





## DIGESTER OR CO-DIGESTER FACILITY CEQA COMPLIANCE ASSESSMENT

The following checklist provides a means for the applicant to report on compliance with the mitigation measures identified in the Program Environmental Impact Report (EIR) for Dairy Manure Digester and Co-Digester Facilities (i.e., SCH #20100331085). Alternative documentation may be acceptable provided it demonstrates to staff's satisfaction that it adequately demonstrates compliance with the Final Program EIR's mitigation measures for each covered resource area with potentially significant impacts (e.g., Chapter 6: Air Quality and Greenhouse Gas Emissions). Items checked as "IN PROGRESS" must be accompanied by an explanation.

### A. HYDROLOGY AND WATER QUALITY

HAVE YOU COMPLETED A FACILITY INFORMATION REPORT (FIR) IN ACCORDANCE WITH THE REQUIREMENTS OF THE WASTE DISCHARGE REQUIREMENT GENERAL ORDER NO. R5-2010-XXXX?

\_\_\_\_\_ YES \_\_\_\_\_ NO \_\_\_\_\_ IN PROGRESS

IF YES, DOES YOUR FIR INCLUDE THE FOLLOWING?

1. MONITORING WELL INSTALLATION AND SAMPLING PLAN<sup>i</sup>;
2. NUTRIENT BALANCE;
3. WASTE MANAGEMENT PLAN;
4. SALT MINIMIZATION PLAN; AND
5. WASTEWATER RETENTION POND DESIGN PLAN.

\_\_\_\_\_ YES \_\_\_\_\_ NO \_\_\_\_\_ IN PROGRESS

### B. AIR QUALITY

1. HAVE YOU COMPLETED AN AIR QUALITY TECHNICAL REPORT<sup>ii</sup>? IF YES, PLEASE ATTACH A COPY OF THE REPORT.

\_\_\_\_\_ YES \_\_\_\_\_ NO \_\_\_\_\_ IN PROGRESS

HAS THE AIR QUALITY TECHNICAL REPORT BEEN APPROVED BY THE APPROPRIATE LOCAL AIR DISTRICT? PLEASE ATTACH ALL LOCAL AIR DISTRICT CORRESPONDENCE.

\_\_\_\_\_ YES \_\_\_\_\_ NO \_\_\_\_\_ IN PROGRESS

2. HAVE YOU REQUIRED THAT CONSTRUCTION CONTRACTORS AND SYSTEM OPERATORS THAT WOULD BE COMPLETING WORK AT YOUR FACILITY IMPLEMENT AIR QUALITY BEST MANAGEMENT PRACTICES<sup>iii</sup>?

\_\_\_\_\_ YES \_\_\_\_\_ NO \_\_\_\_\_ IN PROGRESS

3. HAVE YOU COMPLETED AN ODOR MANAGEMENT PLAN<sup>iv</sup>? IF YES, PLEASE ATTACH A COPY OF THE REPORT.

\_\_\_\_\_ YES \_\_\_\_\_ NO \_\_\_\_\_ IN PROGRESS

HAVE YOU SUBMITTED THE ODOR MANAGEMENT PLAN TO THE LOCAL AIR DISTRICT, LOCAL PLANNING DEPARTMENT, AND LOCAL ENFORCEMENT AGENCY (LEA)? ATTACH ALL LOCAL AIR DISTRICT, LOCAL PLANNING DEPARTMENT, AND LOCAL ENFORCEMENT AGENCY CORRESPONDENCE.

\_\_\_\_\_ YES \_\_\_\_\_ NO \_\_\_\_\_ IN PROGRESS

**C. LAND USE AND AGRICULTURAL RESOURCES**

ARE ANY PROJECT RELATED FACILITIES OFF-SITE OF A DAIRY SITED ON IMPORTANT FARMLAND<sup>v</sup> AS DEFINED BY THE CALIFORNIA DEPARTMENT OF CONSERVATION'S FARMLAND MAPPING AND MONITORING PROGRAM (INCLUDE MAP)?

