

PLANNING DEPARTMENT

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RESOURCE MANAGEMENT AGENCY

DAVID PRICE III, RMA DIRECTOR

Community & Economic Development Department

Engineering & Survey Services Department

Environmental Health Services Department

Planning Department

Roads Department

April 17, 2007

S.D. #2

Board of Supervisors
Kern County Administrative Center
1115 Truxtun Avenue
Bakersfield, CA 93301

Proposed Memorandum of Understanding and Agreement for Performance of Zoning Ordinance and Mitigation Measures as Environmental Restrictions (MOU) with the Van Dam Farms and Western Development and Storage, LLC for the Antelope Valley Water Bank by Western Development and Storage, LLC in Eastern Kern (Fiscal Impact: None)

On September 12, 2006 your Board approved requests for Specific Plan Amendments (SPA 13, Map 232, SPA 2, Map 233) and Alteration of the Boundaries of Agricultural Preserve No. 24 – Inclusion necessary for the construction and operation Antelope Valley Water Bank by Western Development and Storage, LLC. This project will develop a facility and related pipelines to store imported surface water underground beneath approximately 1,500 acres of agricultural land. Upon completion of construction the project could be owned and operated by a public agency.

The project was approved with a condition that was included to ensure that any public agency that might acquire and operate the completed water bank would be bound by all the requirements of the A (Exclusive Agriculture) Zoning Ordinance, the Final Environmental Impact Report and Mitigation Measure Monitoring Program regardless of any exemption a City, County or Special District could legally claim under State Law. This condition was satisfied on November 1, 2006 with the submittal to staff of fully executed originals of the attached MOU.

The attached MOU has been approved by the Planning Director for content and County Counsel as to form and has been executed by the property owners and project applicants.

Therefore, IT IS RECOMMENDED that your Board Approve the Memorandum of Understanding and Agreement and authorize the Chairman to sign.

Sincerely,

A handwritten signature in black ink, appearing to read "Ted James".

TED JAMES, AICP, Director
Kern County Planning Department

TJ:jb

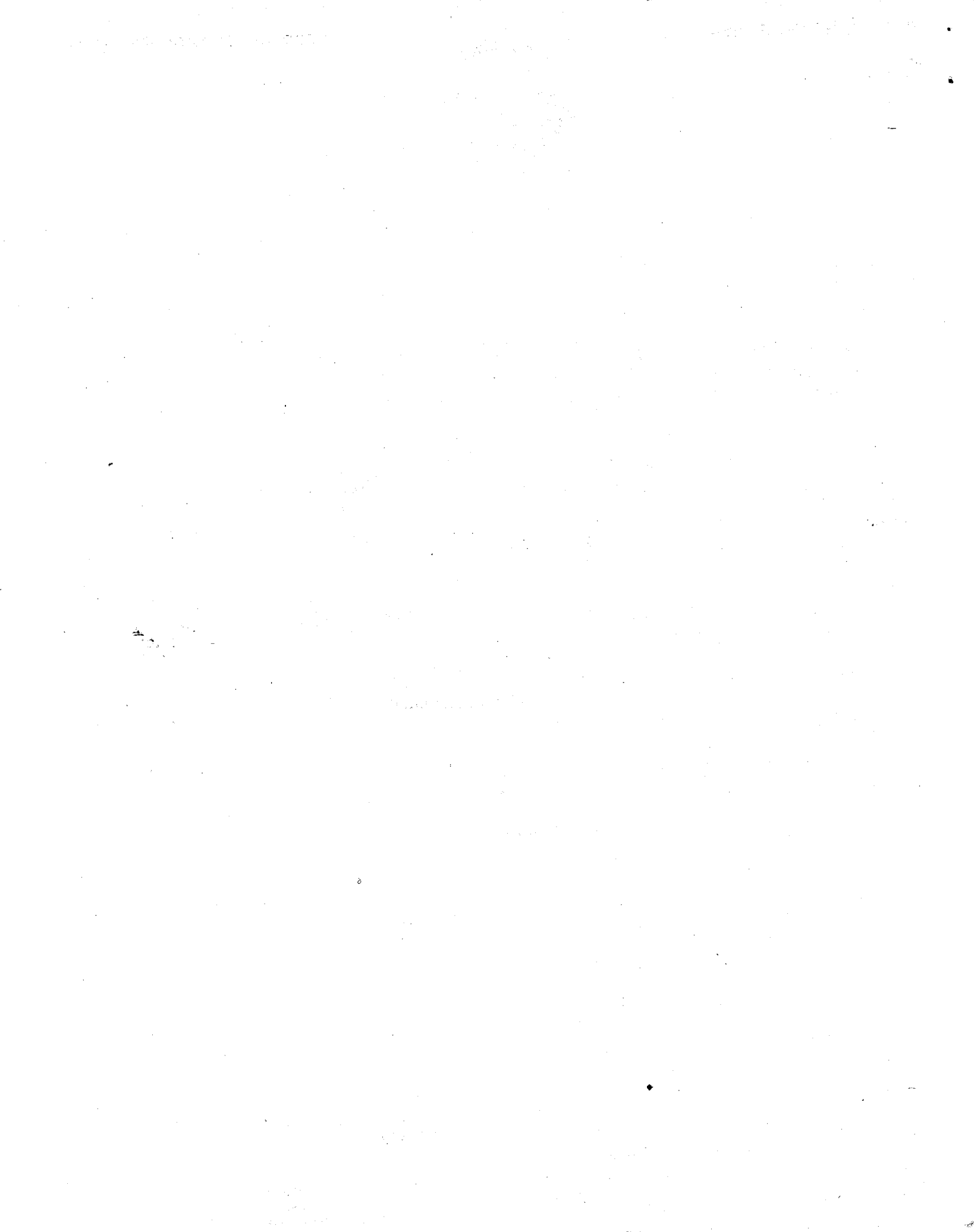
Attachment

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cc County Administrative Office
County Counsel
Van Dam Farms

Western Development and Storage, LLC

Young, Woolridge, LLP
Resource Management Agency
Grand Jury



MEMORANDUM
PERFORMANCE

*Attachment
MOU
for copying*

MONITORING AND AGREEMENT
CEQA AND MITIGATION MEASURES
RESTRICTIONS
Western Development and Storage, LLC)

(Kern County, _____)

THIS AGREEMENT, made and entered into this _____ day of _____ 2007, by and between the COUNTY OF KERN, a political subdivision of the State of California (hereinafter "County") and, Delmar D. Van Dam and Gertrude J. Van Dam, Co-Trustees of the Van Dam Family Trust, 1996 dated September 27, 1996, Delmar D. Van Dam, Gertrude J. Van Dam, Craig Van Dam, Marta Van Dam, Dean Van Dam, Sherri Van Dam, Nick Van Dam, Janet Van Dam, Gary Van Dam, Debbie Van Dam, Van Dam Farms, and Western Development and Storage, an Oklahoma limited liability company ("Western Development and Storage, LLC") (hereinafter collectively referred to as "Property Owner-Operator").

WITNESSETH:

WHEREAS, in consideration of the COUNTY's September 12, 2006 approval of the Antelope Valley Water Bank Project ("Project") by Western Development and Storage, LLC which includes Specific Plan Amendment No.13, Map 232, Specific Plan Amendment No.2, Map 233, Alteration of Boundaries of Agricultural Preserve No. 24- Inclusion and in satisfaction of the condition of Project approval requiring a contractual mechanism to assure that all provisions of the zoning ordinance and CEQA mitigation measures, will be implemented, County and Property Owner-Operator now desire to enter into this Agreement;

NOW, THEREFORE, IT IS MUTUALLY AGREED between County and Property Owner-Operator as follows:

1. The Property Owner-Operator agrees to perform all mitigation measures that are contained in the Mitigation Measure Monitoring Program, attached hereto as Exhibit "A", as they relate to all or any activities related to the development of a water recharge and recovery project described in the above-referenced approvals, in the manner customarily required by the County for an ordinary property owner not subject to an MOU such as this one. The Property Owner-Operator obligations under this Agreement shall apply regardless of whether any other permits or entitlements are issued. These obligations shall be binding on all successors and assigns of

the property described in Exhibit "B" hereto and Property Owner-Operator agrees that they shall so obligate all successors, assigns, transferees, and lessees of such property. The provisions of all exhibits attached hereto are hereby incorporated in this Agreement by this reference as though fully set forth herein.

