></p> <ul style="list-style-type: none"> • Academy Avenue / Florence Avenue: Monitor future operations. • Bethel Avenue / SR 180: Install additional N/B left turn lane. <p><u>Existing Plus Project Roadway Segment Deficiencies and Mitigations</u></p> <ul style="list-style-type: none"> • Academy Avenue between Butler and SR 180: Widen to 6 lanes. <p>The fair share amounts will be determined by the City and memorialized in a development agreement or other binding document.</p>				