United States Cold Storage Fresno Remediation Project (Former International Recycling and Towing Site Corrective Measures Proposal)

Mitigation Monitoring and Reporting Program

Purpose of and Need for Monitoring

In compliance with the California Environmental Quality Act (CEQA), and on behalf of United States Cold Storage (applicant), the California Department of Toxic Substances Control (DTSC) (serving as lead agency), has prepared an Initial Study/Mitigated Negative Declaration (IS/MND) for the proposed United States Cold Storage Fresno Remediation Project (proposed project) on the former International Recycling and Towing site in Fresno County. The IS/MND identified potentially significant impacts in the resource areas listed below, as well as mitigation measures to reduce those impacts to a less-than-significant level where possible.

Significant impacts pertaining to the following resource areas would be reduced to a less-than-significant level by mitigation measures identified in the IS/MND.

- Biological resources
- Cultural resources

CEQA requires that a lead agency adopt a Mitigation Monitoring and Reporting Program (MMRP) for the measures the agency has proposed to avoid or mitigate significant environmental effects (CEQA Guidelines Section 15097). The purpose of the MMRP is to ensure that the mitigation measures identified in the IS/MND are implemented and to identify who is responsible for their implementation.

Table MMRP-1, which follows this introductory section, identifies the mitigation measures for the proposed project, the parties responsible for implementing and monitoring the measures, the timing of each measure, and a summary of the actions necessary to implement and monitor each measure.

Mitigation Monitoring and Reporting Program

This MMRP has been prepared for the proposed project in accordance with Public Resources Code Section 21081.6, which specifies that when a public agency makes findings required by paragraph (1) of subdivision (a) of Section 21081, it "shall adopt a reporting or monitoring program for the changes made to the project or conditions of project approval, adopted in order to mitigate or avoid significant effects on the environment." Public Resources Code Section 21081.6 further specifies that the MMRP will "ensure compliance during project implementation."

This MMRP is intended to ensure the effective implementation of mitigation measures that are within the California Department of Toxic Substances Control's authority to implement, including monitoring where identified, throughout all phases of the proposed project.

Mitigation Measure	Action	Implementing Party	Monitoring Party	Timing
Biological Resources				
Mitigation Measure BIO-1: Conduct Worker Environmental Awareness Training and Implement General Requirements The applicant will retain a qualified biologist to develop and conduct a mandatory worker environmental awareness training about special-status species and other sensitive resources that could be encountered during project work (e.g., San Joaquin kit fox, burrowing owl, special-status and non-special status nesting birds). In addition, construction employees will be educated about the importance of controlling and preventing the spread of invasive plant infestations. The biologist will prepare a handout that contains information (including photographs) about how to identify pertinent species, their habitat requirements, and the avoidance and minimization measures to be implemented. All personnel will receive worker environmental awareness training before conducting project work, and new personnel will receive the training as they are brought onto the project. Proof of personnel environmental training attendance will be kept on file by the biologist and made available to the applicant upon request. At least one copy of the handout will remain onsite throughout the duration of the project with the construction foreman. General restrictions and guidelines that will be in the training and followed by project personnel are listed below. The project foreman will be responsible for ensuring that crew members adhere to these guidelines and restrictions. • Before construction begins, the construction contractor will work with the project engineer and a biologist to identify sensitive locations (e.g., an active burrowing owl or kit fox burrow or nesting bird) to be protected with orange construction fencing or other high visibility materials (e.g., stanchions or pilons and flagging) and will place stakes to indicate these locations. If fencing is used, it will be installed with a one-foot gap between the ground and the bottom of the fence so that small animals do not become trapped in the fence. The fencing or other high visibility materials will be installed before construction activities are initiated, maintained throughout the construction period, and removed when construction is completed. The protected areas will be designated as environmentally sensitive	DTSC verifies receipt of training sign-in sheets to be provided by project applicant/project contractor	Project applicant/ project contractor/ qualified biologist	DTSC/CDFW/ USFWS/USEPA	Prior to and during all site disturbing activities

