Exhibit D

Monterey Plus Final Revised EIR

EXHIBIT D
MONTEREY AMENDMENT TO THE STATE WATER PROJECT CONTRACTS (INCLUDING KERN WATER BANK TRANSFER) AND ASSOCIATED ACTIONS AS PART OF A SETTLEMENT AGREEMENT (MONTEREY PLUS) (2016 MONTEREY PLUS REVISED EIR – KERN WATER BANK DEVELOPMENT, AND CONTINUED USE AND OPERATION)

MITIGATION MONITORING AND REPORTING PROGRAM

1. INTRODUCTION

The California Environmental Quality Act (CEQA) requires the adoption of feasible mitigation measures to reduce the severity and magnitude of potentially significant environmental impacts associated with project development.

CEQA Guidelines Section 15091(d) states:

> When making the findings required in subdivision (a)(1), the agency shall also adopt a program for reporting on or monitoring the changes which it has either required in the project or made a condition of approval to avoid or substantially lessen significant environmental effects. These measures must be enforceable through permit conditions, agreements, or other measures.

CEQA Guidelines Section 15097(a) states:

> This section applies when a public agency has made the findings required under paragraph (1) of subdivision (a) of section 15091 relative to an EIR or adopted a mitigated negative declaration in conjunction with approving a project. In order to assure that the mitigation measures and project revisions identified in the EIR or negative declaration are implemented, the public agency shall adopt a program for monitoring or reporting on the revisions which it has required in the project and the measures it has imposed to mitigate or avoid significant environmental effects.

The California Department of Water Resources (Department) developed a Mitigation Monitoring and Reporting Program (MMRP) for the 2010 Monterey Plus Final Environmental Impact Report (FEIR) and adopted the MMRP on May 4, 2010. The MMRP covered mitigation measures that are within the jurisdiction and responsibility of the Department. The Department has implemented and continues to implement these mitigation measures as stated in the 2010 MMRP.

The Monterey Plus Final Revised Environmental Impact Report (REIR), which includes the 2007 Draft EIR (DEIR) and 2010 Final EIR (FEIR) for the proposed project, contains new and revised mitigation measures covering the Kern Water Bank (KWB) transfer, development and continued use and operation. These mitigation measures in the Draft REIR replace the two mitigation measures, Mitigation Measures 7.4-3 and 7.13-3, identified in the 2010 FEIR to be implemented by the Kern Water Bank Authority (KWBA). The Department has completed this 2016 MMRP, but all mitigation measures are within the jurisdiction and responsibility of KWBA, not the Department. KWBA has already committed to implementing all mitigation measures contained herein in its 2016 Resolution (see Draft REIR Appendix 7-6b. 2016 Kern Water Bank Authority Resolution).

In addition, mitigation measures for potentially significant and unavoidable impacts were identified for yet-to-be built projects, Plumas County lands, and for yet-to-be built Southern San Joaquin groundwater banks on Kern County and Kings County lands are within the responsibility and jurisdiction of the individual counties and not the Department or KWBA. Since these actions depend upon actions to occur in the future and are covered within the Statement of Overriding Considerations as potentially significant and unavoidable impacts, the 2010 Monterey Plus FEIR Mitigation Measures 7.4-3, 7.13-2, , 7.13-6, 10.1-3, 10.1-19, and 10.1-20 are not included in the 2010 or 2016 MMRPs.

Findings and Determinations were made in Exhibit B as required under the CEQA Guidelines Section 15091 (a)(1) which includes mitigation measures. Following the Department's certification of the Final REIR and approval of the Findings of the proposed project and of this new MMRP, the mitigation measures that are within the jurisdiction and responsibility of KWBA that have been required in, or incorporated into the approved project, will be monitored in the manner specified by this MMRP.

The mitigation measures identified and adopted within the 2010 MMRP remain effective and unchanged except for the replacement of the two Mitigation Measures relating to the Kern Water Bank. This MMRP is not intended to supersede the previously adopted 2010 MMRP and instead identifies only the new mitigation measures identified within the REIR.

1.1 2016 FINDINGS

The Department has prepared the 2016 Monterey Plus REIR to evaluate the potentially significant impacts of the transfer of the Kern Fan Element and the development and continued use and operation of the KWB. The 2016 REIR did not identify any new significant impacts related to the transfer of the Kern Fan Element. The Monterey Plus REIR does, however, identify a number of potentially significant impacts related to the development and continued use and operation of the KWB. The Monterey Plus REIR also identifies feasible mitigation measures that will be implemented to reduce all but one of the potentially significant impacts to a less-than-significant level.

This MMRP contains mitigation measures related to the KWB development and continued use and operation from the REIR. All mitigation measures included herein will be implemented by KWBA, as identified in each mitigation measure (see Draft REIR Section 7.1 for a description of the different types of mitigation measures) and may be modified by KWBA during project implementation, as necessary and if legally appropriate, in response to changing conditions or other refinements.

Table 1 has been prepared to assist KWBA in implementing the MMRP. The table identifies the individual mitigation measure number, mitigation measure, monitoring or reporting entity, mitigation timing, and enforcement entity. The numbering of mitigation measures follows the numbering sequence found in the Monterey Plus REIR.

Unless otherwise specified herein, KWBA is responsible for taking all actions necessary to implement the mitigation measures according to the specifications provided for each measure, and for demonstrating that the action has been successfully completed. It is expected that KWBA, as the responsible agency for KWB development and continued use and operation, will adopt this MMRP as part of its own CEQA compliance. KWBA, at its discretion, may delegate implementation responsibility or portions thereof to a licensed contractor or other designated agent as long as KWBA maintains final responsibility for ensuring that the actions are taken. KWBA is responsible for overall administration of the MMRP and for verifying that KWBA staff members and/or other individuals designated by KWBA have completed the necessary actions for each measure.

