



BAY AREA OFFICE
1720 Solano Avenue
Berkeley, CA 94707
Phone: 510/559-9603
Fax: 510/559-9605

www.vollmarconsulting.com

WETLANDS AND OPEN SPACE LONG-TERM MANAGEMENT PLAN DRAFT

**MILLERTON NEW TOWN SPECIFIC PLAN AREA,
FRESNO COUNTY, CALIFORNIA**

Submitted To:

The Ewell Group of Companies
735 W Alluvial Ave, Suite 103
Fresno, CA 93711
Contact: Mr. Austin B. Ewell III
(559) 437-1990

Prepared By:

Vollmar Natural Lands Consulting
1720 Solano Ave
Berkeley, CA 94707
Contact: Mr. John Vollmar
510/559-9603

July 2014
J-254

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1.0 INTRODUCTION

This is the Wetlands and Open Space Long-Term Management Plan (Management Plan or Plan) for the Millerton New Town development project (MNT or Site), located in Fresno County, California. This plan is consistent with the *Millerton Specific Plan Mitigation Measures and Monitoring Program Matrix* (Matrix) measures 16.a through 16.i, as developed by Live Oak Associates in consultation with the California Department of Fish and Wildlife (CDFW, then California Department of Fish and Game) and the proponents of the Millerton New Town development (**Appendix A**). A Mitigation and Monitoring Plan was previously developed and approved for Tract 4870, a subdivision within the MNTSPA (Live Oak Associates 2004, **Appendix B**). This Plan is compatible with that document, and is designed to allow the entire MNTSPA to be managed as a single unit while complying with both plans and the Matrix.

2.0 BACKGROUND INFORMATION

2.1 RESPONSIBLE PARTIES

The Easement Holder is a third-party non-profit organization responsible for holding and monitoring the Conservation Easement recorded on portions of the Site and ensuring that general terms and conditions of the Conservation Easement and Management Plan are met. The Property Owner (Fresno County Service Area No. 34) (CSA No. 34) will be the designated Land Manager responsible for operating the Site in a manner that is consistent with the terms and conditions of the Management Plan and Conservation Easement. Contact information for these parties is as follows:

Easement Holder:
Sierra Foothill Conservancy
PO Box 521
Prather, CA 93651

Property Owner & Manager:
Fresno County Service Area No. 34

2.2 GOALS AND OBJECTIVES

The goal of this Management Plan is to maintain and protect certain physical, biological, and community values of the Site to ensure that it will continue to support, in perpetuity, the needs of the community and the species and habitats that are present. The specific values that this Management Plan is designed to protect and enhance include:

- Riparian forest and scrub;
- Vernal pools and other wetlands and waters of the U.S.; and
- California grasslands and oak woodlands.

In addition to this Management Plan, a Conservation Easement (**Appendix C**) will be placed on portions of the open space on the Site to ensure permanent protection from development or agricultural conversion.

2.3 SITE DESCRIPTION

2.3.1 Location

The Millerton New Town development project is located within the Millerton New Town Specific Plan Area (MNTSPA) in Fresno County, along Millerton Road east of the town of Friant. MNT is located in the U.S. Geological Survey Friant 7.5 Minute Quadrangle, in Township 11 south, Range 21 east, in portions of Sections 9, 10, 15, and 16 (**Figure 1**).

2.3.2 Ownership Status

Much of the MNT project site will be subject to subdivision and development. The subdivided areas are not subject to this Plan. The 494 acres of Open Space areas which will not be subdivided will eventually be transferred into the ownership of CSA No. 34.

2.3.3 Land Use

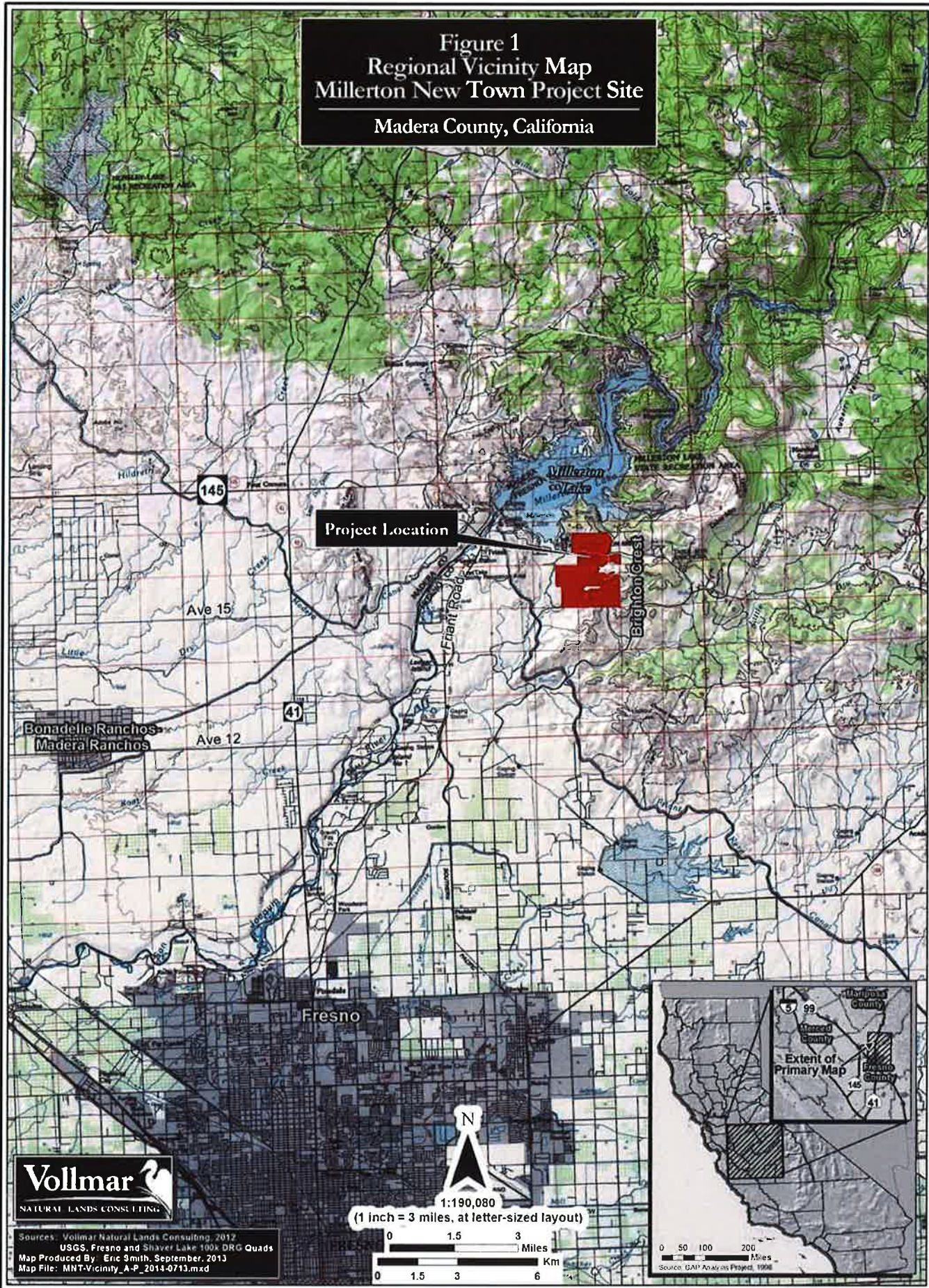
The MNT project area (excluding Tract 4870) is approximately 1,273 acres in size. Approximately 779 acres of this area will be developed into residential, commercial, or public use, while 494 acres will remain as open space (**Figure 2**). Open space on the Site will fall into one of several categories: White Fox Creek Corridor, Natural Open Space, Naturalistic Spray Areas, Parks, or Agricultural Areas.

The central open space feature of the project is the White Fox Creek Corridor, and the majority of restoration and management activity will take place within that corridor. The corridor runs diagonally across the entire MNTSPA, and is an average of approximately 350 feet wide, encompassing approximately 89 acres. The corridor will facilitate the movement of terrestrial vertebrates through the MNTSPA, and provide riparian habitat suitable for a variety of wildlife species known to forage and breed in the region.

The Natural Open Space Areas outside of the White Fox Creek Corridor will remain largely undisturbed, though they will be subject to management activities such as fencing and grazing/mowing to preserve their biological values. Naturalistic Spray Areas will be irrigated and grazed or mowed to provide wildlife habitat and community values. They may be subject to restoration planting, including planting of native trees, shrubs, and grasses. Naturalistic Spray Areas may also include trails and benches for community use. Parks will consist of irrigated lawns, shade trees and other landscaping, ballfields, memorials, and other similar amenities for the MNT community. Agricultural Areas will be irrigated and planted with vineyards, orchards, or other suitable crops. Areas on **Figure 2** marked "Other Spray Area" will be used as Naturalistic Spray Areas, Parks, or Agricultural Areas and managed accordingly.

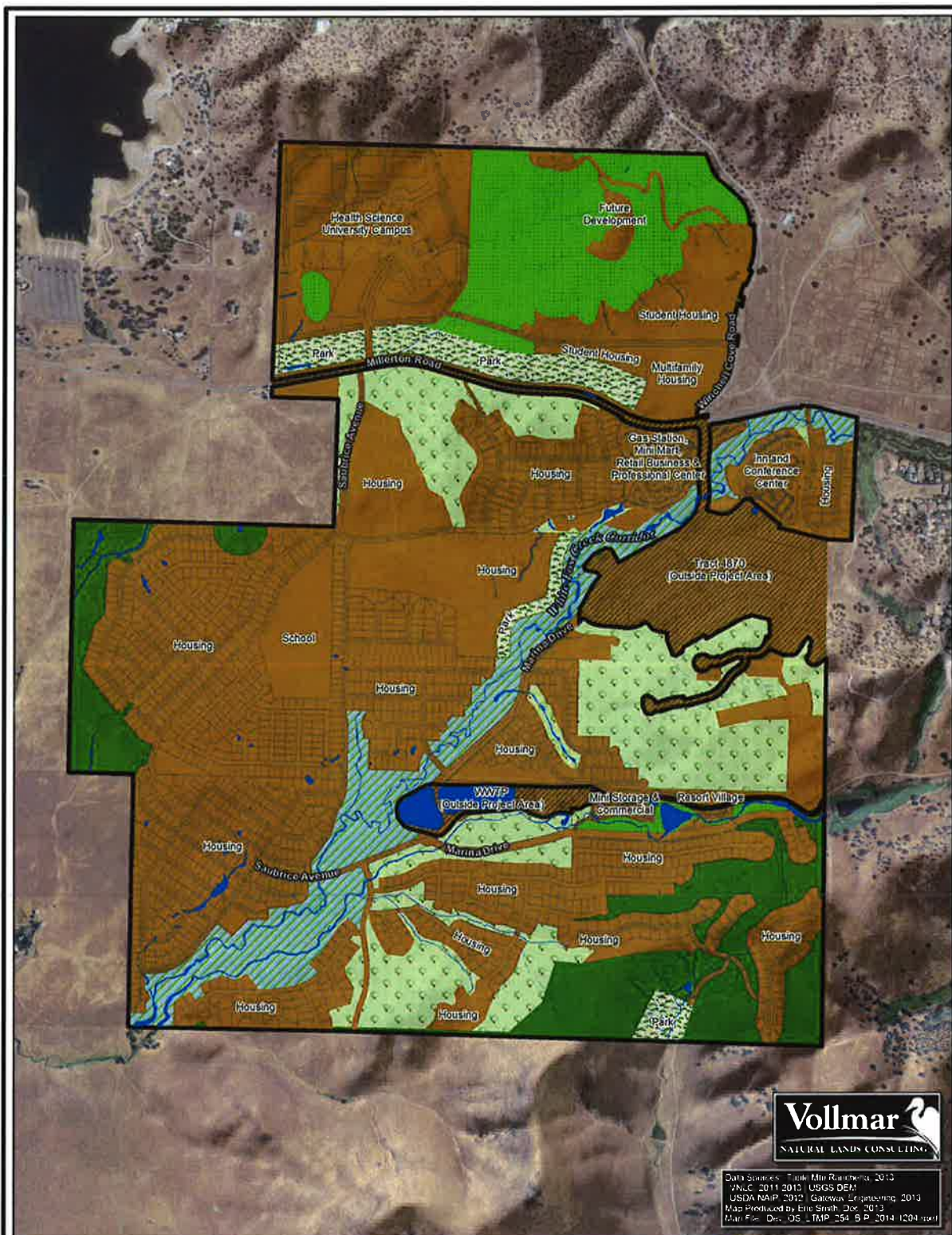
The mitigation and monitoring measures in this Plan apply primarily to the White Fox Creek Corridor, Natural Open Space, and Naturalistic Spray Areas.

Figure 1
Regional Vicinity Map
Millerton New Town Project Site
Madera County, California



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Sources: Vollmar Natural Lands Consulting, 2012
 USGS, Fresno and Shaver Lake 100K DRG Quads
 Map Produced By: Eric Smith, September, 2013
 Map File: MNT-Vicinity_A-P_2014-0713.mxd



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NATURAL LANDS CONSULTING

Data Sources: Google Map, Rainwater, 2013
VLLC 2011-2013, USGS Data
USDA NAIP 2012, Gateway Engineering, 2013
Map Produced by Eric Smith, Dec. 2013
Map File: Dev_DS_LTMP_254_5_P_2014_1204.apr

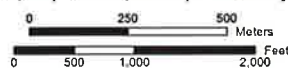
Legend

- Lot Lines (Incomplete in some areas)
- Wetland or Water
- Project Boundary (1,272.9 ac.)
- Developed Area (790.3 ac.)
- Previously Developed (Outside Project Area):
Tract 4870, WWTP, Millerton Rd, Marina Dr, 92.1 ac.)
- Open Space Land Use**
 - CSA No. 34 White Fox Creek Corridor (89.0 ac.)
 - Natural Open Space (Outside Creek Corridor, 101.6 ac.)
 - Naturalistic Spray Area (96.0 ac.)
 - Other Spray Area (163.8 ac.)
 - Park (32.2 ac.)

FIGURE 2
PLANNED LAND USE
Millerton New Town Project Site
Fresno County, California



1:12,000 (1 inch = 1,000 feet) at B-Size Layout



3.0 MANAGEMENT PLAN

3.1 OBJECTIVES

As stated above, the goal of this Management Plan is to maintain and protect the physical, biological, and community values of the open space. Long-term management actions include habitat restoration, vegetation management, general site maintenance, and adaptive management as discussed below.

The following measures will be implemented to meet this goal:

1. Restore the White Fox Creek Corridor to a riparian forest/scrub habitat;
2. Place a permanent Conservation Easement over the White Fox Creek Corridor and Natural Open Space to protect it from future development or agricultural conversion, excluding cattle grazing and related operations;
3. Implement the long-term management, maintenance, and monitoring measures described in this Plan; and
4. Prevent a net increase in undesirable vegetation and maintain optimal vegetation conditions on the Preserve primarily through managed grazing and mowing as described in this Plan.

3.2 PRESERVE MANAGEMENT PERSONNEL

This section outlines the roles and responsibilities of those responsible for the implementation of this Management Plan and are involved in the long-term and day-to-day management, maintenance, and monitoring of the Preserve. These entities or individuals include the Property Owner, Conservation Easement Holder (Easement Holder), Easement Monitor, and Biological Monitor. The Property Owner is responsible for general oversight and day-to-day operations pertaining to grazing, mowing, irrigation maintenance, and maintenance of fences, gates, and other infrastructure. The Property Owner is also responsible for insuring the overall terms and conditions of the Long-term Management Plan are adhered to and implemented. As part of these duties, the Property Owner is responsible for hiring and managing personnel conducting biological monitoring. CSA No. 34 will be the Property Owner. The Easement Holder is responsible for ensuring that the more general terms and conditions of the Conservation Easement are adhered to including hiring and managing personnel conducting annual general inspections. The Sierra Foothill Conservancy is currently designated as the Easement Holder. The Biological Monitor and Easement Monitor are individuals or companies hired to conduct biological monitoring and general inspections, respectively. The specific roles and responsibilities of these entities and individuals are described below.

3.2.1 Property Owner

The Property Owner is responsible for conducting the following day-to-day activities in the Open Space on the Site:

1. Maintaining restoration plantings, irrigation, weed and herbivore control, and related infrastructure;
2. Maintaining fences, and gates;
3. Maintaining trails, benches, and other community amenities;
4. Keeping the Open Space free of accumulated trash or debris;
5. Implementing thatch management operations according to the parameters outlined in this Plan;
6. Operating the Open Space in a manner that is consistent with the terms and conditions of this Plan and the Conservation Easement;

7. Coordinating all biological monitoring, analysis of monitoring data, and preparation;
8. Monitoring and coordinating any on-going maintenance activities;
9. Monitoring and coordinating any corrective actions necessary to ensure the maintenance of the Open Space's physical, biological, and ecological conditions as required by this Plan; and
10. Ensuring that all individuals conducting monitoring, maintenance, or corrective activities are appropriately qualified and trained to conduct the activities for which they are responsible.
11. Holding and managing endowment, homeowner's fees, and other funds collected for the management of the Open Space;
12. Funding all biological monitoring, analysis of monitoring data, and preparation of required monitoring reports according to the schedule described in this Management Plan;
13. Funding on-going maintenance activities; and
14. Funding any corrective actions necessary to insure the maintenance of the Open Space's physical, biological, and ecological conditions as required by this Plan;

3.2.2 Easement Holder

The Easement Holder holds the Conservation Easement (CE) and is responsible for insuring that the general terms and conditions of the Conservation Easement are being adhered to. The Easement Holder maintains a separate Conservation Easement Monitoring Fund and is responsible for managing the fund and paying for all inspection activities required under the Conservation Easement. Specific activities that are the responsibility of the Easement Holder include:

1. Holding and managing the CE Monitoring Fund;
2. Coordinating and funding all easement monitoring inspections and reports required as part of the Conservation Easement monitoring; and
3. Insuring that all individuals conducting easement monitoring inspections are appropriately qualified and trained.

3.2.3 Biological Monitor

The Biological Monitor is the person or company hired by the Property Owner to conduct biological monitoring of the Open Space. The Biological Monitor shall be a qualified professional biologist experienced with the biological resources present in the Open Space. Monitoring for federally-listed large branchiopods (vernal pool fairy shrimp) and California tiger salamander, and any other species that may become listed in the future shall be conducted by a biologist that possesses a valid federal recovery permit to conduct surveys for these listed species. A state permit would be required to survey for any state-regulated species (state-listed species or state species of special-concern). Duties of the Biological Monitor may include but are not limited to:

1. Monitoring health of riparian restoration plantings;
2. Monitoring wetland hydrological function and erosion control;
3. Conducting habitat monitoring and species surveys including clearance surveys for burrowing owl prior to management activities such as mowing;
4. Analyzing monitoring data and preparing monitoring reports;
5. Evaluating conditions in the Open Space and recommending remedial actions as necessary;
6. Identifying adaptive management activities as necessary;
7. Monitoring for thatch or exotic pest plant presence and making management recommendations as necessary.

