
MITIGATION MONITORING AND REPORTING PROGRAM

This Mitigation Monitoring and Reporting Program (MMRP) has been formulated based upon the findings of the Initial Study (IS) and Environmental Impact Report (EIR) prepared for Tract Map 6343 (herein referred to as the project), for which the City of Clovis (City) is the Lead Agency for environmental review under the California Environmental Quality Act (CEQA). The MMRP, which is provided in Table A, lists mitigation measures recommended in the IS and EIR for the proposed project and identifies mitigation monitoring requirements.

This MMRP has been prepared to comply with the requirements of State law (Public Resources Code Section 21081.6). State law requires the adoption of an MMRP when mitigation measures are required to avoid significant impacts. This requirement facilitates implementation of all mitigation measures adopted through the CEQA process. The MMRP is intended to ensure compliance during implementation of the project.

The MMRP is organized in a matrix format. The first column identifies the mitigation measure. The second column, entitled “Timing for Mitigation Measure,” refers to the implementation and schedule of mitigation measures. The third column, entitled “Mitigation Responsibility,” refers to the party responsible for implementing the mitigation measure. The fourth column, entitled “Monitoring/Reporting Agency,” refers to the agency responsible for oversight or ensuring that the mitigation measure is implemented. The fifth column, entitled “Verification,” will be initialed and dated by the individual designated to verify adherence to the project specific mitigation, when the mitigation measure is completed.

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Table A: EIR Mitigation Monitoring and Reporting Program

Mitigation Measures	Timing for Mitigation Measure	Mitigation Responsibility	Monitoring/Reporting Agency	Verification (Initials and Date)
4.1: AGRICULTURE AND FORESTRY RESOURCES				
<p>Mitigation Measure AG-2: Prior to issuance of building permits, the Project Applicant shall petition the County of Fresno Board of Supervisors for cancellation of the Williamson Act contract at APN 556-030-014S. The Project Applicant would have to make the required statutory findings a set forth under Government Code Section 51282(a) to cancel the Williamson Act contract. If the County of Fresno determines the required findings are met, the Project Applicant would be required to pay a cancellation fee equal to 12.5 percent of the unrestricted market value of the parcels to the County of Fresno as set forth under Government Code Section 51283(b). After approval of the cancellation petition by the County of Fresno Board of Supervisors, the Williamson Act contract would then be cancelled on APN 556-030-014S, and the Project Applicant would be able to develop uses that comply with the zoning designation of the parcel per the City of Clovis Zoning Code without the proposed development being inconsistent with a Williamson Act contract.</p>	<p>Prior to issuance of a building permit</p>	<p>Project Applicant</p>	<p>City of Clovis Planning and Development Services Department</p>	<p>Initials: _____ Date: _____</p>
<p>The following is not a mitigation measure; however compliance with the Regulatory Compliance measure outlined below would still be required for the project.</p> <p>Regulatory Compliance Measure AG-3: Pursuant to California Civil Code 3482.5 and Fresno County Ordinance Code §17.04.100, prior approval of building occupancy permits, the Project Applicant shall provide residents of the project site Right-To-Farm notifications. The Right-To-Farm notification would advise future occupants of the project site that they are residing adjacent to agricultural land that has been active for 3 or more years and that they should expect continued activities associated with agricultural production. The Right-to-Farm notice shall include the following:</p>	<p>Prior to issuance of a building occupancy permit</p>	<p>Project Applicant</p>	<p>City of Clovis Planning and Development Services Department</p>	<p>Initials: _____ Date: _____</p>

