

MITIGATION MONITORING AND REPORTING PROGRAM

Section 21081.6 of the California Environmental Quality Act (CEQA) requires a public agency to adopt a reporting or monitoring program in those cases where the public agency finds that changes or alterations have been required in, or incorporated into, a project, and that those changes mitigate or avoid a significant effect on the environment. A public agency may delegate the monitoring or reporting responsibilities to another public agency or private entity that accepts the delegation, but the lead agency remains responsible for ensuring that the mitigation measures have been implemented (CEQA Guidelines § 15097).

Table MMRP-1 identifies each mitigation measure identified in the Draft and Final EIR, and identifies the monitoring or reporting program and timing for such efforts.

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**Table MMRP-1
Mitigation Monitoring Program**

Mitigation Number	Mitigation Measure	Timing	Responsible Parties	Verification (Date/Initials)
Aesthetics				
#3.1-3	<ul style="list-style-type: none"> ▪ Lighting shall employ shielding that would direct light in a downward direction. ▪ Lighting shall generally occur at intersections, areas of pedestrian activity, and building entrances, and be minimized elsewhere. ▪ Lighting shall be designed and located to minimize glare and the direct view of light sources. ▪ Metal halide, incandescent, or color-balanced fluorescent fixtures shall be employed. Low pressure sodium fixtures are prohibited. 	Prior to construction	Contractor	
Air Quality				
#3.3-2	In compliance with District Rule 9510, prior to issuance of the first grading/building permit the applicant shall submit an Indirect Source Review (ISR) – Air Impact Assessment (AIA) Application Form including payment of all applicable fees.	Prior to issuance of first grading or building permit	Applicant	
Biological Resources				
#3.4-1a	1. In accordance with the <i>Staff Report on Burrowing Owl Mitigation</i> (CDFW 2012), pre-construction surveys shall be conducted to determine the presence of occupied burrows if ground clearing or construction activities will be initiated during the nesting season or during the non-breeding season. The portion of the project site on which construction is to take place and potential nesting areas within 500 feet of the proposed construction area shall be surveyed no more than 30	During construction	Contractor	

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	<p>days prior to the initiation of construction. Surveys shall be performed by a qualified biologist or ornithologist to verify the presence or absence of nesting birds. Construction shall not occur within a 500 foot buffer surrounding active nests of raptors or a 250 foot buffer surrounding active nests of migratory birds. If construction within these buffer areas is required or if nests must be removed to allow continuation of construction, then approval and specific removal methodologies shall be obtained from CDFW.</p> <p>2. If during pre-construction nest surveys, burrowing owls are found to be present, the following measures shall be implemented:</p> <ul style="list-style-type: none"> a. Compensation for the loss of burrowing owl habitat will be negotiated with the responsible wildlife agencies. Appropriate mitigation may include participation in an approved mitigation bank, establishing a conservation easement, or other means acceptable to the responsible agency; b. Exclusion areas will be established around occupied burrows in which no construction activities would occur. During the non-breeding season (September 1 through January 31), the exclusion area would extend 160 feet around any occupied burrows. During the breeding season of burrowing owls (February 1 through August 31), exclusion areas of 250 feet surrounding occupied burrows would be installed; and c. If construction must occur within these exclusion areas, passive relocation of burrowing owls may be 			

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	<p>implemented as an alternative, but only during the non-breeding season and only with the concurrence of the CDFW. Passive relocation of burrowing owls would be implemented by a qualified biologist using accepted techniques. Burrows from which owls had been relocated shall be excavated using hand tools and under direct supervision of a qualified biologist.</p>			
#3.4.1b	<p>A Swainson's hawk survey shall be completed within 0.5 mile of the project site. If potential nests are located within this search radius, those nests must be monitored for activity on a routine and repeating basis throughout the breeding season, or until a Swainson's hawk or other raptor species is verified to be using each nest. A total of up to 10 visits shall be made to each nest: one between January and April to identify nests, three in April, three in May, and three between June 1 and July 15. To meet the minimum level of protection for the species, surveys shall be completed for at least two survey periods immediately prior to a project's initiation. All surveys shall be conducted in accordance with the <i>Staff Report Regarding Mitigation for Impacts to Swainson's Hawks in the Central Valley of California</i> (CDFG 1994), which includes the following guidelines:</p> <ol style="list-style-type: none"> 1. A pre-construction survey shall be conducted to determine the presence of nesting birds if ground clearing or construction activities will be initiated during the breeding season (February 15 through September 15). The project site and potential nesting areas within 500 feet of the site shall be surveyed 14 to 30 days prior to the initiation of construction. Surveys will be performed by a qualified biologist or ornithologist to verify the presence or absence of 	Prior to construction	Consulting Biologist	