2. The Property Owner-Operator, successors, assigns, transferees, and lessees agrees to be bound by all the requirements of the A (Exclusive Agriculture) Zoning ordinance, the Final Environmental Impact Report, and the Mitigation Measure Monitoring Program (Exhibit A) regardless of any exemption under the California State Government Code.

3. All notices to Property Owner-Operator under this Agreement shall be deemed valid and effective five (5) calendar days following deposit in the United States mail, postage prepaid, by certified and/or registered mail, addressed to:

Van Dam Farms
7316 West D-8
Lancaster, CA 93536
Contact: Mr. Craig A. Van Dam

Western Development and Storage, LLC
5700 Wilshire Blvd., Suite 330
Los Angeles, CA 90036
Contact: Mr. Charles M. Stringer

All notices to County under this Agreement shall be deemed valid and effective when personally served upon the Department of Planning Director or upon deposit in the United States mail, postage prepaid, by certified and/or registered mail, addressed to the Director, Kern County Planning , 2700 "M" Street, Suite 100, Bakersfield, California 93301.

4. This Agreement represents the complete understanding between the parties with respect to matters set forth herein.

5. The persons executing this Agreement on behalf of the Property Owner-Operator warrant and represent that they have the authority to execute this Agreement on behalf of the Property Owner-Operator and warrant and represent that they have the authority to bind Property Owner-Operator to the performance of their obligations hereunder.

6. Failure by a party to insist upon the strict performance of any of the provisions of

this Agreement by the other party, or the failure by a party to exercise its rights upon the default of the other party, shall not constitute a waiver of such party's right to insist and demand strict compliance by the other party with the terms of this Agreement thereafter.

7. Time is of the essence in the performance of the provisions of this Agreement as to which time is an element. Further, the rule of construction to the effect that ambiguities are to be resolved against the drafting party shall not be employed in interpreting this Agreement, all parties having been represented by counsel in the negotiation and preparation hereof.

8. The obligations of Property Owner-Operator, their successors, assigns, transferees, and lessees shall arise upon acquisition of any interest in real property in the Antelope Valley Water Bank Project site that will allow them to engage in any of the land uses allowed under Specific Plan Amendment No.13, Map 232; Specific Plan Amendment No.2, Map 233, Alteration of Boundaries of Agricultural Preserve No. 24- Inclusion.


9. In the event a water recharge and recovery project is not developed and implemented on the property described in Exhibit "B", the County and the Property Owner-Operator agree that neither this Agreement nor any of the requirements stated in the adopted Final Environmental Impact Report, and the adopted Mitigation Measure Monitoring Program (Exhibit A), are required to be performed.

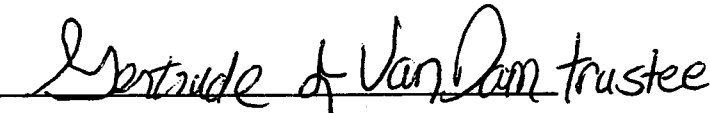
10. This Agreement may be modified only by a writing signed by the parties in interest at the time of the modification.

IN WITNESS WHEREOF, the parties hereto have duly caused this Agreement to be executed on the date hereinabove first written.


PROPERTY OWNER-OPERATOR

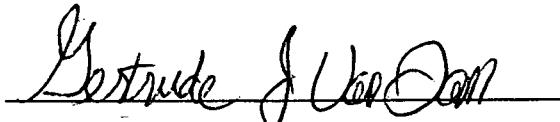
Delmar D. Van Dam and Gertrude J. Van Dam, Co-Trustees of the Van Dam Family Trust, 1996 dated September 27, 1996

By 
Delmar D. Van Dam, Trustee

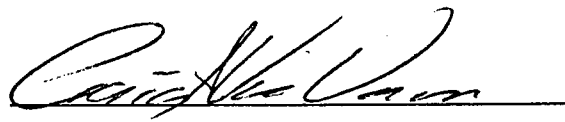
By 
Gertrude J. Van Dam, Trustee

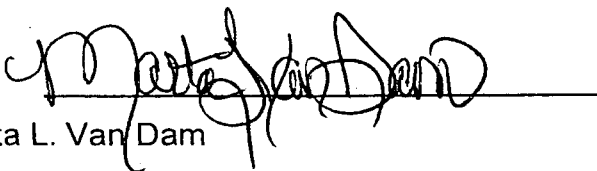
Delmar D. Van Dam and Gertrude J. Van Dam, husband and wife

By 
Delmar D. Van Dam, individually


By 
Gertrude J. Van Dam, individually

Craig A. Van Dam and Marta L. Van Dam, husband and wife

By 
Craig A. Van Dam

By 
Marta L. Van Dam

Dean Van Dam and Sherri Van Dam, husband and wife

By 
Dean Van Dam

By Sherry Van Dam
Sherry Van Dam

Nick Van Dam and Janet Van Dam, husband and wife

By Nick Van Dam

Nick Van Dam

By Janet Van Dam
Janet Van Dam

Gary Van Dam and Debbie Van Dam, husband and wife

By Gary Van Dam
Gary Van Dam

By Debbie Van Dam
Debbie Van Dam

Western Development and Storage, LLC

By: D. Cole Frates
D. Cole Frates, President

COUNTY OF KERN

By _____
Chairman, Board of Supervisors

APPROVED AS TO CONTENT
Planning Department

By: Teel
Its: Director

APPROVED AS TO FORM:
Office of County Counsel

By: Bruce Duvall
Deputy

#143276

Mitigation Measure Monitoring Program

EXHIBIT "A"

Table 1-2. Mitigation Monitoring Program For Antelope Valley Water Bank Project Final Environmental Impact Report

Specific Plan Amendment No. 13, Map 232, Specific Plan Amendment No2, Map 233, Alteration of Ag Preserve No 24- Inclusion

No.	Mitigation Measure	Implementation	Responsible Monitoring Agency	Steps to Compliance		
				Initials	Date	Remarks
4.1	Agricultural Resources					
4.1-1	<p>The Antelope Valley Water Bank monitoring committee will develop a monitoring procedure to discern whether recharge-induced shallow water tables are rising toward the root zones of adjacent farmlands and, if so, whether they would adversely affect crop production. If the monitoring committee concludes that crops may be (or have been) affected, the committee will require the owner/operator to constrain or adjust the locations of recharge operations to prevent the impact or to reimburse the affected farmer for the impact that has occurred.</p> <p>Justification: Saturated root zones in existing farmlands would adversely affect crop production in opposition to the prime agricultural land conservation policy of the Los Angeles County General Plan. Implementation of the above mitigation measure would avoid and/or compensate for this impact.</p>	<p>The Antelope Valley Water Bank monitoring committee shall provide a written report to the Kern County Planning Department and Kern County Environmental Health Services Department by December 31 of each calendar year after commencing operations. The owner/operator will constrain or adjust the locations of recharge operations to prevent the impact or to reimburse the affected farmer for the impact that has occurred</p>	<p>Kern County Planning Department</p>			