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<ul style="list-style-type: none"> It is the declared policy of Fresno County to preserve, protect, and encourage development of its agricultural land and industries for the production of food and other agricultural products. Residents of property in or near agricultural districts or agriculturally zoned land or active agricultural land should be prepared to accept the inconveniences and discomfort associated with normal farm activities. Such inconveniences and discomfort could include but is not limited to the following: Dust generation, heavy equipment operation, noise from heavy equipment operation, dust cropping activity using aircraft, insecticide/pesticide application, no trespassing signage posted on active agricultural land, and the use of crop warmers during cold nights. Consistent with California Civil Code 3482.5 (right-to-farm law), this Right-To- Farm notification provides that an agricultural pursuit, as defined, maintained for commercial uses shall not be or become a nuisance to adjacent land occupied by non-agricultural uses due to a changed condition in a locality after such agricultural pursuit has been in operation for three years. 				
4.2: AIR QUALITY				
<p>The following is not a mitigation measure; however compliance with the Regulatory Compliance measure outlined below would still be required for the project.</p> <p>Regulatory Compliance Measure AIR-2: Consistent with SJVAPCD Regulation VIII (Fugitive PM₁₀ Prohibitions), the following controls are required to be included as specifications for the proposed project and implemented at the construction site:</p> <ul style="list-style-type: none"> All disturbed areas, including storage piles, which are not being actively utilized for construction purposes, shall be effectively stabilized of dust emissions using water, chemical stabilizer/suppressant, covered with a tarp or other suitable cover or vegetative ground cover. 	<p>Prior to issuance of grading permits, during project construction</p>	<p>Construction Contractor</p>	<p>City of Clovis Planning and Development Services Department</p>	<p>Initials: _____ Date: _____</p>

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<ul style="list-style-type: none"> • All on-site unpaved roads and off-site unpaved access roads shall be effectively stabilized of dust emissions using water or chemical stabilizer/suppressant. • All land clearing, grubbing, scraping, excavation, land leveling, grading, cut and fill, and demolition activities shall be effectively controlled of fugitive dust emissions utilizing application of water or by presoaking. • When materials are transported off-site, all material shall be covered, or effectively wetted to limit visible dust emissions, and at least 6 inches of freeboard space from the top of the container shall be maintained. • All operations shall limit or expeditiously remove the accumulation of mud or dirt from adjacent public streets at the end of each workday. (The use of dry rotary brushes is expressly prohibited except where preceded or accompanied by sufficient wetting to limit the visible dust emissions. Use of blower devices is expressly forbidden.) • Following the addition of materials to, or the removal of materials from, the surface of out-door storage piles, said piles shall be effectively stabilized of fugitive dust emission utilizing sufficient water or chemical stabilizer/suppressant. 				
4.3: GREENHOUSE GAS EMISSIONS				
<p>Mitigation Measure GHG-1: In order to meet the 2022 Scoping Plan greenhouse gas (GHG) requirements, consistent with State GHG reduction and equity prioritization goals, each residential unit shall provide electric vehicle charging capabilities as part of the final project designs.</p>	<p>Prior to issuance of grading permits</p>	<p>Project Applicant</p>	<p>City of Clovis Planning and Development Services Department</p>	<p>Initials: _____ Date: _____</p>

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4.4: NOISE				
<p>Mitigation Measure NOI-1.1: The project contractor shall implement the following measures during construction of the proposed project:</p> <ul style="list-style-type: none"> • Equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers consistent with manufacturers’ standards. • Place all stationary construction equipment so that emitted noise is directed away from sensitive receptors nearest the active project site. • Locate equipment staging in areas that would create the greatest possible distance between construction-related noise sources and noise-sensitive receptors nearest the active project site during all construction activities. • Ensure that all general construction related activities are restricted to between the hours of 7:00 a.m. and 7:00 p.m., Monday through Friday and between 9:00 a.m. and 5:00 p.m. on Saturday and Sunday. From June 1st through September 15th, permitted construction activity may commence after 6:00 a.m. Monday through Friday, consistent with the City’s Noise Ordinance. • Designate a “disturbance coordinator” at the City who would be responsible for responding to any local complaints about construction noise. The disturbance coordinator would determine the cause of the noise complaint (e.g., starting too early, bad muffler) and would determine and implement reasonable measures warranted to correct the problem. 	<p>Prior to issuance of grading permits, during project construction</p>	<p>Construction Contractor</p>	<p>City of Clovis Planning and Development Services Department</p>	<p>Initials: _____ Date: _____</p>

