

ATTACHMENT C

**Mitigation Monitoring and Reporting Plan
for the
Subsequent Mitigated Negative Declaration
Brittany Way/El Dorado Hills Boulevard Realignment Project**

**CEQA Lead Agency:
El Dorado County**

Prepared: July 2007

PASSED AND ADOPTED by the Board of Supervisors of the County of El Dorado at a regular meeting of said Board, held on the _____ day of _____, 2007, by the following vote of said Board:

Ayes:

ATTEST

CINDY KECK

Clerk of the Board of Supervisors

Noes:

Absent:

By _____
Deputy Clerk *Chairman, Board of Supervisors*

**I CERTIFY THAT:
THE FOREGOING INSTRUMENT IS A CORRECT COPY OF THE ORIGINAL ON FILE IN THIS OFFICE.**

DATE _____

ATTEST: CINDY KECK, Clerk of the Board of Supervisors of the County of El Dorado, State of California

By _____

**MITIGATION MONITORING AND REPORTING PLAN
FOR THE
Subsequent Mitigated Negative Declaration
Brittany Way/El Dorado Hills Boulevard Realignment Project**

Introduction

Purpose

El Dorado County (County) has prepared a Subsequent Mitigated Negative Declaration (MND) for the proposed Brittany Way/El Dorado Hills Boulevard Realignment Project. The MND identified mitigation measures in Sections 3.2 Air Quality, 3.3 Biological Resources, 3.4 Cultural Resources, 3.5 Geology and Soils, 3.6 Hazards, 3.7 Hydrology and Water Quality, and 3.15 Utilities and Services. These measures are required to avoid potentially significant impacts of the proposed project or to reduce those 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 this MMRP is adopted by the Board of Supervisors upon adoption of the MND. This document presents each mitigation measure, identifies the implementation process for each, defines the time frame to complete the process, and identifies the party responsible for implementation. The Department of Transportation (DOT) will use this document to ensure implementation of the mitigation requirements and to verify that all required mitigation measures are incorporated into the project. DOT 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 potential 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

Each of the impacts discussed within this MMRP are numbered based upon the sequence in which they are discussed in the MND. In this case, mitigation measures are identified from both the current Subsequent MND as well as the applicable measures from the original 1998 MND.

Each mitigation measure is followed by an implementation description, 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 Department of Transportation (DOT) staff.

3.2 AIR QUALITY

MM 3.2.1: Prior to commencement of construction or site grading activities, DOT shall determine the maximum daily fuel usage of construction equipment used during project construction. If fuel usage is below thresholds identified in **Table 3.2-3**, no further mitigation is required. If the max daily fuel usage exceeds these thresholds then MM 3.2.2 must be applied.

**TABLE 3.2-3
 CONSTRUCTION EQUIPMENT FUEL USE SCREENING LEVELS**

Equipment Age Distribution	Maximum Daily Fuel Use (GAL. PER DAY)
All equipment 1995 model year or earlier	337
All equipment 1996 model year or later	402

Assumptions: 12.5 g/hp-hr ROG+NOx for 1995 and earlier equipment (from EPA Nonroad Model); 10.5 g/hp-hr ROG+NOx for 1996 and later equipment (Based on EPA and CARB Tier 1 standards).
 Notes: Determination of fuel use shall be documented based on the equipment manufacturer's data. Use linear interpolation between 337 and 402 gal. per day in proportion to distribution of equipment into the two age categories; e.g. 50/50 age distribution yields allowable fuel use of $(337 + ((402-337)/2))$ or 370 gal. per day.

MM 3.2.2: If max daily fuel usage for construction equipment exceeds thresholds in Table 3.2-3 above, DOT shall require the prime contractor to comply with **at least one(1)** of the following:

- The prime contractor shall provide an approved plan demonstrating that heavy-duty (i.e., greater than 50 horsepower) off-road vehicles to be used in construction project, and operated by either the prime contractor or any subcontractor, will achieve a minimum fleet average 20% NOx reduction compared to the most recent CARB fleet average. Successful implementation of this measure requires the prime contractor to submit a comprehensive inventory of all off-road construction equipment, equal to or greater than 50 horsepower, that will be used an aggregate of 40 or more hours during the construction project. The inventory shall include horsepower rating, engine production year and hours of use or fuel throughput for each piece of equipment. The inventory list shall be updated and submitted monthly throughout the duration of construction activities.
- The prime contractor shall ensure emissions from all off-road powered equipment used do not exceed 40% opacity for more than three minutes in any one-hour period. As an enforcement component, the prime contractor is required to agree to a visual survey of all in-operation equipment conducted on a periodic basis. Also, a summary of visual results is submitted throughout the duration of the construction activity. The summary shall include the quantity and type of vehicles surveyed as well as the dates of each survey.
- The prime contractor shall use aqueous emulsified fuel verified by the CARB to have the greatest NOx and PM10 reduction benefit available.

