STAFF MEMO-ATTACHMENT 1

REVISED

4.0 MITIGATION MONITORING AND REPORTING PROGRAM

4.1 INTRODUCTION

The California Environmental Quality Act (CEQA) requires that a Lead Agency establish a program to monitor and report on mitigation measures adopted as part of the environmental review process to avoid or reduce the severity and magnitude of potentially significant environmental impacts associated with project implementation. CEQA (Public Resources Code Section 21081.6 (a)(1)) requires that a Mitigation Monitoring and Reporting Program (MMRP) be adopted at the time that the agency determines to carry out a project for which an Environmental Impact Report (EIR) has been prepared, to ensure that mitigation measures identified in the EIR are fully implemented.

4.2 MITIGATION MONITORING AND REPORTING PROGRAM DESCRIPTION

Compliance

The County of El Dorado will coordinate monitoring activities and document the implementation of mitigation measures. The entity identified as having monitoring responsibility has the primary duty to execute the mitigation measures. In some cases, other public agencies will implement measures. In other cases, the project applicant will be responsible for implementation of measures and the County's role is exclusively to monitor measure implementation. In those cases, the project applicant may choose to require the construction contractor to implement specific mitigation measures prior to and/or during construction. The County will continue to monitor mitigation measures that are required to be implemented during the operation of the project.

Field Monitoring of Mitigation Measures

Prior to the issuance of grading and building permits, while detailed development plans are being prepared for approval by County staff, County staff will be responsible for ensuring compliance with mitigation monitoring applicable to the project design phase. As standard policy, County will not issue permits or authorize construction until all outside agency permits (Fish and Wildlife, Army Corps of Engineers, Water Resources Control Board, etc.) are obtained by the developer.

During construction and following the completion of project construction, the County's Community Development Services, Transportation Department and Planning and Building Department will assign inspectors who will be responsible for monitoring the implementation of the mitigation measures. The inspectors will report to the County's Community Development Services Director and will be thoroughly

familiar with the mitigation measures in the MMRP. In addition, mitigation measures applicable during the construction phase will be included as notes on the Improvement Plans and Building Plans (as appropriate), so that all contractors are informed of the requirements. The inspectors will be familiar with construction contract requirements, schedules, standard construction practices, and mitigation techniques. The developer will be responsible for carrying out the mitigation measures, while the County will be responsible for monitoring of construction activities and reviewing construction plans and equipment staging/access plans to ensure conformance with adopted mitigation measures. The County will also have the authority to enforce mitigation measures by suspending particular construction activities.

Once construction has been completed, the County will monitor the project as necessary.

If any mitigation measures are not being implemented, the County may pursue corrective action. Penalties that may be applied include, but are not limited to, the following: (1) a written notification and request for compliance; (2) withholding of permits; (3) administrative fines; (4) a stop-work order; (5) criminal prosecution and/or administrative fines; (6) forfeiture of security bonds or other guarantees; and (7) revocation of permits or other entitlements.

Changes to Mitigation Measures

By adopting this Mitigation Monitoring and Reporting Program, the Board of Supervisors is delegating limited authority to County staff to make changes to this document, subject to specific limitations. Any substantive change in the monitoring plan made by County staff shall be reported in writing to the E Dorado County Planning Services. Modifications to the mitigation may be made by County staff subject to one of the following findings, documented by evidence included in the record:

a. The mitigation measure included in the Final EIR and MMRP is no longer required because the significant environmental impact identified in the Final EIR has been found not to exist or to occur at a level which makes the impact less than significant as a result of changes in the project, changes in conditions of the environment or other factors.

Or

b. The modified or substitute mitigation measure to be included in the MMRP provides a level of environmental protection equal to or greater than that afforded by the mitigation included in the Final EIR and the MMRP; and the modified or substitute mitigation measure does not have significant adverse effects on the environment in addition to, or greater than, those which were considered by the responsible hearing bodies in their decisions on the Final EIR and the project; and the modified or substitute mitigation measure is feasible, and the County through measures included in the MMRP or other County procedures can ensure its implementation.

Findings and related documentation supporting the findings involving modifications to mitigation measures shall be maintained in the project file with the MMRP and shall be made available to the public upon request.