Mitigation Number	Mitigation Measure	Timing	Responsible Parties	Verification (Date/Initials)																											
	<p>nesting birds. Construction shall not occur within a 500 foot buffer surrounding nests of raptors or a 250 foot buffer surrounding nests of migratory birds. If construction within these buffer areas is required or if nests must be removed to allow continuation of construction, then approval will be obtained from California Department of Fish and Wildlife (CDFW);</p> <p>2. All trees which are suitable for Swainson’s hawk nesting that are within 2,640 feet of construction activities shall be inspected for nests by a qualified biologist;</p> <p>3. If potential Swainson’s hawk nests are located, surveys to determine whether Swainson’s hawks use those nests will be determined by conducting surveys at the following intensities, depending upon dates of initiation of construction:</p> <table border="1" data-bbox="338 898 1073 1385"> <thead> <tr> <th data-bbox="338 898 604 930">Construction start</th> <th data-bbox="611 898 827 930">Survey period</th> <th data-bbox="833 898 1073 930">Number of surveys</th> </tr> </thead> <tbody> <tr> <td data-bbox="338 935 604 992">1 January to 20 March</td> <td data-bbox="611 935 827 992">1 January to 20 March</td> <td data-bbox="833 935 1073 992">1</td> </tr> <tr> <td data-bbox="338 997 604 1053">21 March to 24 March</td> <td data-bbox="611 997 827 1053">1 January to 20 March</td> <td data-bbox="833 997 1073 1053">1</td> </tr> <tr> <td data-bbox="338 1058 604 1115"></td> <td data-bbox="611 1058 827 1115">21 March to 24 March</td> <td data-bbox="833 1058 1073 1115">Up to 3</td> </tr> <tr> <td data-bbox="338 1120 604 1177">24 March to 5 April</td> <td data-bbox="611 1120 827 1177">1 January to 20 March</td> <td data-bbox="833 1120 1073 1177">1</td> </tr> <tr> <td data-bbox="338 1182 604 1206"></td> <td data-bbox="611 1182 827 1206">21 March to 5 April</td> <td data-bbox="833 1182 1073 1206">3</td> </tr> <tr> <td data-bbox="338 1211 604 1235"></td> <td data-bbox="611 1211 827 1235">21 March to 5 April</td> <td data-bbox="833 1211 1073 1235">3</td> </tr> <tr> <td data-bbox="338 1240 604 1265">6 April to 9 April</td> <td data-bbox="611 1240 827 1265">6 April to 9 April</td> <td data-bbox="833 1240 1073 1265">Up to 3</td> </tr> <tr> <td data-bbox="338 1269 604 1385"></td> <td data-bbox="611 1269 827 1385">1 January to 20 March</td> <td data-bbox="833 1269 1073 1385">1 (if all 3 surveys are performed between 6 and 9 April, then this</td> </tr> </tbody> </table>	Construction start	Survey period	Number of surveys	1 January to 20 March	1 January to 20 March	1	21 March to 24 March	1 January to 20 March	1		21 March to 24 March	Up to 3	24 March to 5 April	1 January to 20 March	1		21 March to 5 April	3		21 March to 5 April	3	6 April to 9 April	6 April to 9 April	Up to 3		1 January to 20 March	1 (if all 3 surveys are performed between 6 and 9 April, then this			
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	<p style="text-align: right;">survey need not be conducted)</p> <table border="0" style="width: 100%;"> <tr> <td style="width: 33%;">10 April to 30 July</td> <td style="width: 33%;">21 March to 5 April</td> <td style="width: 33%; text-align: center;">3</td> </tr> <tr> <td></td> <td>6 April to 20 April</td> <td style="text-align: center;">3</td> </tr> <tr> <td>31 July to</td> <td>6 to 20 April</td> <td style="text-align: center;">3</td> </tr> <tr> <td>15 September</td> <td>10 to 30 July</td> <td style="text-align: center;">3</td> </tr> </table> <hr/> <p>4. If Swainson’s hawks are detected to be nesting in trees within 600 feet of the construction area, construction will not occur within this zone until after young Swainson’s hawks have fledged (this usually occurs by early June). The nest will be monitored by a qualified biologist to determine fledging date. If Swainson’s hawks are found within the project area, the project site would be considered foraging habitat and compensation for foraging habitat would be required by CDFW at a ratio of 0.75 to 1 (0.75 acre for every 1.0 acre adversely affected).</p>	10 April to 30 July	21 March to 5 April	3		6 April to 20 April	3	31 July to	6 to 20 April	3	15 September	10 to 30 July	3			
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#3.4.1c	<p>A pre-construction survey shall be performed on the project site in areas where there is a potential for nesting raptors and nesting migratory birds to occur if construction occurs during the breeding season (loosely defined as February 15 to August 15). These include all areas of the project site that contain or are within 500 feet of power poles or trees that are suitable for the establishment of raptor nests. These areas should also include non-native annual grassland habitat and unharvested alfalfa and grain crops, which provide potential breeding habitat for ground-nesting birds such as northern harriers, horned larks, and other migratory ground-nesting birds. The pre-construction survey shall be performed within 14 days of construction to identify active nests and mark those nests for avoidance. During the nesting period, raptor nests should be avoided by 500 feet</p>	Prior to construction	Consulting Biologist													