1.2 MITIGATION MONITORING PLAN

The column categories identified in **Table 1** are described below:

- **Mitigation Number**—This column lists the mitigation measures according to the number in the Monterey Plus REIR.
- **Mitigation Measure**—This column provides the text of the mitigation measures identified in the Monterey Plus REIR.

- **Monitoring or Reporting Entity**—This column identifies the entity(ies) responsible for conducting the monitoring and reporting compliance with the requirements of the mitigation measure.
- **Timing—**This column specifies the timing of mitigation measure implementation.
- **Enforcement Entity**—This column identifies the entity(ies), if any, responsible for enforcing compliance.

Mitigation No.	Mitigation Measure	Monitoring or Reporting Entity	Timing	Enforcement Entity
7.1-2	KWBA will establish a program that meets the following requirements in accordance with the Long-Term Project Recovery Operations Plan regarding the Kern Water Bank Project (2016 KWB Long-Term Operations Plan, Appendix 7-5c): A. Monitor and Report Groundwater Conditions to KWBA's Board of Directors and the Public 1) KWBA will monitor groundwater levels monthly, except during periods of no recovery when monitoring will occur at least quarterly. KWBA may rely on monitoring conducted by the Kern Fan Monitoring Committee to meet these requirements. 2) KWBA will report current groundwater levels to its Board of Directors at each monthly regular meeting, and will make the reports available to the public on its website (http://www.kwb.org/). 3) KWBA will regularly update its Groundwater Model (Model) to actual conditions and use the Model to project future groundwater conditions. KWBA will endeavor to use the best practicable science and latest information available in all modeling and technical matters. KWBA will report the results of its modeling to its Board of Directors and will make the results available to the public on its website (http://www.kwb.org/). Recovery of banked groundwater in any calendar year beyond March 15 of that year shall not commence (or continue) until the Model has been run for projected KWB operations and the results have been reported to KWBA's Board of Directors and made available to the public. Because model data for a preceding year becomes available at different times in the following year, modeling at the beginning of any given year will necessitate estimating certain model input data for the preceding year (e.g., Kern River losses). These estimates will be replaced with actual data at regular intervals when the model is updated. B. Implement Proactive Measures (in addition to A above) 1) KWBA will use its Model as a tool to evaluate potential groundwater impacts resulting from its project operations. The Model will be periodically run and updated as projected recovery plans become known or changed and the Model will assume such conditions as described in A.3.	KWBA	Adopted by KWBA on May 15, 2016 (Appendix 7-6b)	KWBA

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Mitigation No.	Mitigation Measure	Monitoring or Reporting Entity	Timing	Enforcement Entity
	2) The Model will be used to: a) Forecast groundwater levels. b) Forecast and predict the contribution of KWB Operations to groundwater level declines in the area. c) Determine water level conditions with "Without KWB Operations" for purposes of evaluating the potential impact of "With KWB Operations". The "Without KWB Operations" is the water level that would have been at any particular well location absent "KWB Operations." d) Identify, based upon an analysis of "Without KWB Operations" versus "With KWB Operations," if a negative potential impact ("NPI") has or is likely to occur for which the measures described at D, E, and F may be operative. NPI is determined according to C.1 below. e) Forecast any localized areas for special attention and/or additional monitoring where groundwater levels will decline 30 or more feet below the "Without KWB Operations" groundwater level. f) Identify wells at risk of potential impacts during recovery operations. 1) KWBA will provide notification on its website if the Model shows that an NPI has or is likely to occur, including steps that potentially affected landowners must follow if the landowner desires to make a claim to KWBA regarding potential well impacts due to KWBA's recovery operations. C. Implement Triggers and Actions The actions described in sections D, E, and F will be implemented in consultation with affected landowners/well owners that make a claim to KWBA regarding well impacts relating to KWBA's recovery operations and groundwater level declines, subject to the following: 1) The trigger for mitigation shall be based upon an analysis and comparison of Model generated "Without KWB Operations" versus "With KWB Operations." When "With KWB Operations" are 30 feet deeper than the "Without KWB Operations" at an operative well, and the well has (or is expected to) experience mechanical failure or other operational problems due to declining water			

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	levels, a negative potential impact ("NPI") is triggered. If KWBA enters into a joint operations agreement with other water banks in the area, the depth at which a NPI is triggered shall provide an equivalent measure of potential impact as described in the 2016 KWB Long-Term Operations Plan (Appendix 7-5c). 2) For a well owner to be eligible for mitigation as provided below, the affected landowner shall submit a claim to KWBA, in accordance with the Government Claims Act, which shall, at a minimum, provide information concerning the condition of the well and casing and pumping equipment of the well, and other information that is relevant to the landowner's claim. Upon receipt of a claim, KWBA shall use the Model (or the results of modeling as reported to the Board and the public) to determine whether an NPI exists at the landowner's well and respond with the appropriate action described below. 3) KWBA will provide mitigation and/or compensation for the KWB Operations' contribution to the adverse impact. Mitigation and/or compensation is not required for a well owner's lack of well maintenance, normal wear and tear, depreciation, failure of well equipment, well casing degradation, etc., or other reasons not relating to KWB Operations. D. Implement Action for Agricultural Wells When Well Adjustment Is Needed and Available 1) Trigger: When the Model predicts NPI for an operational agricultural well outside the current operating range of the pump but within the potential operating range of the well. 2) KWBA actions will be completed within 60 days (provided that the land/well owner cooperates) from receipt of a claim as follows: a) Field verify (with the affected landowner if requested) static depth to groundwater levels within the well and compare to Model values to determine if flow stoppage is due to groundwater level decline due to KWB operations. If needed: • Obtain right-of-entry permit and well data release from well owner. • Collect pump manufacturer data, the in-situ pump setting, and casing depth information. b) Compare pump setting information with Model projected			

