

**NATIONAL ENVIRONMENTAL POLICY ACT
CALIFORNIA ENVIRONMENTAL QUALITY ACT**

MITIGATION MONITORING AND REPORTING PROGRAM

for the

**FINAL ENVIRONMENTAL IMPACT REPORT
(SCH. No. 2006041171)
FINAL ENVIRONMENTAL IMPACT STATEMENT
(DEIS #CA-660-07-17
DES #07-11)**

MOUNTAIN VIEW IV WIND ENERGY PROJECT

MITIGATION, MONITORING, AND REPORTING PROGRAM

The following environmental mitigation measures were incorporated into the Conditions of Approval for this project in order to mitigate identified environmental impacts to a less than significant level. A completed and signed checklist for each measure indicates that this measure has been complied with and implemented, and fulfills the City’s monitoring requirements with respect to Assembly Bill 3180 (Public Resources Code Section 21081.6).

MITIGATION MEASURES	RESPONSIBLE PARTY	TIMING OF COMPLIANCE	SIGNATURE AND DATE OF COMPLIANCE
<i>Air Quality</i>			
Mitigation Measures			
To reduce NOx emissions, the applicant shall require (1) the maximum use of CARB-certified Tier 3 diesel engines for heavy on-site equipment, and (2) engines which utilize aqueous diesel fuel.	Construction Contractor	During construction	
To reduce PM10 or fugitive dust emissions, the applicant shall prepare an enhanced dust control program (“DCP”) that exceeds the minimum dust control requirements contained in SCAQMD Rule 403. Measures that may be integrated into the DCP include but are not limited to the following: <ul style="list-style-type: none"> • Use of diesel particulate filters where possible • Stabilize inactive disturbed areas • Covering stockpiles with tarps • Water all haul roads at least three times daily • Enforcing reduced travel speeds (15 mph) on unpaved surfaces 	Applicant/ Construction Contractor	During construction	
<i>Biological Resources</i>			
Mitigation Measures			
The right of way holder (ROW Holder) shall designate a field contact representative (FCR) who will be responsible for overseeing compliance with protective measures for the Coachella Valley fringe-toed lizard (CVFTL) and the Coachella Valley milkvetch involved in compliance coordination with the BLM, and shall be authorized to halt any construction related actions that may be in violation of protective measures for threatened or endangered species.	Construction Contractor	During construction	
Prior to initiating any surface disturbing activities, ROW Holder shall prepare and present an	Engineering	Prior to issuance of	

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<p>endangered species education program to all employees/contractors involved in any construction activities. The program will be conducted using the CVFTL and CV milkvetch program already approved by the USFWS. The program will contain, at a minimum, the following topics for the Coachella Valley fringe-toed lizard and Coachella Valley milkvetch:</p> <ul style="list-style-type: none"> • Distribution and occurrence • General behavior and ecology • Species sensitivity to human activities • Legal protection • Penalties for violation of State or Federal Laws • Reporting requirements • Project protection mitigation measures. <p>Education programs previously prepared and approved by BLM and USFWS for wind energy development projects in the area may also be used without further approval, provided the program has incorporated the required topics as noted above.</p>	Department, Construction Contractor	grading permits	
Locations of poles, guy anchors, and trenches, shall be chosen to avoid habitat suitable for CVFTL and CV milkvetch to the maximum extent possible utilizing the existing project design and layout. Work area boundaries shall be conspicuously staked, flagged or marked to minimize surface disturbance to surrounding habitat.	Engineering Department	During construction	
Poles and guy wires installed shall be completed by avoiding crushing or removing perennial vegetation to the maximum extent possible.	Construction contractor	During construction	
All vehicles shall be confined to existing access routes or previously disturbed areas to the maximum extent possible.	Construction contractor	During construction	
The ROW Holder shall hire a qualified biological monitor (as defined in the FTHL Rangewide Management Strategy) to be present during construction. The biological monitor may also function as the FCR, and shall perform the functions specified in the Flat-tailed Horned Lizard Rangewide Management Strategy (2003 Revision).	ROW holder/applicant?	During construction	
Not more than thirty days prior to construction activity in the area to be disturbed, the biological monitor/FCR shall survey the construction area for CV milkvetch. Any CV milkvetch plants present shall be marked with a flagged stake and protected from damage, by avoiding any surface impacts within five (5) meters of the plant.	Planning Department, BLM	Prior to construction	
Desert willow hummocks shall be avoided, with no disturbance to occur within five (5) meters, to the extent possible.	Construction contractor	During construction	
If any triple-ribbed milkvetch are found, the ROW Holder shall suspend operations in the vicinity, and notify BLM to determine whether the plants may be affected by the ROW Holder's actions.	Construction contractor	During construction	
The FCR/biological monitor shall maintain a record of the date, time and location of all fringe-	Planning	During	

