Mitigation Monitoring Program					
Impact	**Mitigation Measure**	**Time Frame for Implementation**	**Responsible Monitoring Agency**	**Date**	**Initials**
	Aesthetics				
	No Mitigation required.				
	Agriculture and Forest Resources				
	No Mitigation required.				
	Air Quality				
#1	**AQ-1:** The project contractor or project representatives shall ensure that all off-road diesel-powered construction equipment meets the CARB Tier 4 emissions standards or equivalent.	During construction related activities.	Project proponent/contractor, Lead Agency		
		A. The Project proponent/contract shall comply with the listed mitigation measure. B. Lead Agency shall verify compliance.			
	Biological Resources				
#2	**BIO-1:** a) A pre-construction clearance survey of the project site shall be conducted for special-status wildlife species and nesting migratory birds and raptors. The survey shall occur no less than 14-30 days prior to the start of construction activities. If construction is delayed beyond 30 days from the time of the survey, then another survey shall be conducted. The survey shall be conducted by a qualified biologist with adequate training and prior experience conducting surveys for special-status wildlife species. If no special-status species or migratory birds/raptors or their sign are observed, no further action is warranted. A report outlining the results of the clearance survey shall be provided to the Lead Agency as evidence of compliance. b) If dens/burrows/nests that could support any of these special-status species are discovered during the preconstruction survey, the avoidance buffers outlined below shall be established, and den or burrow monitoring shall be conducted in accordance with the California Department of Fish and Wildlife (CDFW) Staff Report on Burrowing Owl Mitigation (CDFG 2012) and U.S. Fish and Wildlife Service (USFWS) Standardized Recommendations for Protection of	Within 14 to 30 days prior to any construction-related activities .	Lead Agency, Qualified Biologist; U.S. Fish and Wildlife Service, if necessary; and California Department of Fish and Wildlife if necessary.		
		Steps to Compliance: A. A qualified biologist shall be responsible for a preconstruction survey. B. If necessary, the qualified biologist shall contact CDFW and USFWS to determine next steps. C. If necessary, the qualified biologist shall implement next steps in consultation with the wildlife agencies. D. The qualified biologist shall prepare a brief report to be submitted to the wildlife agencies within 5 days of completion of the preconstruction survey. E. Lead Agency shall verify compliance.			

Attachment 12

<table>
<tr><th colspan="6">Mitigation Monitoring Program</th></tr>
<tr><th>Impact</th><th>Mitigation Measure</th><th>Time Frame for Implementation</th><th>Responsible Monitoring Agency</th><th>Date</th><th>Initials</th></tr>
<tr><td></td><td>the Endangered San Joaquin Kit Fox Prior to or During Ground Disturbance (U.S. Fish and Wildlife Service, 2011).
Den(s) or burrow(s) shall be monitored using trail cameras or tracking mediums such as diatomaceous earth. If no species are detected for a minimum of four consecutive days/nights, the den or burrow may be burrow-scoped and plugged with a filled sandbag under the direct supervision of a qualified biologist. All tunnels must be examined for animal presence before plugging with a sandbag to ensure no burrowing owls, kit foxes, or other animals are hiding inside.
No work shall occur within these buffers unless the biologist approves and monitors the activity. A copy of the preconstruction survey report shall be submitted to the Lead Agency as evidence of compliance.

Burrowing Owl (active burrows)
<table>
<tr><td>Location</td><td>Time of Year</td><td colspan="3">Level of Disturbance</td></tr>
<tr><td></td><td></td><td>Low</td><td>Med</td><td>High</td></tr>
<tr><td>Nesting Sites</td><td>April 1-Aug 15</td><td>200 m</td><td>500 m</td><td>500 m</td></tr>
<tr><td>Nesting Sites</td><td>Aug 16-Oct 15</td><td>200 m</td><td>200 m</td><td>500 m</td></tr>
<tr><td>Nesting Sites</td><td>Oct 16-Mar 31</td><td>50 m</td><td>100 m</td><td>500 m</td></tr>
</table>
American badger/SJKF

