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# Mitigation Monitoring and Reporting Program

## Introduction

In accordance with the California Environmental Quality Act (CEQA, Public Resources Code Section 21000 et seq.), El Dorado County prepared an Environmental Impact Report (EIR) (State Clearinghouse No. 2023050469) that identified potentially significant impacts prior to mitigation related to Air Quality, Biological Resources, Tribal Cultural Resources, and Noise. The EIR also identifies mitigation measures that would reduce the identified impacts to less-than-significant levels. CEQA and the CEQA Guidelines (Public Resources Code Section 21081.6 and CEQA Guidelines Sections 15091[d] and 15097) require public agencies “to adopt a reporting and monitoring program for changes to the project which it has adopted or made a condition of project approval to mitigate or avoid significant effects on the environment.” A Mitigation Monitoring and Reporting Program (MMRP) has been prepared for the proposed Diamond Springs Community Park Project (proposed project) because the EIR identifies significant adverse impacts related to the project implementation, and mitigation measures have been identified to reduce those impacts. Adoption of the MMRP would occur along with approval of the proposed project EIR.

## Purpose of Mitigation Monitoring and Reporting Program

The MMRP has been prepared to ensure that all required mitigation measures are implemented and completed in a sufficient manner before and during project construction and operation. The MMRP table has been prepared to assist the responsible parties in implementing the mitigation measures. The table identifies each mitigation measure; the action required for the measure to be implemented; the time at which the monitoring is to occur; the monitoring conditions; and the agency or party responsible for ensuring that the monitoring is performed.

## Reporting

In accordance with the executed EIR Mitigation Monitoring Agreement for the project, El Dorado County shall maintain records documenting compliance of the activity with the required mitigation measures. The reports shall be designed to simply and clearly identify whether mitigation measures have been adequately implemented. At a minimum, each report shall identify the mitigation measures or conditions to be monitored for implementation, whether compliance with the mitigation measures or conditions has occurred, the procedures used to assess compliance, and whether further action is required.

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Mitigation Measure	Monitoring			Verification			
	Implementing Party <sup>1</sup>	Type of Monitoring Action <sup>2</sup>	Timing Requirements <sup>3</sup>	Monitoring/ Verification Entity <sup>4</sup>	Signature	Date	Comments
<b>Air Quality</b>							
<p><b>MM-AIR-1: Fugitive Dust Control Measures:</b></p> <p>A. During construction, implement Best Available Fugitive Dust Control Measures as adopted by the EDCAQMD and required by EDCAQMD Rule 223-1 (Table 1), as follows.</p> <p><b>Earth-moving (except construction cutting and filling areas)</b></p> <p>1a. Maintain soil moisture content at a minimum of 12 percent, as determined by ASTM method D-2216, or other equivalent method approved by the EDCAQMD; two soil moisture evaluations must be conducted during the first three hours of active operations during a calendar day, and two such evaluations each subsequent four-hour period of active operations; OR</p> <p>1a-1. For any earthmoving which is more than 100 feet from all property lines, conduct watering as necessary to prevent visible dust emissions from exceeding 100 feet in length in any direction.</p> <p><b>Earth-moving – construction fill areas</b></p> <p>1b. Maintain soil moisture content at a minimum of 12 percent, as determined by ASTM method D-2216, or other equivalent method approved by the District; for areas which have an optimum moisture content for compaction of less than 12 percent, as determined by ASTM method 1557 or other equivalent method approved by the EDCAQMD, complete the compaction process as expeditiously as possible after achieving at least 70 percent of the optimum soil moisture content; two soil moisture evaluations must be conducted during the first three hours of active operations during a calendar day, and two such evaluations during each subsequent four-hour period of active operations.</p> <p><b>Earth-moving – construction cut areas</b></p> <p>1c. Conduct watering as necessary to prevent visible emissions from extending more than 100 feet beyond the active cut unless the area is inaccessible to watering vehicles due to slope conditions or other safety factors.</p> <p><b>Disturbed surface areas (except completed grading areas)</b></p> <p>2a/b. Apply dust suppression in a sufficient quantity and frequency to maintain a stabilized surface; any areas which cannot be stabilized, as evidenced by wind driven dust, must have an application of water at least twice per day to at least 80 percent of the unstabilized area.</p> <p><b>Disturbed surface areas completed grading areas</b></p> <p>2c. Apply chemical stabilizers within 5 working days or grading completion; OR</p> <p>2d. Take action 3a or 3c specified for inactive disturbed surface areas.</p> <p><b>Inactive disturbed surface areas</b></p> <p>3a. Apply water to at least 80 percent of all inactive disturbed surface areas on a daily basis when there is evidence of wind driven fugitive dust, excluding any areas which are inaccessible due to excessive slope or other safety conditions; OR</p>	EDCPD	CPI	DPC	EDCPD			