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toed lizards, milkvetch species, and FTHL found in the right of way. Any damage, injury or death to any of these species shall be recorded.	Department, BLM	construction	
Within 90 days of completion of the work, the FCR shall prepare and submit (to BLM and USFWS) a brief report summarizing the project. Five color photographs will be taken by the FCR or biological monitor before, during and after construction to be included in the report. The report shall include a description of the project and compliance with the biological mitigations.	Biological Monitor, BLM	After construction	
All trash and food items shall be properly contained and regularly removed from the Project site.	Construction Contractor	During construction	
No pets shall be permitted on the project site.	Construction contractor, applicant	During construction and operation	
<p>The following two measures will apply to construction within Section 27 only as no individuals of this species were found within Sections 22 or 28.</p> <p>A focused survey for burrowing owl shall be conducted within Section 27 prior to project construction-related ground disturbance. The survey should be conducted according to the recommended guidelines of the Burrowing Owl Consortium (1993) and in consultation with the CDFG and the USFWS. Occupied burrows should not be disturbed during the nesting season (February 1 through August 31) unless a qualified biologist approved by the CDFG verifies through noninvasive methods that either: (1) the birds have not begun egg-laying and incubation; or (2) that juveniles from the occupied burrows are foraging independently and are capable of independent survival.</p>	Applicant, Project Biologist	Prior to construction	
If burrowing owls are present which could be affected by project construction, the approved biologist shall develop a program to mitigate impacts to this species either through avoidance or by passive relocation. Suggested measures for either of these methods are contained in Appendix B, Section 5.2.8 of the Section 27 Report. The program shall be developed according to the 1993 Mitigation Guidelines of the Burrowing Owl Consortium and in consultation with the CDFG and the USFWS.	Project Biologist	Prior to and during construction	
The applicant shall consult with the California Department of Fish and Game (CDFG), prior to project construction to determine whether a streambed alteration agreement is required by that agency for the smaller drainages located throughout the project site.	Construction Contractor	Prior to construction	
An additional design measure agreed to by the applicant includes construction of sand fencing on the Whitewater Preserve, east of North Indian Canyon Road in Section 26. The applicant will construct 24 segments of sand fences, each segment being 25 feet in length and 3 to 4 feet high, with each segment separated by a 50-foot gap to allow movement of wildlife across the site and sand movement within the site. Total length of the sand fences would be 600 feet. Each row of	Applicant, Project Biologist	After construction	

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fences would be spaced 300 feet apart in a staggered grid so that the area for sand fence treatment would be a rectangular area 600 feet north-south by 900 feet east-west, equaling approximately 12.4 acres.			
The applicant is required to provide mitigation for loss of Coachella Valley fringe-toed lizard habitat through payment of mitigation fees. The amount of the mitigation fee is projected to be \$95,118 on Section 27 private land, based on 16.6 acres of permanent and temporary disturbance and the Coachella Valley Multi Species Habitat Conservation Plan (CVMSHCP) fee of \$5,730 per acre. The projected amount of the mitigation fee on BLM land in Section 28 is \$59,019 based on a temporary and permanent disturbance area of 10.3 acres and a fee of \$5,730 per acre, to be provided to BLM or the Center for Natural Lands Management for acquisition of Coachella Valley fringe-toed lizard habitat. Total mitigation fees for CVMSHCP/ fringe-toed lizard habitat is estimated to be \$154,137.	Applicant	Prior to construction	
All protected cactus species to be removed by the project shall be flagged and transplanted back on site in an undisturbed area prior to construction.	Applicant, Project Biologist	Prior to construction	
The Right of Way (ROW) Holder shall conduct a post-construction avian and bat fatality survey over a 12 month post-construction period beginning with commencement of commercial operation of the turbines. The survey shall be conducted in spring, summer, fall and winter seasons, using standardized survey protocols, as appropriate for the site and any species of particular concern. The study shall establish statistical adjustments for observer bias and scavenging bias. All surveys and studies shall include a disclosure of assumptions, survey protocols and statistical methodologies in the monitoring reports. The final report shall be provided to the Bureau of Land Management.	Applicant, Project Biologist	After construction	
<i>Cultural Resources</i>			
Mitigation Measures			
If human remains are exposed during construction on non-federal land, State Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the County Coroner has made the necessary findings as to the origin and disposition pursuant to Public Resources Code 5097.98. Construction must halt in the area of the discovery of human remains, the area must be protected, and consultation and treatment shall occur as prescribed by law. If human remains are encountered on federal land, pursuant to the Native American Graves Protection and Repatriation Act and associated regulations, the responsible federal agency official must be notified by telephone immediately, and with written confirmation (43 CFR 10.4[c]). In addition, all ongoing activities must cease, the remains should be secured and protected, and Native American representatives should be consulted (43 CFR 10.4[d]).	Construction Contractor, Planning Department, BLM	During construction	
Any buried cultural materials unearthed during earth-moving operations associated with the undertaking should be examined and evaluated by a qualified archaeologist prior to further	Construction Contractor,	During construction	