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Mitigation No.	Mitigation Measure	Monitoring or Reporting Entity	Timing	Enforcement Entity
	pumping water levels throughout the year to determine pump submergence levels and evaluate the necessity and feasibility of lowering the well pump to meet the landowner's needs to provide the least-cost short and long-term solution. c) Develop a cost estimate to complete the necessary work. d) Develop and submit a report to the landowner informing the landowner of the findings and proposed actions, including denying the claim because groundwater declines are not due to KWB operations. 3) At KWBA's option, it may reduce or adjust pumping of its wells as necessary to prevent, avoid, or eliminate the NPI, using the Model to identify the well or wells that may require reduction or adjustment in pumping. 4) If groundwater declines are due to KWB operations, unless D.3 occurs, once agreement is reached between K W B A and the landowner pursuant to D.2.b and all cost estimates have been completed, pay costs associated with the landowner claim (considering C.3 above), including the cost to complete the necessary work. E. Implement Action for Agricultural Wells When Well Adjustment Is Unavailable 1) Trigger: When the Model predicts NPI for an operational agricultural well o u t s i d e the current and potential operating range of the well. 2) KCWA [sic, read: KWBA] actions will be completed within 6 0 days (provided that the land/well owner cooperates) from receipt of a claim as follows: a) Field verify (with the affected landowner if requested) static depth to groundwater levels within the well and compare to Model values to determine if flow stoppage is due to groundwater level decline due to KWB operations. If needed: • Obtain right-of-entry permit and well data release from well owner. • Collect pump manufacturer data, the in-situ pump setting,			

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Mitigation No.	Mitigation Measure	Monitoring or Reporting Entity	Timing	Enforcement Entity
	and casing depth information. b) Identify water of an equivalent water quantity and quality suitable for agricultural uses for the affected landowner from an alternate source at no greater cost to the affected landowner or, with the consent of the affected landowner, identify acceptable mitigation (for example, drill and equip a new well) to provide the least-cost short- and long-term solution, including an estimate to complete the necessary work. Develop and submit a report to the landowner informing the landowner of the findings and resulting proposed actions, including denying the claim because groundwater declines are not due to KWB operations. 3) At KWBA's option, it may reduce or adjust pumping of its wells as necessary to prevent, avoid, or eliminate the NPI using the Model to identify the well or wells that may require reduction or adjustment in pumping. 4) If groundwater declines are due to KWB operations, unless E.3 occurs, once an agreement is reached between KWBA and the landowner to provide mitigation pursuant to E.2.b and all cost estimates have been completed, pay costs associated with the landowner claim (considering C.3 above), including the cost to complete the necessary work. F. Implement Action for Domestic Wells 1) Trigger: When the Model predicts NPI for a domestic well that is outside the current operating range of the pump but within the potential operating range of the well production. 2) KWBA's actions will be completed within 60 days (provided that the land/well owner cooperates) from receipt of a claim as follows: a) Field verify (with the affected landowner if requested) static depth to groundwater levels within the well and compare to Model values to determine if flow stoppage is due to groundwater level decline. If needed: • Obtain right-of-entry permit and well data release from well owner. • Collect pump manufacturer data, the in-situ pump setting, and casing depth information.			

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	b) Identify availability and cost of a permanent connection to the nearest water service provider. c) Identify acceptable mitigation (for example, lower the domestic submersible pump bowl setting sufficient to restore and maintain service or drill and equip a new well that complies with applicable county well standards) to provide the least-cost short- and long-term solution, including an estimate to complete the necessary work. d) Develop and submit a report to the landowner informing the landowner of the findings and resulting proposed actions, including denying the claim because groundwater declines are not due to KWB operations. e) If necessary for emergency health and safety concerns, provide interim in-home water supplies within 14 days after receipt of the claim until a permanent mitigation action is implemented or the claim has been denied because groundwater declines are not due to KWB operations. 3) At KWBA's option, it may reduce or adjust pumping of its wells as necessary to prevent, avoid, or eliminate the NPI using the Model to identify the well or wells that may require reduction or adjustment in pumping. 4) If groundwater declines are due to KWB operations, unless F.3 occurs, once an agreement is reached for KWBA to provide mitigation pursuant to F.2.c above and all cost estimates have been completed, pay costs associated with the landowner claim (considering C.3 above), including the cost to complete the necessary work.			
7.1-7	KWBA will implement the following measures in accordance with the KCWA and KWBA CVC Agreement (Appendix 7.5e): a) KWBA will monitor water levels frequency, evaluating groundwater conditions on a weekly/monthly basis. b) KWBA will coordinate water operations with KCWA. c) KWBA will manage recharge operations to help ensure that groundwater gradient is away from the CVC during shallow groundwater conditions. Should groundwater conditions develop that might induce piping behind the CVC's liner, KWBA will minimize recharge adjacent to the CVC either by reducing inflow to adjacent	KWBA	Adopted by KWBA on May 15, 2016 (Appendix 7-6b)	KWBA

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Mitigation No.	Mitigation Measure	Monitoring or Reporting Entity	Timing	Enforcement Entity
	ponds or increasing the setbacks of adjacent ponds.			
7.2-1	KWBA will implement the following measures: a) Comply with Mitigation Measure 7.11-1(a). b) Comply with Mitigation Measure 7.8-1(a). c) Comply with Kern County Environmental Health Program under which new wells and well deepening, reconstruction, and destruction would be subject to permits requiring compliance. (see Section 7.0.4.1.6).	KWBA	Adopted by KWBA on May 15, 2016 (Appendix 7-6b)	a-KWBA b-CVRWQCB c-Kern County Environmental Health Department
7.2-2	KWBA will implement the following measures: a) Comply with Mitigation Measure 7.11-4. b) Hazardous waste sites would be subject to the county public health department and/or the CVRWQCB oversight with the responsible parties (see Section 7.0.4.1.7). KWBA will cooperate with the regulatory agency(s) during the process and provide pertinent groundwater elevations and water quality data the regulatory agencies may request. c) On an annual basis, KWBA shall report the status of shallow groundwater level monitoring activities and water quality analysis in areas of contamination to the Kern Fan Monitoring Committee. d) KWBA will continue to monitor and evaluate the nature and extent of any current and future contamination and remediation within KWB Lands as follows: (i) For all evaluation and monitoring activities performed by third parties on KWB Lands, KWBA shall obtain reports and sampling data as soon as they become available. Monitoring and evaluation shall continue until verification by third party documentation, regulatory correspondence, and/or laboratory analysis is obtained that indicates soil or groundwater contamination has been remedied and no longer provides a threat to groundwater quality. (ii) On an annual basis, KWBA shall report the status of contamination for each issue and provide water quality data monitoring activities, where available, to the Kern Fan Monitoring Committee. Any newly discovered contamination shall be reported to the Kern Fan Monitoring Committee immediately.	KWBA	Adopted by KWBA on May 15, 2016 (Appendix 7-6b)	a-see MM 7.11-4 b-Kern County Health Department or CVRWQCB c-KWBA d-KWBA
7.2-3	KWBA will implement the following measures:	KWBA	Adopted by KWBA on May	a-KWBA