3.2.4 Easement Monitor

The Easement Monitor is the person or company hired by the Conservation Easement Holder to conduct annual general inspections of the Preserve to insure that the Preserve is being maintained by the Owner in a manner that meets the general terms and conditions of the Conservation Easement. The Easement Monitor may be a staff person or volunteer representing the Easement Holder or a hired consultant.

3.3 PROHIBITED ACTIVITIES

In order to accomplish the objective of restoring native vegetation to the preserved natural areas, certain activities will be prohibited within the Natural Open Space, White Fox Creek Corridor, the Naturalistic Spray Areas, or all three. Additionally, if any of these activities must be undertaken due to special circumstances, they may be reviewed and approved by COE or USFWS on a case-by-case basis.

3.3.1 Irrigation

No irrigation shall take place within the Natural Open Space outside White Fox Creek Corridor. The White Fox Creek Corridor shall not be subject to irrigation except for the purpose of establishing restoration plantings. All other open space land use types may be irrigated. Stock water may be provided, and the land manager may add watering troughs, pumps and related lines so long as it is not inconsistent with the terms and conditions of this Plan.

3.3.2 Pesticides, Fertilizers, and Other Chemical Agents

There shall be no use of any pesticides, rodenticides, herbicides, fungicides, insecticides, or any other agents used to kill or suppress plants, animals, or fungi within the Natural Open Space, Naturalistic Spray Area, or White Fox Creek Corridor, except as needed for habitat management as described in this Plan and approved by COE or USFWS. A specific use that has been identified is targeted herbicide use to control pest plant invasions. These chemicals may be used within agricultural areas and parks, in accordance with all applicable laws and regulations.

3.3.3 Motor Vehicle Use

No motorized vehicles shall be ridden, brought, used, or permitted in the White Fox Creek Corridor or Natural Open Space except as follows: motorized vehicles may be used for Preserve management activities, livestock operations, maintenance and monitoring activities, and for emergency or law enforcement actions requiring access by medical, fire, or law enforcement vehicles.

3.3.4 Agricultural Uses

There shall be no agricultural uses of the Natural Open Space, Naturalistic Spray Area, or White Fox Creek Corridor except for grazing and other activities approved by COE or USFWS. This provision does not apply to the Agricultural Areas or Other Spray Areas as marked in **Figure 2**.

3.3.5 Commercial and Industrial Uses

There shall be no commercial or industrial use of the White Fox Creek Corridor or Natural Open Space areas with the exception of uses described in this Plan or approved by COE or USFWS.

3.3.6 Subdivision

There shall be no legal or de facto division, subdivision, or partitioning of the Natural Open Space, Naturalistic Spray Areas, or White Fox Creek Corridor except as allowed by COE or USFWS.

3.3.7 Construction

There shall be no construction, reconstruction or placement of any building, sign, structure, or other improvement within the Natural Open Space, Naturalistic Spray Areas, or White Fox Creek Corridor with the exception of the activities described in this Plan or authorized by COE or USFWS. Regular maintenance of existing infrastructures on the Preserve is permitted.

3.3.8 Burning and Dumping

There shall be no burning or dumping of soil, rubbish, garbage, or any other waste or fill materials within the Natural Open Space, Naturalistic Spray Areas, or White Fox Creek Corridor.

3.3.9 Non-native Plant or Animal Introduction

There shall be no introduction of non-native plant or animal species within the Natural Open Space, Naturalistic Spray Areas, or White Fox Creek Corridor except as mentioned in this Management Plan or allowed by COE or USFWS. Cattle, horses, and other animals used for grazing purposes are allowed. This provision does not apply to the Agricultural areas, Parks, or Other Spray Areas.

3.3.10 Mineral Removal

There shall be no surface or subsurface mineral removal from the Natural Open Space, Naturalistic Spray Areas, or White Fox Creek Corridor, or granting or authorizing of any surface entry for access to mineral resources except as authorized.

3.3.11 Grading

There shall be no grading or earthwork within the Natural Open Space, Naturalistic Spray Areas, or White Fox Creek Corridor except as mentioned in this Management Plan or authorized by COE or USFWS. This prohibition does not apply to habitat restoration or creation activities including erosion repair.

3.4 ADAPTIVE MANAGEMENT

This Management Plan has been prepared utilizing the most current methods for management, maintenance, and monitoring of the open space. Nonetheless, the proposed methods may have to be modified once implemented to ensure proper management and maintenance to meet the goals of this Management Plan. Also, future research or other information may identify other or better management, maintenance or monitoring practices, or changes to site habitat conditions may necessitate changes to the management practices. New or modified methodologies will be considered for implementation if they further the Management Plan goal of protecting and maintaining Preserve ecological conditions and associated habitats, cattle operation and special-status species. Any substantive changes to the

management, maintenance or monitoring practices described in this Management Plan must be agreed upon in advance in writing by COE or USFWS, the Property Owner, and the Easement Holder.

3.5 RESTORATION ACTIVITIES

In order to accomplish the objective of enhancing habitat quality and restoring native vegetation, the White Fox Creek Corridor will be restored with riparian plantings.

3.5.1 Riparian Restoration Plan

The primary habitat enhancement measure for the Site will be the enhancement of native riparian vegetation along White Fox Creek. Existing riparian trees (prior to the beginning of restoration within Tract 4870) were limited to patches of Goodding's black willow (*Salix gooddingii*) and Fremont's cottonwoods (*Populus fremontii*). Herbaceous riparian species included Mexican rush (*Juncus mexicanus*), common monkeyflower (*Mimulus guttatus*), curly dock (*Rumex crispus*), and narrow-leaf cattail (*Typha angustifolia*). The White Fox Creek Corridor within Tract 4870 has already been enhanced by the planting of riparian species including:

Trees

Western Sycamore (*Platanus racemosa*)
Valley Oak (*Quercus lobata*)
Red Willow (*Salix laevigata*)
Goodding's Black Willow (*Salix gooddingii*)
Oregon Ash (*Fraxinus latifolia*)
Fremont's Cottonwood (*Populus fremontii*)
Interior Live Oak (*Quercus wislizenii*)

Shrubs

Buttonwillow (*Cephalanthus occidentalis*)
California Wild Rose (*Rosa californica*)
Snowberry (*Symphoricarpos albus* var. *laevigatus*)

Grasses

Deer Grass (*Muhlenbergia rigens*)
Blue Wildrye (*Elymus glaucus*)
Creeping Wildrye (*Elymus* [*Leymus*] *triticoides*)
Meadow Barley (*Hordeum brachyantherum*)
California Brome Grass (*Bromus carinatus*)

Planting and management of these species will continue within the Tract 4870 portion of the White Fox Creek Corridor, and will also be expanded to include the corridor in the rest of MNT.

Key elements of a riparian enhancement plan for this project include the following:

- The establishment of closed-canopy riparian woodland consisting of 3-4 species of native riparian trees and 1-2 species of native riparian shrubs along at least 75% of White Fox Creek and along a portion of its major tributary;
- The establishment of 3-4 species of native grasses throughout the open space corridor along White Fox Creek and along a portion of its major tributary;

- All planting materials (i.e. seeds, cuttings, seedlings, etc.) will be obtained from local sources. Intermountain Nursery of Prather, California is the only Nursery in the Fresno area specializing in California native plants such as those listed above. Other native plant nurseries located in other parts of the state have been listed in Appendix B, but many of these nurseries specialize in plants native to their region of California. Plants native to the San Joaquin Valley and the foothills of the southern Sierra may not be readily available at nurseries located in other areas;
- All riparian species must be planted in the fall or early winter, and no later than the spring following initiation of development activities at MNT (excluding the already-developed Tract 4870).
- Riparian trees and shrubs should be planted on 10-15 foot centers within 15-30 feet of the White Fox Creek channel. Plant species to be planted on the upper banks of the White Fox Creek channel could include red willow, Goodding's black willow, buttonwillow, and deer grass. Plant species to be planted within 50-100 feet of the channel could include valley oak, western sycamore, interior live oak, snowberry, California wild rose, creeping wildrye, blue wildrye, and meadow barley;
- Occasional breaks in the riparian vegetation of 50-75 feet would be permissible.
- Supplemental irrigation must be provided to the plantings on a weekly basis (or more frequently as necessary) during the first two years after planting. Irrigation intervals could decrease to once every three weeks during the third year after planting. Supplemental irrigation could be discontinued upon the completion of the third year, if site monitoring indicates that plantings have become well-established.
- To achieve this effect, planting densities as described above will be necessary, as will be survivorship of 80% or higher for planted riparian trees and shrubs.
- During the establishment period, all plantings must be protected from weeds and possible damage to bark and cambium by small mammals. Weed cloth placed around all plantings would help control weeds, as would periodic applications of herbicide and/or manual weeding. Plastic mesh tubes and/or wire cages placed around all plants would be necessary to control small mammal herbivory.

A habitat development plan will be created and submitted to COE for approval prior to initiation of restoration activities.

3.5.2 Performance Criteria

As noted above, the objective is to create over time a closed canopy riparian scrub/woodland along White Fox Creek. Upon implementation of the planting plan, all planted trees and shrubs will be assigned a unique number so that the health of each can be monitored throughout the designated establishment period. At the planting intervals described above, 80% of the planted trees and shrubs (without regard to species) will survive and be healthy through the 10th year of monitoring. Therefore, if 1,000 plants of various species were originally planted, 800 will still be alive and healthy at the conclusion of Year 10 following plant installation.

3.5.3 Contingency Measures

If survivorship falls below 80% (as reported in the Monitoring Reports, described below in **Section 4**), CSA No. 34 will plant replacement plants to bring the number of living plants within the habitat enhancement area up to the required level within one year of receiving the monitoring report describing the drop in survivorship. The replacement plants will then be monitored for the remainder of the establishment period.

3.6 MANAGEMENT ACTIVITIES

This section describes the specific management activities to be performed in the Open Space.

3.6.1 Soil Erosion Management

The proposed MNT project will result in considerable cut-and-fill grading, leaving exposed soils vulnerable to erosion. An erosion control plan is required by the Matrix. Such a plan would also be a required component of a General Construction Permit that must be obtained from the Regional Water Quality Control Board, Central Valley Region. The revegetation of exposed slopes would be one component of the erosion control plan. Plant species appropriate for erosion control are native species that quickly become established, and whose roots bind the soil. Recommended species for MNT include creeping wildrye, California brome, California fescue (*Festuca californica*), and meadow barley. These species are commercially available from growers in various parts of the State of California (see **Appendix E**).

According to the Matrix, this mitigation measure will be the responsibility of the Fresno County Public Works and Development Services Department. The applicant will be responsible for the preparation and implementation of the erosion control plan, including revegetation measures necessary for stabilizing exposed soil slopes.

After the completion of development, occasional erosion problems may arise due to storms or other unusual events. If it is deemed necessary, these areas may be protected with wildlife-safe erosion control materials and restored with native plant plantings.

3.6.2 Vegetation Management

The upland areas of the Open Space support non-native annual grasslands and oak woodlands, while the stock ponds, vernal pools, creeks, and vernal swales and drainages support seasonal wetland vegetation.

The purpose of vegetation management is to maintain the abundance and diversity of native plant species in the Corridor and Natural Open Space within both upland and wetland habitats, and to control or eliminate exotic pest plant occurrences. The focus of management of the annual grasslands is to control thatch levels to ensure that annual grasses do not crowd out the native upland or vernal pool plant species and to control or eliminate exotic pest plant occurrences.

3.6.2.1 Exotic Pest Plant Management

For the purpose of this Plan, exotic pest plants include species identified as List A, List B, or Red Alert List species by the California Invasive Plant Council (Cal-IPC). Cal-IPC updates the list annually.

Several approaches may be utilized to eliminate or control invasions including managed grazing, manual or mechanical removal, biological control, and herbicide application. The methods for applying these approaches on the Site are described below. The specific approach to be used for eradicating or controlling an invasion will be developed by a qualified professional based on an evaluation of the invasion species, source of invasion, extent of invasion, and other factors. All pest plant control efforts will be documented in the year's biological monitoring report.

Managed Grazing or Mowing. Managed livestock grazing or mowing is the primary approach that will be used to eradicate or control the invasion of exotic pest plants. The approach for managed grazing is discussed in more detail in Section 3.6.2.2 below.

Manual or Mechanical Removal. Manual or mechanical removal of exotic pest plants is useful for controlling or eliminating small-scale or incipient invasions. Under this approach, individual plants are removed manually using hands or a shovel or cut down using a string trimmer or other mechanical device. This approach may be implemented by the Owner without consulting the COE or USFWS in advance, although the Owner is not required to do so.

Biological Controls. Biological control involves the introduction of a species that specifically attacks an exotic pest plant. One of the most well-known biological control efforts is the introduction of certain weevil species from southern Europe that specifically attack yellow star-thistle (*Centaurea solstitialis*). A qualified professional will need to be consulted if biological controls are used in the Open Space. The Easement Holder will contact USFWS for authorization in such a case.

Herbicide Applications. Herbicides can provide a very effective means of eradicating or controlling exotic pest plants. However, they also have the potential to adversely affect native plant and animal species. Herbicides must be applied according to the label, in accordance with applicable federal and state laws including those pertaining to herbicide application in or near wetlands. Some common herbicides that may be used in the Open Space include Round-up (Glyphosate), Transline (Clopyralid) or Redeem R&P (Clopyralid w/ Triclopyr Amine). The Owner does not need to notify COE or USFWS if the herbicides listed above are applied as described above. The Owner will need to obtain any required County approvals.

3.6.2.2 Thatch Management

In order to enhance habitat value for native plant and animal species, including VPFS and CTS, portions of the open space areas of the Site will be grazed annually. This includes the "Natural Open Space" as identified in **Figure 2**, and may include portions of the naturalistic spray areas and other spray areas, at the discretion of the Property Owner. The White Fox Creek Corridor will not be subject to annual managed grazing. The need to protect riparian plantings and related infrastructure in this portion of the open space outweighs the benefits of grazing. Grazing this area while protecting the riparian restoration would require small, intricately-shaped pastures and very low stocking rates. This would be impractical, and disrupt the wildlife movement functions of the corridor.

Thatch management in the Natural and Naturalistic open space may be accomplished through grazing or mowing. Grazing will be the preferred method where practical, because it can control growth of annual grasses earlier in the growing season than is practical with mowing. Mowing may be used in areas where grazing is impractical.

Managed Grazing

As stated above, grazing will be the preferred method used for managing thatch on the Preserve. Annual grazing will be conducted in a manner that achieves the following objectives:

1. Grass height in the Natural and Naturalistic open space will be maintained between 2 and 12 inches. Shorter grass heights will be acceptable if severe winds have flattened the grasses, which is often the case by the fall;
2. Residual dry matter (RDM) levels will be maintained between 600 and 2,000 lbs per acre during normal to above normal rain years (total rainfall of at least 12 inches) and between 400 and 2,000 lbs per acre during drought years (total rainfall less than 12 inches). These RDM levels shall be on a 5 year average to take into effect any droughts.

The specific timing, level, type of grazing, and type of livestock will be determined at the discretion of the site manager provided the above objectives are met. No specific animal unit target is provided to allow for variation in seasonal and annual use.

Mowing

Mowing may be used as an alternate means to achieve thatch management to meet the objectives described above. Ungrazed areas and areas in which grazing has not reduced thatch height to below 3-4 inches by June 1st of each year will be mowed to that height.

3.6.3 Restoration Planting Management

During the initial 10-year monitoring period all plantings will be irrigated and protected from rodent herbivory, and weeds will be controlled around each tree and shrub. The plantings will all be deep-watered through the dry season on a weekly basis for the first 5 years following planting. The plantings will be deep-watered once every 10 days during the dry season of the 6th year, once every 15 days during the 7th year, once every 20 days during the 8th year, once every 25 days during the 9th year, and once every 30 days during the 10th year. Supplemental watering of these trees and shrubs would terminate after the 10th year, unless it is apparent during periodic monitoring visits that the plants are showing obvious signs of water stress.

The riparian plantings, including irrigation systems, weed cloth, and herbivory prevention measures will be inspected at least once every two months for the first two years after establishment, and at least once every four months for the next eight years. Repairs and maintenance of equipment will be performed on an as-needed basis to ensure continued system function and prevent death of riparian plantings, and allow adjustment of irrigation systems in a timely manner. Regular maintenance of irrigation systems and other restoration infrastructure will be the responsibility of the Property Owner.

3.6.4 Avoidance Measures for Management Activities

Certain types of maintenance, including mowing, repair of fencing, repair of trails, etc. may result in impact to nesting Burrowing owl (BuOw, *Athene cunicularia*) and their young, to California tiger salamander (CTS, *Ambystoma californiense*), vernal pool fairy shrimp (VPFS, *Branchinecta lynchi*), or to Valley elderberry longhorn beetle (VELB, *Desmocerus californicus dimorphus*). Maintenance activities resulting in mortality of these species would be a violation of state and/or federal law. Therefore, all maintenance activities potentially affecting these species will be preceded by the following measures:

- A take-avoidance survey shall be conducted by a qualified biologist for burrowing owls within 15 days of the onset of construction within or mowing of Natural Open Space. The survey shall be conducted according to methods described in the *Staff Report on Burrowing Owl Mitigation* (CDFG 2012).
- If take-avoidance surveys are undertaken during the burrowing owl breeding season (February through July) and active nests are located within areas where proposed maintenance is to occur, then the nest site and a suitable buffer (as determined by a qualified biologist) shall remain off-limits to all maintenance activities until the conclusion of the breeding season. The CDFW recommends setbacks from occupied nest burrows of 100 meters where construction will result in the loss of foraging habitat.
- During the non-breeding season (August through January), resident owls may be relocated to alternative habitat. The relocation of resident owls shall be conducted according to a relocation plan prepared by a qualified biologist in consultation with the California Department of Fish and Game.

Passive relocation as described in the aforementioned staff report will be the preferred method of relocation. The plan shall provide for their relocation to nearby open space providing adequate nesting habitat.

- No maintenance work will be performed within 250 feet of vernal pools or swales while they are ponded. Vernal pools and swales may be mowed only during the dry season when the soil is no longer saturated. No trails, riparian or landscape plantings, or other constructed features will be installed within vernal pools or swales. Fences may cross vernal swales if necessary, but crossings shall be designed to be as short as possible, with a minimum of surface disturbance to the swale. No fill material shall be placed in vernal pools or swales.
- If ground-disturbing maintenance (e.g. grading or gravelling trails) is required in natural or naturalistic open space, pre-construction surveys shall include a survey of the entire area of ground disturbance for mammal burrows. If practicable, the ground disturbance area shall be adjusted to avoid disturbing mammal burrows. If burrows must be disturbed, a qualified biologist will search the burrows with a combination of fiber-optic scope inspection and hand excavation to ensure no CTS are present. If CTS are absent, burrows may be collapsed to prevent colonization by CTS prior to construction. If CTS are found, they will be relocated prior to the onset of maintenance activities, in accordance with a CTS relocation plan approved by CDFW and USFWS. This provision may be ignored if CTS are de-listed under both the ESA and CESA.
- A fenced 20-foot disturbance buffer around elderberry shrubs will not be mowed except between July and April. No mowing will be allowed within 5 ft 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). No insecticides, herbicides, fertilizers, or other chemicals that might harm the beetle or its host plant shall be used in the buffer areas. This provision may be ignored if VELB are de-listed under the ESA.