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disturbances.	Planning Department, BLM		
The excavation of areas greater than fifteen (15) feet shall be monitored by a qualified paleontological monitor. Monitoring shall be restricted to any undisturbed subsurface older alluvium which might be present below the surface. The monitor shall be prepared to quickly salvage fossils as they are unearthed to avoid construction delays. The monitor shall also remove samples of sediments that are likely to contain the remains of small fossil invertebrates and vertebrates. The monitor shall have the power to temporarily halt or divert grading equipment to allow for removal of abundant or large specimens.	Construction Contractor, Planning Department, BLM	During construction	
<p>If specimens are found when excavation exceeds fifteen (15) feet, the following steps shall be followed:</p> <ul style="list-style-type: none"> • Collected samples of sediments shall be washed to recover small invertebrate and vertebrate fossils. Recovered specimens shall be prepared so that they can be identified and permanently preserved. • Specimens shall be identified, curated, and placed into a repository with permanent retrievable storage. • A report of findings, including an itemized inventory of recovered specimens, shall be prepared upon completion of the steps outlined above. The report shall include a discussion of the significance of all recovered specimens. The report and inventory, when submitted to the appropriate Lead Agency, would signify completion of the program to mitigate impacts to paleontologic resources.. 	Planning Department, BLM, Project paleontologist	During construction	
<i>Geology and Soils</i>			
Mitigation Measures			
The geotechnical engineering recommendations of the report entitled “Geotechnical Engineering Report for Mountain View IV Wind Project”, and attached as <i>Appendix D</i> of this EIR shall be consulted and implemented during project design and construction.	Engineering Department	Prior to the issuance of building permits	
Permanent structures shall be designed by a professional engineer using, at a minimum, the latest seismic safety design standards outlined in the 2001 edition of the California Building Code for Seismic Zone 4.	Engineering Department	Project design, during construction	
<i>Public Health and Safety</i>			
Environmental Commitments			
The project is subject to the National Pollutant Discharge Elimination System (NPDES) for the protection of surface water quality. Conditions of approval for the project will require the implementation of NPDES Best Management Practices (BMP) during construction.	Engineering Department, Construction Contractor	During construction and operation	

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The project will implement the City’s and BLM’s safety setbacks (except at the internal boundary between Sections 27 and 28), and employ a modern turbine structurally designed to withstand large seismic events (magnitude 8.0), high winds (up to 130 mph), and flooding.	Project engineer, Engineering Department	Project design, during construction	
Prior to the issuance of grading permits, the project proponent shall secure all appropriate amendments to right-of-ways or corresponding instruments from the Southern California Gas Company.	Applicant	Prior to the issuance of grading permits	
Contract specifications shall require the grading contractor to contact the Southern California Gas Company prior to the issuance of grading permits to ensure that pipelines are properly located, and to coordinate and cooperate with SCG on-site inspectors during the associated construction phase.	Grading contractor	Prior to the issuance of grading permits	
If the facility exceeds the 1,320 gallons threshold for petroleum products, the operator shall be required to prepare and observe a Spill Prevention Control and Counter Measure plan, under the recently revised regulations pertaining to 40 CFR 112 of the Clean Water Act.	Applicant	During operation	
<i>Hydrology and Water Quality</i>			
Mitigation Measures			
Prior to issuance of grading permits, the project applicant would demonstrate compliance with all applicable regulations established by the United States Environmental Protection Agency (EPA) as set forth in the NPDES permit requirements for urban runoff and storm water discharge and any regulations adopted by the City of Palm Springs pursuant to the NPDES regulations or requirements. Further, the applicant shall file an NOI with the RWQCB to obtain coverage under the NPDES General Permit for Storm Water Discharges Associated with Construction Activity and shall implement a Storm Water Pollution Prevention Plan (SWPPP) concurrent with the commencement of grading and construction activities. The SWPPP shall include both construction and post-construction pollution prevention and pollution control measures and shall identify funding mechanisms for post-construction control measures.	Engineering Department, Construction Contractor	Prior to the issuance of grading permits	
The project shall comply with provisions of Chapter 8.68 “Flood Damage Prevention” of the Palm Springs Municipal Code, Section 8.68.170 “Standards of Construction”, section (c)(2) “Non Residential Construction”. In accordance with the Code, all mechanical and electrical equipment shall be elevated a minimum of 2 feet above the base flood elevation (determined to be 2 feet), equivalent to 4 feet above natural grade. Natural grade shall be the average grade of native soils surrounding the foundation, not including gravel fill placed around the foundation	Engineering Department, Project engineer	Project design, during construction	
The project shall comply with provisions of Chapter 8.68 “Flood Damage Prevention” of the Palm Springs Municipal Code, Section 8.68.170 “Standards of Construction”, section (a) “Anchoring”. In accordance with the Code, all structures shall be constructed with foundations adequately anchored to withstand the maximum scour potential during the 100-year storm, determined to be 9.3 feet.	Engineering Department, Project engineer	Project design, during construction	

MITIGATION MEASURES	RESPONSIBLE PARTY	TIMING OF COMPLIANCE	SIGNATURE AND DATE OF COMPLIANCE
<i>Noise</i>			
Environmental Commitments			
The project will adhere to local noise ordinances during construction and project operation to keep noise levels lower than the City's 55dB noise criterion.	Engineering Department, Construction Contractor	During construction and operation	