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Mitigation No.	Mitigation Measure	Monitoring or Reporting Entity	Timing	Enforcement Entity
	a) Prior to construction, identify all plugged and abandoned wells through agency contacts. This includes identification of abandoned wells through the DOGGR website, field verification of an abandoned well prior to construction, notifying DOGGR of intent to construct a recharge pond adjacent to or over an abandoned well. b) Modify excavation and grading activities to ensure the near surface seals and wellhead remain undamaged. c) If the top of an abandoned well or wellhead is damaged during pond construction, appropriate authorities (i.e., DOGGR, CVRWQCB, and/or Kern County Environmental Health) will be notified as to the nature and extent of the damage along with plans to repair the damage, as needed and in accordance with existing regulations.		15, 2016 (Appendix 7-6b)	b-KWBA c-DOGGR, CVRWQCB, and/or Kern County Environmental Health Department
7.2-6	KWBA will implement Mitigation Measures 7.2-1, 7.2-2, 7.2-3, 7.8-1(a) and (b), and 7.11-2.	KWBA	Adopted by KWBA on May 15, 2016 (Appendix 7-6b)	See MM 7.2-1, 7.2-2, 7.8-1(a) and (b), and 7.11-2.
7.4-3	KWBA will implement the following terms required of KWBA as specified in the 1997 Monterey IS and Addendum (Appendix 7-6a), 2016 KWBA Resolution, and KWB HCP/NCCP, including Appendix A (Kern Water Bank Operations Manual), Appendix C (Kern Water Bank Vegetation Management Plan, and Appendix D (Kern Water Bank Waterbird Management Plan) (see Appendices 7-7a, 7-7b, 7-7c, and 7-7d, respectively): a) Biological Monitor A qualified biologist shall monitor all ground disturbing activities during construction in the Sensitive Habitat Sector and will oversee measures undertaken to reduce the take of listed species. b) Construction Practices i. Delineation of Disturbance Areas – During construction, KWBA shall clearly delineate disturbance area boundaries by stakes, flagging, or by reference to terrain features, as provided in the KWB HCP/NCCP~~directed by CDFG and USFWS~~ to minimize degradation or loss of adjacent wildlife habitats during operation. ii. Signage – During construction, KWBA shall post signs and/or place fencing around construction sites to restrict access of vehicles and equipment unrelated to site operations. iii. Resource Agency Notification – At least 20 working days prior to	KWBA	Adopted by KWBA on May 15, 2016 (Appendix 7-6b)	USFWS and/or CDFW

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	initiating ground disturbance for project facilities in designated salvage/relocation areas, KWBA shall notify the Fresno Field Office of CDFWG and the Sacramento Field Office of USFWS of its intention to begin construction activities at a specific location and on a specific date. The agencies will have ten working days to notify the KWBA of their intention to salvage or relocate listed species in the construction area. If KWBA is notified, it shall wait an additional five days to allow the salvage/relocation to take place. iv. Salvage and Relocation – KWBA shall allow time and access to USFWS and/or CDFWG, or their designees, to relocated listed species, at the Resource Agencies' expense, from construction areas prior to disturbance of areas that have been identified by the Resource Agencies as having known populations of the listed species they wish to salvage or relocate. v. Construction Site Review – All construction pipes, culverts, or similar structures with a diameter of three inches or greater that are stored at a construction site on the Kern Water Bank for one or more overnight periods shall be thoroughly inspected for trapped kit foxes and other animals before the subject pipe is subsequently buried, capped, or otherwise used or moved in any way. Pipes laid in trenches overnight shall be capped. If during construction a kit fox or other animal is discovered inside a pipe, that section of pipe shall not be moved or, if necessary, shall be moved only once to remove it from the path of construction activity until the animal has escaped. vi. Employee Orientation – An employee orientation program for construction crews, and others who will work on-site during construction, shall be conducted and shall consist of a brief consultation in which persons knowledgeable in endangered species biology and legislative protection explain endangered species concerns. The education program shall include a discussion of the biology of the listed species, the habitat needs of these species, their status under FESA and CESA, and measures being taken for the protection of these species and their habitats as a part of the project. The orientation program shall be conducted on an as needed basis prior to any new employees commencing work on the Kern Water Bank. Every two years or at the beginning of construction for the Supply/Recovery canal, a refresher course will be conducted for employees previously trained. A fact sheet conveying this information shall also be prepared for distribution to all employees. Upon			