\_\_\_\_\_ YES \_\_\_\_\_ NO \_\_\_\_\_ IN PROGRESS

IF YES, PROVIDE OVER-RIDING JUSTIFICATION FOR THE CHOICE OF LOCATION.

**D. TRANSPORTATION AND TRAFFIC**

WILL THE PROJECT INVOLVE THE INSTALLATION OF PIPELINE WITHIN THE EXISTING ROADWAY RIGHT-OF-WAY?

\_\_\_\_\_ YES \_\_\_\_\_ NO \_\_\_\_\_ IN PROGRESS

IF YES, ATTACH A COPY OF THE ROAD ENCROACHMENT PERMIT AND ANY REQUIRED TRAFFIC SAFETY/TRAFFIC MANAGEMENT PLAN(S)<sup>vi</sup> FOR WORK IN THE PUBLIC RIGHT-OF-WAY.

**E. BIOLOGICAL RESOURCES**

1. HAVE YOU COMPLETED A BIOLOGICAL SITE ASSESSMENT REPORT<sup>vii</sup>? IF YES, PLEASE ATTACH A COPY OF THE REPORT.

\_\_\_\_\_ YES \_\_\_\_\_ NO \_\_\_\_\_ IN PROGRESS

HAS THE REPORT BEEN APPROVED BY THE CALIFORNIA DEPARTMENT OF FISH AND GAME (CDFG)? PLEASE ATTACH ALL CDFG CORRESPONDENCE.

\_\_\_\_\_ YES \_\_\_\_\_ NO \_\_\_\_\_ IN PROGRESS

2. DOES THE BIOLOGICAL SITE ASSESSMENT DETERMINE THAT SPECIAL-STATUS SPECIES COULD BE AFFECTED BY FACILITIES DEVELOPMENT?

\_\_\_\_\_ YES \_\_\_\_\_ NO \_\_\_\_\_ IN PROGRESS

IF YES, HAVE YOU SUBMITTED A PLAN PREPARED BY A QUALIFIED BIOLOGIST, TO MITIGATE OR AVOID ANY SIGNIFICANT IMPACTS ON SPECIAL-STATUS SPECIES TO THE CDFG, THE ENDANGERED SPECIES UNIT OF THE U.S. FISH AND WILDLIFE SERVICE (USFWS) IN SACRAMENTO, AND/OR NATIONAL MARINE FISHERIES SERVICE (NMFS); AS APPROPRIATE.

\_\_\_\_\_ YES \_\_\_\_\_ NO \_\_\_\_\_ IN PROGRESS

HAS THE PLAN BEEN APPROVED BY CDFG, THE ENDANGERED SPECIES UNIT OF THE USFWS IN SACRAMENTO, AND/OR NMFS? ATTACH ALL CDFG, THE ENDANGERED SPECIES UNIT OF THE USFWS IN SACRAMENTO, AND/OR NMFS CORRESPONDENCE INCLUDING THE PLAN.

\_\_\_\_\_ YES \_\_\_\_\_ NO \_\_\_\_\_ IN PROGRESS

3. DOES THE BIOLOGICAL SITE ASSESSMENT DETERMINE THAT THE PROJECT IS LIKELY TO AFFECT BIOLOGICALLY UNIQUE OR SENSITIVE NATURAL COMMUNITIES?

\_\_\_\_\_ YES \_\_\_\_\_ NO \_\_\_\_\_ IN PROGRESS

IF YES, HAVE YOU SUBMITTED A PLAN PREPARED BY A QUALIFIED BIOLOGIST, TO MITIGATE OR AVOID ANY SIGNIFICANT IMPACTS ON BIOLOGICALLY UNIQUE OR SENSITIVE NATURAL COMMUNITIES TO THE CDFG, THE ENDANGERED SPECIES UNIT OF THE USFWS IN SACRAMENTO, AND/OR NMFS; AS APPROPRIATE.