No.	Mitigation Measure	Implementation	Responsible Monitoring Agency	Steps to Compliance		
				Initials	Date	Remarks
4.2	Air Quality					
4.2-1	<p>The following control measures for construction emissions of PM10 are recommended by the KCAPCD for land preparation and/or demolition. The following dust control measures will be implemented:</p> <ol style="list-style-type: none"> 1. All material excavated or graded will be sufficiently watered to prevent excessive dust. Watering will occur as needed with complete coverage of disturbed areas. Watering will occur a minimum of twice daily on unpaved/untreated roads and on disturbed areas with active operations. 2. All clearing, grading, earth moving and excavation activities will cease during periods when dust plumes of 20 percent or greater opacity affect public roads or occupied structures. 3. All material transported off site will be either sufficiently watered or securely covered to prevent excessive dust. 4. If more than 5,000 cubic yards of fill material will be imported or exported from the site, then all haul trucks will be required to exit the site via an access point where a gravel pad or grizzly has been installed. 5. Areas disturbed by clearing, earth moving or excavation activities will be minimized at all times. 6. Stockpiles of dirt or other fine loose material will be stabilized by watering or other appropriate method to prevent wind-blown fugitive dust. 	<p>MM 4.2-1 shall be included as notes on any and all grading permits. Following receipt of a grading permit, The owner/operator will implement these dust control measures during construction</p>	<p>Kern County Planning Department</p> <p>Kern County Engineering and Survey Services</p>			

No.	Mitigation Measure	Implementation	Responsible Monitoring Agency	Steps to Compliance		
				Initials	Date	Remarks
7.	Where acceptable to the fire department, weed control will be accomplished by mowing instead of discing, thereby leaving the ground undisturbed and with a mulch covering. Justification: The Kern County General Plan includes fugitive dust control measures for discretionary projects as required by the KCAPCD. Implementation of the above PM10 dust control measures is required for compliance with established air quality control standards.					
4.2-2	During all grading and construction activities at least 10 percent of diesel engine-driven construction equipment on site shall be equipped with Tier 1 or Tier 2 as certified by CARB or with engines certified by the applicable air district (KCAPCD or AVAQMD) to provide equivalent benefits. At least 40 percent of the remaining diesel engine-driven construction equipment shall have diesel particulate filters and lean-NOx catalysts (or equivalent control devices). Justification: Although construction emissions do not exceed project-specific thresholds, additional mitigation is required to reduce the project's contribution to cumulative air impacts.	MM 4.2.2 shall be included as notes on any and all grading permits. Written evidence from the grading contractor of the type of equipment used on the site shall be submitted before commencement of grading activities	Kern County Planning Department Kern County Engineering and Survey Services			
4.2-3	The owner/operator will require that all diesel engines be shut off when not in use to reduce emissions from idling. Justification: Compliance with the California Air Resources Board diesel risk-reduction plan to reduce diesel PM10 emissions is required.	MM. 4.2-3 shall be included as a note on any and all grading permits. The owner/operator will ensure that all diesel engines be shut off when not in use	Kern County Planning Department Kern County Engineering and Survey Services			
4.2-4	To ensure compliance with Regulation 402 of the	Prior to issuance of any	Kern County			

No.	Mitigation Measure	Implementation	Responsible Monitoring Agency	Steps to Compliance		
				Initials	Date	Remarks
	<p>KCAPCD, the owner or operator will submit a fugitive dust plan to the KCAPCD prior to receiving a grading permit.</p> <p>Justification: Regulation 402 requires preparation of a fugitive dust plan.</p>	<p>and all grading permits, evidence of the submittal and approval of a fugitive dust plan shall be submitted to the Kern County Planning Department. All details of the plan shall be included on any grading or encroachment permits</p>	<p>Planning Department</p> <p>Kern County Air Pollution Control District</p> <p>Kern County Engineering and Survey Services</p>			
4.3	Biological Resources					
4.3-1	<p>Impacts on the Joshua Tree Woodland habitat shall be minimized to the extent possible during the design phase by making minor adjustments to the corridor width to avoid Joshua trees. A corridor plan shall be developed showing the location of all Joshua trees and, after review and recommendation by a qualified biologist, trees to be avoided are to be clearly identified.</p> <p>Justification: Joshua tree woodland is characterized as a Significant Ecological Area (SEA) by the County of Los Angeles. The Antelope Valley Areawide General Plan requires preservation of Antelope Valley's SEAs in as viable and natural condition as possible.</p>	<p>Prior to the issue of grading or encroachment permits, the owner/operator will hire a qualified biologist to review the corridor plan and recommend appropriate corridor width and placement to avoid Joshua trees within the project site. A copy of the written report and a map of locations of trees to be avoided shall be submitted for review. All details of the plan shall be included on any grading or encroachment permits.</p>	<p>Kern County Planning Department</p> <p>Kern County Engineering and Survey Services</p>			

No.	Mitigation Measure	Implementation	Responsible Monitoring Agency	Steps to Compliance		
				Initials	Date	Remarks
4.3-2	<p>Joshua tree woodland habitat located in or adjacent to the construction corridor or site will be protected by placing orange construction barrier fencing or stakes and flags, including buffer zones where appropriate. The locations of these resources will be clearly identified on the construction drawings and marked in the field by the environmental monitor. Fencing or other barriers will remain in place until all construction and restoration work that involves heavy equipment is complete. Construction vehicles, equipment, or materials will not be parked or stored within the fenced area. No signs, ropes, cables, or other items will be attached to individual Joshua trees.</p> <p>Justification: Joshua tree woodland is characterized as a Significant Ecological Area (SEA) by the County of Los Angeles. The Antelope Valley Areawide General Plan requires preservation of Antelope Valley's SEAs in as viable and natural condition as possible.</p>	<p>MM 4.3-2 Prior to issuance of any and all grading permits that affect the Joshua woodlands. The owner/operator will hire a qualified biologist to survey the project site and mark where fencing and other barriers would be installed by the Contractor. Such requirements shall be included as notes on the grading plan.</p>	<p>Kern County Planning Department</p> <p>Kern County Engineering and Survey Services</p>			
4.3-3	<p>Prior to any work in or near ephemeral drainages, the applicant will apply to DFG for a streambed alteration agreement and to the Lahontan Regional Water Quality Control Board for a water quality certification or waiver and will abide by any measures that those agencies may impose.</p> <p>Justification: A DFG streambed alteration agreement is required prior to any construction work in or near ephemeral drainages.</p>	<p>MM. 4.3-3 Prior to issue of any and all grading permits identified in or near ephemeral drainages. The owner/operator will obtain a streambed alteration agreement from DFG and a water quality certification from Lahontan Regional Water Quality Control Board (RWQCB). Prior to commencement of</p>	<p>Kern County Planning Department Department of Fish and Game Lahontan Regional Water Quality Control Board</p> <p>Kern County Engineering and Survey Services</p>			

No.	Mitigation Measure	Implementation	Responsible Monitoring Agency	Steps to Compliance		
				Initials	Date	Remarks
		grading activities a copy of the DFG permit shall be submitted to the Kern County Planning Department for inclusion into the case file and implementation, where applicable, in Kern County. be included as notes on the grading plan.				
4.3-4	<p>If construction activities occur during the Swainson's hawk nesting season (March 1-September 15), the Project will provide a qualified biologist to conduct preconstruction surveys to locate all active nest sites within 0.5 mile of the construction area.</p> <p>If occupied Swainson's hawk nests are found, the Project, in consultation with DFG, shall establish a buffer zone around active Swainson's hawk nests in the vicinity of the Project area. The buffer zone shall be marked with specific identifiable flagging or fencing. Construction activities shall be restricted from the buffer around the active nests until after chicks have fledged.</p> <p>Whenever construction occurs within 0.25 mile of an active nest, a biological monitor shall observe the</p>	<p>Prior to issuance of a grading permit, the owner/operator will hire a qualified biologist to conduct the survey. A copy of the survey results and recommendations shall be submitted to the Kern County Planning Department. Appropriate notes shall be included on the grading plan.</p>	<p>Kern County Planning Department</p> <p>Kern County Engineering and Survey Services</p>			

