

CHAPTER 5.0 – MITIGATION MONITORING AND REPORTING PROGRAM

5.0 INTRODUCTION

This document is the Final Mitigation Monitoring and Reporting Program (FMMRP) for the Energy Source Mineral ATLiS Project. This FMMRP has been prepared pursuant to Section 21081.6 of the California Public Resources Code, which requires public agencies to “adopt a reporting and 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.” A FMMRP is required for the Project because the EIR identified significant adverse impacts, and mitigation measures have been identified to address these impacts and ensure a less-than-significant impact to the furthest extent feasible. The numbering of the individual mitigation measures follows the numbering sequence found in Chapter 2 of the Draft EIR. No revisions to mitigation measures were necessary as a result of responding to public comments.

5.1 MITIGATION MONITORING AND REPORTING PROGRAM

The FMMRP, as outlined in the table beginning on page 5.0-2, describes mitigation timing, monitoring responsibilities, and compliance verification responsibility for all mitigation measures identified in this Final EIR. The County of Imperial will be the primary agency, but not the only agency, responsible for implementing the mitigation measures. In some cases, other public agencies will implement measures. In other cases, the Project Applicant will be responsible for implementation of measures, and the County’s role is exclusively to monitor the implementation of the measures. In such cases, the Project Applicant may choose to require the construction contractor to implement specific mitigation measures prior to and/or during construction. The County will continue to monitor mitigation measures that are required to be implemented during the operation of the Project.

The FMMRP is presented in tabular form on the following pages. The components of the FMMRP are described briefly below:

Mitigation Measures: The mitigation measures are taken from the Draft EIR in the same order that they appear in the Draft EIR. No revisions to mitigation measures or new mitigation measures were necessitated as part of response to comments.

Mitigation Timing: Identifies at which stage of the Project mitigation must be completed.

Monitoring Responsibility: Identifies the department within the County, Project Applicant, or consultant responsible for mitigation monitoring.

Compliance Verification Responsibility: Identifies the department of the County or other state agency responsible for verifying compliance with the mitigation. In some cases, verification will include contact with responsible state and federal agencies.

Table 5.0-1: Final Mitigation Monitoring and Reporting Program

MM #	Mitigation Measure	Monitoring Responsibility	Timing
Biological Resources			
BIO-1	The Applicant shall ensure that prior to and during construction, onsite occupied burrows shall be avoided during nesting season (February 1 through August 31).	ICPDS/Applicant	Prior to and during construction
BIO-2	The Applicant shall conduct a preconstruction survey within 30 days of groundbreaking activities to identify any burrowing owls on site.	ICPDS/Applicant	Prior to construction; within 30 days of groundbreaking activities.
BIO-3	If burrowing owls are found within the Project site, a Burrowing Owl Mitigation Plan must be prepared by a qualified biologist and approved by CDFW prior to any ground-disturbing activities.	ICPDS/Applicant	Prior to ground disturbance
BIO-4	The construction or site manager shall ensure that no construction occurs within 250 feet of the artificial burrows or other active or occupied burrows unless active or occupied burrows are sheltered with hay bales and monitored by a qualified biologist; if this is done, work may occur within 20 feet of active or occupied burrows. If qualified biologists observe burrowing owls' agitation, work in the vicinity will stop. Additional shelter materials can be added until burrowing owls remain calm during construction activities.	ICPDS/Applicant	During construction
BIO-5	If passive relocation is required, it shall be done by a qualified biologist from September 1 to January 31 and will follow the CDFW Staff Report on Burrowing Owl Mitigation Guidelines (CDFW 2012).	ICPDS/Applicant	During construction
Geology and Soils			
GEO-1	All grading operations and construction shall be conducted in conformance with the recommendations included in the Preliminary Geotechnical Report on the Project site that has been prepared by LandMark Geo-Engineers and Geologists (LandMark) in August 2020. Design, grading, and construction shall be performed in accordance with the recommendations of the project geotechnical consultant as summarized in a final written report, subject to review by the County, prior to commencement of grading activities. A full description of recommendations in the Preliminary Geotechnical Investigation is provided in Section 4: Design Criteria of Appendix E of the Draft EIR.	ICPDS/Applicant	During construction