Timing/Implementation: Prior to and during construction activities.
Enforcement/Monitoring: El Dorado County Department of Transportation.

3.4 BIOLOGICAL RESOURCES

MM 3.3.1: A preconstruction survey to determine the presence of special-status plant species within the project area shall be conducted by a qualified biologist during the plants' flowering periods (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 extent feasible. The County's Pine Hill Preserve system has been developed to mitigate impacts from development projects' (including roadway projects) impacts on special-status plant species found in El Dorado County. 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 rare, threatened or endangered plants (or rare plant communities) is identified during pre-construction 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.

Timing/Implementation: **Prior to construction activities.**
Enforcement/Monitoring: **El Dorado County Department of Transportation.**

MM 3.3.3: Tree removal 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 (CDFG) 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 and native birds within the project area and within 500 feet of the boundary as allowable. The pre-construction survey shall be performed no more than 30 days prior to the commencement of construction activities. If active special-status bird or raptor nests are found during pre-construction surveys, appropriate buffer zones shall be established in consultation with the CDFG for all nests located within the project boundary as allowable, and no construction activity shall be conducted within this established buffer zone during the 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 and to avoid entering the buffer zone during the nesting season.

Timing/Implementation: **Prior to construction activities.**
Enforcement/Monitoring: **El Dorado County Department of Transportation.**

MM 3.3.4: A preconstruction survey by a qualified biologist shall be conducted prior to construction activities to determine the presence of absence of roosting bats. If the survey does not identify the presence of these species onsite, no further mitigation is required. If roosts occupied by special status bat species are identified within the construction area, the bats shall be safely flushed from the sites where roosting habitat is planned to be remove prior to the maternity roosting periods.

Timing/Implementation: **Prior to construction activities.**
Enforcement/Monitoring: **El Dorado County Department of Transportation.**

MM 3.3.5: If impacts to riparian and other sensitive natural communities are not avoidable, and on-site preservation is not possible, then habitat compensation shall be required at a 1:1 impact preservation ratio. El Dorado County shall prepare and implement a riparian vegetation mitigation and monitoring plan for disturbed riparian habitat. The plan shall include:

- Onsite and/or offsite location(s) for replacement shrubs and trees.
- Protection measures for replacement shrubs and trees that shall ensure that 80 percent of replacement plantings are alive three years following site revegetation.

- Monitoring measures, including construction monitoring, by a qualified biologist, arborist, or ecologist.

Timing/Implementation: Prior to, during and after construction activities.
Enforcement/Monitoring: EI Dorado County Department of Transportation.

MM 3.3.6: (not numbered in document) As applicable, the County must apply for a Section 404 permit, a Section 401 permit, and a 1602 Streambed Alteration Agreement. Adherence to the federal and state permitting requirements identified above, as well as implementation of MM 3.3.5 ensures that impacts to wetlands and waters of the U.S. would be less than significant.

Timing/Implementation: Prior to construction activities.
Enforcement/Monitoring: EI Dorado County Department of Transportation.

MM 3.3.7: (Mis-numbered in document as MM 3.4.2) The County shall mitigate the removal of native oaks consistent with the requirements specified in Policy 7.4.5.2 (A) and Policy 7.4.4.4 of the County General Plan. The replacement requirement shall be calculated based upon an inch for inch replacement of removed oaks. The total of replacement trees shall have a combined diameter of the tree(s) removed. Replacement trees may be planted onsite or in other areas to the satisfaction of the County Planning Department.

Timing/Implementation: Prior to and after construction activities.
Enforcement/Monitoring: EI Dorado County Department of Transportation.

MM3.3.8: To protect trees not proposed for removal, the County shall place temporary protective fencing around the perimeter of the work area. No work or staging shall occur beyond the fenced area, and no materials shall be stored or dumped beyond the fenced area

Timing/Implementation: Prior to construction activities.
Enforcement/Monitoring: EI Dorado County Department of Transportation

3.4 Cultural Resources

Mitigation Measure below is from 1998 MND.

In the event that buried cultural resources are discovered during the course of project grading or construction activities, operations shall immediately stop in the vicinity of the find, and a qualified archaeologist who fulfills the Secretary of the Interior standards shall be notified immediately to evaluate the find and to determine the proper procedure for dealing with the resource. Cultural resources could consist of, but not be limited to, artifacts of stone, bone, wood, shell, or other materials, or features, including hearths, structural remains, or dumps. Excavation of existing fill placements shall be monitored by a qualified archaeological monitor, in the event that the fill may have been placed over sensitive cultural resources. If human burials are encountered anywhere on the project area, all work in the area shall stop immediately and the county coroner's office shall be notified within 48 hours. If the remains are determined to be Native American in origin, both the Native American Heritage Commission and any identified descendents must be notified for treatment solicited (Health and Safety Code Section 7050.5; Public Resources Code Section 5097.89).