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<p>Mitigation Measure NOI-1.2: The project contractor shall implement the following measures during construction of the proposed project:</p> <ul style="list-style-type: none"> • In order for windows and doors to remain closed, mechanical ventilation such as air conditioning shall be provided for all units. • All windows and glass doors shall be rated STC 26 or higher such that the noise reduction provided will satisfy the interior noise standard of 45 dBA CNEL. 	During project construction	Construction Contractor	City of Clovis Planning and Development Services Department	Initials: _____ Date: _____
Initial Study				
BIOLOGICAL RESOURCES				
<p>Mitigation Measure BIO-1. Nesting Bird Surveys and Active Nest Avoidance. Any initial ground disturbance or tree pruning, or removal should take place outside of the active nesting bird season (i.e., February 1–September 30), when feasible, to avoid impacts to nesting birds protected under the California Fish and Game Code and Migratory Bird Treaty Act. Should phased construction require tree removal or initial ground disturbance to ruderal areas, a qualified biologist shall conduct a nesting bird survey no more than 10 days prior to each phase of clearing activities. If nesting birds are discovered during preconstruction surveys, the biologist shall identify an appropriate buffer where no clearing, grading, or construction activities with potential to have direct or indirect impacts on the nesting bird(s) are allowed to take place until after the nest is no longer active (e.g., the young birds have fledged), or as otherwise determined by the qualified biologist.</p>	Prior to project construction, if occurring between February 1 to September 30	Project Applicant and Construction Contractor	City of Clovis Planning and Development Services Department	Initials: _____ Date: _____

Table A: EIR Mitigation Monitoring and Reporting Program

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<p>Mitigation Measure BIO-2: Conduct Surveys for Swainson’s Hawk Nests and Implement Avoidance and Minimization Measures. The qualified biologist will conduct surveys for Swainson’s hawk (<i>Buteo swainsoni</i>) during the nesting season (February 1 to August 31) along the existing trees within the project site. No sooner than 30 days prior to any ground disturbing activity, the qualified biologist will conduct preconstruction surveys of nests identified during the earlier surveys to determine if any are occupied. The initial nesting season surveys and subsequent preconstruction nest surveys will follow the protocols set out in the Recommended Timing and Methodology for Swainson’s Hawk Nesting Surveys in California’s Central Valley (Swainson’s Hawk Technical Advisory Committee [SHTAC] 2000) or guidance current at the time of project implementation. Available database records will be used to support the survey.</p> <p>Any active Swainson’s hawk nests (defined as a nest used one or more times in the last 5 years) found within the existing trees on site during the nesting season will be monitored daily by the qualified biologist to assess whether the nest is occupied. If the nest is occupied, the qualified biologist will establish no-work buffers following California Department of Fish and Game’s 1994 Staff Report Regarding Mitigation for Impacts to Swainson’s Hawks (<i>Buteo swainsoni</i>) in the Central Valley of California, and the status of the nest will be monitored until the young fledge or for the length of construction activities, whichever occurs first. Adjustments to the buffer(s) may be made in consultation with the California Department of Fish and Wildlife (CDFW).</p>	<p>Prior to project construction, if occurring between February 1 and August 31</p>	<p>Project Applicant and Construction Contractor</p>	<p>City of Clovis Planning and Development Services Department</p>	<p>Initials: _____ Date: _____</p>