Long-term maintenance will be the responsibility of CSA No. 34 under contract with an appropriate private entity that will provide this service. Some maintenance activities could require consultation with the California Department of Fish and Wildlife, the U.S. Fish and Wildlife Service, the U.S. Army Corps of Engineers (COE), and the California Regional Water Quality Control Board. For example, erosion damage to the creek may require the re-shaping of portions of the creek channel and the placement of rock armoring on eroded creek banks. This work would not proceed until all required state and federal permits had been obtained.

3.6.5 Cultural Resource Avoidance

Open space areas on the site will include identified cultural resources. These resources will be avoided during all restoration and management activities. Restoration plantings will not be planted within 15 feet of avoided cultural resources, and irrigation lines, fences, and trails will be built to provide at least a 15-foot buffer from cultural resources where possible. If these features cannot practically be designed to provide a 15-foot buffer, they will instead be designed to impact only fill soil placed atop the resource; no excavation will take place within the identified cultural resource area.

3.7 MAINTENANCE ACTIVITIES

The primary maintenance activities that will be conducted in the Open Space include repair or replacement of fences, gates, roads and other infrastructure, thatch management through grazing or

mowing, maintenance of restoration infrastructure, and removal of any accumulated trash or debris. Costs for maintenance of infrastructure will be paid by homeowner's fees paid to CSA No. 34.

3.7.1 Fence and Gate Maintenance

Portions of the Site are already fenced. During the development of MNT, additional fences and gates will be installed as necessary to facilitate grazing and mowing and protect biologically or culturally sensitive areas from trespass. The Property Owner will have the responsibility of maintaining all such fences and gates.

3.7.2 Road and Trail Maintenance

The Property Owner will be responsible for maintaining all walking paths and access roads in the Open Space.

3.7.3 Restoration Infrastructure Maintenance

As described above, the Property Owner will be responsible for maintaining irrigation systems for the riparian restoration area in good condition for as long as is necessary to meet the restoration goals.

3.7.4 Trash and Debris Removal

The Property Owner will maintain the Open Space to be free of accumulated trash and debris.

3.8 MONITORING

The monitoring and inspections described below include both restoration monitoring to be conducted for 10 years after riparian restoration planting, plus long-term monitoring to be carried out in perpetuity. **Table 1** provides a summary of all required monitoring surveys and inspections. The property owner shall be responsible for insuring that all monitoring and inspection surveys are conducted according to the required schedule and quality. All biological monitoring shall be conducted by a qualified Biological Monitor contracted or employed by the Property Owner. General monitoring inspections shall be conducted by a qualified Biological or Easement Monitor contracted, employed or otherwise under the direction of the Easement Holder. Funds required to hire the Biological Monitor and Easement Monitor shall be provided by homeowner fees paid to CSA No. 34 and the Conservation Easement Stewardship Endowment Fund.

3.8.1 General Inspections

A general inspection of the overall Open Space conditions shall be conducted a minimum of once a year in perpetuity by the Easement Monitor under the direction of the Easement Holder. This inspection shall be conducted following the end of the grazing season (June-September) to assess overall site conditions. During this inspection, the Easement Monitor shall at a minimum:

1. Assess overall Open Space conditions to ensure that the general terms and conditions of the Conservation Easement are being met;
2. Check for the presence of accumulated trash or debris;
3. Check for signs of unauthorized motor vehicle use or public trespass;
4. Assess the condition of fences, gates and any other infrastructure;
5. Assess range conditions including RDM levels on a qualitative, visual basis. If there is concern or uncertainty about the RDM levels, the Easement Monitor may use more quantitative methods for

Table 1. Schedule and Description of Inspection and Biological Monitoring Surveys
for Millerton New Town, Fresno County, California. Prepared by Vollmar Natural Lands Consulting, Berkeley, California.

Survey Type	Description	Personnel	Visits/ Monitor Year	Seasonal Timing	Required Monitoring Years from Years 1-10										Long-Term Monitoring
					Y1	Y2	Y3	Y4	Y5	Y6	Y7	Y8	Y9	Y10	
General Inspections	Easement Monitor shall conduct a general inspection monitoring survey a minimum of one time annually to ensure that the terms and conditions of the Conservation Easement and Long-term Management Plan are being met between the 5-year biological monitoring events. The Easement Monitor shall assess overall site conditions, check for accumulated trash or debris, check for signs of unauthorized motor vehicle use, assess condition of fences, gates and other infrastructure, assess range RDM, and take photographs from established photo-documentation points and other points of interest.	Easement Monitor	1	Jun-Sep (after end of grazing season)	X	X	X	X	X	X	X	X	X	X	Annually (Y10, Y11, Y12, Y13, etc.)
Biological Inspections	Biological inspection monitoring conducted a minimum of one time annually to assess overall biological conditions and ensure that the terms and conditions of the Long-term Management Plan are being met. A one-day biological inspection will be conducted every year to ensure that overall biological conditions are being maintained between the 5-year biological monitoring events. The Biological Monitor shall assess the health and status of each riparian planting, assess overall habitat conditions of vernal pools and grasslands, check for any new or worsening soil erosion problems or exotic pest plant invasions, and take photographs from established photo-documentation points and other points of interest.	Biological Monitor	1	Apr-May	X	X	X	X	X	X	X	X	X	X	Annually (Y10, Y11, Y12, Y13, etc.)
Biological Monitoring															
Aquatic Wildlife Surveys	Biological Monitor shall conduct dip-net or seine surveys for vernal pool branchiopods and amphibians. Biological Monitor must possess valid federal permit to conduct surveys of federally-listed vernal pool branchiopods and amphibians. All pools providing suitable habitat shall be sampled during Baseline Monitoring (Years 2, 4, 6, 8, and 10, and then every 5 years in perpetuity. The surveys shall determine the presence and abundance of special-status large branchiopod and native amphibian species as well as non-native bullfrogs. Pool temperature, water quality, and maximum ponding depth shall also be recorded.	Biological Monitor	3	Jan, Feb, Apr (timing depends on seasonal conditions)		X		X		X		X		X	Every 5 Years (Y10, Y15, Y20, Y25, etc.)
Floristic Monitoring	Biological Monitor shall conduct floristic surveys within all existing vernal pools shall be sampled during Baseline Monitoring (Years 2, 4, 6, 8, and 10, and then every 5 years in perpetuity. Floristic surveys shall record the presence and cover of all plant individual species, bare soil, and unvegetated, open water. Photographs shall be taken of all pools.	Biological Monitor	1	Apr-May (peak spring bloom)		X		X		X		X		X	Every 5 Years (Y10, Y15, Y20, Y25, etc.)

1. measuring RDM such as comparison with an industry-accepted photo guide such as the Residual Dry Matter Monitoring Photo-Guide (Guenther 1998) or clip plots;
2. Take representative photographs from at least five established photo-documentation points highlighting range, vernal pool, and riparian conditions.

3.8.2 Biological Inspection

A one-day biological inspection will be conducted by the Biological Monitor every year to ensure that overall biological conditions are being maintained between the 5-year biological monitoring events. The biological inspection shall be conducted during peak spring bloom. During this inspection, the Biological Monitor shall at a minimum:

1. Assess the condition of each restoration planting (tree/shrub/native grass planting), tracking plant mortality;
2. Assess overall habitat conditions of vernal pool and grassland communities;
3. Ensure that the general terms and conditions of the Long-term Management Plan are being met;
4. Check for any new or worsening soil erosion problems or exotic pest plant invasions;
5. Take photographs at established vernal pool and grassland photo-documentation points;
6. Take photographs of other conditions and other points of interest within the Preserve, especially areas of soil erosion problems or excessive livestock concentration.

3.8.3 Biological Monitoring

The Biological Monitor shall conduct biological monitoring for wetland health vegetation conditions, and the presence and abundance of listed vernal pool wildlife. Baseline biological monitoring will occur in Years 2, 4, 6, 8, and 10. Baseline monitoring results will be used to understand baseline conditions and guide adaptive management decisions in future years. Long-term biological monitoring will be conducted in Years 15, 20, 25, and every five years thereafter in perpetuity. Also, a general Biological Inspection will be conducted every other year as described in Section 3.8.2 above.

Because conditions within annual grasslands and vernal pools can vary significantly from year to year depending on the level and timing of seasonal rainfall, baseline surveys are conducted over several years to document a range of conditions as a good basis for comparison during long-term monitoring.

3.8.3.1 Wetland Monitoring

Baseline Monitoring. Baseline vernal pool monitoring will be conducted within vernal pools during Years 2, 4, 6, 8, and 10 to sample the vegetation communities of vernal pools on the property. All pools on the Preserve will be sampled over the course of the four baseline monitoring years to develop an accurate understanding of the distribution and percent occupancy by listed and special-status species within vernal pools throughout the Preserve.

Three rounds of aquatic wildlife surveys will be conducted during each monitoring year. Sampling will be conducted by a qualified biologist with a valid federal recovery permit to conduct surveys for the federally-listed aquatic wildlife species that may be encountered. The general timing of the surveys will be one in late December to early January, one in February, and one in late March to April. The first two survey rounds will be timed to correspond with peak occurrence of listed large branchiopods. The third survey round will be timed to correspond with peak occurrence of larval California tiger salamanders and western spadefoot. Aquatic surveys will be conducted using a standard aquatic invertebrate net with a mesh size of approximately 20 threads per inch. The third round of surveys may also be conducted using

seine with a ¼ inch square mesh net. Pools will be sampled using a semi-quantitative approach whereby a total of five meter-long net sweeps are made to sample a consistent volume of water. The presence and abundance of large branchiopods and larval amphibians will be recorded by abundance class on standardized data sheets. Data will also be collected on water temperature, qualitative observations of water quality conditions, and maximum ponding depth. Once the semi-quantitative sampling is complete, additional sampling of the pool will be conducted as necessary to ensure that all listed large branchiopods and larval amphibians present have been detected and recorded.

One round of floristic sampling will be conducted during peak spring bloom (typically April or May) in each vernal pool in the Open Space during each of the monitoring years. Data will be collected on standardized data sheets developed for this project. Data to be collected within each sampled pool will include: (1) identification of all plant species present (i.e. species composition); estimates of the total absolute cover of vegetation, bare soil, and open, unvegetated water; and estimated absolute cover for each species identified. Absolute cover estimates for individual plant species will be recorded using cover classes as follows: 0 = 0, 1 = >0 and ≤1, 2 = >1 and ≤5, 3 = >5 and ≤25, 4 = >25 and ≤50, 5 = >50 and ≤75, 6 = >75 and ≤95, and 7 = >95. The use of cover classes simplifies the data collection process and improves sampling consistency among different biological monitors. Photos of the pools will be taken during each monitoring year during floristic monitoring.

Long-term Monitoring. Long-term vernal pool monitoring will be conducted in Years 15, 20, 25 and every five years thereafter in perpetuity. The monitoring will follow the same methods describe above under baseline monitoring including field surveys and photo-documentation.

3.8.3.2 Performance Thresholds

Should the presence or abundance of listed aquatic wildlife species within sampled vernal pools show a continuing trend of decreasing below baseline levels, remedial measures will need to be implemented following the adaptive management approach described in Section 3.4, above.

3.8.4 Agency Inspections

Staff from COE and USFWS may inspect the condition of the Site as necessary to ensure that the terms and conditions of the Conservation Easement and Long-term Management Plan are being met. Unless an emergency exists, COE or USFWS must notify the Property Owner at least 48 hours in advance of any site visit.

4.0 REPORTING REQUIREMENTS

Several different types of monitoring and inspection reports will be prepared and submitted to USFWS and COE. **Table 2** summarizes the types and schedule of reports. The content and required date of completion of each report is described below.

Table 2. Type and Schedule of Preserve Inspection and Monitoring Reports to be Submitted to COE and USFWS.

Type of Report	Yearly Schedule	Required Annual Completion Date
Annual Reports	Annually, in perpetuity.	December 31 (Submitted by Property Owner to USFWS, COE, and Easement Holder.)
Conservation Easement Monitoring Reports	Annually, in perpetuity.	December 1 (Submitted to Property Owner for inclusion in Annual Report)
Biological Monitoring Reports	Baseline Monitoring: Years (Y2, Y4, Y6, Y8, and Y10). Long-term Monitoring: every ten years beginning at Year 15 in perpetuity (Y15, Y20, Y25, etc.).	December 1 (Submitted to Property Owner for inclusion in Annual Report)
Biological Inspection Reports	Annually, in perpetuity.	July 31 (Submitted to Property Owner for inclusion in Annual Report)

4.1 ANNUAL REPORTS

The Property Owner, working with the Easement Monitor, Biological Monitor, and Easement Holder, shall prepare an Annual Report to be submitted to the Easement Holder, USFWS, and COE. The report will also include as appendices the Conservation Easement Report, Biological Inspection report, and Biological Monitoring report (if prepared that year).

The Annual Report shall include, at a minimum:

1. A description of the overall condition of the Preserve;
2. A description of the rainfall conditions over the past year including timing and amount of rainfall;
3. Photographs taken from established photo-documentation points and other points of interest documenting Preserve conditions;
4. A summary of the thatch management activities and range conditions;
5. A description of the management and maintenance activities conducted over the past year;
6. A description of the anticipated management and maintenance activities for the coming year;
7. A description of actions for which USFWS notification or approval was not needed, but were carried out during the year;
8. A description of the monitoring activities conducted over the past year;
9. A discussion of any adaptive management needs;
10. A brief summary of the methods and key results of the Biological Inspection with a copy of the full Biological Inspection Report attached as an appendix; and
11. A brief summary of the methods and key results of any Biological Monitoring that was conducted over the past year with a copy of the full Biological Monitoring Report attached as an appendix.

The Annual Report shall be submitted to USFWS by the end of each year (December 31).

4.2 CONSERVATION EASEMENT MONITORING REPORTS

A separate Conservation Easement monitoring report, addressing the specific terms and conditions of the easement, shall be prepared annually by the Easement Holder and attached as an appendix to the Annual Report.

The Conservation Easement Report shall be completed and provided to the Property Owner by December 1 of each year.

4.3 BIOLOGICAL MONITORING REPORTS

The Biological Monitor, under the direction of the Endowment Holder, shall prepare a Biological Monitoring Report following baseline monitoring years (Years 2, 4, 6, 8, and 10) and every five years beginning at Year 15, in perpetuity.

The Biological Monitoring Report shall include, at a minimum:

1. A summary of the types and methods of monitoring conducted;
2. Presentation of all quantitative data by sampled vernal pools including aquatic wildlife presence and abundance, and plant species presence and abundance;
3. A description of the rainfall conditions over the past year including timing and amount of rainfall;
4. Comparison of current year's data with past years' data and analysis of habitat and species trends;
5. Summary discussion of Preserve conditions and trends; and
6. Recommendations for corrective actions.

The Biological Monitoring Report shall be completed and provided to the Property Owner by December 1 of each monitoring year.

4.4 BIOLOGICAL INSPECTION REPORTS

The Biological Monitor, under the direction of the Property Owner, shall prepare a Biological Inspection Report each year. This report shall be attached as an appendix to the Annual Report. The Biological Inspection Report shall include, at a minimum:

1. A quantitative assessment of the survivorship of all riparian plantings;
2. A description of the overall physical, biological, and ecological conditions of the Open Space;
3. A description of the rainfall conditions over the past year including timing and amount of rainfall;
4. Specific discussions of the general conditions of the vernal pools and grasslands from a habitat perspective;
5. A discussion of any new or worsening problems such as soil erosion or exotic pest plant invasions;
6. Recommendations for any corrective actions or adaptive management; and
7. Photographs taken from established photo-documentation points and other points of interest on the Site.

The Biological Inspection Report shall be completed and provided to the Property Owner by July 31 of each monitoring year.

5.0 FUNDING

Funds for management will be provided by CSA No. 34 for plan implementation. The funding source is to consist of an assessment on each of the projects constructed in the MNTSPA. The final budget for the Plan implementation shall be established and approved by Fresno County prior to recordation of the final Tract Maps for the project.

6.0 WETLAND AND OPEN SPACE MITIGATION PLAN AND MONITORING PROGRAM MATRIX

The Wetland and Open Space Mitigation Plan and Monitoring Program Matrix establishes requirements for the MNTSPA. Mitigation measures required by the matrix are organized by general category. Measures 16.a. through 16.e. are measures to be incorporated into the design of the residential development plan. Measure 16.f. identifies required elements of the open space mitigation and management plan (this document). Measure 16.i. specifies the 16.f. requirements that apply specifically to Tract 4870. Measures 16.g. and 16.h. require that each tract of the MNTSPA will be part of an open space district, and that mitigation fees will be collected for the acquisition and preservation of open space parcels nearby. Each mitigation measure is discussed below, and a reference to the portion of this document which addresses it is provided (if appropriate).

Measure 16.a.

Existing healthy oaks shall be preserved through setbacks and use restrictions within the dripline.

Final designs for the development of MNT, including the related infrastructure, will avoid existing blue oaks (to the extent practicable; however, several individual trees may be impacted by the project). The Millerton New Town Oak Tree Protection and Management Plan (**Appendix D**) has been developed to minimize these losses. It states that individual lot buyers and builders must submit applications to an Architectural Review Committee (ARC) for approval. If oak trees larger than 4 inches in diameter are to be removed, the owner/builder will be required to pay into a fund for the future replanting of replacement oak trees on the Site, with the fee based on the size of the oak to be removed. Trees with a trunk diameter of 15 inches or greater shall not be removed except with the consent of the ARC.

MEASURE 16.b.

Habitat will be enhanced through development of parkways and other urban landscape areas.

Major parkway areas will include the White Fox Creek Corridor running through the entire Site, and areas of irrigated naturalistic open space and parks scattered throughout the Site. The White Fox Creek Corridor will be an average of approximately 360 feet in width, and will cross the Site from the commercial property at the central-eastern edge diagonally to the southwest corner. Marina Drive, which has been designated a scenic roadway, will parallel the corridor for portions of its length. Other major roadways have also been designed to parallel or cross through the naturalistic open space and parks, as illustrated in **Figure 2**. Portions of Marina Drive and other parkways will be landscaped for aesthetic purposes.

According to the Matrix, this mitigation measure (i.e. maintenance of roadway enhancements and urban landscaping) will be the responsibility of the Fresno County Public Works and Development Services Department.

MEASURE 16.c.

Select vegetation species for erosion control, aesthetic value, and habitat improvement for parks, school areas, and scenic corridors.