Mitigation Measure	Action	Implementing Party	Monitoring Party	Timing
areas and clearly identified on the construction plans or resource protection exhibit, which will be prepared after the site review with the contractor and prior to construction. • Work crews will be restricted to designated and clearly defined work areas and access routes. Staging of equipment and material sites will be restricted to designated areas. • A biological monitor will make periodic visits to the project area to ensure that environmentally sensitive areas are being protected, provide environmental awareness training to new crew members, and determine if general restrictions and guidelines are being followed. • Prior to mobilization to the project site, all equipment will be pressure washed clean to ensure noxious weeds are not imported into or out of the project area. Equipment shall be considered clean when there is no visible soil or plant parts. • Work will occur during daylight hours when most animal species are not active and when species are more visible to biological monitors if these species are present. • At the end of each workday, an escape ramp shall be placed at each end of any open excavation to allow wildlife that may become trapped to climb out overnight. The ramp may be constructed of either dirt fill or wood planking or other suitable material that is placed at an angle no greater than 30 degrees. The biological monitor or designated construction personnel will check excavations, open pipes, and other areas prior to filling, moving, or disturbing to ensure that animals are not trapped or harmed by construction activities. • Vehicles will not exceed the CMP-mandated maximum speed of 10 miles per hour when traveling off paved roads. • Vehicle access across streams and wetlands shall be limited to existing roads and designated crossings. • Laydown and staging areas will be located in previously developed or disturbed areas. • Any erosion control materials required for the project will be rice straw or come from certified weed-free sources, as practicable (i.e., certified weed free straw wattles, mulch, etc.).				

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• All food-related trash will be disposed of and removed from the work area daily. Workers will not feed or otherwise attract fish or wildlife to the work area. • No pets or firearms will be allowed on the project site. • Workers will look underneath vehicles and other heavy equipment for wildlife before moving vehicles or equipment to ensure that no animals are crushed. • No wildlife species will be handled and/or removed from the site by anyone except qualified biologists. • Any worker who inadvertently injures or kills an animal or finds one dead, injured, or entrapped will immediately report the incident to the project foreman, who will immediately, within no longer than 24 hours of the event, report the incident to the biologist.				
Mitigation Measure BIO-2: Avoid and Minimize Potential Impacts on San Joaquin Kit Fox • Preconstruction surveys will be initiated no less than 14 days and no more than 30 days prior to the beginning of ground disturbance and/or any project-related activities with the potential to affect kit foxes. A USFWS- and CDFW-approved biologist with experience surveying for and observing the species will survey the project footprint and the area within 500 feet beyond the footprint to identify known or potential San Joaquin kit fox dens. Adjacent parcels under different land ownership will not be surveyed unless access is granted within the 500-foot radius of the project footprint. Dens will be classified in one of the four den status categories (potential den, known den, natal or pupping den, or atypical den) defined in the *Standardized Recommendations for Protection of the Endangered San Joaquin Kit Fox Prior to or During Ground Disturbance* (USFWS 2011). • Disturbance to all San Joaquin kit fox den status categories (described directly above), if encountered, will be avoided to the extent possible. Where avoidance is not possible, limited den destruction may be allowed provided the following procedures are observed. • If an atypical, natal or pupping, known or potential San Joaquin kit fox den is discovered within a project footprint, the den will be monitored for 4 consecutive nights by a USFWS- and CDFW-approved biologist	DTSC to confirm submittal of written results of the surveys to USFWS and CDFW within 5 calendar days of the completion of surveys and prior to the beginning of ground disturbance and/or construction activities in San Joaquin kit fox modeled habitat DTSC to confirm notification of USFWS and CDFW within 24 hours of discovery of an active natal or pupping den within	Project applicant/ project contractor/ USFWS- and CDFW-approved qualified biologist	DTSC/USFWS/ CDFW	14 to 30 days prior to site disturbing activities and during all site disturbing activities

