

Exhibit 5: Mitigation Monitoring Reporting Program

Mitigation Monitoring Reporting Program. <i>More details on specific conduct can be found in IS/MND</i>	Minhoto Source Document	Implementing Responsibility	Mitigation Timing
AIR QUALITY MEASURES			
1. All active construction areas shall be watered to minimize dust	IS/MND AIR-1	Construction Contractor	Before, during, and after construction.
2. All trucks hauling soil, sand, and other loose materials shall be covered with tarpaulins or other effective covers	IS/MND AIR-1		
3. All construction haul routes shall be watered to minimize dust	IS/MND AIR-1		
4. The contractor shall limit traffic speeds along the unpaved haul route to 15 miles per hour	IS/MND AIR-1		
5. All grading activities during periods of high wind (over 15 mph) will be pro	IS/MND AIR-1		
6. Haul trucks shall maintain at least 2'0" of freeboard.	IS/MND AIR-1		
7. Seed disturbed upland areas as soon as possible	IS/MND AIR-1		
8. Cover or seed inactive storage piles.	IS/MND AIR-1		
9. Post a publicly visible sign which specifies the telephone number and person to contact regarding dust complaints.	IS/MND AIR-1		
10. Limit the area under construction at any one time.	IS/MND AIR-1		
BIOLOGICAL RESOURCE MANAGEMENT MEASURES			
1. A qualified biological monitor will monitor marine mammals in the vicinity and establish disturbance-free buffers through agency consultation	IS/MND BIO-1a, p 58	Qualified Biologist	
2. Construction activities will be timed to avoid the peak of the pupping season for sea otters and harbor seals	IS/MND BIO-1a, p 58	ESNERR	
4. A qualified biologist will train all construction personnel in how to avoid effects on marine mammals, amphibians, and other special-status species.	IS/MND BIO-1b, p 58	Qualified Biologist	Before Construction
5. The contractor will insure, if new construction personnel are added to the project, that the personnel receive the mandatory training before starting work.	IS/MND BIO-1b, p 58	Contractor	During Construction

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<p>6. A qualified biologist shall be present and able to start and stop construction due to marine mammal harassment during all activities. Biological monitoring will start ½ hour prior to construction start and end ½ hour after construction ends.</p>	IS/MND BIO-1c, p 58	Qualified Biologist	During Construction
<p>7. Biological monitors will, to the extent feasible, monitor for fish, including listed species that may occur within the project site.</p>	IS/MND BIO-1c, p 59	ESNERR	
<p>8. Construction will occur between September 1 and January 31 if feasible to avoid nesting season. If this is not possible, then measures BIO-2b (Pre-Construction Surveys) and BIO-2c (Buffer Zones) are applicable.</p>	IS/MND BIO-2a, p 59	Qualified Biologist	
<p>9. A qualified ornithologist will survey, prior to commencement of new activities no earlier than 7 days prior to the initiation of new disturbance in any given area.</p>	IS/MND BIO-2b, p 59	Qualified Biologist	Before Construction
<p>10. No nests of protected species will be disturbed during project implementation.</p>	IS/MND BIO-2b, p 59	Qualified Biologist	
<p>11. All potential nesting habitats in the project area will be surveyed for nests (e.g., trees, shrubs, buildings, and various substrates on the ground)</p>	IS/MND BIO-2b, p 59	Qualified Biologist	Before Construction
<p>12. Surveys will be conducted within search radii for non-listed raptors (500 feet) and non-raptors (250 feet), including in off-site areas adjacent to the project (where such areas are accessible).</p>	IS/MND BIO-2b, p 59	Qualified Biologist	Before Construction
<p>13. A disturbance-free buffer zone of 500 ft. for non-listed raptors and 250 ft. for non-raptors will be established around the nest until nesting has been completed (as determined by qualified ornithologist)</p>	IS/MND BIO-2c, p 59	Qualified Biologist	Before Construction
<p>14. Construction within 100 feet of these nests may proceed if a qualified biologist determines that such activities are not likely to result in the abandonment of the nest, based on the birds monitored behavior.</p>	IS/MND BIO-2c, p 59	Qualified Biologist	Before Construction
<p>15a. A qualified biologist will monitor activity at nests for three days (8 hrs./day) prior to starting construction activities to develop a baseline of the normal behavior of the birds attending the nest.</p>	IS/MND BIO-2c, p 59	Qualified Biologist	Before Construction