The primary habitat enhancement measure for the Site will be the enhancement of native riparian vegetation along White Fox Creek. This process has already begun, and will continue as described above in **Section 3.5**

Marina Drive and Millerton Road are also to be landscaped with trees. Presumably, suitable landscape trees for roadway plantings need not be native species. Therefore, the planting plan provided in this report does not address this landscaping. Drought-tolerant species are, however, recommended. A variety of native tree species are drought tolerant, but relatively few have significant landscape value. Possible selections for use along Marina Drive and Millerton Road include western sycamore, valley oak, and interior live oak. Western sycamores and valley oaks would require at least some supplemental irrigation water every year. Some non-native drought-tolerant species, such as Afghan pine (*Pinus eldarico*), Italian stone pine (*Pinus pinea*), European olive (*Olea europea*), and cork oak (*Quercus suber*) would require relatively little supplemental water once established, but would nonetheless require some, especially during the warmest months of the summer. Soil preparation for landscape trees could require the excavation of pits that break through any hardpan layer that may be present.

MEASURE 16.d.

“No shooting” and “leash law” districts should be established for the Millerton community in keeping with existing Fresno County policy in these areas. Prior to recordation of a final map or approval of a site plan review a funding mechanism shall be established to pay for the cost of the associated services.

According to the Matrix, this mitigation measure will be the responsibility of the Fresno County Public Works and Development Services Department. Provisions for these restrictions have already been adopted as authorized powers of CSA No. 34, which includes MNT.

MEASURE 16.e.

The landscape plan for the Inn and Conference Center proposed under Conditional Use Permit No. 2865 shall include the substantial use of native plant species.

It is desirable to maximize the use of native species in landscape plans, as they provide multiple benefits such as providing food and habitat for native animal species, and reducing requirements for maintenance, pesticides, and irrigation. The use of drought-tolerant species is also an important consideration, and may in some cases justify the use of non-native trees for landscaping purposes, as described in section **16.c**, above. Examples of appropriate drought-tolerant natives for landscaping in this area would be buck brush (*Ceanothus cuneatus*), California coffeeberry (*Frangula californica*), deer grass, and California brome. Because this landscaping will not fall within the open space or wetland habitats, a full landscaping or management plan for these areas are not provided in this document.

MEASURE 16.f.

A Wetland and Open Space Mitigation Plan and a Monitoring Program shall be developed. Prior to recordation of a Final Tract Map or Site Plan Review (SPR) approval, a Wetland and Open Space Mitigation Plan and a Monitoring Program shall be developed by the Project Proponent and approved by the County through

consultation with the California Department of Fish & Game for all lands either containing delineated wetlands or adjacent to delineated wetlands as defined by the U.S. Army Corps of Engineers. The Wetland and Open Space Mitigation and Management Plan shall provide for on-site preservation, off-site preservation, or a combination of the two to ensure a no-net loss of wetland acreage or function, and shall restore native upland vegetation to non-wetland habitats in new open space areas adjacent to wetland habitat. It shall contain provisions for the restoration or preservation activities for subject areas within the plan area with the short-term provision as agreed to by the California Department of Fish & Game and also have a long-term Management and Monitoring Program. After the mitigation monitoring has been completed, the Wetland and Open Space Mitigation and Management Plan shall address long-term management issues of the recreational open space. Where required, the Wetland and Open Space Mitigation and Management Plan shall be submitted to the U.S. Army Corps of Engineers for review. Funds for the Wetland Management and Monitoring Plan shall be part of the CSA No. 34 budget. A Monitoring Program shall be approved that provides for the following:

16.f.1

Restore native upland vegetation to non-wetland habitats by means of managed grazing and re-introduction of native grass species.

As noted in the discussion of the White Fox Creek Corridor, a number of native grasses would be restored to the bed and upper bank of the creek. Other native grasses suitable for establishment in the upland areas of the Corridor would be creeping wildrye, California brome, California fescue, and foothill needlegrass (*Stipa cernua*).

Grazing has significant ecological benefits for grassland and seasonal wetland habitats, including vernal pools. (Marty 2005, Vollmar 2002, Barry 1998). In the absence of thatch removal, annual grasses intrude around wetland margins, crowding out native plant species, and increasing the plant evapotranspiration rate. This, in turn, can reduce pool hydroperiod, reducing or eliminating habitat suitability for vernal pool aquatic animal and plant species.

16.f.2

Address long-term management issues of the recreational open space after mitigation monitoring has been completed.

Issues related to the long-term management of open space include:

- Annual reduction of flash fuels in the form of dried grasses (as discussed in item 16.f.1 above);
- Repair of possible erosion damage that may result from occasional high flows in White Fox Creek;
- Maintenance of recreational trails and benches;
- Maintenance of any rustic decorative fencing at the outer edges of some open space areas. Such fencing will be designed to keep humans out of sensitive areas;
- Maintenance of pasture perimeter or cross-fences designed to assist in managing grazing;
- Control of invasive plants that may become established within the open space;

- Health and maintenance of riparian plantings;
- Trash removal;
- Flood control.

The reduction of flash fuels will be accomplished by a combination of managed grazing and mowing as described above, according to a maintenance schedule adopted by CSA No. 34. The remaining maintenance activities would be triggered by an annual inspection report, which will report on the observations made during yearly inspection surveys conducted in perpetuity.

16.f.3

Where required, submit the mitigation and management plan to the U.S. Army Corps of Engineers for review and approval.

This Plan will be submitted to COE along with all Section 404 permit application packages.

16.f.4

Funds for the Open Space Management Plan shall be part of the CSA No. 34 budget.

Such funds will be provided based on a budget approved and collected by CSA No. 34 from individual homeowner users of CSA No. 34 so that the Plan can be fully implemented. These fees will be established and approved by Fresno County prior to recordation of the final Tract Maps for the project. A copy of the Engineer's report containing these and other fees will be submitted to CDFW.

16.f.5

A Monitoring Program shall be approved that provides for the following:

16.f.5.a

Measurable mitigation objectives

These objectives have been established in Sections 3.5.2 and 3.8.3.2, above.

16.f.5.b

Measures which will result in the objectives being met

The monitoring and management measures described in Section 3 above provides the measures necessary to ensure that the criteria are met successfully.

16.f.5.c

Monitoring protocol for measuring the success of the plan which identifies:

16.f.5.c.i

When the monitoring shall occur

See Table 1, above.

16.f.5.c.ii

Survey method to be used

See Sections 3.8.1 through 3.8.3 above.

16.f.5.c.iii
Reporting requirements

See **Section 4**, above.

16.f.6

The ongoing funding source shall be confirmed for the implementation of the Wetland and Open Space Mitigation and Management Plan.

As noted, funds will be provided by CSA No. 34 for plan implementation. The funding source is to consist of an assessment on each of the projects constructed in the MNTSPA. The final budget for the Plan implementation shall be established and approved by Fresno County prior to recordation of the final Tract Maps for the project.

The proposed MNT project has been designed to avoid and minimize wetland impacts to the maximum extent practicable. White Fox Creek, along with numerous smaller wetlands on MNT, will be preserved on-site as displayed in **Figure 2**. The preservation of the White Fox Creek corridor, its enhancement through riparian plantings, annual maintenance, annual monitoring to ensure that performance criteria have been met, contingency measures, and erosion control measures provided as part of Mitigation Measure **16.c** will ensure the no net loss of wetland corridor function for White Fox Creek. Other preserved wetlands on site will be subject to annual monitoring and maintenance as described above in Measure **16.f.5**. The monitoring, management, contingency measures, and erosion control measures set out for those wetlands will ensure no net loss of function within them.

While the proposed project avoids and minimizes wetland impacts where practicable, some wetlands on the site will be filled or degraded during the development. These impacts will occur only in accordance with the conditions of appropriate permits including COE Section 404 wetland fill permits, Regional Water Quality Control Board Section 401 water quality certifications, and California Department of Fish and Wildlife Section 1601 streambed alteration agreements. As part of the conditions of these permits, off-site mitigation requirements will be fulfilled through COE's in-lieu fee program. The fees from this project will be used by the COE program to fund the preservation, establishment, re-establishment, or restoration of wetland habitats. Additionally, the MNT project includes the permanent conservation and management of the Jamison Ranch and its wetland habitats, as described in the Long Term Management Plan for the Jamison Ranch (VNLC 2014b). These measures will provide for off-site preservation of wetland habitats, and for off-site mitigation ensuring no-net loss of wetland acreage or function.

MEASURE 16.g.

The project proponent shall participate in the formation of an Open Space and Natural Resource Plan (OSNRP) for the Millerton, Dry Creek, and Sierra Foothill areas. The OSNRP will provide protection of sensitive resources by establishing key habitat areas, open and continuous wildlife corridors, ridgetop and view protection, native plant landscapes, and lighting restrictions on hilltops to mitigate glare.

The Millerton Open Space and Natural Resource Plan was developed partially in response to Mitigation Measure **16.g** and **16.h** (below). In 1999, a group of developers, biologists, and land managers who were collectively interested in the preservation of the natural resources of the Millerton area drafted the Millerton Open Space and Natural Resource Plan to be administered by a board of directors and to be implemented according to an adopted "Articles of Organization". The geographic area covered by the plan is the entire Millerton New Town Specific Plan Area. This area has been already expanded to include

the nearby holdings of other private landowners. The plan calls for the collection of "impact fees" for each residential unit constructed in the area covered by the plan. These fees are to be paid to the Sierra Foothill Conservancy for the acquisition of land and protective easements on lands in and around the Millerton area where future development will occur. The mandatory open space impact fee was set at \$175 per residential unit, but provision was made for fee increases over time. The Board of Directors of the Open Space Plan has directed the Sierra Foothill Conservancy to use the funds generated by the impact fees to acquire lands for protection of wetland habitats, as well as habitats known to be used by state- and federally listed threatened and endangered species occurring within or near the MNTSPA. The Sierra Foothill Conservancy has targeted parcels on McKenzie Table, Big Table and in the Sierra foothills adjacent to these geologically unique landforms for acquisition or conservation easement. In total, the MNTSPA will generate over \$550,000 in impact fees at full build-out that would be to the Sierra Foothill Conservancy for the purchase of conservation easements on such parcels. These lands are within 2-5 miles of MNT. Therefore, the development of MNT will contribute to the mitigation of cumulative impacts that may result from regional development in the future.

MEASURE 16.h.

The project proponent shall pay a one-time fair share of the mitigation fees established by the OSNRP consistent with other projects within the OSNRP area, taking into account previous development commitments recognized in the Millerton Specific Plan adopted in 1984 and amended in 1999 and 2004, and the project conditions of approval that already include open space set-aside and other protection measures. The OSNRP mitigation fees consist of \$175 per residence and \$.10 per square foot of commercial space payable to Sierra Foothill Conservancy at the time of issuance of Building Permit with provision for future adjustment of these fees based upon the Engineering News Record Index.

As discussed above, the mitigation fees generated by MNT for the OSNRP at full build-out will be at least \$550,000, and may be higher depending on increases in the Engineering News Record Index.

MEASURE 16.i.

**Tract 4870 Wetland and Open Space Mitigation Plan and Monitoring Program.
[Full Text Omitted]**

This measure was developed for Tract 4870; however, the Tract 4870 development avoided wetland impacts, so the Mitigation and Monitoring Plan for Tract 4870 adhered instead to the original Measure 16.f rather than to this measure as written. This measure is therefore not applicable to the MNT project, and will not be addressed by this Plan.

7.0 REFERENCES

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- [VNLC] Vollmar Natural Lands Consulting. 2014b. Draft Long-Term Management Plan for the Jamison Ranch Conservation Easement.

APPENDIX A

**MILLERTON SPECIFIC PLAN MITIGATION
MEASURES AND MONITORING PROGRAM
MATRIX**

Millerton Specific Plan Mitigation Measures and Monitoring Program Matrix							
Mit Meas #	Mitigation Measures	Responsible Person/ Agency	Mitigation Phase	Frequency of:		Verification & Implementation	
				Monitoring	Reporting	Date Repts. Rec'd	Notes
LAND USE AND ZONING							
1 a	From a land use standpoint, the key to ensuring that development is undertaken in an environmentally sensitive manner is to adopt standards in the Specific Plan (supplemented by mitigation measures in the EIR) and to require sound comprehensive development conditions. The level of detail in the application should be sufficient to evaluate the consistency of the project with overall Specific Plan design.	PW&P	8	Once	Once		
1 b	Each area of the Millerton New Town Specific Plan shall be annexed to CSA No. 34 prior to Site Plan Review or recordation of Final Map or Parcel Map.	PW&P LAFCo	1, 2	Once	Once		
1 c	The location and number of units in the Specific Plan shall be restricted to 3499 units in the locations shown in Figure 5, Development Allocation Areas of the Specific Plan	PW&P	1	Once per phase	Once per phase		
1 d	Prior to recordation of a final map or approval of a site plan review for development which is within 300 feet of an AE or AL Zone District a Right-To-Farm Notice shall be recorded pursuant Fresno County Ordinance Code Section 17.04.100	PW&P	1, 2	Once per phase	Once per phase		
1 e	Prior to recordation of a final map or approval of a site plan review, a notice shall be recorded to run with the land which discloses the presence, operation and noise generation of the Fresno Rifle and Pistol Club, operating under CUP #2344, located south of the Millerton Specific Plan area at 15687 Auberry Road	PW&P	1, 2	Once per phase	Once per phase		
TRAFFIC AND CIRCULATION							
2 a	Continue the standards of the Specific Plan which provide a safe and convenient circulation network at final development including a hierarchy of roadway designations, scenic roads, trails and bike paths	PW&P	5	Once	N/A		
2 b	Develop Marina Drive (Winchell Cove Road) from Winchell Cove Marina to Auberry Road as a two lane roadway with left turn and right turn lanes at all intersections and one additional lane in each direction plus parking lanes adjacent to all non-residential land uses, and modify the intersection of Marina Drive and Millerton Road to form a more normal right angle intersection	PW&P	2, 6	Once per phase	Once per phase		

Responsible Person/Agency

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FCSH = Fresno Co. Sheriff's Department
LAFCo = Local Agency Formation Comm
FCEH = Fresno Co. Environmental Health
CSA = County Service Area No. 34
CALTRANS = CA Dept. of Transportation

Responsible Person/Agency, cont'

WQCB = CA Regional Water Qual. Control Bd
APCD = San Joaquin Valley Unified Air Pollution Control Dist.
CUSD = Clovis Unified School District
SUSD = Sierra Unified School District
NRCS = Natural Resource Conserv. Serv., USDA
F&G = Calif. State Dept. of Fish & Game
FCRD = Fresno Co. Resource Div., DPW&P
DOHS = CA Dept. of Health Services

Mitigation Phase Key

1 - Site Plan Review
2 - Prior to Recording Final Map
3 - Prior to Issuance of Bldg. Permit
4 - Prior to Occupancy
5 - During Grading Activity
6 - During Construction
7 - Other
8 - SP/CUP/TM
n/a - Not Applicable

Frequency

Once - One time during specified miti-
gation Phase
Annual - Annually
OGAP - Ongoing & periodic dep. on
mitigation
@BP - At each bldg. permit
CDC - Continuous during construction
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TRAFFIC AND CIRCULATION, con't							
2 c	Install an eastbound left turn lane in Auberry Road at Marina Drive	PW&P	2, 6	Once per phase	Once per phase		
2 d	Widen Millerton Road to provide left and right turn lanes at all intersections within the project	PW&P	2, 6	Once per phase	Once per phase		
2 e	Relinquish direct access to residential properties fronting on Millerton Road	PW&P	2	Once per phase	Once per phase		
2 f	Install a raised median island barrier in Millerton Road adjacent to all non-residential land uses	PW&P	1, 2, 6	Once per phase	Once per phase		
2 g	Agree to install a traffic signal at the intersection of Marina Drive and Millerton Road at the time that the County determines a traffic signal is warranted	PW&P	1, 2	Once	Once		
2 h	The project proponent shall pay the project's pro-rata share of the cost of improvements as described in the Traffic Impact Analysis, Millerton Specific Plan Amendment Clarksfield Project, Fresno County, prepared by Valley Research and Planning Associates for the following described traffic improvements that are to be provided as part of the Millerton Specific Plan: A Marina Drive Extension to the south: i. Four-lane roadway approximately one mile ii. Two-lane roadway approximately two miles B Auberry Road/Marina Drive Turn Lane The pro-rata share shall be established prior to recordation of the final map and payable at the time of issuance of a building permit. The fee shall be adjusted annually for inflation based on the Engineering News Record (ENR) 20 Cities Construction Cost Index	PW&P	2, 3	@BP	Annual		

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Frequency

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**Millerton Specific Plan
Mitigation Measures and Monitoring Program Matrix**

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				Monitoring	Reporting	Date Repts Rec'd	Notes
TRAFFIC AND CIRCULATION, con't.							
2 i	The project proponent shall pay the project's pro-rata share of the cost of improvements for four-lane roadway projects and traffic signal installation as described in the Traffic Impact Analysis, Millerton Specific Plan Amendment Clarksfield Project, Fresno County and the Supplemental Report (11/98), both prepared by Valley Research and Planning Associates. Unless and until traffic impact fees for the area are adopted by the County, each project proponent shall enter into an agreement with the County to provide for the funding of the traffic impact fees. The Traffic Impact Agreement between the County and a project proponent shall consider the Traffic Impact Analysis described above and any other relevant traffic analysis or information. The agreement may include provision for credit or reimbursement of the cost of the construction of prescribed improvements by a project proponent. Traffic related impact fees established on a per-unit basis as set forth in the Traffic Impact Analysis shall be payable at the time of issuance of a building permit. The fee shall be adjusted annually for inflation based on the Engineering News Record (ENR) 20 Cities Construction Cost Index. NOTE: Expenditures for improvements to Millerton Road will be prioritized pursuant to Board policy.	PW&P	2 3	@BP	Annual		
2 j	The pro-rata share of \$310,000 for improvements at the State Route 41/Front Road interchange shall be paid through an impact fee of \$390 for each of the 795 dwelling units reallocated to the 440 acre expanded Specific Plan area (Development Allocation Area G). The impact fee shall be paid prior to issuance of each building permit.	CALTRANS PW&P	2 3	@BP	Annual		
2 k	Each phase of development shall be reviewed to determine the essential circulation system improvements to be installed both in terms of the local street system and the areawide improvements identified in the Traffic Analysis Studies prepared by Valley Research and Planning Associates.	PW&P	1, 2, 3	Once per phase	Once per phase		
WASTE WATER DISPOSAL							
3 a	All development that occurs within the Specific Plan area must utilize a community sewer system with effluent treated to tertiary level.	PW&P WQCB	1 2 7	Once per phase OGAP	Once OGAP		

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Frequency

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**Millerton Specific Plan
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				Monitoring	Reporting	Date Repts. Rec'd	Notes
WASTE WATER DISPOSAL, con't							
3 b	Initial projects may be much smaller than the 100,000 gpd increment needed for phased construction of the treatment facility. In this case, interim disposal sites may be acceptable if it can be demonstrated that the proposed site has acceptable locational criteria for a package sewage treatment plant. In no case should the County consider use of an interim disposal site if the cumulative flows generated will exceed 100,000 gallons/day after a proposed project is added.	PW&P FCEH	1, 2	Once per phase	Once per phase		
3 c	The wastewater treatment and disposal facilities shall be operated by County Service Area No. 34 in accordance with the State Water Resources Control Board and the California Administrative Code.	PW&P CSA	7	OGAP By CSA	OGAP		
3 d	An effluent monitoring program will be established by the Regional Water Quality Control Board consistent with the Waste Discharge Requirements and State Health Wastewater Reclamation Criteria.	WQCB (CSA)	2, 7	OGAP	OGAP		The Waste Discharge Requirements (Order No. R5-2002-0193) contain a Monitoring and Reporting Program that is acceptable to the Regional Water Quality Control Board.
3 e	Reliability and design requirements for the treatment process shall adhere to established engineering standards for Department of Health criteria.	PW&P FCEH	1, 2	Once per phase	Once per phase		
3 f	Stormwater drainage shall be routed around the treatment plant and ponding site via improved or unimproved drainage courses.	PW&P	1, 2, 5	Once per phase	Once per phase		

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WASTE WATER DISPOSAL, con't							
3.g	The management plan for storing treated effluent consists of two operational modes – wet weather and intermittent storage. Toward the end of the irrigation season (typically September to October) the storage ponds will be emptied to provide maximum capacity for winter storage. Discharge to disposal would occur in the winter only if weather conditions and soil moisture were conducive to effluent disposal. The ponds would also provide intermittent effluent storage between irrigations during the growing season (March to October). Minimum water depths of three feet would be maintained in a pond whenever possible, thus reducing weed growth and potential habitats for breeding of mosquitoes. Effluent may be applied to cropland using normal farming practices. Personnel will be instructed on the character of the effluent and pertinent health and safety precautions.	CSA RWCB	7	OGAP	Annual		
3.h	No final map, improvement plans associated with a final map, site plan, or building permit shall be issued unless the County has adopted the Infrastructure Plan for water, sewer and drainage.	PW&P FCRD	1, 2, 3	Once per phase	Once		Infrastructure Plan for water, sewer and drainage adopted by Bd of Supervisors Dec. 2000.
3.i	The sewage infrastructure facilities required to serve each phase of development shall be constructed prior to issuance of building permits in the respective development phase area.	PW&P	3	Once per phase	Once per phase		
3.j	To the greatest extent possible reclaimed water shall be reused for irrigation of golf courses and other landscaped areas.	CSA WQCB	7	OGAP	Annual		
3.k	The plan for reuse of reclaimed water and necessary infrastructure for implementation shall be made a part of the infrastructure plan.	PW&P	1, 2	Once	Once		Plan for reclaimed water included in Adopted Infrastructure Plan.

