

DOCKETED	
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Filer:	Charlyn Mosley
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SECTION 18

Bio-21

EVAPORATION POND NETTING AND MONITORING

Verification: No less than 30 days prior to operation of the evaporation ponds the project owner shall provide to the CPM as-built drawings and photographs of the ponds indicating that the bird exclusion netting has been installed. For the first year of operation the Designated Biologist shall submit quarterly reports to the CPM, CDFG, and USFWS describing the dates, durations and results of site visits conducted at the evaporation ponds. Thereafter the Designated Biologist shall submit annual monitoring reports with this information. The quarterly and annual reports shall fully describe any bird or wildlife death or entanglements detected during the site visits or at any other time, and shall describe actions taken to remedy these problems. The annual report shall be submitted to the CPM, CDFG, and USFWS no later than January 31st of every year for the life of the project.

Response:

All pond inspections are performed by Genesis staff. Monthly and Annual USFWS SPUT Permit reporting are completed by WEST and submitted to the CEC, BLM and USFWS.

Section 19

Bio-22

MITIGATION FOR IMPACTS TO STATE WATERS

Verification: No less than 30 days prior to the start of construction-related ground disturbance activities potentially affecting waters of the state, the Project owner shall provide written verification (i.e., through incorporation into the (BRMIMP) to the CPM that the above best management practices shall be implemented. The Project owner shall also provide a discussion of work in waters of the state in Compliance Reports for the duration of the Project.

No less than 30 days prior to beginning construction-related ground-disturbing activities the Project owner shall provide written verification of Security in accordance with this condition of certification. The Project owner, or an approved third party, shall complete and provide written verification of the proposed compensation lands acquisition within 18 months of the start of construction related ground-disturbing activities.

The Project owner shall notify the CPM and CDFG, in writing, at least five days prior to initiation of construction-related ground-disturbing activities in jurisdictional state waters and at least five days prior to completion of Project activities in jurisdictional areas. The Project owner shall notify the CPM and CDFG of any change of conditions to the Project, impacts to state waters, or the mitigation efforts. The notifying report shall be provided to the CPM and CDFG no later than seven days after the change of conditions is identified. As used here, change of condition refers to the process, procedures, and methods of operation of a Project; the biological and physical characteristics of a Project area; or the laws or regulations pertinent to the Project as defined below. A copy of the notifying Change of Conditions report shall be included in the annual reports or until it is deemed unnecessary by the CPM, in consultation with CDFG.

The Project owner, or an approved third party, shall provide the CPM, CDFG and USFWS with a draft management plan for the compensation lands and associated funds within 180 days of the land or easement purchase, as determined by the date on the title. The CPM shall review and approve the management plan, in consultation with CDFG. Within 90 days after completion of Project construction, the Project owner shall provide to the CPM and CDFG an analysis with the final accounting of the amount of jurisdictional state waters disturbed during Project construction.

The Project owner shall provide written verification to the CPM, USFWS and CDFG that the compensation lands or conservation easements have been acquired and recorded in favor of the approved recipient no later than 18 months after the start of construction-related ground-disturbing activities.

On January 31st of each year following construction the Designated Biologist shall provide a report to the CPM, BLM, USFWS and CDFG that describes the results of monitoring and management of the acquisition lands. The annual report shall describe actions taken to implement the management plan (for example, fencing, erosion control, weed control) during the year and recommendations for enhancement actions that should be implemented the following year.

Response:

Wildlands will be responsible for completing the other compensatory mitigation tasks and deliverables described in the CEC Decision and BLM Approvals, including, but not limited to, Preliminary Report, Title/Conveyance, Initial Protection and Habitat Improvement, Property Analysis Record, and Long-Term Maintenance and Management Funding and all associated reports and notifications that must be submitted to the Approving Agencies.

Please refer to CDP Monitoring Report below.