

ATTACHMENT C

Mitigation Monitoring and Reporting Plan
for the
Cameron Park Drive/La Cañada Drive
Intersection Improvements Project

CEQA Lead Agency:
El Dorado County

Prepared: April 2007

Adopted by Board of Supervisors on: _____

INTRODUCTION

Purpose

El Dorado County (County) has prepared a Mitigated Negative Declaration (MND) for the proposed Cameron Park Drive/La Cañada Drive Intersection Improvements Project. The MND identified three mitigation measures that are required to avoid potentially significant impacts of the proposed project or to reduce impacts to less-than-significant levels. This Mitigation Monitoring and Reporting Plan (MMRP) identifies each of the mitigation measures that must be implemented in association with the project, if adopted by the Board of Supervisors upon adoption of the MND. This document lists each individual impact for which mitigation measures were identified in the project MND, presents each corresponding mitigation measure, identifies the implementation process for each mitigation measure, identifies criteria to determine the effectiveness of mitigation implementation, defines the time frame for implementation, and provides signed verification of the party responsible for monitoring and reporting the implementation of each measure. This MMRP will be used by the County to ensure implementation of the mitigation requirements of the project and to verify that all required mitigation measures are incorporated into the project.

El Dorado County, as the lead agency in CEQA compliance, will be responsible for overseeing implementation and administration of this MMRP. The County will designate a staff member to manage the MMRP. Duties of the staff member responsible for program coordination would include conducting routine inspections, reporting activities, coordinating with the project contractor, and ensuring enforcement measures are taken if necessary.

Regulation

California Public Resources Code Section 21081.6 requires public agencies to adopt mitigation or reporting plans when they approve projects requiring preparation of a MND that identifies significant environmental impacts. The reporting and monitoring plans must be adopted when a public agency makes its findings pursuant to the California Environmental Quality Act (CEQA) so that the mitigation requirements can be made conditions of project approval.

Format

The MMRP outlines the impacts and mitigation measures described in the project MND. Each of the impacts discussed within this MMRP are numbered based upon the section and sequence in which they are discussed in the MND.

A summary of each impact with the corresponding specific mitigation measure identified within the MND is provided. Each mitigation measure is followed by an implementation description, the criteria used to be used to determine the effectiveness of the mitigation, implementation timing and the party responsible for monitoring the implementation of the measure. Although the implementation of certain measures may be the responsibility of DOT contractors, the ultimate monitoring and confirmation responsibility lies with DOT staff. Finally, each measure also contains a “Verified By” signature line which will be signed by the DOT project manager when the measure has been fully implemented and no further actions or monitoring is necessary for the implementation or effectiveness of the measure.

Impact 4.4(a)-1: The Proposed Project has the potential to impact Pine Hill Endemic plant species.

Mitigation Measure 1: A pre-construction survey to determine the presence of Pine Hill Endemic plant species within the project area shall be conducted by a qualified biologist during the plants' flowering period (May to June) and prior to any construction activity. If special-status plant species are found, those individuals or populations shall be avoided to the maximum degree possible. The County's Pine Hill Preserve system has been developed to mitigate impacts from development projects' (including roadway projects) impacts on Pine Hill Endemic plant species. Although removal of such species may occur from areas not within the preserve system, documentation of these species presence within a project area must be performed prior to the removal of individual plants. As such, if a rare, threatened, or endangered plant (or rare plant community) is identified during preconstruction surveys, the appropriate documentation consisting of location, plant type, etc. shall be completed and kept on file at the County. Plant removal may proceed following the full documentation of the species presence.

Implementation: This measure shall be implemented in the manner described above. The County will retain the services of a qualified biologist to conduct a preconstruction survey of potential Pine Hill Endemic plant habitat.

Effectiveness Criteria: The County will prepare and keep on file documentation identifying findings of the preconstruction survey.

Timing: Pre-Construction Phase

Verified By: _____ **Date:** _____
DOT Project Manager

Impact 4.4(a)-2: The Proposed Project would require the removal of five trees greater than six-inch diameter at breast height (dbh). Trees within the project area potentially provide nesting habitat for birds and raptors, some of which may be afforded protection under the Migratory Bird Treaty Act.

Mitigation Measure 2: The removal of trees shall be conducted during the non-breeding season for native birds (September 1st through March 1st). This will avoid violations of the Migratory Bird Treaty Act and California Department of Fish and Game Code Sections 3503, 3503.5, and 3513. If construction activities cannot avoid the bird-breeding season, the County shall retain the service of a qualified biologist to conduct a pre-construction survey of all trees suitable for use by nesting raptors within the project area or within 350 feet of the project boundary as allowable. The pre-construction survey shall be performed no more than 14 days prior to the implementation of construction activities. If active special-status raptor nests are found during the pre-construction survey, the County shall contact CDFG to establish a buffer around the nest tree. No construction activity shall be conducted within this zone during the raptor nesting season (typically March to August) or until such time that the biologist determines that the nest is no longer active. The buffer zone shall be marked with flagging, construction lathe, or other means to mark the boundary of the buffer zone. All construction personnel shall be notified as to the existence of the buffer zone and to avoid entering the buffer zone during the nesting season. Implementation of this mitigation measure shall be confirmed by the County prior to the initiation of construction activity.

Implementation: This measure shall be implemented in the manner described above. The County, using the services of a qualified biologist, will identify whether trees to be removed offer potential native bird habitat. The pre-construction survey will also identify any trees that will require construction contractor(s) to avoid all areas of potential avian habitat when feasible.

Effectiveness Criteria: The County shall prepare and keep on file documentation verifying tree survey results and vegetation avoidance efforts.

Timing: Pre-Construction Phase/Throughout Construction Phase

Verified By: _____ **Date:** _____
DOT Project Manager

Impact 4.4(c): The Proposed Project has the potential to impact wetlands or water of the U.S. protected for Section 404 of the Clean Water Act.

Mitigation Measure 3: The County shall retain the services of a qualified biologist to conduct a wetlands delineation of the project area. If the results of this wetland delineation indicates that less than 0.1-acre of wetland area would be impacted by the Proposed Project, and the implementation of Mitigation Measure 1 indicates an absence of plants protected by the Federal Endangered Species Act, the project will be eligible for a “non-reporting” Nationwide Permit (NWP) #14. The County will abide by all applicable conditions of NWP #14 and a post-construction notification of project activities shall be submitted to the Corps.

If the project is not eligible for a “non-reporting” NWP #14 (i.e., more than 0.1-acre of wetlands would be impacted or if the results of surveys for special-status plants (see Mitigation Measure 1) indicate that a species protected by the Endangered Species Act would be impacted by the project), the County shall notify the U.S. Army Corps of Engineers prior to the initiation of construction activities and shall implement compensatory mitigation at a 1:1 ratio. Any required mitigation shall be “in-kind” habitat or through the purchase of credits at an approved mitigation bank prior to the initiation of project construction.

Implementation: The County will obtain the necessary permits, and implement compensatory mitigation to compensate for loss of wetlands within the project area. The County shall obtain verification of mitigation program completion, by virtue of mitigation credit purchase from a mitigation bank that is approved by the ACOE or on-site replacement.

Effectiveness Criteria: The County will prepare and keep on file documentation verifying attainment of the required permits from/approval by the ACOE and RWQCB and the purchase of wetlands from an approved wetland mitigation bank or on-site replacement.

Timing: Pre-Construction Phase

Verified By: _____ **Date:** _____
DOT Project Manager