

**JENSEN RIVER RANCH HABITAT ENHANCEMENT AND PUBLIC ACCESS PLAN
CEQA INITIAL STUDY**

MITIGATION MONITORING AND REPORTING PROGRAM

1. Introduction

In accordance with Section 21081.6 of the Public Resources Code and Section 15097 of the State CEQA Guidelines, this Mitigation Monitoring and Reporting Program ("MM&RP") is adopted by the San Joaquin River Conservancy ("Conservancy") to ensure that the mitigation measures and environmental commitments adopted for the project are implemented.

2. Mitigation Monitoring and Reporting Coordinator

The Executive Officer of the Conservancy, or his/her designee, shall act as the Project Mitigation Monitoring and Reporting Coordinator ("Coordinator") for the project. The Coordinator shall be responsible for ensuring that the project mitigation measures and applicable environmental commitments are complied with during the project's development, operational, and maintenance phases.

3. Mitigation Monitoring and Reporting Procedures

- a. The Coordinator shall provide a copy of the mitigation measures and MM&RP to the project engineer and contractor for incorporation in the project plans, construction specifications, permits, and contracts, as appropriate.
- b. Prior to commencement of construction activities, the Coordinator shall ensure that all mitigation measures under the Conservancy's control and all applicable environmental commitments have been incorporated into the project plans, construction specifications, and contracts, as appropriate.
- c. The Coordinator shall inspect the project area no less often than monthly during the construction period to ensure the project complies with all mitigation measures and applicable environmental commitments.
- d. If the Coordinator notes any mitigation measure or environmental commitment is not being followed, or if any responsible member of the public reports to the Conservancy that any measure or standard is not being followed, the Executive Officer of the Conservancy shall be notified immediately. The Executive Officer shall make a determination as to whether work shall cease and shall provide direction for compliance with the mitigation measure or environmental commitment.
- e. Prior to the Lead Agency accepting the project improvements, the Coordinator shall determine and report to the Executive Officer that the project has been constructed following all construction-related mitigation measures.
- f. For mitigation measures that must be implemented by another agency, the Coordinator shall refer the measures to the agency and shall report to the

Executive Officer on the actions taken by the agency to implement the measures.

4. Environmental Commitments

Of the design elements in the proposed action, only 2 potentially trigger environmental regulations: excavation of the oxbows and excavation of the backwater slough. The site does not support natural jurisdictional wetlands or waters of the United States and therefore will not trigger Section 401 or Section 404 of the Clean Water Act. Appendix A of the Initial Study contains a list of special-status species with the potential to occur at the Project site. A rare plant survey will be conducted prior to beginning detailed design and construction documents.

In addition to Conservancy and federal Bureau of Reclamation approvals, the Initial Study/environmental Assessment will be used by the appropriate agencies to process the following permits/agreements:

- A National Pollution Discharge Elimination System State General permit for Construction Activities would be required from the Regional Water Quality Control Board because grading of more than 5 acres (specifically, for the design element to excavate seasonal and perennial wetland oxbow);
- A section 1601 Agreement with the California Department of Fish and Game (DFG) (stream or lakebed alteration agreement) for proposed activities that may impact a stream, river, or lake (specifically, for design element to excavate wetland/riparian backwater slough);
- Consultation with the State Lands Commission (SLC) regarding the design and location of construction of the backwater slough because SLC has jurisdiction over beds of navigable rivers;
- City of Fresno encroachment permits for road work within city streets;
- Grading permits and building permits from the City of Fresno;
- Drainage plan approval from the City of Fresno;
- Conditional use permit from the City of Fresno;
- Section 7, of the federal Endangered Species Act for the possible “take” of species listed as endangered or threatened; and
- Consultation under Section 106 of the Natural Historic Preservation Act, for possible impacts on cultural resources.

Other environmental commitments include:

- Compliance with Regulation VIII of the San Joaquin Valley Unified Air Pollution Control District (SJVUAPCD) for the control of fugitive dust and fine particulate matter (PM-10) emissions; and
- Location and proper abandonment of the septic tank possibly located near the former residence, prior to any earthwork.

5. Mitigation Measures

Mitigation Measure Bio-1:

For elderberry plants located within or immediately adjacent to the project site, a 100-foot buffer shall be established and maintained around elderberry plants containing stems measuring 1.0 inch or greater in diameter at ground level. Firebreaks may not be included in the buffer zone. In buffer areas, construction-related disturbance shall be minimized, and any damaged area shall be promptly restored following construction. The USFWS must be consulted if a disturbance within the buffer area is considered. In addition, USFWS shall be provided with a map identifying the avoidance area and written details describing avoidance measures.

All areas to be avoided during construction activities shall be fenced and flagged. A minimum setback of 20-feet from the dripline of each elderberry plant containing stems measuring 1.0 inch or greater in diameter at ground level shall be provided. Signs shall be erected every 50 feet along the edge of the avoidance area with the following information: "This area is habitat of the valley elderberry longhorn beetle, a threatened species, and must not be disturbed. This species is protected by the Endangered Species Act of 1973, as amended. Violators are subject to prosecution, fines, and imprisonment."

Mitigation Measure Cultural-1:

If any building materials, archaeological artifacts, nonnative rock, or unusual amounts of shell or bone are uncovered during project activities, all work in the area shall stop immediately and a qualified archaeologist shall be retained to evaluate the find. If the discovery consists of human remains, the Fresno County coroner shall be contacted. The coroner is responsible for contacting the Native American Heritage Commission if the remains appear to be those of a native American.