\_\_\_\_\_ YES \_\_\_\_\_ NO \_\_\_\_\_ IN PROGRESS

HAS THE PLAN BEEN APPROVED BY CDFG, THE ENDANGERED SPECIES UNIT OF THE USFWS IN SACRAMENTO, AND/OR NMFS? ATTACH ALL CDFG, THE ENDANGERED SPECIES UNIT OF THE USFWS IN SACRAMENTO, AND/OR NMFS CORRESPONDENCE INCLUDING THE PLAN.

\_\_\_\_\_ YES \_\_\_\_\_ NO \_\_\_\_\_ IN PROGRESS

4. DOES THE BIOLOGICAL SITE ASSESSMENT DETERMINE THAT THE PROJECT IS LIKELY TO AFFECT WATERS OF THE STATE AND/OR UNITED STATES INCLUDING WETLANDS?

\_\_\_\_\_ YES \_\_\_\_\_ NO \_\_\_\_\_ IN PROGRESS

IF YES, ATTACH A COPY OF THE APPROPRIATE PERMITS<sup>viii</sup> TO ALLOW THE IMPACT TO WATERS OF THE STATE AND/OR UNITED STATES INCLUDING WETLANDS AND ALL CDFG, ARMY CORPS OF ENGINEERS, AND CENTRAL VALLEY WATER BOARD CORRESPONDENCE.

**F. HAZARDS AND HAZARDOUS MATERIALS**

DOES A STANDARD "PHASE I TYPE" ELECTRONIC RECORD SEARCH IDENTIFY ACTIVE SOIL OR GROUNDWATER CONTAMINATION CASES WITHIN A QUARTER MILE OF DAIRY DIGESTER CONSTRUCTION RELATED EARTH DISTURBING ACTIVITIES? PLEASE ATTACH A COPY OF THE ELECTRONIC RECORD SEARCH.

\_\_\_\_\_ YES \_\_\_\_\_ NO \_\_\_\_\_ IN PROGRESS

IF NO, STANDARD CONSTRUCTION PRACTICES CAN BE IMPLEMENTED. IF YES, ATTACH A PHASE I ENVIRONMENTAL SITE ASSESSMENT<sup>ix</sup> WITH RECOMMENDATIONS FOR APPROPRIATE HANDLING OF ANY CONTAMINATED MATERIALS DURING CONSTRUCTION.

**G. AESTHETIC RESOURCES**

HAVE YOU COMPLETED A VISUAL ASSESSMENT REPORT<sup>x</sup>? IF YES, PLEASE ATTACH A COPY OF THE REPORT.

\_\_\_\_\_ YES \_\_\_\_\_ NO \_\_\_\_\_ IN PROGRESS

HAVE YOU SUBMITTED THE VISUAL ASSESSMENT REPORT TO THE LOCAL PLANNING AND BUILDING DEPARTMENTS? ATTACH ALL PLANNING AND BUILDING DEPARTMENT CORRESPONDENCE.

\_\_\_\_\_ YES \_\_\_\_\_ NO \_\_\_\_\_ IN PROGRESS

#### H. CULTURAL RESOURCES

1. HAVE YOU COMPLETED A CULTURAL RESOURCES INVENTORY REPORT<sup>xi</sup>? IF YES, PLEASE ATTACH A COPY OF THE REPORT.

\_\_\_\_\_ YES \_\_\_\_\_ NO \_\_\_\_\_ IN PROGRESS

DOES THE CULTURAL RESOURCES INVENTORY REPORT INDICATE IF CONSTRUCTION RELATED IMPACTS TO CULTURAL RESOURCES ARE POTENTIALLY SIGNIFICANT?

\_\_\_\_\_ YES \_\_\_\_\_ NO \_\_\_\_\_ IN PROGRESS

IF YES, A CULTURAL RESOURCES MITIGATION PLAN NEEDS TO BE INCLUDED WITH THE INVENTORY REPORT.

2. HAVE YOU REQUIRED THAT CONSTRUCTION CONTRACTORS AND SYSTEM OPERATORS PERFORMING GROUND-DISTURBING ACTIVITIES AT YOUR FACILITY IMPLEMENT INADVERTENT DISCOVERY MEASURES<sup>xii</sup> FOR CULTURAL RESOURCES INCLUDING HUMAN REMAINS.