Potential or Atypical den – 50 feet
Known den – 100 feet
Natal Den –Contact CDFW for consultation</td><td></td><td></td><td></td><td></td></tr>
</table>

Mitigation Monitoring Program					
Impact	**Mitigation Measure**	**Time Frame for Implementation**	**Responsible Monitoring Agency**	**Date**	**Initials**
#3	**BIO-2:** If construction is planned during the nesting season for migratory birds and raptors (February 15 to August 31) and nesting birds are identified during the preconstruction survey, active Swainson's hawk nest shall be avoided by 0.5 miles, other raptor nests shall be avoided by 500 feet and all other migratory bird nests shall be avoided by 250 feet. Avoidance buffers may be reduced if a qualified biological monitor determines that encroachment into the buffer area is not affecting nest building, the rearing of young, or otherwise affecting the breeding behaviors of the resident birds.	During construction during the nesting season (February 1 to August 31)	Qualified biologist, Project contractors		
		Steps to Compliance: A. A qualified biologist to be present during construction. B. The Lead Agency shall verify compliance.			
#4	**BIO-3:** If an active Swainson's hawk nest is discovered at any time within 0.5 miles of active construction, a qualified biologist shall complete an assessment of the potential for current construction activities to impact the nest. The assessment would consider the type of construction activities, the location of construction relative to the nest, the visibility of construction activities from the nest location, and other existing disturbances in the area that are not related to the construction activities of this project. Based on this assessment, the biologist will determine if construction activities can proceed and the level of nest monitoring required. Construction activities shall not occur within 500 feet of an active nest, but depending on conditions at the site, this distance may be reduced. Full-time monitoring to evaluate the effects of construction activities on nesting Swainson's hawks may be required. The qualified biologist shall have the authority to stop work if it is determined that project construction is disturbing the nest. These buffers may need to increase depending on the sensitivity of the nesting Swainson's hawk to disturbances and at the discretion of the qualified biologist.	Prior to construction activities.	Project proponent, Lead Biologist, Lead Agency		
		Steps to Compliance A. A qualified biologist shall be responsible for a preconstruction survey. B. If necessary, the qualified biologist shall contact CDFW and USFWS to determine next steps. C. If necessary, the qualified biologist shall implement next steps in consultation with the wildlife agencies. D. The Lead Agency shall verify compliance.			
#5	**BIO-4:** Prior to the initiation of construction activities, all personnel shall attend a Worker Environmental Awareness Training program	Prior to ground-disturbing activities	Qualified biologist, project contractor, Lead Agency		

Mitigation Monitoring Program					
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	developed by a qualified biologist. The program shall include information on the life histories of special-status species with the potential to occur on the project, their legal status, the course of action shall these species be encountered on-site, and avoidance and minimization measures to protect these species.	A. A qualified biologist shall be responsible for preparing and conducting the Construction Worker Environmental Awareness Training and Education Program. B. Throughout construction the contractor shall ensure all new construction crew members receive the WEAT and sign an acknowledgement form. C. A copy of the training program and of the signed acknowledgement forms shall be maintained on-site for the duration of construction activities and also be provided to the Lead Agency.			
#6	**BIO-5:** The following measures shall be implemented during all phases of the project to reduce the potential for impact from the project. a. All food-related trash items such as wrappers, cans, bottles, and food scraps shall be disposed of in securely closed containers and removed at least once a week from the construction or project site. b. Construction-related vehicle traffic shall be restricted to established roads and predetermined ingress and egress corridors, staging, and parking areas. Vehicle speeds shall not exceed 20 miles per hour within the project site. A 10-mile-per-hour speed limit shall be implemented during night-time construction activities. c. To prevent inadvertent entrapment of kit fox or other animals during construction, the contractor shall cover all excavated, steep-walled holes or trenches more than two feet deep at the close of each workday with plywood or similar materials. If holes or trenches cannot be covered, one or more escape ramps constructed of earthen fill or wooden planks shall be installed in the trench. Before such holes or trenches are filled, the contractor shall thoroughly inspect	During construction	Project contractors, Lead Agency		
		Steps to Compliance: A. The developer or contractor shall ensure compliance with the listed measures. B. The Lead Agency shall verify compliance.			