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15b. If the behavior observed at the nest is consistent on Days 1 and 2 of monitoring, Day 3 of monitoring may be skipped	IS/MND BIO-2c, p 59	Qualified Biologist	Before Construction
16. A qualified biologist will monitor activity at each nest for 8 hours on the first day of construction within 250 ft. of a non-raptor nest and 500 ft. of a raptor nest).	IS/MND BIO-2c, p 59	Qualified Biologist	Day 1 of Construction
17. If the biologist determines that the birds' behavior is not adversely affected, project activities may continue. The biologist will continue to monitor the nests for 1 hour/day on any day when construction activities occur within the standard buffer around an active nest.	IS/MND BIO-2c, p 59	Qualified Biologist	During Construction
18. If at any time the biologist determines that project activities within the standard buffer is adversely affecting the behavior of the birds such that the nest is in jeopardy of failing, construction activities should retreat to honor the standard buffer until the young have fledged the nest.	IS/MND BIO-2c, p 60	Qualified Biologist	During Construction
19. Nesting deterrence, such as removal of vegetation or incomplete nests with no eggs or young, may be implemented by qualified biologists to minimize the potential for nesting birds to constrain project activities.	IS/MND BIO-2c, p60	Qualified Biologist	Before/During Construction

Cultural Resources

1) Project personnel working onsite shall attend a mandatory pre-Project training led by a Secretary of the Interior-qualified archaeologist. The training would outline the general archaeological sensitivity of the area and the procedures to follow in the event an archaeological resource is unearthed or discoveries of human remains	IS/MND (V-1) CUL-1	Qualified Archaeologist	During Construction
2) If any road improvements are needed at a later date, a lead archaeologist shall monitor that work and assess the condition of any materials. The State site record shall be updated with the resulting information.	IS/MND (V-1) CUL-1	ESNERR	During Construction

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3) Following completion of the Phase 1 restoration, the archaeologist shall inspect site CA-MNT-2432 and the general vicinity to ensure that no Project-related site disturbance occurred during implementation. The State record shall be updated	IS/MND (V-1) CUL-1	ESNERR	During Construction
4) If prehistoric or historic-period archaeological resources are encountered, all construction activities within 100 feet shall halt and the USACE shall be notified. And a qualified archeologist review the site.	IS/MND (V-1) CUL-2	ESNERR	During Construction
5) If paleontological resources, such as fossilized bone, teeth, shell, tracks, trails, casts, molds, or impressions are discovered during ground-disturbing activities, all ground disturbing activities within 100 feet of the find shall be halted until a qualified paleontologist can assess the significance of the find and, if necessary, develop appropriate salvage measures in conformance with Society of Vertebrate Paleontology Guidelines (SVP, 1995; SVP, 1996).	IS/MND (V-1) CUL-3	ESNERR	During Construction
6) If human remains are encountered during ground disturbing activities, State Health and Safety Code Section 7050.5 requires that no further disturbance shall occur until the County Coroner has made the necessary findings as to origin and disposition pursuant to PRC Section 5097.98. If the remains are determined to be of Native American descent, the coroner has 24 hours to notify the Native American Heritage Commission. The Native American Heritage Commission would then identify the person(s) thought to be the Most Likely Descendent of the deceased Native American, who shall make recommendations for the treatment of any human remains	IS/MND (V-1) CUL-4	ESNERR	During Construction

Geology, Soils and Seismicity

1. Unless otherwise determined for the project by a geotechnical engineer, all sediment or soils stockpiled onsite shall be sloped at an angle not steeper than one and one half horizontal to one vertical	IS/MND GEO-1	Engineer	During Construction
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Hazards and Hazardous Materials

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<p>1. In the event of a release or spill of hazardous materials, the contractor shall immediately control the source of the leak and contain the spill. The construction contractor shall make all required hazardous materials release reporting notifications to the Monterey County Health Department and CDFW Elkhorn Office when a hazardous material spill occurs. Contaminated soils shall be excavated, tested and disposed of at an appropriate, licensed disposal facility.</p>	<p>IS/MND HAZ-1</p>	<p>Contractor</p>	<p>During Construction</p>
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Transportation and Traffic

<p>1. Prepare a Construction Traffic Control Plan</p>	<p>IS/MND Trans-1</p>	<p>Contractor</p>	<p>During Construction</p>
<p>2. Obtain all permits for work in right of ways and oversized loads.</p>	<p>IS/MND Trans-1</p>		
<p>3. Coordinate with Monterey County Public Works to import all sediment</p>	<p>IS/MND Trans-1</p>		