\_\_\_\_\_ YES \_\_\_\_\_ NO \_\_\_\_\_ IN PROGRESS

#### I. GEOLOGY

HAVE YOU PREPARED CONSTRUCTION PLANS FOR THE PROJECT DETAILING COMPLIANCE WITH LOCAL, STATE, AND FEDERAL REGULATION REGARDING BUILDING CODE REQUIREMENTS? IF YES, PLEASE ATTACH A COPY OF THE PLANS.

\_\_\_\_\_ YES \_\_\_\_\_ NO \_\_\_\_\_ IN PROGRESS

HAVE THE CONSTRUCTION PLANS BEEN APPROVED BY THE APPROPRIATE LOCAL BUILDING DEPARTMENT? PLEASE ATTACH ALL LOCAL BUILDING DEPARTMENT CORRESPONDENCE.

\_\_\_\_\_ YES \_\_\_\_\_ NO \_\_\_\_\_ IN PROGRESS

#### J. NOISE

HAVE YOU PREPARED AN ACOUSTIC REPORT<sup>xiii</sup> THAT ADDRESSES CONSTRUCTION AND OPERATIONAL NOISE LEVELS? IF YES, PLEASE ATTACH A COPY OF THE PLAN.

\_\_\_\_\_ YES \_\_\_\_\_ NO \_\_\_\_\_ IN PROGRESS

HAVE YOU SUBMITTED THE ACOUSTIC REPORT TO THE LOCAL PLANNING AND BUILDING DEPARTMENTS? ATTACH ALL PLANNING AND BUILDING DEPARTMENT CORRESPONDENCE.

\_\_\_\_\_ YES \_\_\_\_\_ NO \_\_\_\_\_ IN PROGRESS

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<sup>i</sup> Please note that within 45 days after completion of any monitoring well, the Discharger shall submit to the Executive Officer a Monitoring Well Installation Completion Report (MWICR) as detailed in Attachment A of Monitoring and Reporting Program R5-2010-XXXX. Additionally, as specified by Provision E.14 of the Order, groundwater must be sampled quarterly for a minimum of two quarters prior to the initiation of discharge at a new dairy and /or dairy digester/co-digester facility.

<sup>ii</sup> An Air Quality Technical Report should be prepared by a qualified air quality specialist. The report should include an analysis of potential air quality impacts (including a screening level analysis to determine if construction and operation related criteria air pollutant emissions would exceed applicable air district thresholds, as well as any health risk associated with TACs from all dairy digester or co-digester facility sources) and reduction measures as necessary associated with digester developments through the environmental review process. Preparation of the technical report should be coordinated with the appropriate air district and should identify compliance with all applicable New Source Review and Best Available Control Technology (BACT) requirements. The technical report should identify all project emissions from permitted (stationary) and non-permitted (mobile and area) sources and mitigation measures (as appropriate) designed to reduce significant emissions to below the applicable air district thresholds of significance, and if these thresholds cannot be met with mitigation, then the individual digester project could require additional CEQA review or additional mitigation measures.

<sup>iii</sup> Applicants should require construction contractors and system operators to implement the following Best Management Practices (BMPs) as applicable during construction and operations:

- Facilities shall be required to comply with the rules and regulations from the applicable AQMD or APCD. For example, development of dairy digester and co-digester facilities in the SJVAPCD jurisdiction should comply with the applicable requirements of Regulation VIII (Fugitive PM10 Prohibitions) and Rule 9510 (Indirect Source Review).
- Use equipment meeting, at a minimum, Tier II emission standards, as set forth in §2423 of Title 13 of the California Code of Regulations, and Part 89 of Title 40 Code of Federal Regulations.
- Minimize idling time either by shutting equipment off when not in use or reducing the time of idling to 5 minutes (as required by the state airborne toxics control measure [Title 13, §2485 of the California Code of Regulations]). Provide clear signage that posts this requirement for workers at the entrances to the site.
- Comply with state regulations to minimize truck idling.
- Maintain all equipment in proper working condition according to manufacturer's specifications.
- Use electric equipment when possible.
- Payment into an AQMD or APCD operated Voluntary Emission Reduction Agreement (VERA).