Mitigation Measure	Action	Implementing Party	Monitoring Party	Timing
using a tracking medium or an infrared beam camera to determine if the den is currently being used. • If an active natal or pupping den is found within a project footprint, USFWS and CDFW will be notified immediately, within no longer than 24 hours of the event. The den will not be destroyed until the pups and adults have vacated and then only after further coordination with USFWS and CDFW. • If San Joaquin kit fox activity is observed at the potential, known, or atypical den during the preconstruction surveys, den use will be actively discouraged with the approval of the USFWS- and CDFW-approved biologist, as described below, and monitoring will continue for an additional 5 consecutive days from the time of the first observation to allow any resident animals to move to another den. For dens other than natal or pupping dens, use of the den can be discouraged by partially plugging the entrance with soil such that any resident animal can easily escape. Alternatively, if the animal is still present after 5 or more consecutive days of plugging and monitoring, the den may have to be excavated by hand when, in the judgment of a biologist, it is temporarily vacant (i.e., during the animal's normal foraging activities). If at any point during excavation a San Joaquin kit fox is discovered inside the den, the excavation activity will cease immediately and monitoring of the den, as described above, will be resumed. Destruction of the den may be completed when, in the judgment of the biologist, the animal has escaped from the partially destroyed den. • Construction requirements from *Standardized Recommendations for Protection of the San Joaquin Kit Fox Prior to or during Ground Disturbance* (USFWS 2011:5–9) or the latest guidelines will be implemented. • If potential, known, atypical, or natal or pupping dens are identified within temporary work areas or within a 500-foot buffer of a temporary work area, exclusion zones around each den entrance or cluster of entrances will be demarcated. The configuration of exclusion zones will be circular, with a radius measured outward from the den entrance(s). No activities will occur within the exclusion zones. Exclusion zone radii for atypical dens and potential dens will	the project footprint DTSC to confirm notification of USFWS and CDFW within 24 hours of the accidental death or injury of a San Joaquin kit fox during project-related activities DTSC to confirm reporting of any new sightings of San Joaquin kit fox to the CNDDB and provision of a copy of the reporting form and a topographic map clearly marked with the location of where the kit fox was observed to the USFWS			

Mitigation Measure	Action	Implementing Party	Monitoring Party	Timing
be at least 50 feet and will be demarcated with four to five flagged stakes. Exclusion zone radii for known dens will be at least 100 feet and will be demarcated with staking and flagging that encircle each den or cluster of dens but do not prevent access to the den by the foxes. Exclusion zone radii for natal or pupping dens will be at least 500 feet and will be demarcated using fencing, but a final buffer will be established in coordination with USFWS and CDFW. • Written results of the surveys will be submitted to USFWS and CDFW within 5 calendar days of the completion of surveys and prior to the beginning of ground disturbance and/or construction activities in San Joaquin kit fox modeled habitat. During construction, the following measures will be implemented for all activities in suitable San Joaquin kit fox habitat (as determined by a USFWS- and CDFW-approved biologist): • The USFWS- and CDFW-approved biologist for San Joaquin kit fox will be the contact source for any employee or contractor who might incidentally kill or injure a kit fox or who finds a dead, injured, or entrapped kit fox. • Any contractor, employee, or other project-related personnel who are responsible for inadvertently killing or injuring a San Joaquin kit fox will immediately report the incident to the USFWS- and CDFW-approved biologist. The USFWS- and CDFW-approved biologist will contact USFWS and CDFW immediately, and within no longer than 24 hours of the event, in the case of a dead, injured or entrapped kit fox. 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 Assistant Field Supervisor of Endangered Species. The CDFW contact for immediate assistance is State Dispatch at (916)445-0045. • New sightings of kit fox shall be reported to the CNDDB. A copy of the reporting form and a topographic map clearly marked with the location of where the kit fox was observed should also be provided to the Service.				