No.	Mitigation Measure	Implementation	Responsible Monitoring Agency	Steps to Compliance		
				Initials	Date	Remarks
	<p>nesting hawks for stressed/detrimental behavior that threatens nest success. If there appears to be a threat to nesting success resulting from construction activity within the 0.25-mile buffer, work shall be halted until the hawk's behavior normalizes. The most obvious and dangerous "detrimental behavior" occurs when the hawk is scared off the nest. If that occurs (even momentarily), construction shall stop immediately within 0.25 mile of the nest for at least 1 hour after the hawk returns to the nest and her behavior appears to normalize. When construction resumes, if the hawk is scared off the nest a second time, construction will be prohibited within that 0.25-mile zone until having consulted with DFG to discuss further options. Other stressors/detrimental behaviors that the monitor shall look for include the hawk being off the eggs while still on the nest (e.g., circling/walking around the nest and calling). The biological monitor shall also watch for signs that the hawks are paying attention to construction instead of behaving normally (e.g., sitting calmly on the nest, watching out for or scaring away potential predators).</p> <p>Justification: Project impacts to special-status species and their habitats would be mitigated through implementation of established DFG survey and avoidance measures.</p>	<p>The following shall be included as note on all grading permits. The owner/operator will hire a qualified biologist to monitor the nesting hawks, determine threats to nesting success and if warranted consult with the DFG to identify options for disturbance avoidance. The name and contact information for the biological monitor shall be submitted to the Planning Department before commencement of construction activities.</p>				
4.3-5	<p>Preconstruction surveys shall be conducted by a qualified biologist within the work area and a 250-foot buffer to locate active burrowing owl burrows. The Project will provide a qualified biologist to conduct these preconstruction surveys for active burrows according to DFG guidelines. The preconstruction surveys will include a nesting season survey and a wintering season survey the season immediately</p>	<p>MM. 4.3-5 Prior to issuance of any and all grading permits The owner/operator will hire a qualified biologist to conduct the survey, and provide copies of the study</p>	<p>Kern County Planning Department Kern County Engineering and Survey Services</p>			

No.	Mitigation Measure	Implementation	Responsible Monitoring Agency	Steps to Compliance		
				Initials	Date	Remarks
	<p>preceding construction. If no burrowing owls are detected, no further mitigation is required.</p> <p>Justification: Project impacts to special-status species and their habitats would be mitigated through implementation of established DFG survey and avoidance measures.</p>	<p>results to the Kern County Planning Department Requirements shall be included as notes on the grading plan</p>				
4.3-6	<p>If burrowing owls are detected within 250 feet of proposed construction within the Project area, the following measures will be implemented.</p> <ul style="list-style-type: none"> • Occupied burrows will not be disturbed during the nesting season (February 1–August 31). • When destruction of occupied burrows is unavoidable during the non-nesting season (September 1–January 31), unsuitable burrows will be enhanced (enlarged or cleared of debris). <p>If owls must be moved away from the Project area, passive relocation techniques (e.g., installing one-way doors at burrow entrances) will be used instead of trapping. At least 1 week will be necessary to accomplish passive relocation and allow owls to acclimate to alternate burrows.</p> <ul style="list-style-type: none"> • If avoidance is the preferred method of dealing with potential impacts, no disturbance should occur within 160 feet of occupied burrows during the non-breeding season (September 1–January 31) or within 250 feet during the breeding season. <p>Justification: Project impacts to special-status species and their habitats would be mitigated through implementation of established DFG survey and avoidance measures.</p>	<p>MM. 4.3-6 Prior to issuance of any and all grading permits The owner/operator will hire a qualified biologist to determine and implement the best avoidance/relocation measures. and provide copies of the study results to the Kern County Planning Department and Requirements shall be included as notes on the grading plan</p>	<p>Kern County Planning Department</p> <p>Kern County Engineering and Survey Services</p>			
4.3-7	<p>A qualified biologist shall conduct preconstruction</p>	<p>MM. 4.3-7 Prior to</p>	<p>Kern County</p>			

No.	Mitigation Measure	Implementation	Responsible Monitoring Agency	Steps to Compliance		
				Initials	Date	Remarks
	<p>surveys each construction year to locate all active nest sites within 0.25 mile of the Project area.</p> <p>Direct disturbance, including activities in the immediate vicinity of active nests, shall be avoided during the breeding season (March through August) where feasible. No-disturbance buffers shall be established around each active nest to avoid disturbing nesting birds where feasible. The size and configuration of buffers shall be based on the proximity of active nests to construction, existing disturbance levels, topography, the sensitivity of the species, and other factors, and shall be established through coordination with DFG representatives on a case-by-case basis. Where it is determined to be infeasible to schedule construction to avoid constructing within 300 feet of an active nest, the Project shall monitor nest status to determine whether construction is disturbing nesting activities. If it is determined by a qualified biologist that the construction is adversely affecting nesting activities, construction within 300 feet shall cease pending completion of nesting activities.</p> <p>Justification: Project impacts to special-status species and their habitats would be mitigated through implementation of established DFG survey and avoidance measures.</p>	<p>issuance of any and all grading permits The owner/operator will hire a qualified biologist to conduct the survey, coordinate with DFG and implement the approved avoidance measure. copies of the study results to the Kern County Planning Department and Requirements shall be included as notes on the grading plan</p>	<p>Planning Department</p> <p>Kern County Engineering and Survey Services</p>			
4.4	Cultural Resources					
4.4-1	<p>Prior ground disturbance of the areas of the Project, identified on Figure 4.4-1 as not fully evaluated, a cultural resource survey and a written report shall be prepared. The report shall include findings and recommendations, if any, for further work to ensure protection of any discoveries. The report shall be</p>	<p>MM. 4.4-1 Prior to issuance of any and all grading permits The owner/operator will hire a qualified cultural resource analyst to</p>	<p>Kern County Planning Department</p> <p>Los Angeles County Planning Department</p>			

No.	Mitigation Measure	Implementation	Responsible Monitoring Agency	Steps to Compliance		
				Initials	Date	Remarks
	<p>submitted to the Kern County Planning Department, the Los Angeles County Planning Department, and the tribes identified by the Native American Heritage Commission for SB 18 consultation. All recommendations shall be incorporated into grading and construction plans.</p> <p>Justification: Section 15064.5 of the State CEQA Guidelines gives the criteria and procedures for determining significant historical resources and the potential effects of a project on such resources.</p>	<p>conduct the survey and write the report. A copy of the report shall be provided to the Kern County Planning Department, LA County Planning Department and Native American Heritage Commission. Any Requirements shall be included as notes on the grading plan</p>	<p>Department Native American Heritage Commission Kern County Engineering and Survey Services</p>			
4.4-2	<p>A certified archaeologist shall monitor all Project-related initial ground-disturbing activities along the proposed Phase 2 delivery pipeline alignment between Avenue A and Avenue D. All discoveries shall be documented, and a report of findings prepared and submitted to the Los Angeles County Planning Department and the tribes identified by the Native American Heritage Commission for SB 18 consultation. Archaeological deposits shall be further evaluated for significance according to California Register criteria. Recovery of significant archaeological deposits shall occur using standard archaeological techniques, including but not limited to, manual or mechanical excavations, monitoring, soils testing, photography, mapping, or drawing to adequately recover the scientifically consequential information from and about the archaeological resource. An adequate sample of cultural materials shall be recovered. The applicant shall arrange for permanent curation of artifacts and documents in a repository consistent with the National Park Service guidelines for the curation of archaeological</p>	<p>The owner/operator will hire a qualified archaeologist to monitor initial ground disturbing activities, document all discoveries, prepare a report of findings, recover and archive cultural materials as detailed in the MM 4.4-2. A copy of the final report and any correspondence with the LA County Planning Department shall be submitted to the Kern County Planning Department.</p>	<p>Kern County Planning Department Los Angeles County Planning Department Native American Heritage Commission Kern County Engineering and Survey Services</p>			