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- Incorporate fuel cells where feasible as an alternative to internal combustion engines, which generate NOx emissions, to generate energy from the biogas produced at dairy digester and co-digester facilities.
  - Where feasible as an alternative to internal combustion engines, which generate NOx emissions, use biogas from dairy manure digester and co-digester projects as a transportation fuel (compressed biomethane) or inject biomethane into the utility gas pipeline system.

<sup>iv</sup> An Odor Management Plan (OMP) should be prepared by a qualified air quality specialist. The report should include information on compliance with appropriate local land use plans, policies, and regulations, including applicable setbacks and buffer areas from sensitive land uses for potentially odoriferous processes. The Odor Management Plan shall also specifically address odor control associated with digester operations and should include:

- A list of potential odor sources.
- Identification and description of the most likely sources of odor.
- Identification of potential, intensity, and frequency of odor from likely sources.
- A list of odor control technologies and management practices that could be implemented to minimize odor releases. These management practices shall include the establishment of the following criteria as appropriate:
  - Establish time limit for on-site retention of undigested odiferous co-substrates (i.e., organic co-substrates must be put into the digester within 48 hours of receipt).
  - Provide negative pressure buildings for indoor unloading of odiferous co-digestion substrates. Treat collected foul air in a biofilter or air scrubbing system.
  - Establish contingency plans for operating downtime (e.g., equipment malfunction, power outage).
  - Manage delivery schedule to facilitate prompt handling of odorous co-substrates.
  - Modification options for land application practices if land application of digestate results in unacceptable odor levels.
  - Protocol for monitoring and recording odor events.

<sup>v</sup> Whenever feasible, project related facilities off-site of a dairy should not be sited on Important Farmland as defined by the California Department of Conservation's Farmland Mapping and Monitoring Program.

<sup>vi</sup> When required by the road encroachment permit process, the contractor(s) will submit a traffic safety / traffic management plan (for work in the public right-of-way) to the agencies having jurisdiction over the affected roads. Elements of the plan will likely include, but are not necessarily limited to, the following:

- Develop circulation and detour plans to minimize impacts to local street circulation. Use haul routes minimizing truck traffic on local roadways to the extent possible. Use flaggers and/or signage to guide vehicles through and/or around the construction zone.
- To the extent feasible, and as needed to avoid adverse impacts on traffic flow, schedule truck trips outside of peak morning and evening commute hours.
- Limit lane closures during peak traffic hours to the extent possible. Restore roads and streets to normal operation by covering trenches with steel plates outside of allowed working hours or when work is not in progress.
- Limit, where possible, the pipeline construction work zone to a width that, at a minimum, maintains alternate one-way traffic flow past the construction zone.

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- Install traffic control devices as specified in Caltrans' Manual of Traffic Controls for Construction and Maintenance Work Zones where needed to maintain safe driving conditions. Use flaggers and/or signage to safely direct traffic through construction work zones.
  - Coordinate with facility owners or administrators of sensitive land uses such as police and fire stations, hospitals, and schools. Provide advance notification to the facility owner or operator of the timing, location, and duration of construction activities.
  - To the maximum extent feasible, maintain access to private driveways located within construction zones.
  - Coordinate with the local public transit providers so that bus routes or bus stops in work zones can be temporarily relocated as the service provider deems necessary.

<sup>vii</sup> The Biological Site Assessment Report shall be prepared by a qualified wildlife biologist. It shall:

- Evaluate the project site's potential to support special-status plant and wildlife species (including critical habitat) and whether special-status species could be affected by dairy digester and co-digester development, including construction and operations.
- Determine if the project is likely to affect biologically unique or sensitive natural communities.
- Determine if the project is likely to affect waters of the State and/or U.S., including wetlands.

<sup>viii</sup> This could include obtaining a Clean Water Act Section 404 permit, Section 401 Water Quality Certification or Waiver, a Section 1602 Streambed Alteration Agreement, and any other applicable permits.