Mitigation Monitoring and Reporting Program

Table 4.0-1 presented on the following pages provides the MMRP for the project. The MMRP identifies the following:

1. an explanation of each impact by issue area, summarized as an impact statement;
2. the full text of the mitigation measure(s) applicable to each impact statement;
3. the party responsible for ensuring implementation of each mitigation measure;
4. the timing of implementation of each mitigation measure; and
5. the party responsible for verifying compliance with the mitigation.

Following completion of the monitoring and reporting process, the final monitoring results will then be entered into the County's Mitigation Monitoring and Reporting database maintained by the County's Environmental Coordinator.

Table 4.0-1
El Dorado Hills Apartments Project
Mitigation Monitoring and Reporting Program

Impact	Mitigation Measure	Approving/Monitoring Responsibility	Timing	Verification (Date and Initials)
Air Quality				
Impact AIR-1: Construction activities associated with the proposed project would result in a violation of an air quality standard, contribute substantially to an existing or projected air quality violation, or result in a cumulatively considerable net increase of a criteria pollutant for which the project region is non-attainment under an applicable national or State ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors).	**MM AIR-1a:** To ensure that the impact from the project's construction equipment exhaust remains less than significant, the project shall implement at least one of the following EDCAQMD construction mitigation measures: • Require the prime contractor to provide an approved plan demonstrating that heavy-duty (i.e., greater than 50 horsepower) off-road vehicles to be used in the construction project, and operated by either the prime contractor or any subcontractor, will achieve, at a minimum, a fleet-averaged 15 percent NOx reduction compared to the most recent CARB fleet average. 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. In addition, the inventory list shall be updated and submitted monthly throughout the duration of when the construction activity occurs. • Require the prime contractor to use an alternative fuel, other than Diesel, verified by the CARB or otherwise documented through emissions testing to have the greatest NOx and PM10 reduction benefit available, provided each pollutant is reduced by at least 15 percent.	Approving Authority: Department: Air Quality Management District: Monitoring Authority: County of El Dorado Planning Department	Prior to the approval of grading permit/building permits	
	MM AIR-1b: Prior to the start of construction activities, the project applicant shall coordinate with the El Dorado AQMD to ensure that only low-VOC architectural coatings are utilized during the construction phase of the proposed project, for both indoor and outdoor surfaces. All architectural coatings used during the construction phase shall have a maximum allowable VOC content limit of 50 g/L.	County of El Dorado Planning Department	Prior to the approval of grading permit/building permits	
	MM AIR-1c: During construction activities, the project applicant shall implement the following Best Available Fugitive Dust Control Measures as outlined in Table C.4 in the AQMD CEQA Guide. **Fugitive Dust Source Category** / **Control Actions** Earth-moving (except construction cutting and filling areas, and mining operations) — 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 District; 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 1a-1. For any earth-moving 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. Earth-moving – construction fill areas — 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	County of El Dorado Planning Department	During construction	

Impact	Mitigation Measure		Approving/Monitoring Responsibility	Timing	Verification (Date and Initials)
		for compaction of less than 12 percent, as determined by ASTM method 1557 or other equivalent method approved by the District, 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			
	Earth-moving – construction cut areas and mining operations	1c. Conduct watering as necessary to prevent visible emissions from extending more than 100 feet beyond the active cut or mining areas unless the area is inaccessible to watering vehicles due to slope conditions or other safety factors.			
	Disturbed surface areas (except completed grading areas)	2a/b. Apply dust suppression in a sufficient quantity and frequency to maintain a stabilized surface; any area 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.			
	Disturbed surface areas – completed grading areas	2c. Apply chemical stabilizers within 5 working days or grading completion; OR 2d. Take action 3a or 3c specified for inactive disturbed surface areas.			
	Inactive disturbed surface areas	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 3b.Apply dust suppressants in sufficient quantity and frequency to maintain a stabilized surface; OR 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 3d. Utilize any combination of control actions 3a, 3b and 3c such that, in total, they apply to all inactive disturbed surface areas.			
	Unpaved roads	4a. Water all roads used for any vehicular traffic at least once per every two hours of active operations; OR 4b. Water all roads used for any vehicular traffic once daily and restrict vehicle speed			