No.	Mitigation Measure	Implementation	Responsible Monitoring Agency	Steps to Compliance		
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	collections (36CFR79). Justification: Section 15064.5 9a)(3) of the State CEQA Guidelines provides protection for paleontologic resources by requiring that they be identified and mitigated as historical resources under CEQA.					
4.4-3	<p>If buried cultural resources are uncovered during construction, all work shall be halted in the vicinity of the archaeological discovery until a qualified archaeologist can visit the site of discovery and assess the significance of the archaeological resource.</p> <p>In the event of an accidental discovery of any human remains in a location other than a dedicated cemetery, the steps and procedures specified in Health and Safety Code 7050.5, State CEQA Guidelines 15064.5(e), and Public Resources Code 5097.98 shall be implemented.</p> <p>Justification: According to CEQA, archaeological sites known to contain human remains shall be treated in accordance with the provisions of State Health and Safety Code Section 7050.5." The protection of human remains is also ensured by California Public Resources Codes, Sections 5097.94, 5097.98 and 5097.99.</p>	MM. 4.4-3 shall be included as a note on any and all grading permits The owner/operator will hire a qualified archaeologist to visit the sites of discovery and appropriately process significant archaeological resources	<p>Kern County Planning Department</p> <p>Kern County Engineering and Survey Services</p>			
4.4.4	A qualified paleontologic monitor shall monitor excavation in areas identified as likely to contain paleontologic resources. These areas are defined as all areas within the proposed Project area where planned excavation would exceed depths of 5 feet. The drilling of wells is excluded from this provision, because mechanical drilling does not allow for fossil recovery. This monitoring shall be required along the proposed alignment of the Phase 2 delivery pipeline as well as	MM. 4.4-4 shall be included as a note on any and all grading permits The owner/operator will hire a qualified paleontologic monitor to monitor excavations in areas identified as	<p>Kern County Planning Department</p> <p>Kern County Engineering and Survey Services</p>			

No.	Mitigation Measure	Implementation	Responsible Monitoring Agency	Steps to Compliance		
				Initials	Date	Remarks
	<p>areas within the recharge and recovery basins that would involve ground disturbance to a depth below 5 feet. The qualified paleontologic monitor shall retain the option to reduce monitoring if, in his or her professional opinion, sediments being monitored are previously disturbed. Monitoring may also be reduced if the potentially fossiliferous units, previously described, are not found to be present or, if present, are determined by qualified paleontologic personnel to have low potential to contain fossil resources.</p> <p>The monitor shall be equipped to salvage fossils and samples of sediments as they are unearthed to avoid construction delays and shall be empowered to temporarily halt or divert equipment to allow removal of abundant or large specimens. Because the older Quaternary deposits yield small fossils specimens likely to go unnoticed during typical large scale paleontological monitoring, matrix samples shall be collected and processed to determine the potential for small fossils to be recovered prior to substantial excavations in those sediments. If this sampling indicates these units do possess small fossils, a matrix sample of up to 6,000 pounds shall be collected at various locations, to be specified by the paleontologist, within the construction area. These matrix samples shall also be processed for small fossils.</p> <p>Recovered specimens shall be prepared to a point of identification and permanent preservation, including washing of sediments, to recover small invertebrates and vertebrates. Specimens shall be curated into a professional, accredited museum repository with permanent retrievable storage.</p> <p>A report of findings, with an appended itemized</p>	<p>likely to contain paleontologic resources, and as needed salvage and preserve any resources that may be encountered.</p>				

No.	Mitigation Measure	Implementation	Responsible Monitoring Agency	Steps to Compliance		
				Initials	Date	Remarks
	<p>inventory of specimens, shall be prepared. The report and inventory, when submitted to the Kern County Planning Department and Los Angeles County Planning Department, will signify completion of the program to mitigate impacts to paleontologic resources.</p> <p>Justification: Section 15064.5 9a)(3) of the State CEQA Guidelines provides protection for paleontologic resources by requiring that they be identified and mitigated as historical resources under CEQA.</p>					
4.5	Geology and Soils					
4.5-1	<p>Topsoil materials will be stripped from most areas to be graded, temporarily stockpiled, and reapplied as a top-dressing once final grade is attained.</p> <p>Temporary stockpiles will be watered to prevent topsoil loss from wind erosion.</p> <p>For soils having little organic matter in the surface layer and little evidence of soil profile development (i.e., similar texture between surface soil and substrate at depth), this measure will not need to be applied because it would provide little or no benefit. This determination will be made during preparation of a SWPPP.</p> <p>Justification: Salvage and reapplication of topsoil during construction is a standard condition of Stormwater Pollution Prevention Plans (SWPPPs) required for grading permits.</p>	<p>Prior to issuance of a grading permit, The owner/operator will prepare and implement a Stormwater Pollution Prevention Plan (SWPPP). Requirements shall be included as notes on the grading plan</p>	<p>Kern County Planning Department</p> <p>Kern County Engineering and Survey Services</p>			
4.5-2	<p>To control water and wind erosion during construction of the Project, the owner/operator will prepare a Stormwater Pollution Prevention Plan (SWPPP) in</p>	<p>Prior to issuance of a grading permit The owner/operator will</p>	<p>Lahontan Regional Water Quality Control</p>			

No.	Mitigation Measure	Implementation	Responsible Monitoring Agency	Steps to Compliance		
				Initials	Date	Remarks
	<p>compliance with the requirements of the National Pollutant Discharge Elimination System (NPDES) General Construction Permit. The Lahontan Regional Water Quality Control Board will administer the SWPPP. The SWPPP will prescribe temporary Best Management Practices (BMPs) to control wind and water erosion during and shortly after construction of the Project and permanent BMPs to control erosion and sedimentation once construction is complete. An erosion-control plan shall be prepared and submitted in conjunction with the application for a grading permit from Kern County Engineering and Survey Services Department. The SWPPP shall include:</p> <ul style="list-style-type: none"> • areas where top-dressing will be applied after final grading and location and maintenance of temporary stockpiles, • where and how ephemeral watercourses will be protected from soil erosion and sedimentation; • whether nutrients in post-grading soils in basin bottoms should be supplemented to counter effects of soil disturbance to ensure that agricultural uses in them can continue, so that soils continue to be protected from erosive wind and water; • whether and where berms and pipeline backfill should be artificially revegetated (e.g., hydroseeded) to ensure protection of soils against wind and water; and what performance standards are appropriate for plant cover in this environment to ensure soil protection, including a plant and seed list. • Justification: The National Pollutant Discharge Elimination System (NPDES) General Construction Permit applies to projects that disturb more than 1 acre and requires the preparation and 	<p>prepare and implement a Stormwater Pollution Prevention Plan (SWPPP). Appropriate requirements shall be included as notes on the grading plan</p>	<p>Board Kern County Engineering and Survey Services Department Kern County Engineering and Survey Services</p>			

