

EXHIBIT B

MITIGATION MONITOR PLAN

EXHIBIT B

MITIGATION MONITORING PLAN

This Mitigation Monitoring Plan has been prepared in accordance with the requirements of *Section 21081.6 of the California Environmental Quality Act (Public Resources Code Section 21000 et seq., "CEQA")* in connection with the Hughson Wastewater Treatment Plant. This Mitigation Monitoring Plan identifies existing regulatory processes which have been found to mitigate potentially significant effects and mitigation measures which have been specifically incorporated into the Project in order to mitigate or avoid significant effects on the environment.

For purposes of this Mitigation Monitoring Plan, the environmental impacts are identified, followed by a description of the existing applicable regulatory process or adopted mitigation measure, the entity responsible for ensuring implementation, compliance, and a description of the monitoring program to be followed.

Mitigation and Monitoring Program

Impact	Mitigation Measures	Implementation	Monitoring	Time Span
BIOLOGICAL RESOURCES				
Impact #3.5.1: Substantial Adverse Effect on Candidate, Special-Status or Sensitive Species or Habitat of Sensitive Species	<p>Mitigation measure 3.5.1.1: Protection of Valley Elderberry Longhorn Beetle</p> <p>The following action shall be taken where construction may encroach to within 100 feet of the elderberry bushes located along the easterly fence line of the subject area:</p> <ul style="list-style-type: none"> ▪ Each elderberry bush that has stems 1 inch or greater in diameter and that is within 100 feet of any proposed construction activity will be inspected for Valley elderberry longhorn beetles prior to initiation of construction. ▪ For those bushes in which the beetle does not occur, construction within the 100 foot buffer area will be allowed, provided that: <ul style="list-style-type: none"> - A letter of concurrence is obtained from the United States Fish and Wildlife Service authorizing construction within the buffer area. - A biologist is present on-site during construction within the 100-foot buffer area to monitor construction activities and ensure that there are no impacts to the elderberry bushes. - Restoration of habitat within the 100-foot buffer area must occur once construction is complete, except in those instances where permanent facilities are constructed. The applicant must provide a written description to the USFWS of how the buffer areas are to be restored, protected, and maintained after construction is completed. Mowing of grasses/ground cover may occur from July through April to reduce fire hazard. No mowing shall occur within five (5) feet of elderberry plant stems. Mowing must be done in a manner that avoids damaging plants (e.g., stripping away bark through careless use of mowing/trimming equipment). - All areas to be avoided during construction activities shall be fenced and flagged. In areas where encroachment on the 100-foot buffer has been approved by the Service, provide a minimum setback of at least 20 feet from the dripline of each elderberry plant 	City of Hughson	City of Hughson	During construction period

Impact	Mitigation Measures	Implementation	Monitoring	Time Span
	<p>is required.</p> <ul style="list-style-type: none"> - Erect signs 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." The signs should be clearly readable from a distance of 20 feet, and must be maintained for the duration of construction. - A qualified biologist shall conduct a training program for all construction contractors that will be working on the project to inform workers of the need to avoid damaging elderberry plants and the possible penalties for not complying with these requirements. The training program must include information on the status of the beetle and the need to protect its elderberry host plant. - No insecticides, herbicides, fertilizers, or other chemicals that might harm the beetle or its host plant shall be used in the buffer areas, or within 100 feet of any elderberry plant. - Other protection measures and replacement of elderberry bushes, when applicable, are implemented as outlined in <i>Conservation Guidelines for the Valley Elderberry Longhorn Beetle</i> (USFWS 1999; Appendix C of this EIR). <p>For each bush in which the Valley elderberry longhorn beetle is found, the 100-foot buffer area shall be observed during the activity period of the Valley elderberry longhorn beetle (from April to July). Construction activities may occur within the 100 foot buffer area during other periods provided the mitigation measures outlined above are implemented and restoration within the buffer area is completed by beetle emergence (April).</p> <p>Mitigation measure 3.5.1.2: Protection of Swainson's hawks, western yellow-billed cuckoos, and other raptors and migratory birds.</p> <ul style="list-style-type: none"> ▪ Preconstruction surveys must be implemented prior to the initiation of construction if construction activities are to start between February 15 and September 15 (during the breeding season for raptors and 			

Impact	Mitigation Measures	Implementation	Monitoring	Time Span
	<p>migratory birds). Pre-construction survey protocols and protective mitigation requirements for Swainson's hawks, which are the most rigorous requirements for this group of species, will be followed. Surveys must consist of the following:</p> <ul style="list-style-type: none"> - All trees, which are suitable for raptor nesting and are within 600 feet of construction activities shall be inspected by a qualified biologist. - Surveys will be conducted at the following intensities, depending upon dates of initiation of construction: 			
Construction Start	Survey Period	Number of Surveys	Timing	
1 January to 20 March	1 January to 20 March	1	All day	
21 March to 24 March	1 January to 20 March 21 March to 24 March	1 Up to 3	All day Sunrise to 1000 and 1600 to sunset	
24 March to 5 April	1 January to 20 March 21 March to 5 April	1 3	All day Sunrise to 1000 and 1600 to sunset	
6 April to 9 April	21 March to 5 April 6 April to 9 April	3 Up to 3	Sunrise to 1000 and 1600 to sunset Sunrise to 1000 and 1600 to sunset	
	1 January to 20 March	1 (if all 3 surveys are performed between 6 and 9 April, then this survey need not be conducted)	All day	
10 April to 30 July	21 March to 5 April 6 April to 20	3 3	Sunrise to 1000 and 1600 to sunset Sunrise to 1200 and	