Mitigation No.	Mitigation Measure	Monitoring or Reporting Entity	Timing	Enforcement Entity
	completion of the orientation, employees shall sign a form stating that they attended the program and understand all protection measures. These forms shall be filed at KWBA's office and shall be accessible by CDWFG and USFWS. vii. Standards for Construction of Canals – Concrete-lined canals will have a side slope of 1.5 to 1 or less and the sides will have a concrete finish which will assist in the escape of animals. If canals are determined by CDFWG or USFWS to be substantial impediments to kit fox movement, plank or pipe crossings will be provided across concrete canals in areas identified as having high kit fox activity. c) On-Going Practices i. Equipment Storage - All equipment storage and parking during site development and operation shall be confined to the construction site or to previously disturbed off site areas that are not habitat for listed species. ii. Traffic Control - KWBA's project representative shall establish and issue traffic restraints and signs to minimize temporary disturbances. All construction related vehicle traffic shall be restricted to established roads, construction areas, storage areas, and staging and parking areas. Project related vehicles shall observe a 25 MPH speed limit in all project areas except on county roads and state and federal highways. iii. Food Control - All food-related trash items such as wrappers, cans, bottles, and food scraps generated both during construction and during subsequent facility operation shall be disposed of in closed containers and shall be regularly removed from the site. Food items may attract kit foxes onto a project site, consequently exposing such animals to increased risk of injury or mortality. iv. Dog Control - To prevent harassment or mortality of kit foxes or destruction of kit fox dens or predation on this species; no domestic dogs or cats, other than hunting dogs, shall be permitted on-site. v. Pesticide Use - Use of rodenticides and herbicides on the site shall be permitted in accordance with the Vegetation Management Plan, which incorporates by reference the Interim Measures for Use of Rodenticides in Kern County, and which will incorporate by reference any other applicable laws, rules, and regulations regarding the use of pesticides as they take effect.			

Mitigation No.	Mitigation Measure	Monitoring or Reporting Entity	Timing	Enforcement Entity
	d) Project Representatives KWBA shall designate a specific individual as a contact representative between KWBA, USFWS, and CDFW~~G~~ to oversee compliance with protection measures-detailed herein. KWBA shall provide written notification of the contact representative to CDFW~~G~~ and USFWS within 30 days of issuance of the Permits and the Management Authorizations. Written notification shall also be provided by KWBA to CDFW~~G~~ and USFWS in the event that the designee is changed. e) Notification Regarding Dead, Injured or Entrapped Listed Animals Any employee or agent of KWBA who kills or injures a San Joaquin kit fox, blunt nosed leopard lizard, Tipton kangaroo rat, San Joaquin antelope squirrel, or other listed species listed as a threatened or endangered animal under FESA or CESA, or who finds any such animal either dead, injured, or entrapped on the Kern Water Bank shall report the incident immediately to KWBA's representative who shall, in turn, report the incident or finding to USFWS and CDFW~~G~~. In the event that such observations are of entrapped animals, escape ramps or structures shall be installed immediately to allow the animal(s) to escape unimpeded. In the event that such, observations are of injured or dead animals, KWBA shall immediately notify USFWS and CDFW~~G~~ by telephone or other expedient means. KWBA shall then provide formal notification to USFWS and CDFW~~G~~, in writing, within three working days of the finding of any such animal(s). Written notification shall include the date, time, location, and circumstances of the incident. The USFWS contact for this information shall be the Assistant Field Supervisor for Endangered Species, Sacramento Field Office. The CDFWG contact shall be the Environmental Services Supervisor at the San Joaquin Valley-Southern Sierra Region Headquarters. USFWS or CDFW~~G~~ will be notified if any other animal, which is otherwise a listed species, is found dead or injured. f) Construction of Supply/Recovery Canal Within 60 days prior to the construction of the supply/recovery canal within the zone marked within the Map of the Kern Water Bank, KWBA shall conduct a limited survey within the area of the Kern Water Bank, which will be affected by that construction, with the sole			

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Mitigation No.	Mitigation Measure	Monitoring or Reporting Entity	Timing	Enforcement Entity
	goal of identifying potential San Joaquin kit fox dens. KWBA shall contact USFWS and CDFW~~G~~ pursuant to the salvage procedures set forth above if any kit fox dens are found. g) Take Avoidance Protocol for Fully Protected Species Although a population of blunt nosed leopard lizards was relocated to the Kern Water Bank, there is no known present occurrence of them. Existing data on the blunt nosed leopard lizard at the Kern Water Bank indicates that populations, if they exist, occur within habitat set asides (either sensitive, compatible, or conservation bank habitat), thus the likelihood of take from project construction, operation, and maintenance is negligible. However, in the future adaptive management measures may expand to areas of suitable habitat. Three other species, which may be found on the Kern Water Bank, are also state designated fully protected species: American peregrine falcon, Greater sandhill crane, and White-tailed kite. The likelihood of the take of any of these species from project construction, operation, and maintenance is negligible due to their mobility and preferred habitats. ~~However, to avoid any take of these species, the same take avoidance protocol as set out for the blunt nosed leopold lizard shall apply to each of these three species.~~ KWBA will comply with the terms of the NCCP Approval and Take Authorization as it relates to ~~Until such time that the KWBA obtains appropriate authorization for take of the~~ state-designated fully protected species (Appendix 7-e)~~blunt nosed leopard lizard by the Fish and Game Commission, t~~The following take avoidance protocol shall apply in any areas that contain suitable habitat for fully protected species not covered by authorization for take of state-designated fully protected species identified in this subsection (g) ~~of the blunt nosed leopard lizard:~~ i. A qualified biologist shall survey any areas proposed for project related disturbance that contain suitable habitat for fully protected species ~~the blunt nosed leopard lizard~~ to determine the likelihood of presence. ~~Suitable habitat consists of valley and foothill grasslands, saltbrush scrubland, iodine bush grassland, and alkali flats.~~ ii. If these fully protected species ~~blunt nosed leopard lizards~~ are found to occur in areas proposed for project facilities construction or maintenance, ~~construction of~~ avoidance should take place. ~~first. If~~			