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	and all other migratory bird nests should be avoided by 250 feet.											
#3.4.1d	<p>To preclude potential project-related impacts to the San Joaquin kit fox, a series of avoidance and minimization measures shall be implemented in accordance with the <i>Standardized Recommendations for Protection of the Endangered San Joaquin Kit Fox Prior to or During Ground Disturbance</i> (USFWS 2011). The measures that are listed below have been excerpted from these guidelines and will protect the San Joaquin kit fox from direct mortality or den destruction.</p> <p>1. Pre-construction surveys shall be conducted no less than 14 days and no more than 30 days prior to the beginning of ground disturbance and/or construction activities, or any project activity likely to impact the San Joaquin kit fox. Exclusion zones shall be placed around dens in accordance with USFWS recommendations using the following:</p> <table border="1" data-bbox="422 959 1058 1154"> <tbody> <tr> <td>Potential Den</td> <td>50 foot radius</td> </tr> <tr> <td>Known Den</td> <td>100 foot radius</td> </tr> <tr> <td>Natal/Pupping Den (Occupied and Unoccupied)</td> <td>Contact U.S. Fish and Wildlife Service for guidance</td> </tr> <tr> <td>Atypical Den</td> <td>50 foot radius</td> </tr> </tbody> </table> <p>If dens must be removed, they shall be appropriately monitored and excavated by a trained wildlife biologist. Replacement dens would be required. Destruction of natal dens and other “known” kit fox dens shall not occur until authorized by USFWS.</p> <p>2. Project-related vehicles shall observe a 20-mph speed</p>	Potential Den	50 foot radius	Known Den	100 foot radius	Natal/Pupping Den (Occupied and Unoccupied)	Contact U.S. Fish and Wildlife Service for guidance	Atypical Den	50 foot radius	Prior to construction	Consulting Biologist	
Potential Den	50 foot radius											
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	<p>limit in all project areas, except on County roads and State and federal highways; this is particularly important at night when kit foxes are most active. Nighttime construction shall be avoided, unless the construction area is appropriately fenced to exclude kit foxes. The area within any such fence shall be determined to be uninhabited by San Joaquin kit foxes prior to initiation of construction. Off-road traffic outside of designated project areas shall be prohibited.</p> <p>3. To prevent inadvertent entrapment of kit foxes or other animals during the construction phase of the project, all excavated, steep-walled holes or trenches more than 2 feet deep shall be covered at the close of each working day by plywood or similar materials, or provided with one or more escape ramps constructed of earth fill or wooden planks. Before such holes or trenches are filled, they shall be thoroughly inspected for trapped animals.</p> <p>4. Kit foxes are attracted to den-like structures such as pipes and may enter stored pipe, becoming trapped or injured. All construction pipes, culverts, or similar structures with a diameter of 4-inches or greater that are stored at a construction site for one or more overnight periods shall be thoroughly inspected for kit foxes before the pipe is subsequently buried, capped, or otherwise used or moved in anyway. If a kit fox is discovered inside a pipe, that section of pipe shall not be moved until the USFWS has been consulted. If necessary, and under the direct supervision of the biologist, the pipe may be moved once to remove it from the path of construction activity, until the fox has escaped.</p>			