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<p>3b. Apply dust suppressants in sufficient quantity and frequency to maintain a stabilized surface; OR</p> <p>3c. Establish a vegetative ground cover within 21 days after active operations have ceased; ground cover must be of sufficient density to expose less than 30 percent of unstabilized ground within 90 days of planting, and at all times thereafter; OR</p> <p>3d. Utilize any combination of control actions 3a, 3b and 3c such that, in total, they apply to all inactive disturbed surface areas.</p> <p><b>Unpaved Roads</b></p> <p>4a. Water all roads used for any vehicular traffic at least once per every two hours of active operations; OR</p> <p>4b. Water all roads used for any vehicular traffic once daily and restrict vehicle speed to 15 mph; OR</p> <p>4c. Apply chemical stabilizer to all unpaved road surfaces in sufficient quantity and frequency to maintain a stabilized surface.</p> <p><b>Open storage piles</b></p> <p>5a. Apply chemical stabilizers; OR</p> <p>5b. Apply water to at least 80 percent of the surface areas of all open storage piles on a daily basis when there is evidence of wind driven fugitive dust; OR</p> <p>5c. Install a three-sided enclosure with walls with no more than 50 percent porosity that extend, at a minimum, to the top of the pile.</p> <p><b>Track-out control</b></p> <p>6a. Pave or apply chemical stabilization at sufficient concentration and frequency to maintain a stabilized surface starting from the point of intersection with the public paved surface, and extending for a centerline distance of at least 100 feet and width of at least 20 feet; OR</p> <p>6b. Pave from the point of intersection with the public paved road surface, and extending for a centerline distance of at least 25 feet and a width of at least 20 feet, and install a track-out control device immediately adjacent to the paved surface such that exiting vehicles do not travel on any unpaved road surface after passing through the track-out control device.</p> <p><b>All Categories</b></p> <p>7a. Any other control measures approved by the EDCAQMD.</p> <p style="padding-left: 20px;">A. During high wind conditions during construction with gusts exceeding 25 miles per hour, implement Best Available Fugitive Dust Control Measures for High Wind Conditions, as adopted by the EDCAQMD and presented below.</p> <p><b>Earth-moving</b></p> <p>1A. Cease all active operations; or</p> <p>2A. Apply water to soil not more than 15 minutes prior to moving such soil.</p>							