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Mitigation No.	Mitigation Measure	Monitoring or Reporting Entity	Timing	Enforcement Entity
	~~avoidance is not practicable, then the blunt nosed leopard lizard will be trapped and relocated prior to disturbance of KWBA's expense in accordance with the applicable annual management plan. This work must be done by or under the direction of the USFWS staff be persons with appropriate experience and with their own take for scientific purposes permits. This procedure will avoid any violation of state law.~~ The use of a biological monitor, and special construction activities and on- going practices will result in a heightened awareness and education regarding sensitive biological resources, which will reduce the potential for impacts on special-status species. In addition, the use of a project representative as a liaison between the KWBA and the resource agencies will expedite notification regarding any take of a listed animal. ~~While take of a fully protected species is not anticipated, this mitigation outlines avoidance protocol to further reduce the likelihood of said take.~~ Together these mitigation measures and the beneficial net increase of habitat for special-status species through implementation of the HCP/NCCP will reduce any potential impact to a less-than-significant level.			
7.8-1	KWBA will implement the following measures: a) Comply with NPDES permit requirements, which include preparation of a site-specific SWPPP and implementation of BMPs specifically designed to control erosion and reduce the transport of sediment and other pollutants (see Section 7.0.4.1.1). b) Comply with measures in the KWB HCP/NCCP Vegetation Management Plan, including the following specified for sediment removal and erosion control (see Appendix 7-7c): i. Sediment build up in canals and recharge basins must be removed to maintain adequate flow and water capacity in canals and to maintain good percolation in recharge basin. Sediment is typically removed mechanically with an excavator. To minimize transport costs of disposal, the loose soil sediments are typically placed on or near levees and canals. When feasible, islands in the recharge basis will be constructed from the spoil of the removal process. If this practice is to continue, then newly placed soils will be compacted onto the levee side slopes and tops where appropriate in areas that are not known to support kit fox dens, Tipton kangaroo rat burrows, blunt-	KWBA	Adopted by KWBA on May 15, 2016 (Appendix 7-6b)	a-CVRWQCB b-USFWS/CDFW c-KWBA

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	nosed leopard lizards or burrowing owl holes. Hay mulch may be applied to the bare slopes and seed would occur at the proper time of year as appropriate. The elimination of bare soil conditions will decrease erosion. In addition, establishing marsh vegetation at the head of stream flow patterns will filter water and reduce sediment transport through the system. ii. Water conveyance structures and control devices require periodic erosion control protection measures. Concrete riprap is typically used near the structures to prevent excessive erosion. Sidebank blowouts near conveyance structures shall be refilled and revegetated where appropriate. c) Use a watering truck to minimize fugitive dust generated during grading when conditions require, such as on dry, windy days (1997 Monterey IS and Addendum, Measure E-1)(see Appendix 7-6a).			
7.11-1	KWBA will implement the following measures: a) Require construction contracts to include specific language requiring contractors to comply with applicable hazardous materials management laws and regulations adopted at the State level in Titles 19 and 22 of the CCR, which address proper storage and disposal of substances such as fuels and Title 8 of the CCR which addresses the use of hazardous products in the work environment, which would apply to construction contractors. (See Section 7.0.4.1.2.) b) Ensure that the use of herbicides on the site shall be permitted in accordance with the KWB HCP/NCCP Vegetation Management Plan, which will incorporate by reference any other applicable laws, rules, and regulations regarding the use of pesticides as they take effect. (Measure B-3(e), Ongoing Pesticide Use, in 1997 Monterey IS and Addendum)(see Appendix 7-6a and Section 7.0.4.1.5). c) Provide a comprehensive Worker Environmental Awareness Program (WEAP) that will include all training requirements identified in Best Management Practices, Worker Site Specific Health and Safety Plan, and mitigation measures, including training for all field personnel (e.g., KWBA employees, agents, and contractors). The WEAP shall include protocols and training for responding to and handling of hazardous materials and hazardous waste management, and emergency preparedness, release reporting, and response requirements. KWBA will ensure that all construction workers at risk	KWBA	Adopted by KWBA on May 15, 2016 (Appendix 7-6b)	a-KWBA b-USFWS/CDFW c-KWBA d-see MM 7.8-1

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	of inhaling dust shall be provided masks with filters designed to trap spores of the size of Valley Fever fungus. (See Appendix 7.6b, 2016 KWBA Resolution). d) Comply with Mitigation Measure 7.8-1.			
7.11-2	KWBA will implement Mitigation Measure 7.11-1.	KWBA	Adopted by KWBA on May 15, 2016 (Appendix 7-6b)	See MM 7.11-1
7.11-4	KWBA will implement the following measures: a) Implement Mitigation Measure 7.11-1. b) Continue to monitor the remediation of the current and any future hydrocarbon contamination from third-party oil and gas activities. (Measure C-2, Hydrocarbon Contamination Monitoring, in 1997 Monterey IS and Addendum)(See Appendix 7-6a.) c) KWBA shall implement the following measures before and during ground-disturbing activities to reduce health hazards associated with potential exposure to hazardous substances (2016 KWBA Resolution)(see Appendix 7-6b.) i. If stained or odorous soil is discovered during project-related construction activities, KWBA shall retain a qualified environmental professional to conduct a Phase II Environmental Site Assessment and/or other appropriate testing. Recommendations in the Phase II Environmental Site Assessment to address any contamination that is found shall be implemented before continuing with ground-disturbing activities in these areas. ii. As required by law, notify the appropriate federal, state, and local agencies if evidence of previously undiscovered soil or groundwater contamination (e.g., stained soil, odorous groundwater) or if unknown or previously undiscovered underground storage tanks are encountered during construction activities.	KWBA	Adopted by KWBA on May 15, 2016 (Appendix 7-6b)	a–see MM 7.11-1 b-KWBA c-KWBA
7.11-6:	KWBA will implement the following: a) Implement Mitigation Measure 7.11-1(c). b) Implement Measure P-1, Implementation of Mosquito Abatement Plan, in the 1997 Monterey IS and Addendum (see Appendix 7-6a) with modifications for measures that proved infeasible or unsuccessful. In accordance with the Mosquito Abatement Plan,	KWBA	Adopted by KWBA on May 15, 2016 (Appendix 7-6b)	a–CVRWQCB b–USFWS/CDFW c-KWBA