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**Millerton Specific Plan
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WASTE WATER DISPOSAL, con't

31	For disposal to greenbelt areas, appropriate measures should be taken to ensure protection of public health. Typical measures include: a 50 foot setback from adjacent properties, irrigation at night, positive controls to avoid irrigation run-off, and appropriate cross-control requirements with respect to potable water	WQCB FCEH	2, 7	OGAP	Annual		On October 18, 2002, the Regional Water Quality Control Board issued Waste Discharge Requirements (Order No. R5-2002-0193) for County Service Area No. 34, Millerton New Town. The Order allows the discharge of treated wastewater from the tertiary wastewater treatment plant to the effluent spray fields.
3m	The wastewater treatment facilities) shall comply with the regulations and guidelines governing wastewater treatment and effluent reuse. The plans shall be approved by the Fresno County Public Works & Development Services Department, the Fresno County Department of Health, the California Regional Water Quality Control Board (RWQCB), and the State Department of Health Services (DOHS).	PW&P FCRD FCEH WQCB DOHS	1, 2	Once	Once		
3n	A tertiary treatment facility shall be constructed in the southwesterly portion of the Specific Plan area in the vicinity of the temporary evaporation pond no. 1 for the Brighton Crest development. It shall include subsurface concrete linkage with a building on top to provide odor and noise control, visual attractiveness and security and the perimeter of the entire treatment area shall be landscaped based on the elevation drawings and preliminary landscape plans in the Millerton New Town Plan Area, Wastewater Treatment System Site and Disposal Area, Report Update, October, 1998 by Allied Engineers, Inc.	PW&P WQCB FCEH	1, 2, 3	OGAP during construction	Once		CUP 2979 approved by Fresno Co. PC for construction of tertiary treatment facility and related landscape features
3o	Areas for use of reclaimed water shall be constructed to allow for landscaping and golf course use, and protection of wetlands	PW&P CSA	1, 2, 6	OGAP during construction	Once		

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Mit Meas #	Mitigation Measures	Responsible Person/ Agency	Mitigation Phase	Frequency of		Verification & Implementation	
				Monitoring	Reporting	Date Repls. Rec'd	Notes

WASTE WATER DISPOSAL, con't							
3 p	Effluent shall not be applied to any permanent wetland areas that would result in a surface water discharge which would require a NPDES permit.	PW&P CSA	1, 2, 6	OGAP	Annual		
COMMUNITY WATER							
4 a	The Specific Plan area will be served with a community water system(s). As designed the systems will provide sufficient supplies for domestic, commercial and fire flow requirements.	PW&P FCEH	1, 2	Once per phase OGAP	Once per phase OGAP		
4 b	A domestic water delivery plan, including specifications for pumping and storage will guide planned New Town phasing.	PW&P FCEH	1, 2, 3	Once	Once		
4 c	Agreements between Fresno County and "Millerton Water Users" stipulate conditions which will mitigate water demand and community growth requirements.	PW&P	1, 2, 8	Once	Once		
4 d	Reliability and design requirements for water systems will adhere to established standards of the RWQCB and Department of Health Criteria.	PW&P FCEH	1, 2	Once per phase	Once per phase		
4 e	No final map, improvement plans associated with a final map, site plan, or building permit shall be issued unless the County has adopted the Infrastructure Plan for water sewer and drainage.	PW&P FCRD	1, 2, 3	Once	Once		Infrastructure Plan adopted by Bd. of Supervisors December 2000
4 f	Prior to the recordation of a final map or Site Plan Review approval a finalized agreement shall have been completed whereby the project proponent provides an adequate water supply to CSA No. 34, with the acquisition costs to be borne by the project proponent.	PW&P CSA	1, 2	Once	Once		Water Agreements in place to provide adequate water supply to approved Projects
4 g	Each residential lot shall be required to have two water meters; one meter will serve the residence and the second will serve the landscape irrigation needs.	FCRD PW&P CSA	4	@Occ	Annual		

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Frequency

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**Millerton Specific Plan
Mitigation Measures and Monitoring Program Matrix**

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				Monitoring	Reporting	Date Rpts. Rec'd	Notes
COMMUNITY WATER con't.							
4 h	Prior to recordation of a final map or site plan review, a tiered rate schedule for the irrigation service shall be adopted by the Governing Board of the County Service Area serving the project. The rate for irrigation services shall be significantly tiered to discourage the over-use of irrigation water. The tiered rate structure shall include procedures indicating when water meters will be read, payment of fees, notification of overuse, criteria for the disconnection of irrigation service due to overuse, an appeal process, and criteria for the recommendation of the water supply for irrigation services.	CSA	2	Once	Once		
4 i	Groundwater shall only be used in the Specific Plan Area for backup or emergency purposes, or for groundwater management.	CSA	2, 7	OGAP	Annual		
4 j	Water infrastructure facilities necessary to serve the development shall be constructed and operational prior to issuance of building permits.	PW&P FCRD	3	@Occ	Once per phase		Water treatment plant constructed and being operated by CSA-34
4 k	Water conservation, in accordance with approved conservation plans of Fresno County including adoption of pricing policies, best-management practices, education programs, and incentives for conservation, shall be implemented for the Clarksfield Company consistent with the contract with the Deer Creek and Tule River Water Authority. Where possible the developer is to promote reuse of reclaimed water.	PW&P CSA	7	OGAP	Annual		
4 l	Prior to recordation of a Final Tract Map or Site Plan Review, the developer shall provide evidence of adequate water supply to serve that development to include a volume of water to serve as a safety factor over and above the calculated demand.	PW&P CSA	1, 2	Once	Once		
LAW ENFORCEMENT							
5 a	The Sheriff's Department should be consulted during site planning and building design to ensure that adequate provisions for police protection and burglary prevention are designed into the project.	FCSD	1	@BP	Once		

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LAW ENFORCEMENT, con't							
5 b	Prior to recordation of a final map or site plan review a pro-rata fee shall be established for the cost of a Sheriff's substation in the government center. Said fee shall be paid prior to issuance of building permits. In establishing said fees provisions should be made for developer agreements wherein a developer might be reimbursed or receive credit for dedication of the land or for construction of the substation.	FCSO PW&P	1 2	Once	Once		
5 c	Prior to recordation of a final map or approval of a site plan review, a funding mechanism shall be established through a community facilities district or districts under the Mello-Roos Community Facilities Act of 1982 or other appropriate funding mechanism, to support cost for sheriff's protection services to achieve a ratio of 20 sworn officers per 1,000 residents for the affected properties. In addition, the project proponents shall pay for any cost associated with the establishment of the referenced funding mechanism.	FCSO PW&P	1, 2	Once	Once		CFD being established for Sheriff Protection Services
FIRE PROTECTION							
6 a	The Specific Plan includes several standards to reduce fire protection impacts: 1. Requirement for two points of access for each development 2. Design of water system with adequate fire flows, fire hydrant, and storage facilities. 3. Fire retardant construction. 4. Fuel modification zones around development 5. Automatic fire sprinkling systems in commercial developments over 7,500 square feet. 6. A fire station location with an engine within the government center complex.	PW&P	1 2 3	Once in each processing phase	Once		

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FIRE PROTECTION, con't							
5.b	Prior to recordation of a final map or approval of a site plan review, a fee shall be established through the Millerton New Town and Surrounding Area Fire Protection Benefit Assessment District GSA-No-34 for the cost of a new fire station in the Millerton New Town Specific Plan area and initial equipment for the station. Said fee shall be paid prior to issuance of building permits. In establishing said fees provisions should be made for developer agreements wherein a developer might be reimbursed or receive credit for dedication of the land or for construction of the fire station. The fire station and related initial equipment will be provided upon the construction of the 400th unit, unless otherwise agreed to by the Fresno County Fire Protection District, based on the current conditions and need.	PW&P CSA	1 2	Once	Once		Fresno County Fire Protection District has established a fee to be subject to covenants being recorded on each Project providing for payment of fee at the time of Building Permit issuance.
5.c	Prior to recordation of a final map or approval of a site plan review, a Benefit Assessment (as defined in Article 3.6, commencing with Section 50078, of Chapter 1 of Part 1 of Division 1 of Title 5 of the Government Code), shall be established by the Board of Directors of the Fresno County Fire Prevention District (FCFPD) to support on-going costs for fire protection services, when it can be shown that the funding will provide a greater level of fire protection service to the affected properties. In addition, the project proponents shall reimburse the FCFPD or pay for any required engineering study or report for establishment of the referenced Benefit Assessment.	PW&P CSA	1 2	Once	Once		FCFPD has established Millerton New Town and Surrounding Area Fire Benefit Suppression Assessment District
5.d	All roads should be designed and constructed to accommodate fire-fighting equipment. Roadway design should consider pavement width, turn-around radii on dead-end or cul-de-sac roads, and maximum grades that can be negotiated by fire-fighting equipment.	PW&P FCFPD	2	Once per phase	Once per phase		
5.e	Detailed site planning of the project should be done in consultation with fire protection agencies to ensure that the mitigation measures and any other fire protection measures that may be necessary are incorporated into the overall project. The publication, <u>Fire Safe Guides for Residential Development in California</u> (1980), should be used in project site planning and design.	PW&P FCFPD	1	Once	Once		

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SCHOOLS							
7 a	Designation of a 10 acre elementary school site (to be purchased at fair market value by the appropriate district)	PW&P CUSD SUSD	8	Once	Once		CUSD has acquired 20-acre site within Specific Plan area south of Millerton Road
7 b	The County shall keep the Districts informed on the progress of the project, and especially, on approved time tables for project construction.	PW&P	7	Annual	Annual		
7 c	The developer shall pay adopted school impact fees. If there is a temporary unmet need temporary facilities fees or other fee structures satisfactory to all parties involved may be utilized.	CUSD SUSD	1, 2	Once	Once		
SOLID WASTE MANAGEMENT							
8 a	A community recycling center should be considered in overall project design	FCRD PW&P	1, 2	Once	Once		
8 b	Solid waste collection areas for multi-family portions of the project should be designed to encourage recycling by providing adequate, well-marked containers for cans, glass and newspapers	FCRD	1	Once	Once		
8 c	The Inn and Conference Center proposed under Conditional Use Permit No. 2865 shall have an active on-site recycling program which includes the collection and delivery of the recyclables to a recycling facility	PW&P FCRD	1	Annual	Annual		
PARKS AND RECREATION							
9	Additional facilities for improved open space should be planned north of Millerton Road both east and west of Winchell Cove Road (Marina Drive)	PW&P	8	Once	Once		
ELECTRICAL AND TELEPHONE SERVICES							
10	Upon plan approval, proceedings should begin for placing the entire Specific Plan area within the service district of Pacific Bell as a logical extension of urban telephone service from the FCMA.	PW&P	1, 2	Once per phase	Once per phase		

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VISUAL QUALITY							
11	The degree of impact on the visual environment will be softened somewhat by standards within the Specific Plan, including: 1 Building sites located below or beside ridgelines, rather than on top, to preserve vistas 2 Provisions calling for submittal of landscaping plans to the County for all planned developments or commercial site plans. 3 Establishment of a design review committee to make recommendations to the County on architectural style, building materials, lighting, fencing and signs 4 Grading and erosion control requirements. 5 Scenic roadways along Millerton Road and Winchell Cover Road (Manna Drive) 6 Park development including White Fox Parkway.	PW&P	1 2, 5	Once per processing phase	Once per processing phase		
HISTORIC/CULTURAL RESOURCES							
12 a	Archeological resources occurring Allocation Area E are potentially significant. Final design of the tentative tract map or other mapping should incorporate these features into the open space system. If such design is not possible, detailed investigation to determine significance shall be required prior to development entitlement and appropriate mitigation measures instituted.	PW&P	1, 2, 3	Once	Once		
12 b	Prior to recordation of a Final Tract Map or Site Plan Review (SPR) approval Archeological Sites No. CA-FRE-2184 and CA-FRE-2185 shall be placed in open space easements. The legal description of the boundaries of these sites shall be based on the staking done by Donald G. Wren, Consulting Archeologist, as described in his report, "ARCHEOLOGICAL MITIGATION OF CULTURAL RESOURCES NEAR MILLERTON, CALIFORNIA", dated May 1997	PW&P	1, 2	Once	Once		

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HISTORIC/CULTURAL RESOURCES, con't

12.c	In the event cultural resources are unearthed during grading or construction all work shall be halted in the area of the find, and an archaeologist shall be called to evaluate the findings and make any necessary mitigation recommendations. If human remains are unearthed during construction no further disturbance is to occur until the Fresno County Coroner has made the necessary findings as to origin and disposition. If such remains are Native American, the Coroner must notify the Native American Heritage Commission within 24 hours. This requirement shall be shown on the Waiver Certificate and on all approved parcel maps associated with the project site.	PW&P	5, 6	CDC	Once		
12.d	An Open Space Easement Indenture Agreement shall be executed between the County and the property owner to protect the two significant archaeological resources identified as P-10-002183 and P-10-002188 in the archaeological survey entitled, Twins Hills Project, A Resurvey of 160 Acres Fresno County, California prepared by Donald G. Wren, consulting Archaeologist, dated October 2002. This requirement shall be shown on all final maps associated with the project site.	PW&P	1, 2	Once	Once		

GEOLOGY AND SOILS

13.a	No disturbance on cut and fills on slopes over 30 percent shall be allowed without a geotechnical analysis.	PW&P	1, 2, 3	Once per phase	Once per phase		
13.b	Shallow (less than 2 feet) road cuts should be designed with slopes of 1:1.	PW&P	1, 2	Once per phase	Once per phase		
13.c	Fill slopes should be no steeper than 2:1.	PW&P	1, 2	Once per phase	Once per phase		
13.d	Road cuts greater than 6 feet should be designed with slopes of 2:1 and permanently stabilized.	PW&P	1, 2	Once per phase	Once per phase		
13.e	Implement the California Uniform Code for Seismic Zone 3.	PW&P	3	@BP	Once per phase		
13.f	Attention shall be given at time of construction to building pads and driveways in order to lessen erosion or similar problems.	PW&P	3	CDP	Annual		

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GEOLOGY AND SOILS, con't.							
13.g	A detailed erosion and drainage control program shall be developed for the project to control erosion, siltation, sedimentation and drainage. The control program shall: a. Provide drainage reports for each phase of development showing all tributary areas and information pertinent to erosion and grading control. b. Maintain and protect all natural streams and drainage corridors from development encroachment. Where possible, sites should be graded to provide for sheet flow rather than channeling the runoff. Where channeling is necessary, protection should be provided in the form of planting or rip-rap. Landscaping, walls, and other improvement should be placed so as to prevent blocking of natural drainage. c. Minimize disturbance or removal of existing vegetation, including trees, shrubs, and grasses, or other ground cover. d. Provide engineering plans with each phase of development demonstrating treatment and type of planting by area, for each soil type and slope required to stabilize cut and fill slopes. e. Maintain temporary erosion controls during construction. Improvement plans shall include a plan and implementation schedule of measures for the prevention and control of erosion, siltation and dust until erosion control plantings become established.	PW&P	1, 2, 5	CDC	N/A		
HYDROLOGY							
14.a	The increase in imported water will stimulate riparian vegetation which if not managed properly will reduce the capacity of existing drainways and the White Fox Parkway. Proper drainage management should be provided by a County Service Area.	CSA	7	OGAP	Annual		
14.b	Groundwater shall only be used for backup or emergency purposes, or for groundwater management.	CSA	7	OGAP	Annual		
DRAINAGE AND FLOODING							
15.a	Natural drainage courses shall be preserved through density allocation and dedication of drainage easements.	PW&P	1, 2, 8	Once per phase	Once per phase		

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DRAINAGE AND FLOODING, con't							
15.b	No final map, improvement plans associated with a final map, site plan, or building permit shall be issued unless the County has adopted the Infrastructure Plan for water, sewer and drainage.	PW&P	1, 2, 3	Once	Once		Infrastructure Plan adopted December 2000
15.c	Implementation of drainage control practices should be implemented so that incremental development completes component parts of a "master sub-basin drainage plan".	PW&P	2, 5	CDC	Once		
15.d	The County Service Area should implement the drainage plan, maintain drainage easements and facilities.	CSA	7	OGAP	Annual		
VEGETATION AND WILDLIFE							
15.a	Existing healthy oaks shall be preserved through setbacks and use restrictions within the drip line.	PW&P	1, 2, 3, 5, 6	CDC	OGAP		
15.b	Habitat will be enhanced through development of parkways and other urban landscape area.	PW&P	8	Once	N/A		
15.c	Select vegetation species for erosion control, aesthetic value and habitat improvement for parks, school areas, and scenic corridor.	PW&P CUSD	1, 2, 3	Once	Once		
15.d	"No shooting" and "leash law" districts shall be established for the Millerton community in keeping with existing Fresno County policy in these areas. Prior to recordation of a final map or approval of a site plan review a funding mechanism shall be established to pay for the cost of the associated services.	PW&P	1, 2	Once	Once		
15.e	The Landscape Plan for the Inn and Conference Center proposed under Conditional Use Permit No. 2865 shall include the substantial use of native plant species.	PW&P	1	Once	Once		