Timing/Implementation: During construction activities.

Enforcement/Monitoring: EI Dorado County Department of Transportation

3.5 Geology and Soils

Mitigation Measures below are from 1998 MND.

- The placement of new fill to relocate and construct the roadway shall, to the extent possible, minimize losses of soil with ecological or economic value.
- Soils that are disturbed as a result of the project, but not paved, shall be revegetated to protect the soil from further disturbance or erosion.
- Soils that are associated with the abandoned EI Dorado Hills Boulevard roadway alignment shall be revegetated to protect the soil from erosion.
- The engineering plans for all roadway improvements shall specifically identify each location requiring slope stability or soil cover improvements. The plans will identify a monitoring and contingency plan that specifically identifies measures to be implemented if stabilization of recontoured slopes is not achieved.
- Re-grading for the purpose of road construction and improving slope stability shall be conducted according to standard geotechnical engineering practice, which include (1) the height and extent of cuts and fills shall be minimized and balanced as nearly as possible, (2) prominent topographic landmark features shall not be modified by excavation, and (3) there will be no major changes in drainage pattern that would affect the course of streams.
- Re-grading and revegetation to improve soil cover shall be conducted to improve soil infiltration characteristics, decrease surface runoff and reduce soil erosion potential.
- An erosion and revegetation plan shall be prepared by the Department of Transportation.
- All grading and erosion control shall be conducted in compliance with the requirements of Chapter 15.14 (or latest edition) of EI Dorado County Code (Grading, Erosion & Sediment Control Ordinance).

Timing/Implementation: Prior to, during and after construction activities.

Enforcement/Monitoring: EI Dorado County Department of Transportation

3.7 Hydrology and Water Quality

Mitigation Measures below are from 1998 MND.

- All project storm drainage improvements to comply with the EI Dorado County Drainage Manual (latest edition).
- This project is subject to the Statewide General Permit for Construction Discharges (Water Quality Order 99-08-DWQ) issued by the State Water Resources Control Board pursuant to the National Pollutant Discharge Elimination System (NPDES) under the Clean Water Act. The Permit requires construction activities disturbing more than 1 acre of land obtain this permit, and implement BMP's to reduce or eliminate construction discharges. The County would comply with all conditions therein. Also, the County is subject to NPDES General Permit for Discharges of Storm Water from Small Municipal Separate Storm Sewer Systems.

- Improvements receiving drainage from areas less than 100 acres shall be designed to safely convey the storm runoff from an event with an average recurrence interval of 10 years without the headwater depth exceeding the culvert barrel height.
- Erosion and sediment control measures be implemented which include the spreading of straw mulch over all disturbed areas during the rainy season, grass lined drainage courses that are altered or relocated shall be replaced with sodded grass lined swales, and ungrouted rip-rap shall be placed at the inlets and outlets of all new culverts to prevent erosion.

Timing/Implementation: **Prior to, during and after construction activities.**
Enforcement/Monitoring: **EI Dorado County Department of Transportation**

3.15 Utilities and Service Systems

Mitigation Measures below are from 1998 MND.

- EI Dorado County DOT shall coordinate with County emergency response program officials to develop alternate traffic routing during construction that will reduce the potential interference with emergency response vehicles or evacuation plans.
- EI Dorado County DOT will consult with PG&E early in the planning stages of the Project in order to avoid any conflicts with existing facilities, and to allow PG&E and EI Dorado County to combine construction efforts in areas where PG&E will be conducting system upgrades.

The cost of any repair or relocation to gas lines that results from construction activities will be assumed by EI Dorado County if the utility has prior title to the property.

- EI Dorado County DOT will consult with Pacific Bell and AT&T early in the planning stages of the Project in order to avoid any conflicts with existing facilities.

The cost of any repair or relocation of telephone lines that results from construction activities will be assumed by EI Dorado County if the utility has prior title to the property.

- EI Dorado County DOT will consult with EID early in the planning stages of the Project in order to avoid any conflicts with existing facilities and to allow EID and EI Dorado County to combine construction efforts in areas where EID will be conducting system upgrades.

The cost of any repair or relocation of water lines that results from construction activities will be assumed by EI Dorado County if the utility has prior title to the property

Timing/Implementation: **Prior to, during and after construction activities.**
Enforcement/Monitoring: **EI Dorado County Department of Transportation**