<sup>ix</sup> A Phase I Environmental Site Assessment (ESA) shall be prepared by a Registered Environmental Assessor (REA) or other qualified professional to assess the potential for contaminated soil or groundwater conditions at the project site; specifically in the area proposed for construction of dairy digester or co-digester facilities. The Phase I ESA shall include a review of appropriate federal and State hazardous materials databases, as well as relevant local hazardous material site databases for hazardous waste on-site and off-site locations within a one quarter mile radius of the project site. This Phase I ESA shall also include a review of existing or past land uses and areal photographs, summary of results of reconnaissance site visit(s), and review of other relevant existing information that could identify the potential existence of contaminated soil or groundwater.

- If no contaminated soil or groundwater is identified or if the Phase I ESA does not recommend any further investigation then the project applicant or agency(s) responsible shall proceed with final project design and construction.
- If existing soil or groundwater contamination is identified and if the Phase 1 ESA recommends further review, the applicant or agency(s) responsible shall retain a REA to conduct follow-up sampling to characterize the contamination and to identify any required remediation that shall be conducted consistent with applicable regulations prior to any earth disturbing activities. The environmental professional shall prepare a report that includes, but is not limited to, activities performed for the assessment, summary of anticipated contaminants and contaminant concentrations at the proposed construction site, and recommendations for appropriate handling of any contaminated materials during construction.

<sup>x</sup> The Visual Assessment Report should be prepared by a qualified planner. It should:

- Provide information indicating project compliance with the siting of centralized facilities such that they don't conflict with local policies for preservation of vistas or scenic views.

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- Determine the need for site specific mitigations to minimize potentially sensitive views of both digester facilities at dairies or off dairies at centralized facilities considering the scale of the facilities, the site specific topography, site specific landscape design, including berms and/or tree rows, should be constructed in order to minimize potentially sensitive views.
  - Provide design information for centralized facilities such that they are similar in massing and scale to other nearby agricultural buildings in agricultural areas, in order to retain the character of the surrounding landscape.
  - Provide information indicating project compliance with the implementation of the following construction mitigation measures: 1) Main construction staging areas and the storage of large equipment should be situated on individual sites in such a manner to minimize visibility to nearby receptors. As feasible, staging areas and storage should occur away from heavily traveled designated scenic roadways, in areas where it will be least visible from the surrounding roads; 2) Construction staging areas should be onsite and remain clear of all trash, weeds and debris, etc. Construction staging areas should be located in areas that limit visibility from scenic roadways and sensitive receptors to the extent feasible.
  - Determine the need for site specific mitigations with regard to flares. Whenever possible, flares should be situated on individual sites in such a manner to minimize visibility to nearby receptors. Site specific design should discourage placement of flares at higher elevations, or within the line of site of nearby residential buildings or scenic highways. In the event that site design does not provide adequate coverage, an enclosed flare design should be used or landscaping, such as berms or tree rows, should be constructed to minimize light impacts.

<sup>xi</sup>Prior to ground-disturbing activities, a Cultural Resources Inventory Report shall be prepared by one or more appropriately qualified cultural resources professionals. It shall:

- Contain a record search at the appropriate information center of the California Historical Resources Information System (CHRIS) to determine whether the project area has been previously surveyed and whether cultural resources were identified; and the results of a sacred lands search from the Native American Heritage Commission (NAHC).
- Recommend whether a surface survey is warranted to satisfy the requirements of CEQA based on the sensitivity of the project area for cultural resource in the event the CHRIS records search indicates that no previous survey has been conducted.
  - If, for example, the existing dairy or agricultural land proposed for establishment of a digester or co-digester facility was constructed entirely on fill, as shown by original and final contour drawings, a surface survey for archaeological resources would not be warranted. Similarly, a surface survey may not be warranted if the project area has been extensively disturbed by dairy or agricultural use.
- Assess the significance of the resources according to applicable federal, state, and local significance criteria if the survey, CHRIS record search, or NAHC search indicate cultural resources are located within a project area
- Propose treatment measures for cultural resources determined significant historical resources to ameliorate any “substantial adverse change” in the significance of each historical resource, in consultation with a qualified archaeologist or architectural historian, and other concerned parties.
  - Treatment measures may include preservation through avoidance or project redesign, incorporation within open space or conservation easements, data recovery excavation of archaeological resources, formal documentation of built environment resources, public interpretation of the resource, or other appropriate treatment.
- Evaluate the integrity and significance of built environmental resources now 50 years of age unless the building(s) or structures(s) were covered in an existing survey and determined not significant according to applicable federal, state, and local criteria.