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16	Prior to recordation of a Final Tract Map or Site Plan Review approval, a Wetland and Open Space Mitigation and Management Plan and a Monitoring Program shall be developed by the Project Proponent and approved by the County through consultation with the California Department of Fish & Game for all lands either containing delineated wetlands or adjacent to delineated wetlands as defined by the U.S. Army Corps of Engineers. The Wetland and Open Space Mitigation and Management Plan shall provide for on-site preservation, off-site preservation, or a combination of the two to ensure a no-net loss of wetland acreage or function, and shall restore native upland vegetation to non-wetland habitats in new open space areas adjacent to wetland habitat. It shall contain provision for the restoration or preservation activities for subject areas within the Plan Area with the short-term provision as agreed to by the California Department of Fish and Game and also have a long-term Management and Monitoring Program. After the mitigation monitoring has been completed, the Wetland and Open Space Mitigation and Management Plan shall address long-term management issues of the recreational open space. Where required, the Wetland and Open Space Mitigation and Management Plan shall be submitted to the U.S. Army Corps of Engineers for review. Funds for the Wetland Management and Monitoring Plan shall be part of the CSA No. 34 budget. A Monitoring Program shall be approved that provides for the following: 1. Restore native upland vegetation to non-wetland habitats by means of managed grazing and re-introduction of native grass species. 2. Address long-term management issues of the recreational open space after mitigation monitoring has been completed. 3. Where required, submit the mitigation and management plan to the U.S. Army Corps of Engineers for review and approval. 4. Funds for the Open Space Management Plan shall be part of the CSA No. 34 budget. 5. A Monitoring Program shall be approved that provides for the following: - Measurable mitigation objectives. - Measures which will result in the objectives being met. - Monitoring protocol for measuring the success of the plan which identifies: - When the monitoring shall occur. - Survey method to be used. - Reporting requirements.	PW&P F&G NRCS CSA REQUIRES DEVELOPMENT OF A PLAN	1, 2	Annual	Annual		
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Mit Meas #	Mitigation Measures	Responsible Person/ Agency	Mitigation Phase	Frequency of:		Verification & Implementation	
				Monitoring	Reporting	Date Repts. Rec'd	Notes
VEGETATION AND WILDLIFE, con't							
16f con't	6 The ongoing funding source shall be confirmed for the implementation of the Wetland and Open Space Mitigation and Management Plan						
16g	The project proponent shall participate in the formation of a Open Space and Natural Resource Plan (OSNRP) for the Millerton, Dry Creek, and Sierra Foothill areas. The OSNRP will provide protection of sensitive resources by establishing key habitat areas, open and continuous wildlife corridors, ridgetop and view protection, native plant landscapes, and lighting restrictions on hilltops to mitigate glare.	F&G	7	Once	Once		OSNRP has been formed
16h	The project proponent shall pay a one-time fair share of the mitigation fees established by the OSNRP consistent with other projects within the OSNRP area, taking into account previous development commitments recognized in the Millerton Specific Plan adopted in 1984 and amended in 1999 and 2004, and the project conditions of approval that already include open space set-aside and other protection measures. The OSNRP mitigation fees consist of \$175 per residence and \$,10 per square foot of commercial space payable to Sierra Foothill Conservancy at the time of issuance of Building Permit with provision for future adjustment of these fees based upon the Engineering News Record Index	F&G	1, 2, 3	TO BE DETERMINED BASED ON PLAN			Mitigation Fees have been adopted by the OSNRP for both residential and commercial projects

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				Monitoring	Reporting	Date Repts Rec'd	Notes
VEGETATION AND WILDLIFE, con't							
161 Added 2-3-00 TT 4870	Prior to recordation of a Final Tract Map or Site Plan Review (SPR) approval, a Wetland and Open Space Mitigation and Management Plan and a Monitoring Program shall be developed by the project proponent and approved by the County through consultation with the California Department of Fish & Game for those lands identified in Figure No. 3 of the Mitigation Plan, Westcat Project Site, Fresno County by Harnesveldt Ecological Consulting Services dated December 22, 1998. The Wetland and Open Space Mitigation and Management Plan shall be developed as outlined in the Harnesveldt Plan and at a minimum: a. Ensure no-net loss of wetland acreage or function. The plan shall provide for on-site preservation, off-site preservation, or a combination thereof. b. Preserve and enhance approximately 4.3 acres of emergent marsh/freshwater seep in an open space corridor along White Fox Creek and its principle tributary. c. Create approximately 3.9 acres of emergent marsh/freshwater seep from upland habitats adjacent to White Fox Creek. d. Preserve and enhance approximately 0.3 acres of vernal pools providing habitat suitable for a suite of plants and animals (including species of special status) endemic to them. e. Create two vernal pools that together will be approximately 0.01 acres in size. f. Establish native riparian vegetation (i.e., valley oaks, willows, and cottonwoods) along the margins of White Fox Creek and adjacent wetlands. g. Restore native upland vegetation to non-wetland habitats by means of managed grazing and re-introduction of native grass species. h. Address long-term management issues of the recreational open space after mitigation monitoring has been completed. i. The plan shall be submitted to the U.S. Army Corps of Engineers for review. j. Funds for the Open Space Management Plan shall be part of the CSA No. 34 budget. Con't next page	P & RM F & G NRCS REQUIRES DEVELOPMENT OF A PLAN.	1, 2	Annual	Annual	Revised Wetland Open Space Mitigation and Management Plan and Monitoring Program has been revised and submitted to Department of Fish and Game for review and approval.	

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**Millerton Specific Plan
Mitigation Measures and Monitoring Program Matrix**

Mit. Meas #	Mitigation Measures	Responsible Person/ Agency	Mitigation Phase	Frequency of		Verification & Implementation	
				Monitoring	Reporting	Date Repts Rec'd	Notes
VEGETATION AND WILDLIFE, con't							
16 i con't	k The Monitoring Program shall at a minimum include: • Measurable mitigation objectives, • Measures which will result in objectives being met, • A monitoring protocol by which the success of the plan can be measured that identifies: - When monitoring will occur - Survey methods - Reporting requirements i Confirmation of a funding source for plan implementation						
CLIMATE AND AIR QUALITY							
17 a	The Specific Plan provides for pedestrian and bicycle pathways and bike lanes through the project which link residential areas to shopping and schools to reduce vehicular trips and associated air pollution emissions. To encourage the use of bicycles, commercial, recreational and school areas should be equipped with secure bike parking facilities. The bicycle circulation system should be linked to the Metropolitan Bikeways System and Fresno County Recreation Trail System.	PW&P	1, 2, 6	Once per phase	Once per phase		
17 b	A centralized location for a park and ride lot is established in the project within the central commercial area.	PW&P	1, 3	Once	Once		
17 c	To reduce particulate emissions during construction water spray or other dust palliatives should be used. This is particularly important adjacent to developed areas to avoid potential nuisance problems.	PW&P APCO	5, 6	CDC	N/A		
17 d	Installation of emission reduction catalyst devices on all fireplace flues is recommended, they are effective in reducing carbon monoxide and particulate emissions.	APCD PW&P	3	@BP	N/A		
17 e	Express bus service should be provided for commuters going to the FCMA.	FCRTA	7	Annual	N/A		
17 f	Any gas-fired appliances shall be low nitrogen oxide (Nox) emitting gas-fired appliances complying with California Nox Emission Rule # 1121.	PW&P	4	@ CCC	Annual		
17 g	All sidewalks and pedestrian paths shall be lined with trees that will develop a full canopy and provide shade during hot summer months.	PW&P	1, 2	Once	Once		

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Millerton Specific Plan Mitigation Measures and Monitoring Program Matrix							
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				Monitoring	Reponing	Date Repts. Rec'd	Notes
CLIMATE AND AIR QUALITY, con't							
17 h	The San Joaquin Valley Unified Air Pollution Control District's Rule No. 4901- Residential Wood Burning, adopted July 15, 1993 to limit emissions of carbon monoxide and PM-10 from residential wood burning shall be applicable to this project.	APCD PW&P	3 4	@BP	@BP		
17 i	Bicycle parking facilities shall be installed for employees and guest/visitors at the Inn, Conference Center, and Retail Site B.	PW&P	1 4	@BP	@BP		
17 j	Direct pedestrian access from existing or potential public transit stops and the sidewalk to the main entrances of the Inn, Conference Center, and Retail Site B shall be provided. Such access should consist of paved walkways or ramps and should be physically separated from parking areas and vehicle access routes.	PW&P	1 4	@BP	@BP		
17 k	If fireplaces are used for the Inn or Conference Center, natural gas fireplaces or EPA certified wood burning inserts/stoves shall be installed (as opposed to conventional open-hearth fireplaces)	PW&P APCD	1 4	@BP	@BP		

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Millerton Specific Plan Mitigation Measures and Monitoring Program Matrix						
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				Monitoring	Reporting	

CLIMATE AND AIR QUALITY, con't							
17	The following measures shall be implemented in Allocation Area H, the 160 acre Southeastern Expansion Area: 1 No wood-burning fireplaces, wood stoves, or chimneys shall be allowed within the Twin Hills Project Amendment Area. Natural gas, propane, electrical, or other EPA certified gas fireplaces or stoves shall be installed as opposed to conventional open-hearth wood-burning fireplaces. 2 The Neighborhood Commercial Center shall provide space available for lease for development of a telecommunicating center for employment purposes. 3 A park-and-ride facility shall be included in the Neighborhood Commercial Center. 4 All homes shall be wired for telecommuting, computers, and electronic meter reading, and have outdoor electrical and propane hookups. 5 A transit stop shall be located within the site, the location of which is to be coordinated with the regional transit provider. 6 The Project design shall provide for pedestrian and bike facilities such as sidewalks or paths, street trees to shade walkways, bikeways/paths connecting to a bikeway system in accordance with the Millerton Specific Plan Circulation Element and bicycle parking. 7 The Project shall be subject to Air Quality Mitigation Measures, both during Project construction and thereafter, as described in the Air Quality Impact Assessment for the Millerton Specific Plan dated December 11, 2003. 8 The 207 residential units in Allocation Area H shall pay at time of Building Permit a one-time Air Quality Impact fee of \$500 per residence to Fresno County or as directed by Fresno County. This fee is not in lieu of any Indirect Source Fee adopted by the San Joaquin Valley Air Pollution Control District, but may be allowed as a credit toward such fee. 9 All other conditions related to air quality currently found in the Millerton Specific Plan and Fresno County General Plan shall be applicable to the Twin Hills Project.	PW&P APCD	1 2 3	OGAP	Annual		

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Millerton Specific Plan							
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				Monitoring	Reporting	Date Repts. Rec'd	Notes

CLIMATE AND AIR QUALITY, con't							
17.m	Each project will complete an Air Quality Impact Assessment under the guidelines of the San Joaquin Valley Air Pollution Control District and include in the Project Conditions, Air Quality Mitigation Measures, both during Project construction and thereafter, including any Indirect Source Fee as may be adopted and required by the San Joaquin Valley Air Pollution Control District or the County of Fresno. Project Proponents shall work with representatives of Fresno County and the San Joaquin Valley Air Pollution Control District to encourage any Indirect Source Fees imposed to be used within the Project and surrounding area to reduce emissions.	APCD PW&P	1, 2	Once	Once		
ENERGY RESOURCES							
18.a	The Specific Plan contains standards to reduce energy consumption including: 1 Public building design requirements; 2 Solar access provisions; 3 Parking lot shading; 4 Requirement for project level energy efficiency and evaluation; 5 Provisions for mixed land use and compact form; 6 A bikeways and pedestrian trail plan; 7 Proposal for a community recycling center; 8 Water conservation programs; 9 Requirement for bus, car, and van pooling facilities within the community core.	PW&P	1, 2, 8	Once per phase	Once per phase		
18.b	The designers, architects, and engineers for individual projects should select an optimum combination of energy conservation measures for inclusion in design. General types of measures that should be considered include building orientation, windows, insulation and weatherization, space heating and cooling, appliances, lighting and landscaping.	PW&P	1, 3	@BP	N/A		

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**Millerton Specific Plan
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				Monitoring	Reporting	Date Repts. Rec'd	Notes
NOISE							
19 a	Adjacent to Millerton Road, shielding should be incorporated into the specific design of buildings in the form of noise barriers (walls, berms, etc.) to protect outdoor activity areas. For multi-family dwellings to be located wholly or partially within the L ₅₀ , 50 dBA contour, interior noise levels may be mitigated by requiring an acoustical analysis in accordance with Title 25 of the California Administrative Code (Noise Insulation Standards) to ensure that proposed building facades will attenuate levels to L ₅₀ , 45 dBA or below	PW&P	1, 2, 3	Once per phase	Once per phase		
19 b	Noise levels from commercial uses may be mitigated by requiring that delivery areas, loading docks, and refuse storage areas be located so that they are effectively shielded from adjacent sensitive uses. Air conditioning/ventilation equipment should be located on the roofs of commercial buildings or in such a way that equipment is effectively shielded. Parking lot noise may be mitigated by requiring masonry walls or other suitable barriers with an effective height of at least six feet between commercial and noise-sensitive uses	PW&P	1, 3	@BP	Once per phase		
19 c	Construction noise impacts may be minimized by restricting hours of operation to between 6 a.m. and 9 p.m. on weekdays and 7 a.m. and 5 p.m. on Saturday and Sunday (Fresno County Noise Ordinance)	FCEH	5, 6	CDC	N/A		
19 d	Each commercial development shall be conditioned to require that under Site Plan Review there shall be verification that the development and use of the property will be in compliance with the County Noise Ordinance. Conditions of the SPR may include but are not limited to design features and operational controls.	FCEH	1	Once	Once		

G:\4360Devs&Plan\EA\Std. Mitigation Measures\Millerton Specific Plan\4394MMPM 120704 adopted.doc
 April 20, 1999
 Rev. February 3, 2000
 Adopted December 7, 2004

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December, 2004

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APPENDIX B

MITIGATION AND MONITORING PLAN TRACT 4870

CONCEPTUAL DRAFT



LIVE OAK ASSOCIATES, INC.

an Ecological Consulting Firm

**MITIGATION AND MONITORING PLAN
TRACT 4870
MILLERTON SPECIFIC PLAN AREA
FRESNO COUNTY, CALIFORNIA**

Prepared by

LIVE OAK ASSOCIATES, INC.

Prepared for

Bonadelle Development Corporation
Attention: John Bonadelle, Jr.
2109 West Bullard, Suite 133
Fresno, CA 93711

November 8, 2004

File No. 110-07

San Jose: 6840 Via del Oro, Suite 220 • San Jose, CA 95119 • Phone: (408) 224-8300 • Fax: (408) 224-1411
Oakhurst: P.O. Box 2697 • 39930 Sierra Way, Suite B • Oakhurst, CA 93644 • Phone: (559) 642-4880 • Fax: (559) 642-4883
Bakersfield: 8200 Stockdale Highway, M10-293 • Bakersfield, CA 93311

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APPENDIX A: PROPOSED REVISED MILLERTON SPECIFIC PLAN MITIGATION MEASURES AND MONITORING PROGRAM MATRIX	
APPENDIX B: NATIVE PLANT NURSERIES WITH PLANTING STOCK POSSIBLY SUITABLE FOR THE WHITE FOX PARKWAY	
APPENDIX C: ENGINEERS REPORT, ASSESSMENT FOR COUNTY OF FRESNO, COUNTY SERVICE AREA NO. 34, ZONE 1C	

Appendix B

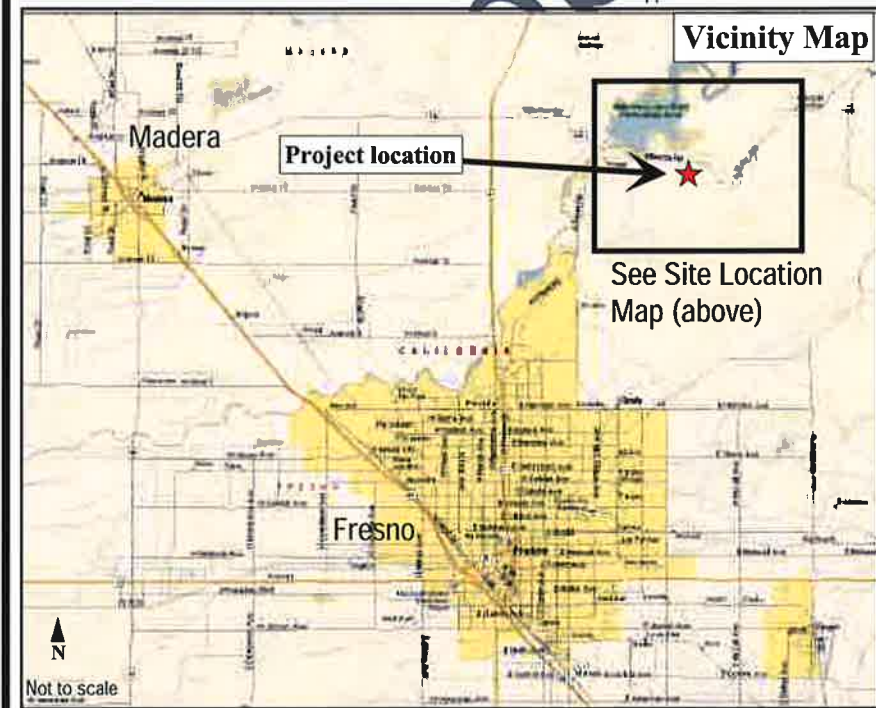
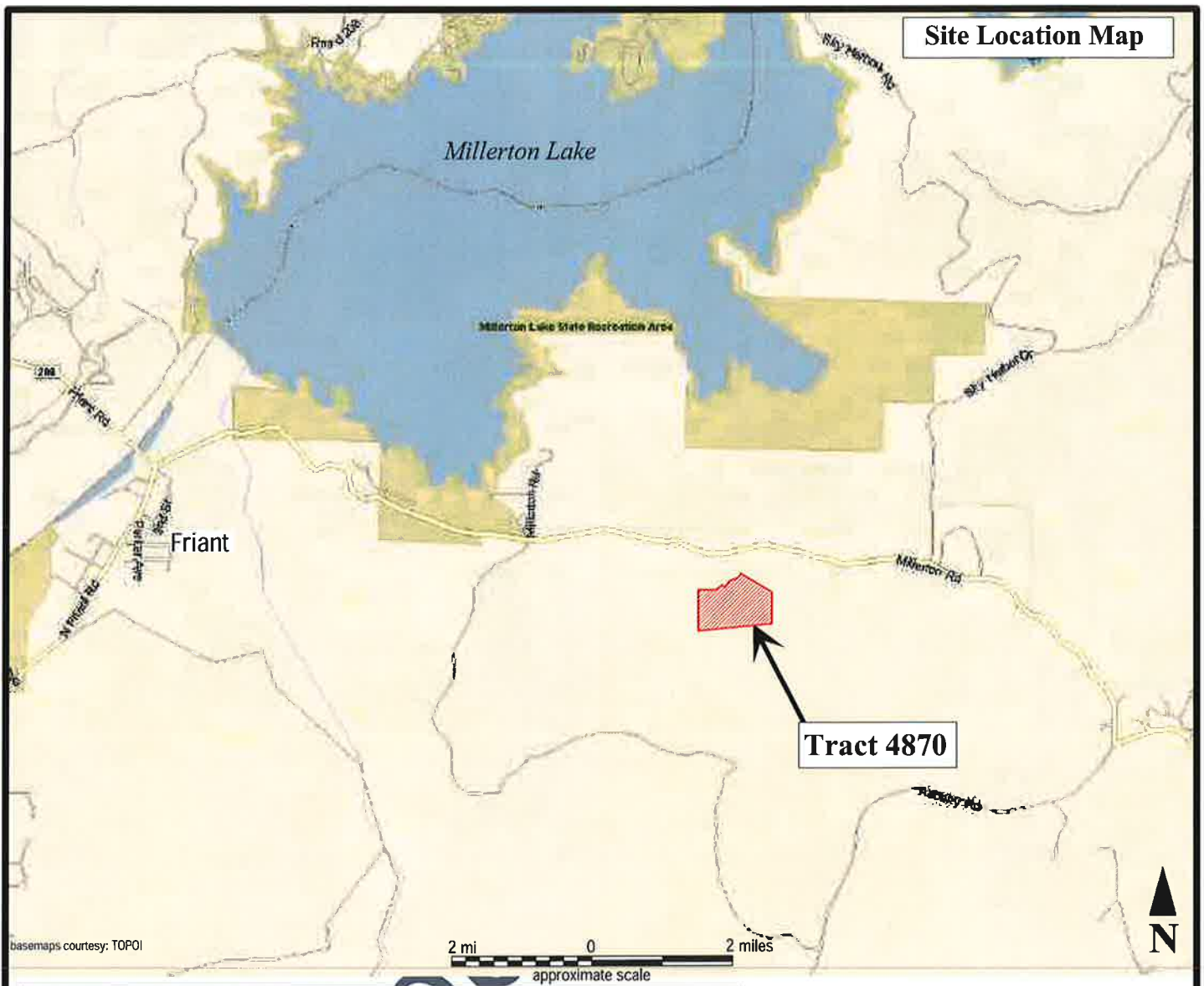
1.0 INTRODUCTION