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<tr><th>Impact</th><th>Mitigation Measure</th><th>Approving/Monitoring Responsibility</th><th>Timing</th><th>Verification (Date and Initials)</th></tr>
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<tr><td></td><td>to 15 mph; OR
4c. Apply chemical stabilizer to all unpaved road surfaces in sufficient quantity and frequency to maintain a stabilized surface.</td></tr>
<tr><td>Open storage piles</td><td>5a. Apply chemical stabilizers; OR
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
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.</td></tr>
<tr><td>Track-out control</td><td>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
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.</td></tr>
<tr><td>All categories</td><td>7a. Any other control measures approved by the District</td></tr>
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</td><td></td><td></td><td></td></tr>
<tr><td></td><td>MM AIR-1d: During construction activities in high wind conditions, the project applicant shall implement the following Best Available Fugitive Dust Control Measures as outlined in Table C.5 in the AQMD CEQA Guide.
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<tr><th>Fugitive Dust Source Category</th><th>Control Actions</th></tr>
<tr><td>Earth moving</td><td>1A. Cease all active operations, OR
2A. Apply water to soil not more than 15 minutes prior to moving such soil.</td></tr>
<tr><td>Disturbed surface areas</td><td>1B. 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
1B. Apply chemical stabilizers prior to a wind event; OR
2B. Apply water to all unstabilized disturbed areas 3 times per day; if there is any evidence of wind driven fugitive dust,</td></tr>
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</td><td>County of El Dorado Planning Department</td><td>During construction</td><td></td></tr>
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Impact	Mitigation Measure	Approving/Monitoring Responsibility	Timing	Verification (Date and Initials)
	watering frequency is increased to a minimum of four times per day; OR 3B. Take the actions specified in Table B.6, Item 3c; OR 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. Unpaved roads: 1C. Apply chemical stabilizers prior to a wind event; OR 2C. Apply water twice per hour during active operation; OR 3C. Stop all vehicular traffic. Open storage piles: 1D. Apply water twice per hour; OR 2D. Install temporary coverings. Paved road track-out: 1E. Cover all haul vehicles; OR 2E. Comply with the vehicle freeboard requirements of Section 23114 of the California Vehicle Code for operation on both public and private roads. All categories: 1F. Any other control measures approved by the District.			
Impact AIR-2: Operation of the proposed project would result in a violation of an air quality standard, contribute substantially to an existing or projected air quality violation, or result in a cumulatively considerable net increase of a criteria pollutant for which the project region is non-attainment under an applicable national or State ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors).	**MM AIR-2:** To ensure that project emissions remain below applicable thresholds, the project applicant shall implement the following sustainable design features and mitigation measures: 1. Exceed Title 24 by 10 percent 2. Install high-efficiency lighting 3. Install energy-efficient appliances 4. Use only natural gas hearths (i.e. fireplaces)(sealed natural gas only, no wood burning) 5. Install low flow bathroom faucets 6. Install low flow kitchen faucets 7. Install low flow toilets 8. Install low flow showers 9. Use water-efficient irrigation system 10. Design and construct the parking garage to allow for the installation of electric vehicle charging facilities when the demand for the charging facilities is demonstrated. 11. Provide bicycle storage with convenient access	County of El Dorado Planning Department	Prior to issuance of building permits	
Impact AIR-5: Project construction would expose sensitive receptors to substantial pollutant concentrations	**MM AIR-5:** Prior to any grading activities, the project applicant shall prepare an Asbestos Hazard Dust Mitigation Plan and shall comply with applicable state and local regulations regarding asbestos, including CARB's asbestos airborne toxic control measure (ATCM) (Title 17, CCR § 93105 and 93106) and EDCAQMD Rule 223-2 Fugitive Dust – Asbestos Hazard Mitigation, to ensure that exposure to construction workers and the public is reduced to an acceptable level.	County of El Dorado Planning Department	Prior to the approval of grading permits	