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	KWBA will engage in the following procedures which are expected to reduce any impact due to the breeding of mosquitoes in the recharge basins to insignificance: i. KWBA will notify staff of the Kern and Westside Mosquito Abatement Districts (District) of planned use of recharge basins. ii. Roads on the KWB will be kept in a reasonable condition to allow the District access to the KWB. iii. KWBA will assist District staff in adaptive management planning to review the success of mosquito control techniques and to develop improved mosquito control techniques.			
7.13-1a	KWBA will implement the following measures to minimize potential adverse impacts on cultural resources (see Appendix 7-6b, 2016 KWBA Resolution): a) Prior to ground disturbance for new pond or well construction and associated facilities, an analysis to identify the potential presence of archaeological resources on the project site shall be conducted. The analysis shall include, at a minimum, a records check and literature survey from the appropriate California Historical Resources Information System (CHRIS) center and a Phase I Cultural Resources Investigation by an archaeologist meeting the Secretary of the Interior's Standards. If resources are known to exist on a project site, the analysis shall include an assessment of the resource and shall include measures for the in-situ protection, or the recovery, preservation, study, and curation of the resource, as appropriate. The analysis and the measures developed shall be consistent with the practices and intent described in Section 21083.2 et seq. of the Public Resources Code, as well as Sections 15064.5 et seq. and 15126.4(b) of the California Code of Regulations, and shall be consistent with current professional archaeological standards. The archaeologist shall prepare a report of the results of any study prepared, following accepted professional practice. Copies of the report shall be submitted to the KWBA and to the appropriate CHRIS information center. KWBA shall also consult, as appropriate, with the Native American Heritage Commission and appropriate Native American tribal representatives to address Native American cultural values with respect to archaeological contexts and places of traditional use or importance. b) As a condition of all contracts for new pond or well construction and	KWBA	Adopted by KWBA on May 15, 2016 (Appendix 7-6b)	KWBA

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	associated facilities and prior to ground-disturbing activities, all earth-moving and excavation contractor employees shall attend an orientation session informing them of the potential for inadvertently discovered cultural resources and/or human remains and protection measures to be followed to prevent destruction of any and all cultural resources discovered on site. The applicant's designated project construction manager, a qualified archaeologist, and a qualified cultural resource manager/monitor from a local California Native American tribe shall conduct the orientation (unless the local tribe opts not to participate). The orientation will include information regarding the potential for objects to occur on site, a summary of applicable environmental law, procedures to follow if potential cultural resources are found, and the measures to be taken if cultural resources and/or human remains are unearthed as part of the project. c) Construction areas for new ponds and wells and associated facilities shall be staked prior to earthmoving by a qualified archaeologist in consultation with the contractor to indicate the construction area, construction staging area, and buffer. No earthmoving, parking, or materials storage will be allowed outside the staked areas. Prior to construction, the archaeologist shall survey the area to identify any surface artifacts within the staked area. An archaeologist and qualified cultural resource manager/monitor from a local California Native American tribe (unless the local tribe opts not to participate) shall be present during any grubbing or topsoil grading within the staked area. If previously unknown buried cultural resources, such as flaked or ground stone, historic debris, building foundations, or nonhuman bone (unless determined to be from present day grazing operations), are discovered during ground-disturbing activities, work will stop in that area and within an appropriate buffer area, as determined by the archaeologist. The archaeologist shall assess the significance of the affected cultural resources and, if necessary, develop feasible and appropriate treatment measures in consultation with the project staff, such as avoidance, capping with geotextile and fill, or Phase III data recovery consistent with applicable standards adopted pursuant to the National Historic Preservation Act. d) In the event of the discovery of a burial, human bone, or suspected human bone, all excavation or grading in the vicinity of the find shall halt immediately, the area of the find shall be protected, and KWBA			

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	immediately shall notify the County Coroner of the find and comply with the provisions of PRC Section 5097 with respect to Native American involvement, burial treatment, and re-burial, if necessary. 7.13-1b. KWBA will implement the following measures to minimize potential adverse impacts on previously unknown potentially unique, scientifically important paleontological resources: (see Appendix 7-6b, 2016 KWBA Resolution): a) Before the start of any well-drilling activities, KWBA shall retain a qualified paleontologist or other qualified individual to train all personnel involved with earthmoving and/or well drilling activities regarding the possibility of encountering fossils, the appearance and types of fossils likely to be seen during construction, and proper notification procedures should fossils be encountered (this training can take place at the same time as the orientation required by 7.13-1a). b) In the event that paleontological resources are discovered, KWBA will notify a qualified paleontologist. The paleontologist will document the discovery as needed, evaluate the potential resource, according to the Society of Vertebrate Paleontology (SVP) Guidelines. If fossil or fossil bearing deposits are discovered during construction, excavations within 50 feet of the find will be temporarily halted or diverted until the discovery is examined by a qualified paleontologist. The paleontologist will notify the appropriate agencies to determine procedures that would be followed before construction is allowed to resume at the location of the find. If KWBA determines that avoidance is not feasible, the paleontologist will prepare an excavation plan for mitigating the effect of the project on the qualities that make the resource important. The plan will be submitted to KWBA for review and approval prior to implementation. The analysis and measures developed shall be consistent with the Conformable Impact Mitigation Guidelines developed by the Society of Vertebrate Paleontology and current professional paleontological standards.			
7.16-2	KWBA will implement Mitigation Measure 12-1.	KWBA	Adopted by KWBA on May 15, 2016 (Appendix 7-6b)	KWBA
12-1	KWBA will implement the following measures (2016 KWBA Resolution, Appendix 7.6b): a) Pump Efficiency Monitoring: KWBA will conduct pump efficiency	KWBA	Adopted by KWBA on May 15, 2016 (Appendix 7-6b)	KWBA