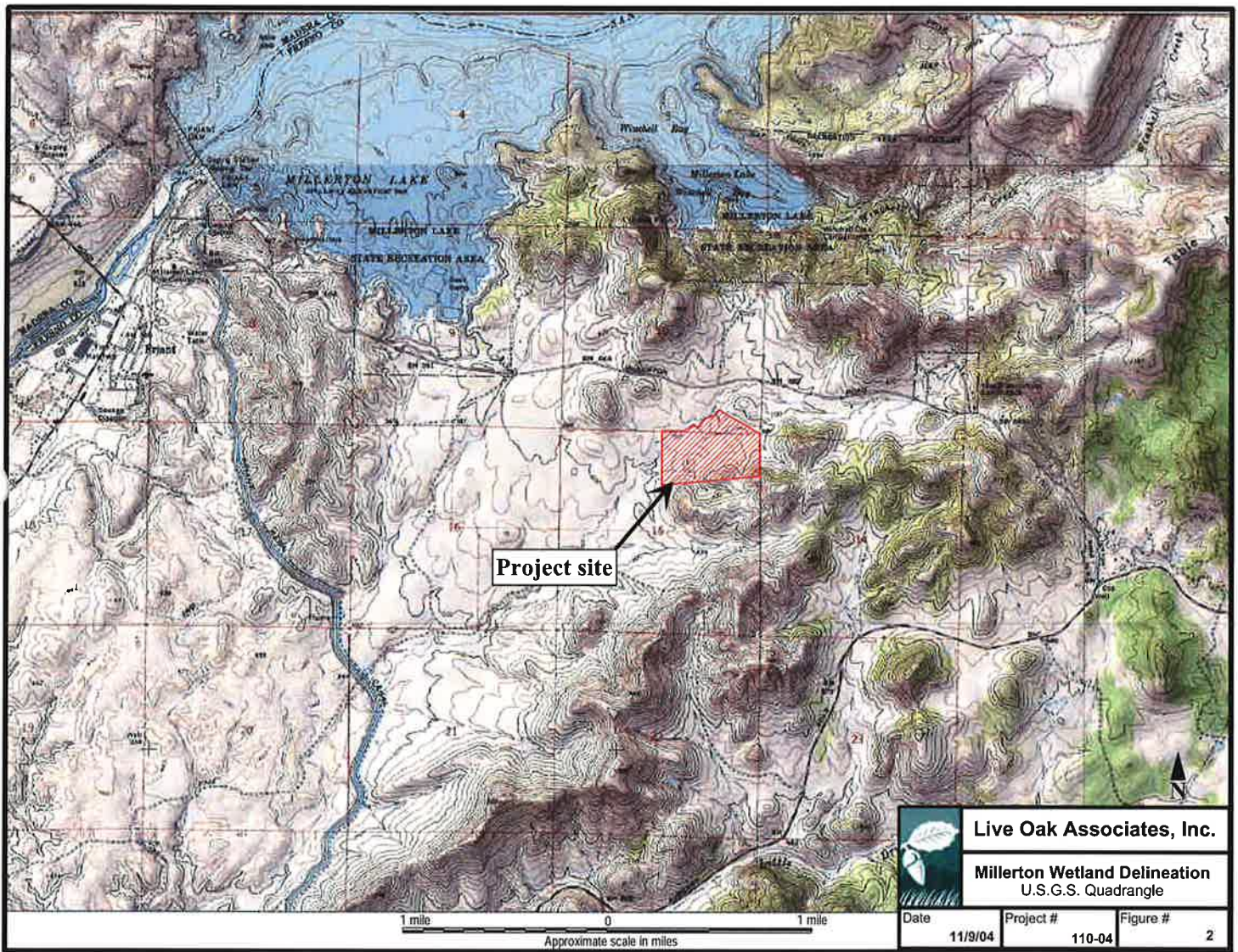
This report constitutes a wetland and open space mitigation and management plan for Tract 4870, a residential subdivision to be constructed in the Millerton Specific Plan Area of Fresno County, California. This plan is consistent with the original *Millerton Specific Plan Mitigation Measures and Monitoring Program Matrix* measures 16.a through 16.h, as applicable to Tract 4870. These measures were derived from Hartesveldt (1998) and subsequent comments drafted by the California Department of Fish and Game (date unknown).

The original matrix was based on a preliminary delineation of Waters of the United States (jurisdictional waters) for the Millerton Specific Plan Area that was completed in 1997. A revised study of jurisdictional waters was prepared and verified by the U.S. Army Corps of Engineers in 2002. The original matrix made reference to wetlands identified in the preliminary study that were determined not to be present in the subsequent study verified by the Corps. This mitigation and monitoring report was based on the original matrix. A proposed revised matrix based on the most recent delineation of jurisdictional waters has been provided in Appendix A. Implementation of the measures listed in the document would mitigate to a less than significant level anticipated project impacts to vegetation and wildlife resources of Tract 4870 that have been identified in both matrixes.

Tract 4870 is located in the Millerton Specific Plan Area immediately south of proposed commercial development adjacent to Millerton Road. The site is owned by JPJ, Inc. (formerly Westcal, Inc.) of Fresno, California. That portion of the site proposed for development is approximately 54 acres in size and is part of a larger 323-acre parcel that is also within the Specific Plan Area. The Specific Plan Area is located approximately 10 miles to the north of the City of Clovis (Figures 1 and 2). Tract 4870 can be found on the Friant U.S.G.S. 7.5 minute quadrangle in Sections 10 and 15, Township 11 south, Range 21 east.

The proposed 54-acre project area includes proposed residential development, infrastructure (streets, utilities, and stormwater drainage facilities), and open space corridors associated with White Fox Creek and one tributary drainage (Figure 3). The mitigation and monitoring





Live Oak Associates, Inc.			
Millerton Wetland Delineation U.S.G.S. Quadrangle			
Date	Project #	Figure #	
11/9/04	110-04	2	

LEGEND

While Fox Creek Open Space Corridor

APPROVED TENTATIVE
TRACT NO. 4870
Appendix D

UNSUBDIVIDED
REMAINDER

UNSUBDIVIDED
REMAINDER

500 feet 0 500 feet
Approximate scale

Live Oak Associates, Inc.

Tract 4870
Project Plan

Date	Project #	Figure #
11/5/04	110-07	3

measures found in the matrix referenced above apply primarily to the open space corridor along White Fox Creek.

The biotic resources of Tract 4870 and other parcels of the Specific Plan Area have been studied since the spring of 1997. Stebbins (1997) identified at a preliminary level biotic habitats present, and their constituent flora and fauna. A reconnaissance survey for the San Joaquin kit fox was also completed. Hartesveldt conducted cursory field surveys of the entire Specific Plan Area in 1998 and from these surveys and the work of Stebbins he prepared *Mitigation Plan, Millerton New Town, Fresno County, California* (1998) based on a preliminary analysis of impact from proposed development. Live Oak Associates, Inc. subsequently conducted extensive monitoring of shallow groundwater on Tract 4870 through the winter of 2000-2001 and prepared a delineation of Waters of the United States (2001) that was verified by the U.S. Army Corps of Engineers in a letter dated September 12, 2002. During the late spring and early summer of 2002, Live Oak Associates, Inc. conducted a comprehensive San Joaquin kit fox den survey on Tract 4870 that employed camera stations and tracking medium for the purpose of detecting any individuals that may be present on the site.

The results of these various surveys were used to design the Tract 4870 subdivision project so as to minimize impact to sensitive biotic resources and identify specific mitigation measures for any impacts that might be considered significant. Jurisdictional wetlands identified on the site were limited to 1.95 acres of freshwater seep/emergent marsh. An additional 0.48 acre of such wetlands were present off-site in the general location of proposed off-site infrastructure necessary for the development of Tract 4870. Vernal pool wetlands were absent from the site. The nearest vernal pools to on-site development would be more than 300 feet to the west. Studies conducted by Stebbins, Hartesveldt, and Live Oak Associates, Inc. indicate that state and federally listed threatened or endangered plant and animal species do not occur on site. The absence of vernal pools from the site precludes the occurrence of listed vernal pool species. The site appears to be well outside the range of the San Joaquin kit fox. No evidence of kit foxes was detected during den surveys. While other wildlife species of special status may occasionally occur on site, the site does not provide significant habitat for them.

Conservation planning for the site focused on protection of jurisdictional wetlands. The project was designed to completely avoid impact to all wetlands, both on and off-site. One existing crossing of White Fox Creek will accommodate Marina Drive, the main access road into the site. Construction of this access road will not require that any earthen fill be deposited into the channel or adjacent wetlands. Where Marina Drive would cross a tributary of White Fox Creek, the applicant has committed to the construction of a clear span bridge that would avoid the need to fill any portion of this tributary. A small wetland located near the northern boundary of Tract 4870 will be avoided. The principal wetland drainage passing through the site, White Fox Creek, will be provided open space buffer on either side, thus establishing an open space corridor along the creek that averages 200 feet in width, with widths of 300-400 feet at some locations. This buffer will protect the creek from both direct and indirect impact associated with nearby residential development.

It is important to note that the conservation planning associated with Tract 4870 was part of a broader effort to preserve contiguous areas of open space along White Fox Creek and a number of tributaries. This open space corridor begins at the northeast corner of the Specific Plan Area and continues in a southwesterly direction through Tract 4870 to the southwest corner of the Specific Plan Area. This corridor will facilitate the movement of terrestrial vertebrates through the Specific Plan Area, and provide riparian habitat suitable for a variety of wildlife species known to forage and breed in the region. This open space corridor along White Fox Creek was incorporated into the site plans of various landowners in the Specific Plan Area after consultation with the U.S. Army Corps of Engineers, the U.S. Fish and Wildlife Service, the U.S. Environmental Protection Agency, and the California Department of Fish and Game.

The conservation planning for Tract 4870 culminates with this report that addresses the mitigation measures found in *Millerton Specific Plan, Mitigation Measures and Monitoring Program Matrix*. The measures found in this report are intended to maximize the value of open space habitat of the site, while providing regular biological monitoring that will evaluate the success of the mitigation measures in reducing impact to vegetation and wildlife resources from the proposed development.

2.0 WETLAND OPEN SPACE MITIGATION MANAGEMENT PLAN

Mitigation measures required by the *Millerton Specific Plan, Mitigation Measures and Monitoring Program Matrix* are organized by general category. Measures 16.a. through 16.e. are measures to be incorporated into the design of the residential development plan. Measure 16.f. identifies required elements of the open space mitigation and management plan. Measures 16.g. and 16.h. require that each tract of the Specific Plan Area will be part of an open space district, and that mitigation fees will be collected for the acquisition and preservation of open space parcels nearby. Each mitigation measure is discussed below as it relates to the proposed development of Tract 4870.

MEASURE 16.a. Existing healthy oaks shall be preserved through setbacks and use restrictions with the dripline.

Blue oaks are restricted to the eastern and southern boundaries of Tract 4870, areas that are outside the footprint of proposed development. The proposed development plan would not result in impact to blue oaks, based upon a redesign of the project.

MEASURE 16.b. Habitat will be enhanced through development of parkways and other urban landscape areas.

The primary parkway feature will be the open space corridor along White Fox Creek. Within Tract 4870 this open space corridor will be from 200 to 400 feet in width. The open space corridor will continue upstream through the commercial parcel to the northeast corner of the Specific Plan Area. It will continue downstream through the remainder of the Specific Plan Area to its southeast corner. Marina Drive, which will border this open space corridor, has been designated a scenic roadway. Portions of this roadway will be landscaped.

According to the *Millerton Specific Plan, Mitigation Measures and Monitoring Program Matrix*, this mitigation measure will be the responsibility of the Fresno County Public Works and Development Services Department.

MEASURE 16.c. Vegetation species will be selected for erosion control, aesthetic value and habitat improvement for parks, school areas, and scenic corridors.

As noted in the original mitigation plan for the Specific Plan Area prepared by Hartesveldt (1998), the primary habitat enhancement measure for the site would be the establishment of native riparian vegetation along White Fox Creek. Existing riparian trees are limited to patches of Goodding's black willow (*Salix gooddingii*) and Fremont's cottonwoods (*Populus fremontii*) downstream of Tract 4870. Herbaceous riparian species include Mexican rush (*Juncus mexicanus*), common monkeyflower (*Mimulus guttatus*), curly dock (*Rumex crispus*), and in widely scattered locations, narrow-leaf cattail (*Typha angustifolia*).

Planting Plan. Flows in White Fox Creek appear to be sufficient to sustain a more continuous band of riparian trees and shrubs adjacent to the creek channel than is now present. Since such species are now altogether absent from that portion of White Fox Creek flowing through Tract 4870, a substantial opportunity now exists for creating new riparian habitat of significant local value. Riparian plant species suitable for planting along White Fox Creek would include the following:

Trees

Western Sycamore (*Platanus racemosa*)
Valley Oak (*Quercus lobata*)
Red Willow (*Salix laevigata*)
Goodding's Black Willow (*Salix gooddingii*)
Oregon Ash (*Fraxinus latifolia*)
Fremont's Cottonwood (*Populus fremontii*)
Interior Live Oak (*Quercus wislizenii*)

Shrubs

Buttonwillow (*Cephalanthus occidentalis*)
Snowberry (*Symphoricarpus albus* var. *laevigatus*)

Grasses and Forbs

Deer Grass (*Muhlenbergia rigens*)
Blue Wildrye (*Elymus glaucus*)
Creeping Wildrye (*Leymus triticoides*)
Meadow Barley (*Hordeum brachyantherum*)
California Brome grass (*Bromus carinatus*)

Key elements of a riparian enhancement plan for this project include the following:

- The establishment of closed-canopy riparian woodland consisting of 3-4 species of native riparian trees and 1-2 species of native riparian shrubs along at least 75% of that portion of White Fox passing through Tract 4870;
- The establishment of 3-4 species of native grasses throughout the open space corridor along White Fox Creek;
- All planting materials (i.e. seeds, cuttings, seedlings, etc.) will be obtained from local sources. Intermountain Nursery of Prather, California, is the only nursery in the Fresno area specializing in California native plants such as those listed above. Other native plant nurseries located in other parts of the state have been listed in Appendix B, but many of these nurseries specialize in plants native to their region of California. Plants native to the San Joaquin Valley and the foothills of the southern Sierra may not readily be available at nurseries located in other areas;
- All riparian species must be planted in the fall or early winter, and no later than the spring of 2006;
- Riparian trees and shrubs should be planted on 10-15 foot centers within 15-30 feet of the White Fox Creek channel. Plant species to be planted on the upper banks of the White Fox Creek channel could include red willow, buttonwillow, and deer grass. Plant species to be planted within 50-100 feet of the channel could include Goodding's black willow, valley oak, western sycamore, interior live oak, snowberry, creeping wildrye, blue wildrye, and meadow barley.
- Occasional breaks in the riparian vegetation of 50-75 feet would be permissible.
- Supplemental irrigation must be provided the plantings on a weekly basis during the first two years after planting. Irrigation intervals could decrease to once every three weeks during the third year after planting. Supplemental irrigation could be discontinued upon the completion of the third year, if site monitoring indicates that all the plantings have become well-established.
- To achieve this effect, planting densities as described above will be necessary, as will be survivorship of 80% or higher for planted riparian trees and shrubs.
- During the establishment period, all plantings must be protected from weeds and possible damage to bark and cambium by small mammals. Weed cloth placed around all plantings would help control weeds, as would periodic applications of herbicide and/or manual weeding. Plastic mesh tubes and/or wire cages placed around all plants would be necessary to control small mammal herbivory.

A planting plan has been drafted that shows planting locations (Figure 4). The areas adjacent to White Fox Creek will be planted with miscellaneous grasses (as specified above). The planting locations of grasses and snowberry have not been shown on the planting plan. Furthermore, a qualified landscape architect must yet prepare a detailed irrigation plan.