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<p><b>Disturbed surface areas</b></p> <p>0B. On the last day of active operations prior to a weekend, holiday, or any other period when active operations will not occur for not more than four consecutive days: apply water with a mixture of chemical stabilizer diluted to not less than 1/20 of the concentration required to maintain a stabilized surface for a period of six months; OR</p> <p>1B. Apply chemical stabilizers prior to a wind event; OR</p> <p>2B. Apply water to all unstabilized disturbed areas 3 times per day; if there is any evidence of wind driven fugitive dust, watering frequency is increased to a minimum of four times per day; OR</p> <p>3B. Establish a vegetative ground cover within 21 days after active operations have ceased; ground cover must be of sufficient density to expose less than 30 percent of unstabilized ground within 90 days of planting, and at all times thereafter; OR</p> <p>4B. Utilize any combination of control actions specified in Table 1, Items 1B, 2B and 3B, such that, in total, they apply to all disturbed surfaced areas.</p> <p><b>Unpaved Roads</b></p> <p>1C. Apply chemical stabilizers prior to a wind event; OR</p> <p>2C. Apply water twice per hour during active operation; OR</p> <p>3C. Stop all vehicular traffic.</p> <p><b>Open storage piles</b></p> <p>1D. Apply water twice per hour; OR</p> <p>2D. Install temporary coverings.</p> <p><b>Paved road track-out</b></p> <p>1E. Cover all haul vehicles; OR</p> <p>2E. Comply with the vehicle freeboard requirements of Section 23114 of the California Vehicle Code for operation on both public and private roads.</p> <p><b>All Categories</b></p> <p>1F. Any other control measures approved by the EDCAQMD.</p>							
<p><b>MM-AIR-2: Construction Equipment Exhaust Reductions.</b> All diesel-fueled off-road construction equipment greater than 75 horsepower shall be equipped with California Air Resources Board (CARB) Tier 4 Final compliant engines (as set forth in Section 2423 of Title 13 of the California Code of Regulations, and Part 89 of Title 40 of the Code of Federal Regulations) by including this requirement in applicable bid documents, purchase orders, and contracts with successful contractors. An exemption from these requirements may be granted by El Dorado County in the event that the contractor documents that equipment with the required tier is not reasonably available and corresponding reductions in diesel particulate matter are achieved from other construction equipment (for example, another piece of equipment can be replaced with a zero-emission equipment to offset the emissions associated with using a piece of equipment that does not meet Tier 4 Final</p>	EDCPD	OTC	PGP	EDCPD			

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standards). Documentation shall be furnished to El Dorado County demonstrating that estimated project-generated construction emissions would not exceed the applicable EDCAQMD cancer risk threshold with the alternate construction methods. (This shall be demonstrated using industry-standard emission estimation methodologies.) If the documentation successfully demonstrates that project-generated construction emissions will remain below the applicable EDCAQMD cancer risk threshold, then the El Dorado County Planning Director may approve the alternate construction methods, at the Director’s discretion.							
<b>Biological Resources</b>							
<b>MM-BIO- 1: Special-Status Amphibian and Reptile Species Survey and Monitoring.</b> A pre-construction survey for Foothill yellow-legged frog and western pond turtle shall be conducted within 48 hours prior to the initiation of ground disturbance in suitable habitat for these species (i.e., damp upland areas near/adjacent to Deadman Creek). The survey area shall include all suitable habitat within the work areas, plus a 50-foot buffer. Following the survey, the contractor, under the direction of a qualified biologist, shall install wildlife exclusion fencing along the boundary of the work area containing suitable habitat to prevent special-status amphibians and reptiles from entering the work area. The wildlife exclusion fencing must be trenched into the soil at least 4 inches in depth, with the soil compacted against both sides of the fence for its entire length and must have intermittent exit points. Turnarounds shall be installed at access points to direct amphibians and reptiles away from gaps in the fencing.	EDCPD	OTC	PGP	EDCPD			
<b>MM-BIO-2: Worker Environmental Awareness Program:</b> All workers shall receive worker environmental awareness program (WEAP) training conducted by a qualified biologist or their designated representative prior to any project construction activities. WEAP may also be conducted through a video created by a qualified biologist specifically for this project. WEAP shall instruct workers to recognize all special-status species potentially present in the project area, identify suitable habitat for these species, identify sensitive or protected habitats within the project area, and understand the nature and purpose of protective measures including best management practices (BMPs) and buffers to protect these biological resources. Additional items included in the training shall cover requirements for spill kits and the prevention of spills, and the contact information for the qualified biologist.	EDCPD	OTC	PGP	EDCPD			
<b>MM-BIO-3: Preconstruction Nesting Bird Survey.</b> Vegetation removal activities shall be conducted outside the bird nesting season (February 1 through August 31) as much as possible to avoid direct impacts to nesting birds. For construction and vegetation removal activities occurring during the nesting season, an avian nesting survey of the work areas and contiguous habitat within 300 feet of all impact areas must be conducted for protected migratory birds and active nests. The avian nesting survey shall be performed by a qualified wildlife biologist within 14 days prior to the start of vegetation removal or construction activities. Once construction has started, if there is a break in activities that exceeds 14 days, then another avian nesting survey shall be conducted. If an active bird nest is found, the nest shall be flagged and mapped on the construction plans along with an appropriate no disturbance buffer, which will be determined by the biologist based on the species’ sensitivity to disturbance. The nest area shall be avoided until the nest is vacated and the juveniles have fledged. The no disturbance buffer shall be demarcated in the field	EDCPD	OTC	PGP	EDCPD			