Impact	Mitigation Measure	Approving/Monitoring Responsibility	Timing	Verification (Date and Initials)
Biological Resources				
Impact BIO-2: The proposed project would not directly or indirectly affect any riparian habitat, sensitive natural community, or wetlands nor interfere with the movement of any wildlife species, but project construction noise could affect nesting birds.	**MM BIO-2:** For the protection of birds species protected by the Migratory Bird Treaty Act and the California Fish and Game Code, project activities shall occur during the non-breeding bird season to the extent feasible (September 1 – January 31). However, if site clearance, grading, or initial ground-disturbing activities must occur during the breeding season (February 1 through August 31), a survey for active bird nests shall be conducted by a qualified biologist no more than 14 days prior to the start of these activities. The survey shall be conducted in a sufficient area around the work site to identify the location and status of any nests that could potentially be affected by project activities. If active nests of protected species are found within project impact areas or close enough to these areas to affect breeding success, a work exclusion zone shall be established around each nest by a qualified biologist. Established exclusion zones shall remain in place until all young in the nest have fledged or the nest otherwise becomes inactive (e.g., due to predation). Appropriate exclusion zone sizes vary dependent upon bird species, nest location, existing visual buffers and ambient sound levels, and other factors; an exclusion zone radius may be as small as 50 feet (for common, disturbance-adapted species) or as large as 250 feet or more for raptors. Exclusion zone size may also be reduced from established levels if supported with nest monitoring by a qualified biologist indicating that work activities outside the reduced radius are not adversely impacting the nest.	County of El Dorado Planning Department	Prior to construction	

Impact	Mitigation Measure	Approving/Monitoring Responsibility	Timing	Verification (Date and Initials)
Cultural Resources				
Impact CUL-2: The proposed project could cause a substantial change in the significance of an archaeological resource pursuant to Section 15064.5.	**MM CUL-2:** El Dorado County shall note on any plans that require ground disturbing excavation that there is a potential for exposing buried cultural resources, including prehistoric Native American burials. The project applicant shall inform the United Auburn Indian Community of the Auburn Rancheria and the Shingle Springs Band of Miwok Indians of the project construction schedule and allow for a tribal monitor to be present at the project site during grading activities in native soil. The project applicant shall retain a Professional Archaeologist to provide a pre-construction briefing to supervisory personnel of the excavation contractor to alert them to the possibility of exposing significant prehistoric archaeological resources within the project site. The briefing shall discuss any archaeological objects that could be exposed, the need to stop excavation at the discovery, and the procedures to follow regarding discovery protection and notification of the project applicant and archaeological team. The Professional Archaeologist shall develop and distribute for job site posting an "ALERT SHEET" summarizing potential find types and the protocols to be followed as well as points of contact to alert in the event of a discovery. The tribal monitor will be provided an opportunity to attend the pre-construction briefing. The Professional Archaeologist shall be available on an "on-call" basis during ground disturbing construction in native soil to review, identify and evaluate cultural resources that may be inadvertently exposed during construction. The archaeologist shall temporarily divert, redirect, or halt ground disturbance activities at a potential discovery to allow the identification, review and evaluation of a discovery to determine if it is a historical resource(s) and/or unique archaeological resource(s) under CEQA. If the Professional Archaeologist determines that any cultural resources exposed during construction constitute a historical resource and/or unique archaeological resource, he/she shall notify the project applicant and other appropriate parties of the evaluation and recommend mitigation measures to mitigate to a less-than significant impact in accordance with California Public Resources Code Section 15064.5. Mitigation measures may include avoidance, preservation in-place, recordation, additional archaeological testing and data recovery among other options. Contingency funding and a time allotment sufficient for recovering an archeological sample or to employ an avoidance measure may be required. The completion of a formal Archaeological Monitoring Plan (AMP) may be recommended by the archaeologist if significant archaeological deposits are exposed during ground disturbing construction. Development and implementation of the AMP will be determined by the County of El Dorado and treatment of any significant cultural resources shall be undertaken with the approval of the project applicant and the County. A Monitoring Closure Report shall be filed with the County of El Dorado at the conclusion of ground disturbing construction if archaeological resources were encountered and/or recovered.	County of El Dorado Planning Department	During the grading and excavation phase of the project	