LIVE OAK ASSOCIATES, INC.
an Ecological Consulting Firm

Tract 4870 Open Space Planting Plan
White Fox Creek Corridor

File No. 110-07 Date: 07/28/04 Fig. 4

ER CORNER
5-11/21



1" = 100'

White Fox Creek

MARINA DRIVE

D

LEGEND

-  Western Sycamore
-  Valley Oak
-  Oregon Ash
-  Fremont's Cottonwood
-  Red Willow
-  Goodding's Black Willow
-  Button Willow
-  Interior Live Oak

Marina Drive, which is a scenic roadway, is also to be landscaped with trees. Presumably, suitable landscape trees for Marina Drive need not be native species. Therefore, the planting plan provided in this report (Figure 4) does not address this landscaping. Drought-tolerant species are, however, recommended. A variety of native tree species are drought tolerant, but relatively few have significant landscape value. Possible selections for use along Marina Drive include western sycamore (*Platanus racemosa*), valley oak (*Quercus lobata*), and interior live oak (*Quercus wizlizenii*). Western sycamores and valley oaks would require at least some supplemental irrigation water every year. Some non-native drought-tolerant species, such as Afghan pine (*Pinus eldarica*), Italian stone pine (*Pinus pinea*), European olive (*Olea europea*), and cork oak (*Quercus suber*) would require relatively little supplemental water once established, but would nonetheless require some, especially during the warmest months of the summer. Soil preparation for landscape trees along Marina Drive could require the excavation of pits that break through any hardpan layer that may be present. A hardpan layer is known to occur in Vista Soils, a soil series present on portions of Tract 4870.

Annual Maintenance Through the Monitoring Period. During the monitoring period all plantings will be protected from rodent herbivory and weeds will be controlled around each tree and shrub. The plantings will all be deep-watered through the dry season on a weekly basis for the first 5 years following planting. The plantings will be deep-watered once every 10 days during the dry season of the 6th year, once every 15 days during the 7th year, once every 20 days during the 8th year, once every 25 days during the 9th year, and once every 30 days during the 10th year. Supplemental watering of these trees and shrubs would terminate after the 10th year, unless it is apparent during periodic monitoring visits that the plants are showing obvious signs of water stress.

Performance Criteria. As noted above the objective is to create over time a closed canopy riparian scrub/woodland along White Fox Creek. Upon implementation of the planting plan, all planted trees and shrubs will be assigned a unique number so that the health of each can be monitored throughout the designated establishment period. At the planting intervals described above, 80% of the planted trees and shrubs (without regard to species) will survive and be healthy through the 10th year of monitoring. Therefore, if 1,000 plants of various species were

originally planted, 800 will still be alive and healthy at the conclusion of Year 10 following plant installation.

On-site Monitoring. The habitat enhancement site will be examined in June of each year for a period of 10 years following installation of all plantings, at which time each planting (tree/shrub/native grass planting) will be observed and its condition noted. Plant mortality will be tracked. Annual monitoring reports will be prepared and submitted to CSA No. 34. no later than July 31st of each year.

Contingency Measures. If at any time during the monitoring period, survivorship falls below 80%, CSA No. 34 will plant replacement plants to bring the number of living plants within the habitat enhancement area up to the required level. These replacement plants will be then monitored for a period of 10 years following planting.

Erosion Control Measures. The proposed residential subdivision project for Tract 4870 will also result in considerable cut-and-fill grading, leaving exposed soils vulnerable to erosion. An erosion control plan is required by the *Mitigation Measures and Monitoring Program Matrix* for the Millerton Specific Plan Area. Such a plan would also be a required component of a General Construction Permit that must be obtained from the Regional Water Quality Control Board, Central Valley Region. The revegetation of exposed slopes would be one component of the erosion control plan. Plant species appropriate for erosion control are native species that quickly become established, and whose roots bind the soil. Recommended species for Tract 4870 include creeping wildrye (*Leymus triticoides*), California brome (*Bromus carinatus*), California fescue (*Festuca californica*), and meadow barley (*Hordeum brachyantherum*). These species are commercially available from growers in various parts of the state of California (see Appendix B).

According to the *Millerton Specific Plan, Mitigation Measures and Monitoring Program Matrix*, this mitigation measure will be the responsibility of the Fresno County Public Works and Development Services Department. The applicant will be responsible for the preparation

and implementation of the erosion control plan, including revegetation measures necessary for stabilizing exposed soil slopes.

MEASURE 16.d. “No shooting” and “leash law” districts should be established for the Millerton Community in keeping with existing Fresno County policy in these areas.

According to the *Millerton Specific Plan, Mitigation Measures and Monitoring Program Matrix*, this mitigation measure will be the responsibility of the Fresno County Public Works and Development Services Department. Provision for these restrictions have already been adopted as authorized powers of Fresno County Service Area No. 34, which includes Tract 4870.

MEASURE 16.e. The Landscape Plan for the Inn and Conference Center proposed under Conditional Use Permit No. 2865 shall include the substantial use of native plant species.

The Inn and Conference Center will be constructed on the southeast portion of the 44-acre commercial parcel located to the north of Tract 4870. This mitigation measure is not relevant to the Tract 4870 subdivision project.

MEASURE 16.f. Prior to recordation of a Final Tract Map or Site Plan Review (SPR) approval, a Wetland and Open Space Mitigation Plan and a Monitoring Program shall be developed by the project proponent and approved by the County through consultation with the California Department of Fish & Game for lands of the Specific Plan Area. The Wetland and Open Space Mitigation and Management Plan shall be developed as outlined in the Hartesveldt Plan and at a minimum shall include:

- a. Ensure no-net loss of wetland acreage or function. The plan shall provide for on-site preservation, off-site preservation, or a combination thereof.**

The proposed Tract 4870 subdivision project has been designed to avoid all direct wetland impact as described in Section 1.0 this document. Therefore, the project provides for on-site and off-site preservation of wetlands that could have been affected by the project. The proximity of development to wetlands of the White Fox Creek Corridor would somewhat diminish the functions and values of these wetlands. Factors affecting these functions and values would include the proximity of homes, busy roads, people who may enter the open space area, lighting, pets, etc. The preservation of the

open space corridor identified in Figure 3, its enhancement through riparian plantings, annual maintenance, annual monitoring to ensure that performance criteria have been met, contingency measures, and erosion control measures provided as part of Mitigation Measure 16.c will ensure the no net loss of wetland corridor function.

b. Preserve and enhance emergent marsh/freshwater seep in an open space corridor along White Fox Creek and its principle tributary.

As noted in both Sections 1.0 and 2.0 of this document, the development plan for Tract 4870 provides for an open space corridor along White Fox Creek that will vary in width from 200 to 400 feet. No wetlands of White Fox Creek or its tributaries will be filled by the project. As noted under Mitigation Measure 16.c, the riparian wetlands of White Fox Creek will be enhanced by selective riparian plantings along the creek.

c. Create freshwater/emergent marsh to off-set project impacts to this habitat type.

The creation of freshwater/emergent marsh would not be required for the Tract 4870 subdivision project, because impact to this habitat type has been entirely avoided. Other tracts within the Specific Plan Area may be required to provide this type of mitigation, should site plans require encroachment into this habitat type.

d. Preserve and enhance vernal pools providing habitat suitable for a suite of plants and animals (including species of special status) endemic to them.

No vernal pools have been located on Tract 4870, nor were any identified off-site within or adjacent to the proposed alignment of Marina Drive. Accordingly, the Tract 4870 project will have no effect on vernal pools, or the plants and animals endemic to them. Other tracts within the Specific Plan Area may be required to provide this type of mitigation, should site plans require encroachment into this habitat type.

e. Create vernal pools to off-set project impacts to this habitat type.

Vernal pools will not be affected by this project. Therefore, creation of vernal pool habitats would not be warranted. Other tracts within the Specific Plan Area may be

required to provide this type of mitigation, should site plans require encroachment into this habitat type.

f. Create a freshwater lake that provides maximum value for native wildlife, especially water birds.

This mitigation measure references a freshwater lake that may be constructed on other tracts of the Millerton Specific Plan Area that are proximate to the sewer treatment plant. Such a lake would be used to temporarily store effluent that has been treated to the tertiary level. No such lake would be constructed on Tract 4870.

g. Restore native upland vegetation to non-wetland habitats by means of managed grazing and re-introduction of native grass species.

As noted in the discussion of the White Fox Creek open space corridor, a number of native grasses would be restored to the bed and upper bank of the creek. Other native grasses suitable for establishment in the upland areas of the open space corridor would be creeping wildrye, California brome, California fescue, and foothill needlegrass (*Nassella cernua*).

Managed grazing will not be feasible for the relatively small area of open space preserved along White Fox Creek in Tract 4870. Managed grazing would require fencing of small open space areas and very low stocking rates. Because un-managed growth of native and non-native grasses and forbs in the open space corridor would result in a significant fire hazard by the end of the growing season (i.e. May-June), dried grasses in the open space will be mowed to a height of 3-4 inches by June 1st of each year in order to ensure that flash fuels have been eliminated from the open space corridor.

h. Address long-term management issues of the recreational open space after mitigation monitoring has been completed.

Issues related to long-term management of the open space corridor along White Fox Creek include:

- Annual reduction of flash fuels in the form of dried grasses (as discussed in Item g above);
- Repair of possible erosion damage that may result from occasional high flows in White Fox Creek;
- Maintenance of the recreational trail;
- Maintenance of any rustic decorative fencing at the outer edges of the open space corridor. Such fencing will be designed to keep humans out of sensitive areas in the creek corridor;
- Control of invasive plants that may become established within the open space corridor;
- Health and maintenance of riparian plantings;
- Trash removal;
- Flood control.

The reduction of flash fuels will occur annually according to a maintenance schedule adopted by CSA No. 34. The remaining maintenance activities would be triggered by an annual biological monitoring report, which will report on the observations made during yearly monitoring surveys conducted in perpetuity.

If the annual monitoring report documents the decline of the riparian woodland through mortality such that fewer than 80% of the riparian species originally planted have survived, then maintenance will include the planting of replacement plants. This provision will remain in effect in perpetuity.

Certain types of maintenance, including mowing, repair of fencing, repair of trails, etc. may result in impact to nesting burrowing owls and their young. Maintenance activities resulting in mortality of burrowing owls would be a violation of state and federal law. Therefore, all maintenance activities potentially affecting burrowing owl will be preceded by the following measures:

- A pre-construction survey shall be conducted by a qualified biologist for burrowing owls within 30 days of the on-set of construction. The survey shall be conducted according to methods described in the *Staff Report on Burrowing Owl Mitigation* (CDFG 1995)
- If pre-construction surveys are undertaken during the breeding season (February through July) and active nests are located within areas where proposed

maintenance is to occur, then the nest site and a suitable buffer (as determined by a qualified biologist) shall remain off-limits to all maintenance activities until the conclusion of the breeding season. The CDFG recommends setbacks from occupied nest burrows of 100 meters where construction will result in the loss of foraging habitat.

- During the non-breeding season (August through January), resident owls may be relocated to alternative habitat. The relocation of resident owls shall be conducted according to a relocation plan prepared by a qualified biologist in consultation with the California Department of Fish and Game. Passive relocation as described in the aforementioned staff report will be the preferred method of relocation. The plan shall provide for their relocation to nearby open space providing adequate nesting habitat.

Long-term maintenance will be the responsibility of County Service Area No. 34 under contract with an appropriate private entity that will provide this service. Some maintenance activities could require consultation with the California Department of Fish and Game, the U.S. Army Corps of Engineers, and the California Regional Water Quality Control Board. For example, erosion damage to the creek may require the re-shaping of portions of the creek channel and the placement of rock armoring on eroded creek banks. This work would not proceed until all required state and federal permits had been obtained.

i. Submit the mitigation and management plan to the U.S. Army Corps of Engineers for review.

This project will not require a Clean Water Act Permit from the U.S. Army Corps of Engineers, because no jurisdictional waters subject to the Corps' permit authority will be filled. Therefore, the mitigation and management plan need not be submitted to the U.S. Army Corps of Engineers for review.

j. Funds for the Open Space Management Plan shall be part of the CSA No. 34 budget.

Such funds will be provided based on a budget approved and collected by CSA No. 34 from individual homeowner users of CSA No. 34 so that the Open Space Management Plan can be fully implemented. At the time this report was prepared, the total annual budget for implementation of the Tract 4870 portion of the Specific Plan had been

calculated. Estimated fees to fund the Open Space Management Plan are included in *Engineers Report, Assessment for County of Fresno, County Service Area No. 34, Zone 'C'* (Heyman & Associates 2004), which was prepared for Fresno County's review and approval (see Appendix C). These fees will be established and approved by Fresno County prior to recordation of the Final Tract 4870 Map. A copy of the Engineer's report containing these and other fees is being submitted to the California Department of Fish and Game.

k. Develop the Monitoring Program which, at a minimum, shall include;

- **Measurable mitigation objectives;**
- **Measures which will result in objectives being met;**
- **A monitoring protocol by which the success of the plan can be measured that identifies:**
 - **When monitoring will occur;**
 - **Survey methods;**
 - **Reporting requirements;**

The primary mitigation measure to be implemented on site is the preservation and enhancement of native biotic resources in an open space corridor along White Fox Creek. This open space corridor will be maintained and managed for the enhancement and maintenance of native biotic resources, and to provide a scenic backdrop for a recreational trail to be located along Marina Drive. These objectives will be met as described in detail in Mitigation Measure 16.c. The success of the wetland and open space mitigation and management plan will be assessed during annual mitigation monitoring surveys during the first 10 years following riparian plantings as described in Measure 16.c. Annual monitoring will continue at a lesser level of effort in perpetuity. This monitoring will be for the purpose of addressing open space issues identified in Mitigation Measure 16.h.

Monitoring surveys will be conducted on foot in May of each year for 5 years after the open space corridor along White Fox Creek has been planted. During the annual monitoring surveys all numbered planting locations will be checked using the planting plan in order to determine the status of the tree or shrubs planted at them. Trend characteristics of planted trees will also be noted. Such characteristics will include

general health of individual trees and shrubs, amount of dieback, mortality, etc. Other information gathered during the monitoring surveys would include any evidence of noxious weeds in the open space corridor that may have become established, erosion along the channel of White Fox Creek, maintenance requirements for the decorative fence along the outer boundary of the open space corridor, and evidence of human caused damage to biotic resources of the open space corridor.

The results of each monitoring survey will be summarized in an annual report that will be submitted to the California Department of Fish and Game for review and comment.

I. Confirmation of a funding source for plan implementation.

As noted, funds will be provided CSA No. 34 for plan implementation. At the time this report was completed, the funding source was to consist of an assessment on each of the projects constructed in the Millerton Specific Plan Area, including Tract 4870. The final budget for the Plan implementation shall be established and approved by Fresno County prior to recordation of the Final Tract Map for Tract 4870.

MITIGATION MEASURE 16.g. The project proponent shall participate in the formation of a Open Space and Natural Resource Plan (OSNRP) for the Millerton, Dry Creek, and Sierra Foothill areas. The OSNRP will provide protection of sensitive resources by establishing key habitat areas, open and continuous wildlife corridors, ridgetop and view protection, native plant landscapes, and lighting restrictions on hilltops to mitigate glare.

The Millerton Open Space and Natural Resource Plan was developed partially in response to Mitigation Measure 16.g and 16.h. In 1999, a group of developers, biologists, and land managers who were collectively interested in the preservation of the natural resources of the Millerton area drafted the Millerton Open Space and Natural Resource Plan to be administered by a board of directors and to be implemented according to an adopted "Articles of Organization". The geographic area covered by the plan is the entire Millerton New Town Specific Plan Area (which included Tract 4870). This area has been already expanded to include the nearby holdings of other private landowners. The plan calls for the collection of "impact

fees” for each residential unit constructed in the area covered by the plan. These fees are to be paid to the Sierra Foothill Conservancy for the acquisition of land and protective easements on lands in and around the Millerton area where future development will occur. Tract 4870 will generate approximately \$30,000 in impact fees that would be paid up front to the Sierra Foothill Conservancy for the purchase of conservation easements on open space parcels in the area. The Sierra Foothill Conservancy has targeted parcels on McKenzie Table, Big Table and in the Sierra foothills adjacent to these geologically unique landforms for acquisition or conservation easement. These lands are within 2-5 miles of Tract 4870. Therefore, the development of Tract 4870 will contribute to the mitigation of cumulative impacts that may result from regional development in the future.

MITIGATION MEASURE 16.H. The project proponent shall pay a fair share of the mitigation fees established by the OSNRP consistent with other projects within the OSNRP area, taking into account previous development commitments recognized in the Millerton Specific Plan and the project conditions of approval that already include open space set-aside and other protection measures.

According to provisions of the Millerton Open Space and Natural Resource Plan, the project proponent will pay impact fees of \$175 per unit, but provision was made for fee increases over time.

APPENDIX D

MILLERTON NEW TOWN OAK TREE PROTECTION AND MANAGEMENT PLAN

CONCEPTUAL DRAFT

Millerton New Town Oak Tree Management Protection and Management

The policy of the Millerton Specific Plan is to encourage the preservation and long-term health of native "Blue Oak" trees found on residential and open space areas within the Protection and Management area. Purchasers/Builders are encouraged to design their property in a way that avoids existing oak trees when positioning homes and/or commercial structures. To assist in their property design, individual lot owners should review and understand information contained in the publications entitled 'Living Among the Oaks' and 'Wildlife Among the Oaks'.

The following Implementation measures shall be enforced by the Architectural Review Committee to assure for the maximum practical preservation and long term health of the native Blue Oaks and the wildlife that depends upon this habitat.

Each purchaser/builder shall review and understand the information contained in 'Living Among the Oaks' and 'Wildlife Among the Oaks' publications prior to applying for a construction permit.

Each lot buyer or builder shall apply to the Architectural Review Committee (ARC) for approval of construction (which requires a permit) prior to beginning any construction on any property within the plan area.

All site plans submitted to the ARC shall illustrate:

- All oak trees larger than 4" trunk diameter on lots
- All oak trees larger than 4" trunk diameter that need to be removed for construction.
- All buildings, flatwork, patios, driveways, septic systems, etc. that will require excavation of the native soil.
- All proposed landscape irrigation systems.

If removal of oak trees larger than 4" in diameter is required to accommodate construction, the owner/builder shall provide funding of the future replanting of Blue Oak trees on the project site. Said planting shall be completed under the direction of a qualified Botanist familiar with the Blue Oak Tree species. Said funding shall be deposited with and held by the ARC or its designee for annual "plantings" of Blue Oak trees within the boundaries of the plan area. Said funding shall be based upon the cost of \$50.00/tree to be planted, based on the following replacement ratios: trees 4" to 9" - 3 trees; Trees 9" to 15" - 5 trees. Trees with a trunk diameter of 15" or greater shall not be removed, except with the consent of the ARC

Regional Native Plant Nurseries:

Elkhorn Nursery
1957B Highway 1
Moss Landing, California 95039

Las Pilitas Nursery
3232 Las Pilitas Road
Santa Margarita, California 93453

Cornflower Farms
P.O. Box 896
Elk Groce, California 95624

Magpie Farms
10300 Sheldon Road
Elk Grove, California 95759

Hedgerow Farms
21740 County Road 88
Winters, California 95694

Intermountain Nursery
30773 North Auberry Road
Prather, California 93651