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	<p>5. All food-related trash items such as wrappers, cans, bottles, and food scraps shall be disposed of in closed containers and removed at least once a week from a construction or project Site.</p> <p>6. No firearms shall be allowed on the project site during the construction phase.</p> <p>7. To prevent harassment, mortality of kit foxes or destruction of dens by dogs or cats, no pets shall be permitted on the project site.</p> <p>8. Use of rodenticides and herbicides in project areas shall be restricted. This is necessary to prevent primary or secondary poisoning of kit foxes and the depletion of prey populations on which they depend. All uses of such compounds shall observe label and other restrictions mandated by the U.S. Environmental Protection Agency, California Department of Food and Agriculture, and other State and federal legislation, as well as additional project-related restriction deemed necessary by the USFWS. If rodent control must be conducted, zinc phosphide shall be used because of a proven lower risk to kit fox.</p> <p>9. A representative shall be appointed by the project proponent who will be the contact source for any employee or contractor who might inadvertently kill or injure a kit fox or who finds a dead, injured, or entrapped kit fox. The representative will be identified during the employee education program and their name and telephone number shall be provided to the USFWS.</p> <p>10. An employee education program shall be conducted for any project that has anticipated impacts to kit fox or</p>			

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	<p>other endangered species. The program shall consist of a brief presentation by persons knowledgeable in kit fox biology and legislative protection to explain endangered species concerns to contractors, their employees, and military and/or agency personnel involved in the project. The program shall include the following: A description of the San Joaquin kit fox and its habitat needs; a report of the occurrence of kit fox in the project area; an explanation of the status of the species and its protection under the Endangered Species Act; and a list of measures being taken to reduce impacts to the species during project construction and implementation. A fact sheet conveying this information shall be prepared for distribution to the previously referenced people and anyone else who may enter the project site.</p> <p>11. Upon completion of the project, all areas subject to temporary ground disturbances, including storage and staging areas, temporary roads, pipeline corridors, etc. shall be re-contoured if necessary, and revegetated to promote restoration of the area to pre-project conditions. An area subject to “temporary” disturbance means any area that is disturbed during the project, but after project completion will not be subject to further disturbance and has the potential to be revegetated. Appropriate methods and plant species used to revegetate such areas shall be determined on a site-specific basis in consultation with the USFWS, California Department of Fish and Wildlife (CDFW), and revegetation experts.</p> <p>12. In the case of trapped animals, escape ramps or structures shall be installed immediately to allow the animal(s) to escape, or the USFWS shall be contacted for guidance.</p>			

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	<p>13. Any contractor, employee, or military or agency personnel who are responsible for inadvertently killing or injuring a San Joaquin kit fox shall immediately report the incident to their representative. This representative shall contact the CDFW immediately in the case of a dead, injured, or entrapped kit fox. The CDFW contact for immediate assistance is State Dispatch at (916) 445-0045. They will contact the local warden or Mr. Paul Hofmann, the wildlife biologist, at (530) 934-9309. The USFWS shall be contacted at the numbers below.</p> <p>14. The Sacramento USFWS and CDFW shall be notified in writing within three working days of the accidental death or injury to a San Joaquin kit fox during project related activities. Notification must include the date, time, and location of the incident or of the finding of a dead or injured animal and any other pertinent information. The USFWS contact is the Chief of the Division of Endangered Species, at the addresses and telephone numbers below. The CDFW contact is Mr. Paul Hofmann at 1701 Nimbus Road, Suite A, Rancho Cordova, California 95670, (530) 934-9309.</p> <p>15. New sightings of kit foxes shall be reported to the California Natural Diversity Database (CNDDDB). A copy of the reporting form and a topographic map clearly marked with the location of where the kit fox was observed shall also be provided to the USFWS at the address below.</p> <p>Any project-related information required by the USFWS or questions concerning the above conditions or their</p>			

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	<p>implementation may be directed in writing to the U.S. Fish and Wildlife USFWS at:</p> <p>Endangered Species Division 2800 Cottage Way, Suite W2605 Sacramento, California 95825-1846 (916) 414-66200 or (916) 414-6600</p>			
Cultural Resources				
#3.5.1a	In accordance with State law, if any historical resources are discovered during project-related activities, all work is to stop and the lead agency and a qualified professional are to be consulted to determine the importance and appropriate treatment of the find. If Native American remains are found the County Coroner and the Native American Heritage Commission, Sacramento (916-653-4082) is to be notified immediately for recommended procedures.	During construction	Contractor	
#3.5.1b	In the event that a historical resources consultant is retained, the firm or individual shall be responsible for submitting any report of findings prepared for the proposed project to the Central California Information Center, including one copy of the narrative report and two copies of any records that document historical resources found as a result of field work.	During construction	Contractor	
Greenhouse Gases and Cumulative Air Quality				
#3.7-1	The applicant shall implement an employer-based trip reduction program in compliance with SJVAPCD Rule 9410. The trip reduction program may include ride-sharing information, carpools, and vanpools.	Prior to construction	Applicant	
Hazards and Hazardous Materials				
#3.8-2a	During construction of the proposed project, work areas and areas with heavy foot traffic inside the eastern, unpaved	During construction	Contractor	