Mitigation Monitoring Program					
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	them for entrapped animals. All construction-related pipes, culverts, or similar structures with a diameter of four inches or greater that are stored on the project site shall be thoroughly inspected for wildlife before the pipe is subsequently buried, capped, or otherwise used or moved in any way. If at any time an entrapped or injured kit fox is discovered, work in the immediate area shall be temporarily halted, and USFWS and CDFW shall be consulted for guidance. d. Kit foxes are attracted to den-like structures such as pipes and may enter stored pipes and become trapped or injured. All construction pipes, culverts, or similar structures with a diameter of four 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 any way. If a kit fox is discovered inside a pipe, that section of pipe shall not be moved until the USFWS and CDFW have been consulted. If necessary, and under the direct supervision of the biologist, the pipe may be moved only once to remove it from the path of construction activity until the fox has escaped. e. No pets, such as dogs or cats, shall be permitted on the project sites to prevent harassment, mortality of kit foxes, or destruction of dens. f. No fueling of construction equipment will occur within 100 feet of a drainage, water crossing, or wetlands. If a spill or pipe break occurs within 100 feet of any water feature, adherence to the CREH Spill Prevention, Control, and Countermeasure (SPCC) Plan will be followed.				

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	g. Use of anticoagulant rodenticides and herbicides in project sites 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 labels and other restrictions mandated by the EPA, California Department of Food and Agriculture, and other State and federal legislation, as well as additional project-related restrictions deemed necessary by the USFWS and CDFW. If rodent control must be conducted, zinc phosphide shall be used because of the proven lower risk to kit foxes. h. 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 shall be identified during the employee education program, and their name and telephone number shall be provided to the USFWS. i. The Sacramento Fish and Wildlife Office of USFWS and CDFW shall be notified in writing within three working days of the accidental death or injury to an SJKF 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 can be reached at (559) 243-4014 and R4CESA@wildlifeca.gov. The BLM will also be informed about those wells on the Split Estate property. j. All sightings of the SJKF shall be reported to the CNDDB. A copy of the reporting form and a topographic map clearly				

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	marked with the location of where the kit fox was observed shall also be provided to the USFWS at the address below. k. Any project-related information required by the USFWS or questions concerning the above conditions or their implementation may be directed in writing to the U.S. Fish and Wildlife Service at Endangered Species Division, 2800 Cottage Way, Suite W 2605, Sacramento, California 95825-1846, phone: (916) 414-6620 or (916) 414-6600. l. A copy of the pre-construction survey report shall be submitted to the Lead Agency as evidence of compliance.				
#7	**BIO-6:** Prior to issuance of any grading or building permit, the Project proponent/developer shall submit a formal notification to the US Army Corps of Engineers (ACOE), Water Resources Control Board (SWRCB) and California Department of Fish and Wildlife (CDFW). If no comments or request of additional permitting are received by the agencies, no further action is necessary. A copy of all correspondence shall be submitted to the lead agency. If a regulatory agency comments or requests additional permitting, the following actions may be taken. A copy of all correspondence and subsequent permitting and/or reports shall be made available to the Lead Agency. The report shall include information as shown below as a plan if necessary and shall outline compliance with the following:: 1. Delineation of all jurisdictional features at the project site. Potential jurisdictional features within the project boundary identified in the jurisdictional delineation report may be shown in plan form. 2. If the Project has a potential to directly or indirectly impact jurisdictional aquatic resources, a formal aquatic resource delineation of these areas shall be performed by a qualified professional to determine the extent of agency jurisdiction	Prior to issuance of grading or building permit	Project proponent, CDFW, USFWS, Lead Agency		
		Steps to Compliance: A. Formal notification to the U.S. Army Corps of Engineers, Water Resources Control Board, and California Department of Fish and Wildlife shall be submitted for potential waters of the U.S. or the State. If no comments are received, no further action under the mitigation measure is required. B. If comments are received from the regulatory agencies, the project proponent shall comply with the provisions of the mitigation measure and direction of the regulatory agencies. C. All correspondence and subsequent report and permits shall be provided to the Lead Agency to verify compliance.			