Impact	Mitigation Measures	Implementation	Monitoring	Time Span										
	<table border="1"> <tr> <td>31 July to 15 September</td> <td>April 6 to 20 April</td> <td>3</td> <td>1630 to sunset</td> <td>Sunrise to 1200 and 1630 to sunset</td> </tr> <tr> <td></td> <td>10 to 30 July</td> <td>3</td> <td>Sunrise to 1200 and 1600 to sunset</td> <td></td> </tr> </table> <p>- If Swainson’s hawks or western yellow-billed cuckoos are detected to be nesting in trees within 500 feet of the construction area, construction will not occur within this zone until after young Swainson’s hawks have fledged (this usually occurs by early June). The nest will be monitored by a qualified biologist to determine fledging date.</p> <p>Mitigation measure 3.5.1.3: Protection of western pond turtles.</p> <ul style="list-style-type: none"> ▪ If percolation ponds #5 and 6 are dry during the proposed pond rehabilitation, then there is no impact and no mitigation will be required. If the ponds adjacent to the rehabilitated ponds (ponds #5 and #6) contain water during construction, then a pre-construction survey of the northern project parcel shall be conducted by a qualified biologist no more than 24 hours prior to initial ground disturbing construction. The biologist shall provide Environmental Awareness training to equipment operators prior to work commencement and be available to relocate turtles outside the impact area. 	31 July to 15 September	April 6 to 20 April	3	1630 to sunset	Sunrise to 1200 and 1630 to sunset		10 to 30 July	3	Sunrise to 1200 and 1600 to sunset		City of Hughson	City of Hughson	During construction period
31 July to 15 September	April 6 to 20 April	3	1630 to sunset	Sunrise to 1200 and 1630 to sunset										
	10 to 30 July	3	Sunrise to 1200 and 1600 to sunset											
Impact #3.5.4 – Interfere with the Movement of Fish or Wildlife, Impede Wildlife Movement Corridors.	Mitigation Measures: Implement Mitigation Measure 3.5.1.2, 3.5.1.3, and 3.5.1.4 above.	City of Hughson	City of Hughson	During construction period										
CULTURAL RESOURCES														
Impact #3.6.1 – Disturbance of Cultural or Historic	Mitigation Measure 3.6.1.1: If, in the course of project construction or project operation, any archaeological or historical resources are uncovered, discovered, or otherwise detected or observed, activities within 50 feet of the find area shall cease. A qualified archaeologist shall be contacted and	City of Hughson	City of Hughson	During construction period										

Impact	Mitigation Measures	Implementation	Monitoring	Time Span
Resources, Skeletal Remains	<p>advise the City of the site's significance. If the findings are deemed significant appropriate mitigation measures recommended or approved by the archaeologist shall be implemented prior to any resumption of work in the affected area of the project.</p> <p>If, in the course of project construction or project operation, any skeletal remains are uncovered, discovered, or otherwise detected or observed, activities in the affected area shall cease. A qualified archaeologist, the City, the County Coroner and local Native American organizations shall be consulted, and appropriate measures approved by such entities shall be implemented that may include avoidance of the burial site or reburial of the remains.</p>	City of Hughson	City of Hughson	Completed upon adoption of annexation.
LAND USE AND PLANNING				
Impact #3.10.2: Conflict with Existing Policies and Regulations	Mitigation Measure #3.10.2.1: The City shall apply to LAFCO for a Sphere of Influence (SOI) amendment to add the land purchased for the project to the City's SOI. In addition, the City shall annex this land into its City limits and designate it as Public Facility. This mitigation measure shall be implemented before construction of the project begins.	City of Hughson	City of Hughson	Completed upon adoption of annexation.
NOISE				
Impact #3.12.1: Exceed Thresholds for Construction Noise	Mitigation Measure #3.12.1.1: Noise producing equipment used during construction shall be restricted to the hours from 7:00 a.m. to 7:00 p.m., Monday through Friday, and 8:00 a.m. to 6:00 p.m. on Saturday and Sunday and holidays. Construction outside of these hours shall require written approval by the Planning and Building Director. Also, noise-reducing mufflers or other sound absorbing material shall be retro-fitted to gas and diesel-powered equipment.	City of Hughson	City of Hughson	During construction period.
Impact #3.12.2: Operational Noise	Mitigation Measure #3.12.1.2: Noise generation shall be considered in the purchase evaluation and installation of new equipment at the WWTP. Equipment shall be enclosed within buildings, when feasible, or placed behind noise attenuating barriers when necessary to ensure that noise levels do not exceed 70 dB (Stanislaus County General Plan, Noise Element Policy 2) at the boundary of the subject site.	City of Hughson	City of Hughson	During construction and operation period.