Mitigation Measure	Action	Implementing Party	Monitoring Party	Timing
Mitigation Measure BIO-3: Avoid and Minimize Potential Impacts on Burrowing Owl • A qualified biologist will conduct preconstruction take avoidance surveys for burrowing owl no less than 14 days prior to and within 24 hours of initiating ground-disturbing activities. The survey area will encompass the work area (including all construction and staging areas) and a 500-foot buffer around this area. • To the maximum extent feasible, construction activities within 500 feet of active burrowing owl burrows will be avoided during the nesting season (February 1–August 31). • If an active burrow is identified near a proposed work area and work cannot be conducted outside the nesting season (February 1–August 31), a no-activity zone will be established by a biologist experienced with burrowing owls in coordination with CDFW. The no-activity zone will be large enough to avoid nest abandonment and will extend a minimum of 250 feet around the burrow. • If burrowing owls are present at the site during the nonbreeding season (September 1–January 31), a qualified biologist will establish a no-activity zone that extends a minimum of 150 feet around the burrow. • If the designated no-activity zone for either breeding or non-breeding burrowing owls cannot be established, a wildlife biologist experienced in burrowing owl behavior will evaluate site-specific conditions and, in coordination with CDFW, recommend a smaller buffer (if possible) that still minimizes the potential to disturb the owls. The site-specific buffer will consider the type and extent of the proposed activity occurring near the occupied burrow, the duration and timing of the activity, the sensitivity and habituation of the owls, and the dissimilarity of the proposed activity to background activities. • If burrowing owls are present in the direct disturbance area and cannot be avoided during the non-breeding season (generally September 1–January 31), passive relocation techniques (e.g., installing one-way doors at burrow entrances) may be used. Passive relocation may also be used during the breeding season (February 1–August 30) if a biologist with burrowing owl experience, coordinating	DTSC to confirm that a wildlife biologist experienced in burrowing owl behavior evaluated site-specific conditions and established no-activity zone(s) in coordination with CDFW	Project applicant/ project contractor/ qualified biologist	DTSC/ CDFW	No less than 14 days prior to and within 24 hours of initiating ground-disturbing activities; during all ground disturbing activities

Mitigation Measure	Action	Implementing Party	Monitoring Party	Timing
with CDFW, determines through site surveillance and/or scoping that the burrow is not occupied by burrowing owl adults, young, or eggs. Passive relocation will be accomplished by installing one-way doors (e.g., modified dryer vents or other CDFW approved method), which will be left in place for a minimum of 1 week and monitored daily to ensure that the owls have left the burrow. Excavation of the burrow will be conducted using hand tools. During excavation of the burrow, a section of flexible plastic pipe (at least 3 inches in diameter) will be inserted into the burrow tunnel to maintain an escape route for any animals that may be inside the burrow. • All project-related personnel will avoid the destruction of unoccupied burrows outside the work area to the extent feasible. The project biologist will place visible markers near burrows to ensure that they are not collapsed.				
Mitigation Measure BIO-4: Conduct Preconstruction Surveys and Avoid and Minimize Potential Impacts on Nesting Birds and Raptors • To the extent feasible, the project proponent will avoid construction activities in or near suitable or occupied nesting habitat during the breeding season of birds (generally February 1–August 31). • A qualified biologist will conduct preconstruction nesting bird surveys within 5 days prior to construction activities. The survey area will encompass all suitable habitat within the work area (including all construction and staging areas) in addition to a 500-foot buffer around this area for tree-nesting raptors, and a 50-foot buffer around this area for all other bird species. • If an active nest is identified in the survey area, non-disturbance buffers will be established around the nest sites to avoid disturbance or destruction of the nest site until the end of the breeding season (September 1) or until a qualified wildlife biologist determines that the young have fledged and moved out of the work area (this date varies by species). Fencing and/or flagging will be used to delineate the no-activity zone. To minimize the potential to affect the reproductive success of the nesting pair, the extent of the no-activity zone will be based on the distance of the activity to the nest, the type and extent of the proposed activity, the duration and timing of the activity, the sensitivity and habituation of the species, and the	DTSC to verify receipt of nest avoidance plan, including non-disturbance buffers and/or nest monitoring by qualified biologist, as appropriate, prior to and during continuation of work on site	Project applicant/ project contractor/ qualified biologist	DTSC	Within 5 days prior to and during all site disturbing activities