Mitigation Monitoring Program					
Impact	**Mitigation Measure**	**Time Frame for Implementation**	**Responsible Monitoring Agency**	**Date**	**Initials**
	and permits/authorizations from the appropriate regulating agencies (Central Valley Regional Water Quality Control Board (RWQCB), CDFW and US Army Corps of Engineers (USACE) shall be obtained prior to disturbance to jurisdictional features. If it is determined that drainage is jurisdictional and cannot be avoided, the Project proponent shall obtain a Section 401 Waters Quality Certification from the RWQCB, a Section 404 permit from USACE and a Lake and Streambed Alteration Agreement under Section 1602 from the CDFW, if required prior to impacting any waters. As part of these authorizations, compensatory mitigation may be required by the regulating agencies to offset the loss of aquatic resources. If so, and as part of the permit application process, a qualified professional shall draft a Mitigation and Monitoring Plan to address implementation and monitoring requirements under the permit to ensure that the Project would result in no net loss of habitat functions and values. The Plan shall contain, at a minimum, mitigation goals and objectives, mitigation location, a discussion of actions to be implemented to mitigate the impact, monitoring methods and performance criteria, extent of monitoring to be conducted, actions to be taken in the event that the mitigation is not successful, and reporting requirements. The Plan shall be approved by the appropriate regulating agencies and compensatory mitigation shall take place either on site or at an appropriate off-site location. 3. Any material/spoils generated from project activities containing hazardous materials shall be located away from jurisdictional areas or special-status habitat and protected from storm water run-off using temporary perimeter				

Mitigation Monitoring Program					
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	sediment barriers such as berms, silt fences, fiber rolls, covers, sand/gravel bags, and straw bale barriers, as appropriate. Protection measures should follow project-specific criteria as developed in a Stormwater Pollution Prevention and Protection Plan (SWPPP). 4. Equipment containing hazardous liquid materials shall be stored on impervious surfaces or plastic ground covers to prevent any spills or leakage from contaminating the ground and at least 50 feet outside the delineated boundary of jurisdictional water features. 5. Any spillage of material shall be stopped if it can be done safely. The contaminated area shall be cleaned, and any contaminated materials properly disposed. For all spills, the project foreman or designated environmental representative shall be notified.				
	Cultural Resources				
#8	**CUL-1:** If prehistoric or historic-era cultural materials are encountered during construction activities, all work in the immediate vicinity of the find shall halt until a qualified archaeologist can evaluate the find and make recommendations. Cultural resource materials may include prehistoric resources such as flaked and ground stone tools and debris, shell, bone, ceramics, and fire-affected rock, as well as historic resources such as glass, metal, wood, brick, or structural remnants. If the qualified archaeologist determines that the discovery represents a potentially significant cultural resource, additional investigations may be required to mitigate adverse impacts from Project implementation. These additional studies may include avoidance, testing, and evaluation or data recovery excavation. Implementation of the mitigation measure below would ensure that	During construction	Project operator, Project proponent, Lead Agency		
		Steps to Compliance: A. If necessary, work shall cease and the project proponent shall retain a qualified archaeologist and/or paleontologist to assess finds and recommended procedures. B. The qualified cultural resources specialist shall assess the significance of the find and determine next steps. C. The Lead Agency shall verify compliance.			