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<p>If an occupied Swainson’s hawk nest site is to be removed, an incidental take permit under the California Endangered Species Act (CESA) will be obtained, and impacts will be minimized through permitting with the CDFW and fully mitigated.</p>				
<p>Mitigation Measure BIO-3: Conduct Pre-construction Clearance Surveys for Burrowing Owl. A pre-construction clearance survey will be conducted in the vicinity of the existing residence on site, as well as within the disturbed annual grassland and embankments of the Enterprise No. 109 Canal by a qualified biologist for burrowing owl (<i>Athene cunicularia</i>) no more than 30 calendar days prior to initiation of ground disturbance activities. All surveys will follow the California Department of Fish and Game 2012 Staff Report on Burrowing Owl Mitigation methodology, or guidance current at the time of project implementation, and results shall be delivered to CDFW and the City of Clovis. If the survey results find an active burrow, the Project Applicant must coordinate with the CDFW to obtain applicable agency approval/permit prior to any ground disturbance activities on the site.</p>	<p>Prior to issuance of grading permits</p>	<p>Project Applicant and Construction Contractor</p>	<p>City of Clovis Planning and Development Services Department</p>	<p>Initials: _____ Date: _____</p>
<p>Mitigation Measure BIO-4: Passive Relocation Measures for Burrowing Owl. If burrowing owl (<i>Athene cunicularia</i>) are detected during the pre-construction surveys, occupied burrows will not be disturbed during the nesting season (February 1 through August 31 for owls and other raptors). The non-disturbance buffer will include a minimum 330-foot (100-meter) buffer zone around any occupied burrow unless a qualified biologist approved by the CDFW verifies through non-invasive methods that either (1) burrowing owls have not begun egg laying and incubation, or (2) juveniles from the occupied burrows are foraging independently and are capable of independent survival. The sizes of individual buffers may be modified through coordination with the CDFW based on site-specific conditions and existing disturbance levels. During the non-nesting season or if the qualified biologist determines</p>	<p>Prior to project construction, if burrowing owl are detected during the pre-construction surveys</p>	<p>Project Applicant and Construction Contractor</p>	<p>City of Clovis Planning and Development Services Department</p>	<p>Initials: _____ Date: _____</p>

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<p>either (1) or (2) above, the Project Applicant will coordinate with the CDFW to construct artificial burrows and passively relocate the owl(s). Passive relocation is defined as encouraging owls to move from occupied burrows to alternate natural or artificial burrows that are beyond approximately 160 feet (50 meters) from the impact zone and that are within or contiguous to a minimum of 6.5 acres of foraging habitat for each pair of relocated owls (California Burrowing Owl Consortium 1993).</p> <p>If passive relocation is required, a qualified biologist shall prepare a Burrowing Owl Exclusion and Mitigation Plan and Mitigation Land Management Plan in accordance with the CDFW 2012 Staff Report on Burrowing Owl Mitigation and for review by CDFW prior to passive relocation activities. Owls shall be excluded from burrows in the immediate impact zone and within an approximately 160-foot (50-meter) buffer zone by installing one-way doors in burrow entrances. One-way doors shall be left in place for 48 hours to ensure owls have left the burrow before excavation. One alternate natural or artificial burrow shall be provided for each burrow that will be excavated in the project impact zone. The project site shall be monitored daily for 1 week to confirm owl use of alternate burrows before excavating burrows in the immediate impact zone. Whenever possible, burrows shall be excavated using hand tools and refilled to prevent reoccupation. Sections of flexible plastic pipe or burlap bags shall be inserted into the tunnels.</p>				

