Gemperle Family Farms Manure Pelletizing Facility Project
Mitigation Monitoring and Reporting Program

Mitigation Measure	Requirements of Measure	Compliance Method	Verification Timing	Responsible Party
Biological Resources				
BIO-1	**Swainson's Hawk.** The following measures are recommended to reduce or eliminate potentially significant impacts to nesting Swainson's hawk: a. If construction must occur during the Swainson's hawk nesting season (approximately March 1–September 15), a Qualified Biologist shall conduct a preconstruction survey, consistent with California Department of Fish and Wildlife (CDFW) Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley (Swainson's Hawk Technical Advisory Committee 2000). b. The survey effort shall include at a minimum one survey for Swainson's hawk within 15 days prior to ground disturbance. The survey area will include the project site (which contains no potential nest trees) and a 0.25-mile radius around the project site. c. If a nesting Swainson's hawk is found within 0.25 mile of the Project, then a Qualified Biologist experienced with Swainson's hawk behavior will establish a 0.25-mile protection buffer. d. If construction activities that may cause nest abandonment or forced fledging are necessary within the buffer, then the biologist shall monitor the nest for signs of disturbance on a daily basis during construction. Routine disturbances such as agricultural activities, commuter traffic, and routine facility maintenance would generally not be prohibited within the buffer. e. If the Swainson's hawk is showing agitated behavior, then construction will cease or be reduced to a point that it does not disturb the hawks. f. Monitoring may be reduced if the on-site biologist determines, in coordination with CDFW, that construction is not disturbing the nesting hawks.	Qualified Biologist to complete the required preconstruction Swainson's hawk survey(s); establish and maintain the required protection buffer if an active nest is identified; conduct monitoring and implement work restrictions as applicable.	Within 15 days prior to ground disturbance when construction occurs during the Swainson's hawk nesting season (March 1–September 15); monitoring during construction as applicable	Project Proponent/Qualified Biologist
BIO-2	**Nesting Birds.** The following measures are recommended to reduce or eliminate potentially significant impacts to nesting birds: a. If construction begins outside the February 1 to August 31 breeding season, there shall be no need to conduct a preconstruction survey for active bird nests. b. If construction begins during nesting bird season (February 1–September 15), then a Qualified Biologist shall conduct a preconstruction survey for protected nesting. c. The preconstruction survey shall be conducted within 7 days prior to the start of construction. The survey shall cover the project site and areas within 500 feet for bird-of-prey nests, within 300 feet for tricolored blackbird, and within 100 feet for other (non-bird-of-prey)	Qualified Biologist to complete the required nesting bird survey(s); establish and maintain species-appropriate avoidance areas/buffers for active nests; repeat survey following a 14-day lapse in construction during nesting season, as applicable.	Within 7 days prior to construction during nesting bird season (February 1–September 15); repeat prior to resumption after a 14-day lapse, as applicable	Project Proponent/Qualified Biologist

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	nests. Inaccessible areas and private lands shall be surveyed from accessible (public) areas with binoculars. d. If active nests are found, they shall be avoided and protected as follows: If a bird-of-prey nest is found, an appropriately sized Environmentally Sensitive Area shall be established around the nest in coordination with CDFW. e. If an active nest is found, active nests should be avoided, and a no-disturbance buffer shall be determined by a Qualified Biologist and marked in the field as directed by the Qualified Biologist. The buffer shall be kept in place until after the breeding nesting season or the Qualified Biologist confirms the young have fledged, are foraging independently, and the nest is no longer active for the season. The extent of these buffers shall be determined by the Qualified Biologist and will depend on the species present, the level of noise or construction disturbance, line of sight between the nest and the disturbance, ambient levels of noise and other disturbances, and other topographical or artificial barriers. f. If a 14-day lapse in construction work occurs during the nesting season, then another preconstruction survey for nesting birds shall be conducted prior to the resumption of work. If an active nest is found, the above measures shall be implemented.			
Cultural Resources				
CR-1	**Inadvertent Discovery of Cultural Resources**. In the event that cultural resources are encountered during project activities, all ground-disturbing activities within a 25-foot radius of the find shall cease and the County of Merced shall be notified immediately. Work shall not continue until a qualified archaeologist assesses the find and determines the need for further study. If the find includes Native American-affiliated materials, a local Native American Tribal representative will be contacted to work in conjunction with the approved archaeologist to determine the need for further study. A standard inadvertent discovery clause shall be included in every grading and construction contract to inform contractors of this requirement.	The Project Proponent shall ensure the inadvertent discovery requirements are included in all grading and construction contracts. Construction personnel shall immediately stop ground-disturbing activities within 25 feet of a discovery and notify the Project Proponent/County. A qualified archaeologist shall evaluate the discovery, and a local Native American Tribal representative shall participate in the evaluation if Native American-affiliated materials are identified.	During project activities	Project Proponent/Qualified Archaeologist

Mitigation Measure	Requirements of Measure	Compliance Method	Verification Timing	Responsible Party
Noise				
N-1	The following measures shall be implemented to reduce short-term construction-related noise impacts: a. Noise sources associated with construction shall be limited to between 7:00 a.m. and 6:00 p.m., daily. b. Construction equipment shall be properly maintained and equipped with noise-reduction intake and exhaust mufflers and engine shrouds, in accordance with manufacturers' recommendations. Equipment engine shrouds shall be closed during equipment operation.	The construction contractor shall limit noise-generating construction activities to the permitted hours and shall ensure construction equipment is properly maintained and equipped with the required noise-reduction intake and exhaust mufflers and engine shrouds. The Project Proponent shall verify compliance with these requirements throughout construction.	Throughout project construction	Project Proponent/Construction Contractor

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