No.	Mitigation Measure	Implementation	Responsible Monitoring Agency	Steps to Compliance		
				Initials	Date	Remarks
	implementation of a SWPPP.					
4.6	Hazards and Hazardous Materials					
4.6-1	<p>Prior to any construction activities, the applicant shall develop and implement a Spill Prevention Control and Countermeasures Plan (SPCCP) to minimize the potential for, and effects from, spills of hazardous, toxic, or petroleum substances during construction activities for all contractors. The plan and methods shall be in conformance with all state and federal water quality regulations.</p> <p>The applicable agency, Kern County Environmental Health Services Department and Los Angeles County Environmental Health Services, shall review the SPCCP before the onset of construction activities. The applicant shall provide for routine inspection of the construction area to verify that the measures specified in the SPCCP are properly implemented and maintained and further ensure that contractors are notified immediately if there is a noncompliance issue and will require compliance.</p> <p>The federal reportable spill quantity for petroleum products, as defined in EPA's CFR (40 CFR 110), is any oil spill that 1) violates applicable water quality standards, 2) causes a film or sheen upon or discoloration of the water surface or adjoining shoreline, or 3) causes a sludge or emulsion to be deposited beneath the surface of the water or adjoining shorelines.</p> <p>If a spill is reportable, the contractor's superintendent shall notify the applicant who shall inform the applicable County agency and arrange for the appropriate safety and cleanup crews to ensure the spill</p>	<p>Prior to issuance of a grading permit The owner/operator will prepare and implement a Spill Prevention Control and Countermeasures Plan (SPCCP). Appropriate requirements shall be included as notes on the grading plan</p>	<p>Kern County Environmental Health Services Department</p> <p>Regional Water Quality Control Board</p> <p>Kern County Engineering and Survey Services</p>			

No.	Mitigation Measure	Implementation	Responsible Monitoring Agency	Steps to Compliance		
				Initials	Date	Remarks
	<p>prevention plan is followed. A written description of reportable releases must be submitted to the Regional Water Quality Control Board and the applicable County agencies. This submittal must include a description of the release, including the type of material and an estimate of the amount spilled, the date of the release, an explanation of why the spill occurred, and a description of the steps taken to prevent and control future releases. The releases would be documented on a spill report form.</p> <p>If a spill has occurred, the applicant shall coordinate with responsible regulatory agencies to implement measures to control and abate contamination.</p> <p>Justification: If hazardous materials spills could occur within the project area, development and implementation of a Spill Prevention Control and Countermeasures Plan (SPCCP) is required for compliance with state and federal hazardous waste control regulations.</p>					

No.	Mitigation Measure	Implementation	Responsible Monitoring Agency	Steps to Compliance		
				Initials	Date	Remarks
4.6-2	<p>Prior to application of water to the recharge basins, the Project owner/operator will notify Skyotee Ranch Airport and the Flight Safety Office for the R-2508 Air Complex of anticipated recharge operations.</p> <p>Justification: Recharge activities could result in attracting birds that could be a strike hazard for low-level military flights from Edwards Air Force Base and for private aircraft flying into/out from Skyotee Ranch Airport. Notification of these facilities is required to avoid strike incidents.</p>	<p>The owner/operator will monitor bird activity during recharge activities and notify Skyotee Ranch Airport and the Flight Safety Office for the R-2508 Air Complex if a potential flight hazard develops. Copies of any such correspondence shall be submitted to the Kern County Planning Department</p>	<p>Kern County Planning Department</p>			
4.6-3	<p>Whenever water is present in the recharge basins, the Project operator will monitor the basins for bird activity. Monitoring will be particularly important during initial application of water because prey animals fleeing the advancing water could attract predatory bird species. Additionally, the Project operator will maintain routine coordination with the local Audubon Society chapters in Bakersfield and Ridgecrest regarding when and where bird migration activity should be expected during periods of recharge activity.</p> <p>If large birds (e.g., geese, gulls, pelicans) or large flocks of small birds (e.g., starlings, blackbirds) are observed, the Skyotee Ranch Airport and the Flight Safety Office for the R-2508 Air Complex will be notified of the potential hazard immediately.</p> <p>Justification: Recharge activities could result in attracting birds that could be a strike hazard for low-level military flights from Edwards Air Force Base and for private aircraft flying into/out from Skyotee Ranch</p>	<p>The owner/operator will monitor bird activity during recharge activities and notify Skyotee Ranch Airport and the Flight Safety Office for the R-2508 Air Complex if a potential flight hazard develops. Copies of any such correspondence shall be submitted to the Kern County Planning Department</p>	<p>Kern County Planning Department</p>			

No.	Mitigation Measure	Implementation	Responsible Monitoring Agency	Steps to Compliance		
				Initials	Date	Remarks
	Airport. Notification of these facilities of the presence of birds in the area is required to avoid bird-aircraft strike incidents.					
4.6-4	<p>If flocks of large birds (e.g., geese, gulls, pelicans) or large flocks of small birds (e.g., starlings, blackbirds) are observed, the Applicant or the Project operator will harass the birds through legal means to discourage use of the recharge basins, such as use of pyrotechnic equipment or depredation permitted by the California Department of Fish and Game (DFG).</p> <p>Justification: Harassment of birds in the recharge basin area may be necessary to prevent bird-aircraft strike incidents.</p>	<p>Prior to operation the owner/operator and after consultation with the DFG, the owner/operator shall provide in writing to the Kern County Planning Department a list of the approved methods they will be using</p>	<p>Kern County Planning Department</p>			
4.6-5	<p>Prior to the issuance of a grading permit, the applicant shall enter into an agreement with an existing or new Mosquito Abatement District. The agreement will consist of a Project-specific mosquito abatement program that would allow the existing or new Mosquito Abatement District to access the Project site and would also include quantitative abatement thresholds and financial compensation requirements for Mosquito Abatement District activities, if necessary. The agreement shall be to the satisfaction of the Kern County Environmental Health Services Department.</p> <p>The Mosquito Abatement District would monitor mosquito larvae production in the recharge basins, drainages, and distribution. Larvae populations would be tracked using methods and thresholds approved by the Mosquito Abatement District, and suppression measures would be employed when thresholds are exceeded.</p> <p>Justification: Transmission of mosquito-borne</p>	<p>Prior to the issuance of a grading permit, written evidence of compliance with MM 4.6-5 shall be submitted to the Planning Department</p>	<p>Kern County Environmental Health Services Department Kern County Planning Department</p>			

No.	Mitigation Measure	Implementation	Responsible Monitoring Agency	Steps to Compliance		
				Initials	Date	Remarks
	diseases resulting from favorable breeding conditions created by a project is a recognized potential hazard.					

No.	Mitigation Measure	Implementation	Responsible Monitoring Agency	Steps to Compliance		
				Initials	Date	Remarks
4.7	Hydrology and Water Quality					
4.7-1	<p>To reduce or eliminate construction-related water quality effects, before onset of any construction activities, the owner/operator or its contractor will obtain coverage under the NPDES General Construction Permit. The owner/operator will be responsible for ensuring that construction activities comply with the conditions in this permit, which will require development of a SWPPP, implementation of BMPs identified in the SWPPP, and monitoring to ensure that effects on water quality are minimized.</p> <p>As part of this process, the owner/operator will implement erosion and sediment control BMPs in areas with potential to drain to surface water. These BMPs will be selected to achieve maximum sediment removal and represent the best available technology that is economically achievable. BMPs to be implemented as part of this mitigation measure may include, but are not limited to, the following measures.</p> <ul style="list-style-type: none"> • Temporary erosion control measures (such as silt fences, staked straw bales/wattles, silt/sediment basins and traps, check dams, geofabric, sandbag dikes, and temporary revegetation or other ground cover) will be employed to control erosion from disturbed areas. • Drainage facilities in downstream offsite areas will be protected from sediment using BMPs acceptable to the Lahontan Regional Water Quality Control Board. <p>The owner/operator or its agent will perform routine inspections of the construction area to verify that the BMPs specified in the SWPPP are properly implemented and maintained. The owner/operator will</p>	<p>Prior to the commencement of grading activities, The owner/operator will obtain coverage under the NPDES General Construction Permit and ensure that construction activities comply with the conditions in this permit. Appropriate notes shall be included on any applicable grading permits.</p>	<p>Lahontan Regional Water Quality Control Board.</p> <p>Kern County Planning Department</p> <p>Kern County Engineering and Survey Services</p>			