Impact	Mitigation Measure	Approving/Monitoring Responsibility	Timing	Verification (Date and Initials)
Impact CUL-4: The proposed project could disturb human remains, including those interred outside of formal cemeteries.	**MM CUL-4:** The treatment of human remains and any associated or unassociated funerary objects discovered during any soil-disturbing activity within the project site shall comply with applicable State laws. This shall include immediate notification of the El Dorado County Sheriff-Coroner and the County of El Dorado. In the event of the Coroner's determination that the human remains are Native American, the coroner must contact the NAHC within 24 hours. The NAHC shall identify a Most Likely Descendant (MLD) of the deceased Native American (PRC Section 5097.98). The MLD may then make recommendations to the landowner or the person responsible for the excavation work, for the means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in PRC Section 5097.98. Development activity on the impacted site will halt until the landowner has conferred with the MLD about their recommendations for treatment of the remains, and the coroner has determined that the remains are not subject to investigation under California Government Code Section 27491. The project applicant, archaeological consultant, and MLD shall make all reasonable efforts to develop an agreement for the treatment, with appropriate dignity, of human remains and associated or unassociated funerary objects (CEQA Guidelines Section 15064.5(d)). The agreement should take into consideration the appropriate excavation, removal, recordation, analysis, custodianship, curation, and final disposition of the human remains and associated or unassociated funerary objects. The California PRC allows 48 hours to reach agreement on these matters. If the MLD and the other parties do not agree on the reburial method, the project will follow PRC Section 5097.98(b) which states that ". . . the landowner or his or her authorized representative shall reinter the human remains and items associated with Native American burials with appropriate dignity on the property in a location not subject to further subsurface disturbance."	County of El Dorado Planning Department	During the grading and excavation phase of the project	
Impact CUL-5: The proposed project could cause a substantial adverse change in the significance of a tribal cultural resource.	**MM CUL-5:** Implement **Mitigation Measures CUL-2** and **CUL-4**.	County of El Dorado Planning Department	During the grading and excavation phase of the project	
Cumulative Impact C-CUL-1: Cumulative development could cause a substantial change in the significance of a historical resource or unique archaeological resource pursuant to Section 15064.5 or impact tribal cultural resources, but with the incorporation of mitigation measures, the proposed project would not contribute substantially to the cumulative impacts.	**MM C-CUL 1:** Implement **Mitigation Measures CUL-2** and **CUL-4**.	County of El Dorado Planning Department	During the grading and excavation phase of the project	
Greenhouse Gas Emissions				
Impact GHG-1: The proposed project would generate greenhouse gas emissions, either directly or indirectly, that would not have a significant impact on the environment.	**MM GHG-1**: Implement **Mitigation Measure AIR-2**.	County of El Dorado Planning Department	Prior to issuance of building permits	
Impact GHG-2: The proposed project would not conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing GHG emissions.	**MM GHG-2**: Implement **Mitigation Measure AIR-2**.	County of El Dorado Planning Department	Prior to issuance of building permits	
Cumulative Impact C-GHG-1: The proposed project would not result in a significant cumulative GHG impact	**MM C-GHG-1:** Implement **Mitigation Measure AIR-2**.	County of El Dorado Planning Department	Prior to issuance of building permits	
Transportation and Traffic				
Cumulative Impact C-TRA-1: Development of the proposed project would conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the traffic circulation system under Near-Term Cumulative (2027) plus Project Conditions.	**MM C-TRA-1:** The project applicant will pay TIM fees to the County prior to issuance of building permit(s).	County of El Dorado Transportation Division	Prior to issuance of building permits	

Impact	Mitigation Measure	Approving/Monitoring Responsibility	Timing	Verification (Date and Initials)
Cumulative Impact C-TRA-2: Development of the proposed project would not conflict with applicable policies establishing measures of effectiveness for the performance of the local roadway system and regional freeway system under Long-Term Cumulative (2035) plus Project Conditions.	**MM C-TRA-2:** The project applicant shall be responsible for ensuring that a traffic signal is installed at the private intersection of Post Street and Town Center Boulevard, and that a funding mechanism is created for maintenance of that signal. The signal will be installed before the building department issues a certificate of occupancy for the Project. The new traffic signal will be interconnected or subordinate to the traffic signal at Latrobe Road/El Dorado Hills Boulevard, subject to an encroachment permit and agreement. Prior to issuance of a grading permit for project construction, the project applicant shall demonstrate to the County's satisfaction that it has obtained legally binding authority to assure implementation of this mitigation measure, via an agreement with the owner of the right-of-way encompassing the Post Street/Town Center Boulevard intersection or otherwise.	County of El Dorado Transportation Division	When the intersection operations reach LOS F and applicable traffic signal warrants are satisfied	
Utilities				
Impact UTL-1: Development of the proposed project would require the construction of new or expanded wastewater conveyance systems.	**MM UTL-4:** The applicant shall pay fair-share fees towards the planned CIP improvement for the EDHB trunk sewer line improvement, and associated EID connection costs.	County of El Dorado Planning Department	Prior to issuance of building permits	