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with flagging and stakes or construction fencing as determined appropriate by the biologist.							
<b>MM-BIO-4: Rare Plant Survey.</b> Prior to any construction-related activities, a rare plant survey shall be conducted to determine if there are any special-status plants within the project area and which may potentially be disturbed. Surveys shall be timed according to the blooming period for the target species, and known reference populations will be visited prior to surveys to confirm the species is evident and identifiable at the time of the survey. If special-status species are identified, avoidance zones may be established around plant populations to clearly demarcate areas for avoidance. Avoidance measures and buffer distances may vary between species, and the specific avoidance zone distance will be determined in coordination with the appropriate resource agencies. No construction activity or grading would be permitted within the avoidance zone. Where avoidance is infeasible, and the plant(s) are subject to removal or potential damage from construction, the project applicant shall develop and implement a mitigation plan pursuant to State and Federal regulation. The mitigation plan shall provide for no net loss of habitat and shall include, but is not limited to, relocation of the affected plants, replanting, and monitoring of relocated and planted specimens.	EDCPD	OTC	PGP	EDCPD			
<b>MM-BIO-5: Oak Tree Mitigation.</b> The County of El Dorado Oak Resources Management Plan provides for oak woodland and individual oak tree mitigation. In general, removal of oak trees shall be replaced at a ratio of 1:1 (1 inch of new planting for each inch of tree removed). For oak woodland, the ratio is 1:1 (for up to 50% removal of oak woodland), 1.5:1 (for up to 75% removal), or 2:1 (for more than 75% removal). The proposed landscaping plan for the park includes plantings of native oak trees, which will contribute towards mitigation. If full on-site mitigation is not feasible, off-site mitigation in approved conservation areas, or payment of in-lieu fees at the current County rate schedule may be used. The current in-lieu fee rate for oak woodlands are \$8,285 per acre, individual trees are \$153 per inch, and heritage trees are \$459 per inch (El Dorado County 2017). Included in the fee are acquisition, initial management and monitoring, long term management and monitoring, and administration costs (El Dorado County 2017).	EDCPD	OTC	PGP	EDCPD			
<b>MM-BIO-6: Aquatic Resources Mitigation.</b> Prior to impacts occurring to U.S. Army Corps of Engineers (USACE), Regional Water Quality Control Board (RWQCB), and California Department of Fish and Wildlife (CDFW) (collectively, the Resource Agencies) jurisdictional aquatic resources, the County of El Dorado or its designee shall obtain the following permits: ACOE 404 permit or authorization under a Nationwide Permit, RWQCB 401 Water Quality Certification, and California Fish and Game Code 1602 Streambed Alteration Agreement. To mitigate for impacts to jurisdictional waters, the project Proponent may purchase mitigation bank credits, including establishment, re-establishment, enhancement, or rehabilitation. Alternatively, a suitable mitigation site shall be selected and approved by the Resource Agencies during the permitting process. Either of these mitigation options would result in no net loss of jurisdictional aquatic resources. The precise mitigation ratio shall be no less than 1:1 and shall depend on the functions and values of the mitigation site and any restoration activities that may be conducted to further increase the functions and values of the mitigation site.  If mitigation is proposed to occur within the project Site or within the offsite mitigation area, then a Wetlands Mitigation and Monitoring Plan shall be prepared.	EDCPD	OTC	PGP	EDCPD			