Mitigation Monitoring Program					
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	the proposed Project would not cause a substantial adverse change in the significance of a historical resource.				
#9	**CUL-2:** If human remains are discovered during construction or operational activities, further excavation or disturbance shall be prohibited pursuant to Section 7050.5 of the California Health and Safety Code. The specific protocol, guidelines, and channels of communication outlined by the Native American Heritage Commission, in accordance with Section 7050.5 of the Health and Safety Code, Section 5097.98 of the Public Resources Code (Chapter 1492, Statutes of 1982, Senate Bill 297), and Senate Bill 447 (Chapter 44, Statutes of 1987), shall be followed. Section 7050.5(c) shall guide the potential Native American involvement, in the event of a discovery of human remains, at the direction of the county coroner.	During construction and operational activities	Project Operator, Lead Agency		
		A. If necessary, work shall cease and the project proponent shall retain a qualified archaeologist to assess finds and recommended procedures. B. The qualified cultural resources specialist shall assess the significance of the find and determine next steps. C. The Lead Agency shall verify compliance.			
#10	**CUL-3:** If human remains are discovered during construction or operational activities, further excavation or disturbance shall be prohibited pursuant to Section 7050.5 of the California Health and Safety Code. The specific protocol, guidelines, and channels of communication outlined by the Native American Heritage Commission, in accordance with Section 7050.5 of the Health and Safety Code, Section 5097.98 of the Public Resources Code (Chapter 1492, Statutes of 1982, Senate Bill 297), and Senate Bill 447 (Chapter 44, Statutes of 1987), shall be followed. Section 7050.5(c) shall guide	During construction	Project Operator, Lead Agency		
		A. If necessary, work shall cease and the project proponent shall retain a qualified archaeologist to assess finds and recommended procedures. B. The qualified cultural resources specialist shall assess the significance of the find and determine next steps. C. The Lead Agency shall verify compliance.			

Mitigation Monitoring Program					
Impact	**Mitigation Measure**	**Time Frame for Implementation**	**Responsible Monitoring Agency**	**Date**	**Initials**
	the potential Native American involvement, in the event of a discovery of human remains, at the direction of the county coroner**.**				
	Energy				
	No Mitigation required.				
	Geology and Soils				
#11	**GEO-1:** If the proposed development will disturb an area of one or more acres, prior to issuing of grading or building permits, the project applicant shall submit to the City; (1) the approved Stormwater Pollution Prevention Plan (SWPPP) and (2) the Notice of Intent (NOI) to comply with the General National Pollutant Discharge Elimination System (NPDES) from the Central Valley Regional Water Quality Control Board. The requirements of the SWPPP and NPDES shall be incorporated into design specifications and construction contracts. Recommended Best Management Practices for the construction phase may include the following: • Stockpiling and disposing of demolition debris, concrete, and soil properly. • Protecting existing storm drain inlets and stabilizing disturbed areas. • Implementing erosion controls. • Properly managing construction materials. • Managing waste, aggressively controlling litter, and implementing sediment control.	Prior to issuance of grading or building permits	Project Proponent, Lead Agency		
		Steps to Compliance: A. The Project proponent shall submit the approved SWPP and NOI to the Lead Agency. B. The Lead Agency shall verify compliance.			

Mitigation Monitoring Program					
Impact	**Mitigation Measure**	**Time Frame for Implementation**	**Responsible Monitoring Agency**	**Date**	**Initials**
#12	**GEO-2:** If any paleontological resources are encountered during ground-disturbance activities, all work within 25 feet of the find shall halt until a qualified paleontologist, as defined by the Society of Vertebrate Paleontology Standard Procedures for the Assessment and Mitigation of Adverse Impacts to Paleontological Resources (2010), can evaluate the find and make recommendations regarding treatment. Paleontological resource materials may include resources such as fossils, plant impressions, or animal tracks preserved in rock. The qualified paleontologist shall contact the Natural History Museum of Los Angeles County or another appropriate facility regarding any discoveries of paleontological resources. If the qualified paleontologist determines that the discovery represents a potentially significant paleontological resource, additional investigations and fossil recovery may be required to mitigate adverse impacts from Project implementation. If avoidance is not feasible, the paleontological resources shall be evaluated for their significance. If the resources are not significant, avoidance is not necessary. If the resources are significant, they shall be avoided to ensure no adverse effects, or such effects must be mitigated. Construction in that area shall not resume until the resource-appropriate measures are recommended, or the materials are determined to be less than significant. If the resource is significant and fossil recovery is the identified form of treatment, then the fossil shall be deposited in an accredited and permanent scientific institution. Copies of all correspondence and reports shall be submitted to the Lead Agency.	During ground disturbance activities	Project operator, Lead Agency		
		A. In the event that paleontological resources are encountered during ground disturbance activities, all work within 25 feet shall halt. B. If required, the project proponent shall contact the qualified paleontologist to assess the find. C. The operator shall include a standard inadvertent discovery clause in every construction contract to inform contractors of this requirement. D. The Lead Agency shall verify compliance with the mitigation measure.			
	Greenhouse Gas Emissions				