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	monitoring to ensure that all KWB pumps are monitored and evaluated at regular intervals during recovery periods. i. Daily Pump Efficiency Monitoring: Pumps shall be monitored daily for their total water volume pumped (acre-feet [AF]) and electricity consumption (kilowatt-hours [kWh]), which will be used to calculate a daily energy efficiency value (i.e., kWh/AF). ii. Pump Efficiency Software: Metro or an equivalent water system management program will be used to provide up-to-date and streamlined methods to analyze KWB's individual pump and total system efficiency. b) Pump Rehabilitation, Retrofits, and Replacement: KWBA shall use data from the Pump Efficiency Monitoring component to strategically and actively rehabilitate, retrofit, and/or replace pumps as needed during recovery periods. i. Pump Prioritization and Testing: Pump rehabilitation, retrofit, and replacement shall be prioritized by accounting for the relative efficiency of each pump with respect to the total pump system and water volume pumped through each pump. Data obtained from the Pump Efficiency Monitoring component shall be used to prioritize which pumps will be rehabilitated, retrofitted, and/or replaced. In addition efficiency testing by external entities if available (e.g., pump company, Pacific Gas & Electric Company [PG&E]) or other similar analysis will also be used for the prioritization process. ii. Schedule: KWBA shall rehabilitate, retrofit, and/or replace pumps/wells at the earliest possible time without substantially disturbing ongoing O&M activities, but at a minimum will rehabilitate, retrofit, and/or replace at least an annual average of 5 pumps per year during a prolonged recovery period such as occurred between 2013 and 2016. c) Reporting: KWBA will maintain a quarterly and annual reporting program that will be publicly available online. Annual reports will cover calendar years and be posted online by March 30 to cover the previous year. Quarterly reports will be posted online within 30 days of the end of each calendar quarter. The annual and quarterly reports will include, but are not limited to, the following components: i. KWB O&M Totals: Total quarterly electricity consumption for recovery pumping activities along with total acre-feet recovered shall			

Mitigation No.	Mitigation Measure	Monitoring or Reporting Entity	Timing	Enforcement Entity
	be provided online. A running total of the annual electricity consumption and acre-feet recovered by quarter shall also be provided. ii. Pump Efficiency: A summary of the pump efficiency (kWh/acre-feet) for each of KWB's pumps will be provided quarterly. Similar to the KWB O&M Totals, a running annual average efficiency for each pump shall be provided. These data shall be used to identify the 5 pumps per year that will be rehabilitated, retrofitted, or replaced. If a pump/well is adjusted for depth, notes shall be made within the reports to explain these changes in pump efficiency. iii. Electricity Efficiency Actions: Each report should include actions taken in the previous quarter to rehabilitate, retrofit, and/or replace pumps. Any other energy efficiency measures taken will be reported. When information is available from PG&E's Advanced Pumping Efficiency Program or other similar programs, annual electricity savings from these actions shall be included in the quarterly and annual reports to clearly show the electricity savings associated with rehabilitation, retrofit, and/or replacement actions. If annual energy savings cannot be determined through pre- and post-pump improvement testing, KWBA shall report the empirical annual energy savings (kWh/year) from these improvements in its annual reports. iv. Identifying Next Steps: Each annual report will include the list of 5 or more pumps planned to be evaluated for potential rehabilitation, retrofit, or replacement during that year. If all five of the least efficient pumps are not scheduled for rehabilitation, retrofit, and/or replacement in the coming year, the annual report shall explain what KWB operation requires the pump to remain in service that year. d) Pump Compliance: KWBA will only purchase new pumps that comply with United States Department of Energy pump efficiency regulations (10 CFR Part 429 and 431) when those regulations become effective in the marketplace in 2020. e) Future Increases in Technology and Emissions Standards: KWBA shall actively consider replacing older pumps with new pumps with increased efficiency technology. All future requirements for pumps at the federal, state, and/or local level shall be complied with.			
10.1-24	KWBA will implement Mitigation Measure 7.1-2.	KWBA	Adopted by KWBA on May 15, 2016 (Appendix 7-6b)	KWBA

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10.1-25	KWBA will implement Mitigation Measure 7.1-7.	KWBA	Adopted by KWBA on May 15, 2016 (Appendix 7-6b)	KWBA
10.1-28	KWBA will implement Mitigation Measure 7.2-1.	KWBA	Adopted by KWBA on May 15, 2016 (Appendix 7-6b)	See MM 7.2-1
10.1-29	KWBA will implement Mitigation Measures 7.2-2.	KWBA	Adopted by KWBA on May 15, 2016 (Appendix 7-6b)	See MM 7.2-2
10.1-30	KWBA will implement Mitigation Measure 7.2-3.	KWBA	Adopted by KWBA on May 15, 2016 (Appendix 7-6b)	See MM 7.2-3
10.1-39	KWBA will implement Mitigation Measure 7.4-3.	KWBA	Adopted by KWBA on May 15, 2016 (Appendix 7-6b)	USFWS and/or CDFW
10.1-58	KWBA will implement Mitigation Measure 7.11-6.	KWBA	Adopted by KWBA on May 15, 2016 (Appendix 7-6b)	See MM 7.11-6
10.1-61	KWBA will implement Mitigation Measures 7.13-1(a) and 7.13-1(b).	KWBA	Adopted by KWBA on May 15, 2016 (Appendix 7-6b)	KWBA
10.1-66	KWBA will implement Mitigation Measure 12-1.	KWBA	Adopted by KWBA on May 15, 2016 (Appendix 7-6b)	KWBA
10.1-68	KWBA will implement Mitigation Measure 12-1.	KWBA	Adopted by KWBA on May 15, 2016 (Appendix 7-6b)	KWBA
10.1-69	No feasible mitigation available.	N/A	N/A	N/A