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<sup>xii</sup>Inadvertent discovery measures for cultural resources include procedures for discovery and protection of cultural resources, including human remains, during construction or earth-disturbing activities.

Within project areas of identified archaeological sensitivity, discovery measures would include: (1) a worker education course for all construction personnel; (2) monitoring of all earth-disturbing activities by a qualified archeologist; and (3) procedures for discovery of cultural resources, including human remains, during construction or ground-disturbing activities if an archaeological monitor is not present. Monitoring by a Native American with knowledge in cultural resources may also be required, as appropriate. Monitoring within recent fill deposits or non-native soil would not be required.

All construction or ground-disturbing activities shall be halted within 100 feet of a cultural resources discovery, including human remains, whether or not a monitor is present, until a qualified professional archaeologist can evaluate the find. If the find is determined to be a significant historical resource and cannot be avoided, then impacts on that resource will require mitigation. During evaluation or mitigative treatment, ground disturbance and construction work could continue on other parts of the project area.

If known or suspected human remains are discovered, in addition to halting all construction or ground-disturbing activities within 100 feet, the following steps must be taken before construction activities may be resumed within the stop-work area:

- Immediately notify the County Coroner, and
- If the remains are of Native American origin, the following steps must be taken:
  - The applicant has 24 hours to notify the NAHC, who should, in turn, notify the person identified as the proper descendant of any human remains. Under existing law, the descendant then has 24 hours to make recommendations regarding the disposition of the remains following notification from the NAHC of the discovery.
  - If the NAHC is unable to identify a descendant or if the descendant does not make recommendations within 24 hours, the applicant shall, with appropriate dignity, reinter the remains in an area of the property secure from further disturbance.
  - Should the applicant not accept the descendant's recommendations, the applicant or the descendant may, under existing law, request mediation by the NAHC.

If paleontological resources, such as fossilized bone, teeth, shell, tracks, trails, casts, molds, or impressions are discovered during ground-disturbing activities, all ground disturbing activities within 50 feet of the find shall be halted until a qualified paleontologist can assess the significance of the find and, if necessary, develop appropriate salvage measures in consultation with the lead agency and in conformance with Society of Vertebrate Paleontology.

<sup>xiii</sup> The Acoustic Report should be prepared by a qualified acoustic specialist. It should:

- Providing information indicating project compliance with the implementation of the following construction mitigation measures: 1) Construction contractors should comply with all local noise ordinances and regulations; 2) Construction activities should be limited to daytime hours, between 7 a.m. and 6 p.m., Monday through Saturday, or an alternative schedule established by the local jurisdiction; 3) Construction equipment noise should be minimized by muffling and shielding intakes and exhaust on construction equipment to a level no less effective than the manufacture's specifications, and by shrouding or shielding impact tools; and, 4) Construction contractors within 750 feet of sensitive receptors should locate fixed construction equipment, such as compressors and generators, and construction staging areas as far as possible from nearby sensitive receptors.
- Determine the need for site specific mitigations with regard to continuous equipment operation at night. Any continuous equipment operating at night within 1,000 feet of a sensitive receptor must be enclosed. Furthermore, an acoustic study and follow-up measurements must be performed (after construction) to prove that the noise from any continuous equipment operating at night would comply with all local noise regulations. If no local regulations are available, noise levels must be below 45 dBA at the nearest sensitive receptor. If the sound level exceeds local regulations, or 45 dBA if applicable, additional sound-proofing should be installed to meet the required sound level.