No.	Mitigation Measure	Implementation	Responsible Monitoring Agency	Steps to Compliance		
				Initials	Date	Remarks
	<p>notify its contractors immediately if there is a noncompliance issue and will require compliance.</p> <p>Justification: The National Pollutant Discharge Elimination System (NPDES) General Construction Permit applies to projects that disturb more than 1 acre and requires the preparation and implementation of a SWPPP.</p>					
4.7-2	<p>Prior to any construction activities, the applicant shall develop and implement a Spill Prevention Control and Countermeasures Plan (SPCCP) to minimize the potential for, and effects from, spills of hazardous, toxic, or petroleum substances during construction activities for all contractors. The plan and methods shall be in conformance with all state and federal water quality regulations.</p> <p>The applicable agency, Kern County Environmental Health Services Department and Los Angeles County Environmental Health Services, shall review the SPCCP before the onset of construction activities. The applicant shall provide for routine inspection of the construction area to verify that the measures specified in the SPCCP are properly implemented and maintained and further ensure that contractors are notified immediately if there is a noncompliance issue and will require compliance.</p> <p>The federal reportable spill quantity for petroleum products, as defined in EPA's CFR (40 CFR 110), is any oil spill that 1) violates applicable water quality standards, 2) causes a film or sheen upon or discoloration of the water surface or adjoining shoreline, or 3) causes a sludge or emulsion to be deposited beneath the surface of the water or adjoining</p>	<p>Prior to issuance of a grading permit The owner/operator will prepare and implement a Spill Prevention Control and Countermeasures Plan (SPCCP). Appropriate requirements shall be included as notes on the grading plan</p>	<p>Kern County Environmental Health Services Department</p> <p>Los Angeles County Environmental Health Service Department</p> <p>Regional Water Quality Control Board</p> <p>Kern County Engineering and Survey Services Department</p>			

No.	Mitigation Measure	Implementation	Responsible Monitoring Agency	Steps to Compliance		
				Initials	Date	Remarks
	<p>shorelines.</p> <p>If a spill is reportable, the contractor's superintendent shall notify the applicant who shall inform the applicable County agency and arrange for the appropriate safety and cleanup crews to ensure the spill prevention plan is followed. A written description of reportable releases must be submitted to the Regional Water Quality Control Board and the applicable County agencies. This submittal must include a description of the release, including the type of material and an estimate of the amount spilled, the date of the release, an explanation of why the spill occurred, and a description of the steps taken to prevent and control future releases. The releases would be documented on a spill report form.</p> <p>If a spill has occurred, the applicant shall coordinate with responsible regulatory agencies to implement measures to control and abate contamination.</p> <p>Justification: If hazardous materials spills could occur within the project area, development and implementation of a Spill Prevention Control and Countermeasures Plan (SPCCP) is required for compliance with state and federal hazardous waste control regulations.</p>					
4.7-3	<p>A monitoring committee shall be formed to monitor the impact of operations on groundwater levels and quality and to ensure that adjacent landowners are protected. The monitoring committee would be responsible for development of a detailed monitoring and operational constraints plan and would ensure that it is implemented. The plan shall include the following:</p> <ul style="list-style-type: none"> • monitoring recovery operations to ensure that 10 	<p>Prior to operation evidence of the formation of the monitoring committee shall be submitted to the Kern County Planning Department.</p> <p>The Antelope Valley Water Bank monitoring</p>	<p>Kern County Planning Department</p>			

No.	Mitigation Measure	Implementation	Responsible Monitoring Agency	Steps to Compliance		
				Initials	Date	Remarks
	<p>percent of the stored water is left behind to help alleviate overdraft;</p> <ul style="list-style-type: none"> • monitoring water quality in recovered water and in groundwater flowing away from the Project to ensure that water quality remains appropriate for designated beneficial uses; • during recharge operations, monitoring water levels in perimeter wells, and shutting down recharge operations in the event that offsite water levels rise to within 20 feet of the ground surface; and • during recovery operations, monitoring water levels in offsite wells and adjusting operations, providing compensation, or providing an alternate source of water in the event that water levels drop to unacceptable levels in offsite wells as a consequence of operations. • Composition of the monitoring committee shall include the following representatives: <ul style="list-style-type: none"> – the owner/operator, – the Rosamond Community Service District, – the Antelope Valley State Water Project Contractors Association (a joint powers authority including AVEK, Palmdale Water District, and Littlerock Creek Irrigation District), – neighboring landowners and/or other selected representatives, and – Kern and Los Angeles County representatives. <p>The monitoring committee would meet monthly during recharge/recovery periods and semiannually during other periods when the Project is not in operation. Any reports generated by or on behalf of the Monitoring</p>	<p>Water Bank monitoring committee shall provide a written report to the Kern County Planning Department and Kern County Environmental Health Services Department by December 31 of each calendar year after commencing recharge and recovery activities of their plans, recommendations and actions.</p>				

No.	Mitigation Measure	Implementation	Responsible Monitoring Agency	Steps to Compliance		
				Initials	Date	Remarks
	<p>Committee will be provided to the Lahontan Regional Water Quality Control Board.</p> <p>Justification: Monitoring of groundwater levels and quality is required to ensure that operations do not adversely affect nearby property owners and for compliance with antidegradation requirements of the Clean Water Act and Porter-Cologne Water Quality Control Act..</p>					
4.7-4	<p>Prior to receiving a grading permit, proposals to construct berms, levees, or other facilities along the northern (upslope) boundary of any of the recharge basins shall be presented to the Kern County Engineering and Survey Services Department for review and approval</p> <p>Justification: Project facilities cannot redirect stormwater.</p>	<p>Prior to issuance of a grading permit, written approval of the plan from Engineering and Survey Services (ESS) shall be submitted to Kern County Planning. Specific designs and location, as approved by ESS, shall be reflected on any applicable grading plan.</p>	<p>Kern County Engineering and Survey Services Department</p> <p>Kern County Planning Department</p>			
4.7-5	<p>To ensure that the installation and operations of recovery wells do not adversely impact the quality of</p>	<p>Evidence of compliance shall be</p>	<p>Kern County Environmental</p>			

No.	Mitigation Measure	Implementation	Responsible Monitoring Agency	Steps to Compliance		
				Initials	Date	Remarks
	groundwater, all new recovery water wells shall be drilled under permit with the Kern County Environmental Health Services Department. Justification: Kern County requires permits for groundwater wells.	submitted to the Kern County Planning Department	Health Services Department Kern County Planning			
4.7-6	To ensure that Project operations do not adversely impact the quality of nearby residents' drinking water, the monitoring committee shall offer to sample and analyze water from domestic drinking water wells located within 1 mile of the recharge basins. In order to assess the results of these analyses, samples would need to be collected both before and after operations begin. The sampling and analysis protocols shall be defined in the monitoring and operational constraints plan. If analytical results reveal that Project operations may adversely affect a resident's drinking water well, then operations will be adjusted to prevent such effect or the owner of the well shall be provided compensation or an alternate source of water in the event that adverse effects do occur. Justification: Project operation could result in localized and temporary effect.	Prior To and During Recharge and Recovery Operations the Antelope Valley Water Bank monitoring committee shall provide a written report to the Kern County Planning Department and Kern County Environmental Health Services Department on any actions taken regarding affected drinking water wells of adjacent property owners	Kern County Planning Department			
4.10	Noise					