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<p>The following is not a mitigation measure; however compliance with the Regulatory Compliance measure outlined below would still be required for the project.</p> <p>Regulatory Compliance Measure BIO-1: Agency Coordination for Enterprise No. 109 Canal. Prior to any modifications to Enterprise No. 109 Canal, it is recommended to consult with the United States Army Corps of Engineers (USACE), California Department of Fish and Wildlife (CDFW), and Regional Water Quality Control Board (RWQCB) to verify the feature’s jurisdictional status and obtain applicable permit(s) and/or authorization(s). If direct modifications to the canal are proposed, a notification of streambed alteration shall be submitted to the CDFW in accordance with Section 1602 of the California Fish and Game Code. Unless categorically excluded under effective definitions or existing documentation confirms that no permit is needed, the Central Valley RWQCB and Sacramento District of the USACE shall be consulted regarding potential permitting needs under the California Water Code and federal Clean Water Act, respectively, associated with the proposed Enterprise No. 109 Canal modifications.</p>	<p>Prior to issuance of grading permits</p>	<p>Project Applicant</p>	<p>City of Clovis Planning and Development Services Department/United States Army Corps of Engineers (USACE)/California Department of Fish and Wildlife (CDFW)/Regional Water Quality Control Board (RWQCB)</p>	<p>Initials: _____ Date: _____</p>
CULTURAL RESOURCES				
<p>Mitigation Measure CUL-1: Consultation with Qualified Historical Specialist for Resources Found During Project Construction. If previously unknown resources are encountered before or during grading activities, construction shall stop within 50 feet of the find and a qualified historical resources specialist shall be consulted to determine whether the resource requires further study.</p> <p>The qualified historical resources specialist shall make recommendations to the City of Clovis on the measures that shall be implemented to protect the discovered resources, including but not limited to excavation of the finds and</p>	<p>Prior to and during project construction, if historic or archeological resources are encountered</p>	<p>Construction Contractor, Qualified Historical Resources Specialist and Qualified Archaeologist</p>	<p>City of Clovis Planning and Development Services Department</p>	<p>Initials: _____ Date: _____</p>

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<p>evaluation of the finds in accordance with Section 15064.5 of the <i>State CEQA Guidelines</i>.</p> <p>If the resources are determined to be unique archeological resources as defined under Section 15064.5(c)(1) of the <i>State CEQA Guidelines</i>, measures shall be identified by a qualified archaeologist meeting the Secretary of the Interior’s Professional Qualifications Standards for Archaeology and recommended to the Lead Agency. Appropriate measures for significant resources could include avoidance or capping, incorporation of green space, parks, or open space in undeveloped areas of the project site, or data recovery excavations of the finds.</p> <p>No further grading shall occur in the area of the discovery until the Lead Agency approves the protection measures. Any historical artifacts recovered as a result of mitigation shall be provided to a City of Clovis-approved institution or person who is capable of providing long-term preservation to allow future scientific study. A report of findings shall also be submitted to the Southern San Joaquin Valley Information Center.</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 Section 7050.5, no further disturbance shall occur until the County Coroner has made the necessary findings as to origin and disposition pursuant to Public Resources Code (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 descendant of the deceased Native American, who shall then serve as the consultant on how to proceed with the remains.</p>	<p>During project construction, if human remains are encountered</p>	<p>Project Applicant and Construction Contractor</p>	<p>City of Clovis Planning and Development Services Department</p>	<p>Initials: _____ Date: _____</p>

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<p>Pursuant to PRC Section 5097.98(b), upon the discovery of Native American remains, the Project Applicant 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 Project Applicant has discussed and conferred with the most likely descendants regarding their recommendations, if applicable, taking into account the possibility of multiple human remains. The Project Applicant shall discuss and confer with the descendants all reasonable options regarding the descendants' preferences for treatment.</p>				
GEOLOGY AND SOILS				
<p>Mitigation Measure GEO-1: If any potentially significant paleontological resources are discovered during grading activities, all construction activities shall stop within 50 feet of the find and a certified professional paleontologist shall provide recommendations and mitigation measures to protect the resource.</p> <p>If a potentially significant resource is encountered, then the qualified professional paleontologist, the City of Clovis, and the Project Applicant shall arrange for either (1) total avoidance of the resource or (2) test excavations to evaluate eligibility and, if eligible, total data recovery. The determination shall be formally documented in writing and submitted to the City of Clovis as verification that the provisions for managing unanticipated discoveries have been met.</p>	<p>Prior to and during project construction, if paleontological resources are encountered</p>	<p>Construction Contractor, Project Applicant and Qualified Paleontologist</p>	<p>Department of Planning and Development</p>	<p>Initials: _____ Date: _____</p>

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