Mitigation Measure	Action	Implementing Party	Monitoring Party	Timing
dissimilarity of the proposed activity to background activities. The no-activity zone will be large enough to avoid nest abandonment and will vary depending on the species. • Active nests will be monitored by the qualified biologist to track progress of nesting activities until the biologist determines that the young have fledged and are capable of independent survival or the nest site is no longer active. • If, during construction, the qualified biologist determines that a nesting bird is disturbed by construction activities to the point where continued activities could lead to nest failure, the qualified wildlife biologist(s) will have the authority to immediately stop work. The qualified wildlife biologist(s) will determine if additional protective measures (including increasing the non-disturbance buffer distance) need to be implemented and will continue monitoring the nest until the qualified biologist(s) determine that bird behavior has normalized.				
Cultural Resources				
Mitigation Measure CUL-1: Cultural Resources Sensitivity Training Prior to the commencement of project-related earthmoving activities, a qualified archaeologist who meets or exceeds the Secretary of the Interior's Professional Qualifications Standards for Archaeology (National Park Service 1983) shall provide a Cultural Resources Sensitivity Training for the general contractor, subcontractors, and construction workers participating in earthmoving activities. The training will describe the potential of exposing archaeological resources, types of cultural materials that may be encountered, and directions on the steps that will be taken if such a find is encountered. In coordination with DTSC's Tribal Affairs program, the project proponent will reach out to locally affiliated Tribes regarding development of this training, and Tribal representatives will be provided an opportunity to review training materials, provide input, and directly participate in the training, if desired. This training may be presented alongside other environmental training programs required prior to construction. A Cultural Resources Sensitivity Training acknowledgment form will be signed by workers who receive the training.	DTSC verifies receipt of training acknowledgment sign-in sheets to be provided by project applicant/project contractor	Project applicant/ project contractor/ qualified archaeologist	DTSC	Prior to and during all site disturbing activities

Mitigation Measure	Action	Implementing Party	Monitoring Party	Timing
Mitigation Measure CUL-2: Unanticipated Discovery of Cultural Resources In the event that cultural resources are unexpectedly encountered during earthmoving activities, work within 50 feet of the find shall halt and an archaeologist meeting the Secretary of the Interior's Professional Qualifications Standards for archaeology (National Park Service 1983) will be contacted immediately to evaluate the resource. If the resource is determined by the qualified archaeologist to be prehistoric, then a Native American representative will also be contacted to participate in the evaluation of the resource. If the qualified archaeologist and/or Native American representative determines it to be appropriate, archaeological testing for CRHR eligibility will be completed. If the resource proves to be eligible for the CRHR and significant impacts to the resource cannot be avoided via project redesign, a qualified archaeologist will prepare a data recovery plan tailored to the physical nature and characteristics of the resource, per the requirements of the California Code of Regulations (CCR) Guidelines Section 15126.4(b)(3)(C). The data recovery plan will identify data recovery excavation methods, measurable objectives, and data thresholds to reduce any significant impacts to cultural resources related to the resource. Pursuant to the data recovery plan, the qualified archaeologist and Native American representative, as appropriate, will recover and document the scientifically consequential information that justifies the resource's significance. The lead agency will review and approve the treatment plan and archaeological testing as appropriate, and the resulting documentation will be submitted to the regional repository of the California Historical Resources Information System, per CCR Guidelines Section 15126.4(b)(3)(C).	DTSC to review and approve the treatment plan and archaeological testing as appropriate, and submit documentation to the regional repository of the California Historical Resources Information System	Project applicant/ project contractor/ qualified archaeologist/ Native American representative	DTSC/ Native American representative/ CHRIS	During all site disturbing activities

CDFW = California Department of Fish and Wildlife; CHRIS = California Historical Resources Information System; CNDDB = California Natural Diversity Database; DTSC = Department of Toxic Substances Control; USEPA = U.S. Environmental Protection Agency; USFWS = U.S. Fish and Wildlife Service.

Verification

Mitigation Measure	Verification	
	Initials	Date
Biological Resources		
Mitigation Measure BIO-1: Conduct Worker Environmental Awareness Training and Implement General Requirements		
Mitigation Measure BIO-2: Avoid and Minimize Potential Impacts on San Joaquin Kit Fox		
Mitigation Measure BIO-3: Avoid and Minimize Potential Impacts on Burrowing Owl		
Mitigation Measure BIO-4: Conduct Preconstruction Surveys and Avoid and Minimize Potential Impacts on Nesting Birds and Raptors		
Cultural Resources		
Mitigation Measure CUL-1: Cultural Resources Sensitivity Training		
Mitigation Measure CUL-2: Unanticipated Discovery of Cultural Resources		