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	portion of the barn/packing shed shall be surfaced to reduce worker exposure to dust in this area, where concentrations of 4,4'-DDT (2,600 micrograms per kilogram [ug/kg]) and 4,4'-DDD (240 ug/kg) were detected in soil.			
#3.8-2b	Before building permit issuance, the owner shall hire a biologist to complete a Pest Management Plan which will make recommendations for addressing both pest-birds and rodents inside and around the warehouse. The plan shall be submitted to the Stanislaus County Environmental Health Department and made available to employees at the warehouse.	Prior to construction	Applicant	
#3.8-7	The applicant shall notify the City of Turlock's fire, sheriff, and ambulance service which serve the proposed project site, as well as the Office of Emergency Services (OES) Division (Modesto Regional Fire Authority) of the proposed project and construction dates. This notification shall occur two weeks prior to the start of construction.	Prior to construction	Applicant	
Hydrology and Water Quality				
#3.9-5	Prior to issuance of grading and building permits, the applicant shall meet with the Stanislaus County Public Works Department to determine the appropriate BMPs for filtration of storm water and to determine the best method of treatment and required size of retention basin.	Prior to construction	Applicant and Stanislaus County Public Works Department	
Public Services and Utilities				
#3.12-1	The access to the site from Washington Road shall be provided with radio frequency gate opening devices (i.e. "Click-to-enter") in addition to the standard police/fire bypass keyway. Manually operated gates across required fire access roadways are prohibited.	Prior to construction	Applicant and Stanislaus County Public Works Department	

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Transportation and Traffic				
#3.13.1a	The project shall pay the Traffic Impact Fees as set forth by Stanislaus County.	Prior to construction	Applicant	
#3.13.1b	The applicant shall pay the City of Turlock Capital Facility Development Fees which provides for the construction of Public Facilities and to purchase capital items to allow for City services. The City's fees change quarterly, therefore the amount will be determined with approval of the project.	Prior to construction	Applicant	
#3.13.1c	The applicant shall install half street improvements along the project frontage to meet the future lane configurations along Washington Road. This will also include addition of a northbound left turn lane at the Washington Road/Blue Diamond/Project Access intersection. These improvements shall also include traffic signal modifications to the existing signal. A residential driveway should also be constructed on Washington Road to provide access for the single family residence that will remain. This residence is located about 350 feet south of the Blue Diamond/project driveway.	Prior to construction	Applicant	
#3.13-5	Proposed project site plans shall be reviewed by the City fire and police departments to ensure adequate emergency access.	Prior to construction	Turlock Police Department and Turlock Fire Department	
Cumulative Air Quality				
#5.3.3-1	Tractor-trailer trucks shall not be permitted to run their engines on idle while parked or staging. Signs shall be posted in designated queuing areas and job sites to remind drivers and operators of the No-Idling rule. This shall be noted on improvement plans.	Prior to issuance of occupancy permit.	To be implemented by the project proponent, and monitored by County Building staff at the	

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			occupancy permit stage.	
#5.3.3-2	The proponent has agreed to incorporate frontage landscaping for aesthetic purposes, and this will be made a required mitigation measure to aid in particulate reduction. Though not in the City of Turlock, the project shall incorporate frontage landscaping consistent with the Westside Industrial Specific Plan. A final landscape plan shall be included with improvement plans.	Prior to issuance of occupancy permit.	To be implemented by the project proponent, and monitored by County Building staff at the occupancy permit stage.	
#5.3.3-3	The site shall be sprinkled by watering trucks for dust control during grading and construction. A note to this effect shall appear on improvement plans.	Prior to issuance of building permit and during construction.	To be implemented by the project proponent and contractors, and monitored by County Building staff during routine field inspection.	
#5.3.3-4	The “Pre-phase” (dirt surface) project activity shall be eliminated from the development plan. All parking and shipping and receiving areas shall be paved. The proposed accessway around the north, west and south sides of the proposed warehouse, which were to remain unpaved until completion of Phase 3, shall be paved during each of the three phases of development. This shall be noted on improvement plans.	During building permit review and prior to issuance of occupancy permit.	To be implemented by the project proponent and contractors, and monitored by County Building staff.	
Cumulative Biology				
#5.3.4-1	A minimum of two permanent and durable bird nest boxes shall be installed and maintained on the project site in locations that will encourage their use. Nest boxes may be designed for common songbirds or birds of prey compatible with farms such as owls.	Prior to issuance of occupancy permit.	To be implemented by the project proponent, and monitored by County Planning staff.	