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Prior to issuance of land development permits, including clearing, grubbing, and grading permits for activities that would impact jurisdictional aquatic resources, the project proponent shall prepare a Wetlands Mitigation and Monitoring Plan to the minimum standards of the Resource Agencies. The Conceptual Wetlands Mitigation and Monitoring Plan shall, at a minimum, prescribe site preparation, planting, irrigation, and a 5-year maintenance and monitoring program with qualitative and quantitative evaluation of the revegetation effort and specific performance criteria to determine successful revegetation.							
<b>Cultural and Tribal Cultural Resources</b>							
<b>MM-CUL-1: Avoidance of Sensitive Archeological Resources.</b> Resource P-09-001882 should be avoided by a minimum of 50 feet. If the resource cannot be avoided by this distance, additional archaeological efforts will be required, including subsurface exploratory testing to assess the presence/absence and general distribution of the resource, and/or evaluation for NRHP/CRHR listing.	EDCPD	CPI	DPC	EDCPD			
<b>MM-CUL-2: Archeological and Native American Monitoring.</b> Archeological monitors shall be present during all initial ground-disturbing activities within 300 feet of the prehistoric component of P-09-001882 and within 100 feet of Deadman Creek, where there is increased potential to encounter cultural resources. An archaeological monitoring and discovery plan shall be developed under the oversight of a qualified archaeological principal investigator meeting Secretary of the Interior's Professional Qualification Standards prior to construction.	EDCPD	CPI	DPC	EDCPD			
<b>MM-CUL-3: Monitoring and Inadvertent Discovery Plan.</b> Prior to construction, a Secretary of the Interior-qualified archaeologist shall prepare a plan for cultural resources monitoring and inadvertent discovery. The plan shall include (but not be limited to) the following components:  <i>Worker Environmental Awareness Training.</i> Training program for all construction and field workers involved in site disturbance; on-site personnel shall attend a mandatory pre-project training led by a Secretary of the Interior-qualified archaeologist. The training will outline the general archaeological sensitivity of the area (without providing site specifics) and the procedures to follow in the event an archaeological resource and/or human remains are inadvertently discovered.  <i>Monitoring Plan.</i> The monitoring plan shall incorporate the requirements of MM-CUL-1 and CUL-2 and include the following:  <ul style="list-style-type: none"> <li>▪ Person(s) responsible for conducting monitoring activities, including a request to Native American representatives for a Native American monitor;</li> <li>▪ Person(s) responsible for overseeing and directing the monitors;</li> <li>▪ How the monitoring shall be conducted and the required format and content of monitoring reports, including schedule for submittal of monitoring reports and person(s) responsible for review and approval of monitoring reports;</li> <li>▪ Clear delineation and fencing of sensitive cultural resource areas requiring monitoring;</li> <li>▪ Clear delineation and fencing of sensitive cultural resource areas to be avoided;</li> <li>▪ Protocol for notifications in case of encountering cultural resources, as well as methods of dealing with the encountered resources (e.g., collection, identification, curation);</li> </ul>	EDCP	OTC	PGP	EPCPD			