Mitigation Monitoring Program					
Impact	**Mitigation Measure**	**Time Frame for Implementation**	**Responsible Monitoring Agency**	**Date**	**Initials**
	No Mitigation required.				
	Hazardous Materials				
	No Mitigation required.				
	Hydrology and Water Quality				
	No Mitigation required.				
	Land Use and Planning				
	No Mitigation required.				
	Mineral Resources				
	No Mitigation required.				
	Noise				
#13	**NSE-1:** A sound wall shall be constructed to a minimum height of 7 feet above ground level along the residential portions of the project site that are directly adjacent with Campus Parkway. Suitable construction materials include concrete blocks, masonry, or stucco on both sides of a wood or steel stud wall.	Prior to issuance of building permit	Project Proponent/Lead Agency		
		A. The Project proponent shall submit plans to the Lead Agency for approval. B. The Lead Agency shall verify compliance with the mitigation measure.			
#14	**NSE-2:** Two-story home construction of lots that will be directly adjacent with Campus Parkway shall be constructed without second-floor balconies. A note prohibiting such second-floor balconies shall be placed as a Note on the TTM XX XXX, and all plans and specs.	Prior to issuance of building permits	Project Proponent/Lead Agency		
		A. The Project proponent shall submit plans to the Lead Agency for approval. B. The Lead Agency shall verify compliance with the mitigation measure.			
#15	**NSE-3:** Air conditioning or mechanical ventilation shall be installed in the units so that it will be possible for windows and doors to remain closed for sound insulation purposes.	Prior to issuance of building permits	Project Proponent/Lead Agency		
		A. The Project proponent shall submit plans to the Lead Agency for approval.			

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		B. The Lead Agency shall verify compliance with the mitigation measure.			
#16	**NSE-4:** Unless further restricted in the City of Merced Municipal Code, grading and construction shall not take place beyond the hours of 7:00 A.M. and 7:00 P.M. Monday-Sunday.	During ground-disturbing activities	Project Proponent/Lead Agency		
		A. The developer or contractor shall ensure compliance with the listed measures. B. The Lead Agency shall verify compliance.			
	Population and Housing				
	No Mitigation required.				
	Public Services				
	No Mitigation required.				
	Recreation				
	No Mitigation required.				
	Traffic and Transportation				
#17	**TRA-1:** The project proponent shall pay its equitable share costs percentages for intersection improvements pertaining to the storage pocket length at the northbound right approach at the Mission Avenue and SR 99 NB Off-Ramp intersection. Payment amount of the equitable share costs shall be determined by the City of Merced and Caltrans and paid prior to issuance of building permits or at a time determined by the Lead Agency. The equitable share cost percentage shall be 7.7% for AM Peak Hour and 13% for PM Peak Hour.	Prior to issuance of building permit	Project Proponent/Lead Agency		
		A. The Lead Agency shall determine total improvement cost of intersections and provide it to the Project proponent. B. The Project Proponent shall pay their equitable share of the cost for intersection improvements as indicated in the Mitigation Measure and the Traffic Study prior to issuance of building permit.			
	Tribal Cultural Resources				
	Implement Mitigation Measures MM CUL-1 and MM CUL-2.				
	Utilities and Service Systems				
	No Mitigation required.				
	Wildfire				

Mitigation Monitoring Program					
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	No Mitigation required.				