No.	Mitigation Measure	Implementation	Responsible Monitoring Agency	Steps to Compliance		
				Initials	Date	Remarks
4.10-1	<p>If residences are present within the threshold distances determined above, the construction contractor will employ noise-reducing construction practices so that noise from construction does not exceed Kern County noise-level standards at adjacent residences. Measures to be implemented may include the following:</p> <ul style="list-style-type: none"> • providing construction equipment with sound-control devices no less effective than those provided on the original equipment (no equipment will have an unmuffled exhaust); • restricting construction to beyond 2,800 feet from residences during nighttime hours (10 p.m. to 7 a.m.) and beyond 1,200 feet at all other times; and • in the event that construction activities occur close to sensitive noise receptors, implementing appropriate additional noise mitigation measures, including but not limited to: <ul style="list-style-type: none"> – changing the location of stationary construction equipment, – shutting off idling equipment, – rescheduling construction activity, – notifying adjacent residents in advance of construction work, and – installing acoustic barriers around stationary construction noise sources. <p>Justification: Compliance with noise level standards of the Kern County General Plan and Willow Springs Specific Plan is required</p>	<p>Prior to issuance of grading permits, the owner/operator will determine if there is any residences that could be affected, identify and employ noise-reducing construction practices so that noise from construction does not exceed Kern County noise-level standards at adjacent residences. The list of selected measures shall be submitted to the Planning Department and Environmental Health Services Department for review and approval. Implementation of the approved measures shall be through notes on the grading plan.</p>	<p>Kern County Planning Department</p> <p>Kern County Environmental Health Services</p>			
4.10-2	<p>If sensitive noise receptors are present within the threshold distances cited above, the drilling contractor will employ noise-reducing construction practices so that noise from drilling does not exceed Kern County</p>	<p>The owner/operator will employ noise-reducing construction practices so that noise</p>	<p>Kern County Planning Department</p>			

No.	Mitigation Measure	Implementation	Responsible Monitoring Agency	Steps to Compliance		
				Initials	Date	Remarks
	<p>noise-level standards at adjacent residences. Measures to be implemented may include the following:</p> <ul style="list-style-type: none"> restricting well drilling to beyond 1,800 feet from residences during nighttime hours (10 p.m. to 7 a.m.), and 700 feet during daytime hours; or using sound attenuation enclosures around noise-generating elements of the drilling operation. <p>Justification: Compliance with noise level standards of the Kern County General Plan and Willow Springs Specific Plan is required</p>	<p>from drilling does not exceed Kern County noise-level standards at adjacent residences.</p>				
4.10-3	<p>If wells are to be located within the distance and noise thresholds cited above for residences, the owner/operator will employ noise reducing practices so that noise from well operations does not exceed Kern County noise-level standards at adjacent residences. Measures to be implemented may include:</p> <ul style="list-style-type: none"> restricting well installations to beyond 1,600 feet from residences, where feasible; using electric pumps when feasible where well installations are within 1,600 feet of residences; and using sound attenuation enclosures designed to achieve noise reductions sufficient to comply with Kern County standards for noise-generating elements of the well operation when no other feasible control method is available. <p>Justification: Compliance with noise level standards of the Kern County General Plan and Willow Springs Specific Plan is required</p>	<p>During Recovery Operations The owner/operator will employ noise-reducing practices so that noise from well operations does not exceed Kern County noise-level standards</p>	<p>Kern County Planning Department</p>			
4.10-4	<p>If the noise and distance thresholds cited above are to be exceeded, the owner/operator will employ noise-</p>	<p>During Recovery Operations The</p>	<p>Kern County Planning</p>			

No.	Mitigation Measure	Implementation	Responsible Monitoring Agency	Steps to Compliance		
				Initials	Date	Remarks
	<p>reducing practices so that noise from lift station operations does not exceed Kern County noise-level standards at adjacent residences. Measures to be implemented may include:</p> <ul style="list-style-type: none"> • restricting lift station installations to beyond 2,800 feet from residences, where feasible; • using electric pumps where lift station installations are within 2,800 feet of residences; and • using sound attenuation enclosures designed to achieve noise reductions sufficient to comply with Kern County standards for noise-generating elements of the lift station operation when no other feasible control method is available. <p>Justification: Compliance with noise level standards of the Kern County General Plan and Willow Springs Specific Plan is required</p>	<p>owner/operator will employ noise-reducing practices so that noise from lift station operations does not exceed Kern County noise-level standards at adjacent residences.</p>	<p>Department</p>			
4.12	TRANSPORTATION AND TRAFFIC					
4.12-1	<p>The owner/operator will require the construction contractor to prepare and implement a traffic safety plan before the onset of the construction phase of the Project. The traffic safety plan shall be reviewed and approved by the Kern County Roads Department for affected roads in Kern County and the Los Angeles County Public Works Department for affected roads in Los Angeles County. The plan shall address:</p> <ul style="list-style-type: none"> • appropriate vehicle size and speed, • travel routes, • detour or lane-closure plans, • flagperson requirements, • locations of turnouts to be constructed, • coordination with law enforcement and fire control 	<p>Prior to Construction The owner/operator will prepare and implement a traffic safety plan before the onset of the construction. Copies of the plan shall be reviewed and approved by the applicable transportation agency. In the case of Avenue A, both counties shall review the plan.</p>	<p>Kern County Roads Department Los Angeles County Public Works Department</p>			

No.	Mitigation Measure	Implementation	Responsible Monitoring Agency	Steps to Compliance		
				Initials	Date	Remarks
	<p>agencies,</p> <ul style="list-style-type: none"> • coordination with California Department of Transportation personnel (for work affecting state road rights-of-way), • emergency access to ensure public safety, and • traffic and speed limit signs. <p>Justification: The project does not propose any changes to existing roads that would constitute a traffic hazard. However, heavy equipment traffic could create conditions that would be incompatible with general purpose traffic in the area. A traffic safety plan is therefore required.</p>					
4.12-2	<p>Before beginning construction activities, the applicant or the construction contractor shall contact local emergency-response agencies (Kern County and Los Angeles County Sheriff and Fire Departments) to provide information on the timing and location of any traffic control measures required to complete the Project. Emergency-response agencies would be notified of any change to traffic control measures as the construction phases proceed, so that emergency-response providers can modify their response routes to ensure that response time would not be affected.</p> <p>Justification: The project does not propose any changes to existing roads that would constitute a traffic hazard. However, heavy equipment traffic could cause minor delays.</p>	<p>Prior to Construction</p> <p>The owner/operator shall contact local emergency-response agencies (Kern County and Los Angeles County Sheriff and Fire Departments) to provide information on the timing and location of any traffic control measures required to complete the Project. Written evidence of compliance with this MM shall be submitted to the Kern County Planning Department</p>	<p>Kern County and Los Angeles County Sheriff and Fire Departments</p> <p>Kern County Planning</p>			
4.12-3	<p>Prior to issuance of a grading permit, the applicant shall submit a plot plan detailing the location of</p>	<p>Prior to issuance of a grading permit, the</p>	<p>Kern County Planning</p>			

No.	Mitigation Measure	Implementation	Responsible Monitoring Agency	Steps to Compliance		
				Initials	Date	Remarks
	<p>buildings to be used for operational staff. The plan shall have a minimum of 10 parking spaces and shall comply with Chapter 19.82 (Off-Street Parking) of the Kern County Zoning Ordinance.</p> <p>Justification: Chapter 19.82 (Off-Street Parking) of the Kern County Zoning Ordinance requires adequate parking for operational staff.</p>	<p>applicant shall submit a plot plan detailing the location of buildings to be used for operational staff. The plan shall have a minimum of 10 parking spaces and shall comply with Chapter 19.82 (Off-Street Parking) of the Kern County Zoning Ordinance.</p>	<p>Department</p>			

PROPERTY DESCRIPTION

EXHIBIT "B"

COUNTY

ASSESSOR PARCEL NUMBER (APN)

Kern
Kern
Kern
Kern
Kern
Kern
Kern
Kern
Kern

APN 261-196-09
APN 359-041-01
APN 359-041-12
APN 261-196-11
APN 359-041-11
APN 359-041-17
APN 359-041-18
APN 261-196-04
APN 261-196-02
APN 261-196-03

EXHIBIT "B"

(1 of 1)