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MM #	Mitigation Measure	Monitoring Responsibility	Timing
Paleontological Resources			
PALEO-1	Developer shall retain the services of a qualified paleontologist and require that all initial ground-disturbing work be monitored by someone trained in fossil identification in monitoring contexts. The consultant shall provide a supervising paleontological specialist and a paleontological monitor to be present at the Project construction phase kickoff meeting.	ICPDS/Applicant	Prior to and during ground disturbance
PALEO-2	On the first day of construction and thus prior to any ground disturbance in the Project site, the supervising cultural resources specialist and cultural resources monitor shall conduct initial Worker Environmental Awareness Program (WEAP) training to all construction personnel, including supervisors, present at the outset of the Project construction work phase, for which the lead contractor and all subcontractors shall make their personnel available. This WEAP training will educate construction personnel on how to work with the monitor(s) to identify and minimize impacts to paleontological resources and maintain environmental compliance and will be performed periodically for new personnel coming onto the Project as needed.	ICPDS/Applicant	Prior to ground disturbance
PALEO-3	<p>The contractor shall provide the supervising paleontological resources specialist with a schedule of initial potential ground-disturbing activities. A minimum of 48 hours shall be provided to the consultant of commencement of any initial ground-disturbing activities such as vegetation grubbing or clearing, grading, trenching, or mass excavation.</p> <p>A paleontological monitor shall be present on site at the commencement of ground-disturbing activities related to the Project. The monitor, in consultation with the supervising paleontologist, shall observe initial ground-disturbing activities and, as they proceed, make adjustments to the number of monitors as needed to provide adequate observation and oversight. All monitors shall have stop-work authority to allow for recordation and evaluation of finds during construction. The monitor shall maintain a daily record of observations as an ongoing reference resource and to provide a resource for final reporting upon completion of the Project.</p> <p>The supervising paleontologist, paleontological monitor, and the lead contractor and subcontractors shall maintain a line of communication regarding schedule and activity such that the monitor is aware of all ground-disturbing activities in advance in order to provide appropriate oversight.</p>	ICPDS/Applicant	Prior to and during construction
PALEO-4	If paleontological resources are discovered, construction shall be halted within 50 feet of any paleontological finds and shall not resume until a qualified paleontologist can determine the significance of the find and/or the find has been fully investigated, documented, and cleared.	ICPDS/Applicant	During construction

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PALEO-5	At the completion of all ground-disturbing activities, the consultant shall prepare a Paleontological Resources Monitoring Report summarizing all monitoring efforts and observations, as performed, and any and all prehistoric or historic archaeological finds, as well as providing follow-up reports of any finds to the SCIC, as required.	ICPDS/Applicant	After construction
Transportation			
TRA-1	A Commute Trip Reduction (CTR) program shall be implemented to discourage single-occupancy vehicle trips and encourage alternative modes of transportation such as carpooling, taking transit, walking, and biking. The CTR program could include features such as carpooling encouragement, ride-matching assistance, preferential carpool parking, half-time transportation coordinator, vanpool assistance, and bicycle end-trip facilities (parking, showers, and lockers) and provide employees with assistance in using alternative modes of travel.	ICPDS/Applicant	During operations
TRA-2	The Highway 111/McDonald Road intersection shall be improved to Caltrans' satisfaction prior to the Project's certificate of occupation, including the installation of a northbound left-turn pocket prior to the Project's opening, utilizing one of the four intersection control methods (existing two-way stop, all-way stop, signal, roundabout) which was analyzed in an Intersection Control Evaluation (ICE) analysis.	ICPDS/Applicant	Prior to operations
Utilities and Service Systems			
UTIL-1	If the IID does not receive its annual 3.1 MAF water apportionment according to the QSA obligations of Colorado River water during the Project's 30-year lifespan, the Applicant shall work with IID to ensure any reduction in water availability can be managed by the Project.	ICPDS/Applicant	During operations