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<ul style="list-style-type: none"> <li>Methods to ensure security of cultural resources sites, including protocol for notifying local authorities (i.e. sheriff, police) should site looting and other illegal activities occur during construction.</li> <li>During the course of the monitoring, the archaeologist may adjust the frequency—from continuous to intermittent—of the monitoring based on the conditions and professional judgment regarding the potential to impact resources.</li> </ul> <p><i>Inadvertent Discovery of Cultural Resources.</i> If prehistoric or historic-era archaeological resources are encountered, all construction activities within 100 feet will halt. The archaeological monitor will immediately notify the County of El Dorado of the encountered archaeological resource. Any culturally affiliate tribes would assess the significance of the find and make recommendations for further evaluation and treatment if necessary.</p> <p><i>Inadvertent Discovery of Human Remains.</i> In the event of discovery of any human remains during construction activities, such activities within 100 feet of the find shall cease until the El Dorado County Coroner has been contacted to determine that no investigation of the cause of death is required. The Native American Heritage Commission will be contacted within 24 hours if it is determined that the remains are Native American. The Commission will then identify the person or persons it believes to be the most likely descendant (MLD) from the deceased Native American, who in turn would make recommendations to the County of El Dorado for the appropriate means of treating the human remains and any grave goods.</p> <p>After review of the find and consultation with the MLD, the authority to proceed may be accompanied by the addition of development requirements which provide for protection and preservation of the site and/or additional measures necessary to address the sensitive and unique nature of the site. All treatment recommendations made by the affiliated tribe(s) and other cultural resources specialists will be documented in the confidential portion of the project record. Work in the area(s) of the cultural find may only proceed after authorization from the lead agency in coordination with the Tribe.</p>							
<b>Noise</b>							
<p><b>MM-NOI-1: Operation Noise.</b> Operation of the proposed project shall be limited to daytime (7:00 a.m. to 7:00 p.m.) and evening hours (7:00 p.m. to 10:00 p.m.). Respecting the measurable pre-existing outdoor ambient sound environment at nearest occupied offsite homes and other noise-sensitive land uses may be comparable to or quieter than the County’s hourly Leq fixed thresholds of 55 dBA and 50 dBA for daytime and evening, respectively, the following shall be implemented:</p> <ul style="list-style-type: none"> <li>Restrict testing of the project emergency generator to daytime hours, and position the operating generator during such times so that the direct sound path between it and the nearest noise-sensitive land use is occluded by the proposed Indoor Gym building or an alternate solid barrier (either a fixed sound-blocking project feature; or a temporary/portable shell, shroud, or acoustical curtain that can be taken out of storage and installed as part of the emergency generator testing procedure).</li> </ul>	EDCPD	OTC (design measures) DPO (operational measures)	PBP (design measures) Ongoing (operational measures)	EDCPD			

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<ul style="list-style-type: none"> <li>Consistent with project design information, and to satisfy County Code Section 130.37.020.A, no speech amplification or other sound reinforcement systems shall be installed and operating, excluding for purposes of public address or emergency response as the County may require.</li> <li>Clear and conspicuous informational signage shall be located at spectator seating and other assembly areas to enforce applicable County noise nuisance regulations and policies with respect to operation of visitor portable sound systems, musical instruments, and other noise makers.</li> <li>The project grading and layout of fields and facilities shall include, to the extent practical, features that are advantageous for occluding direct sound paths between areas of expected noise-producing activities (e.g., active sports play and engaged spectators) and nearest offsite noise-sensitive land uses such as residences.</li> </ul> <p>The project shall include a community complaint management plan that will provide the County or its delegate a means to respond to received community noise complaints, investigate their validity and likely cause, and document any implementation of onsite noise-reducing means or the resolution of the complaint.</p>							

**Notes**  
<sup>1</sup> EDCPD = El Dorado Parks Division. (EDCPD shall coordinate with other County departments as appropriate, including but not limited to Transportation, Public Works, and Planning and Building.)  
<sup>2</sup> CPI = Construction Period Inspection; OTC = One-time Confirmation Action; DPO = During Project Operation  
<sup>3</sup> DPC = During Project Construction; PBP = Prior to Issuance of Building Permit; PGP = Prior to Issuance of Grading Permit  
<sup>4</sup> EDCAQMD = El Dorado Air Quality Management District