

Mitigation Measures

BIO-1: Pre-construction Survey Required: For construction activities between March 1 and August 31, pre-construction surveys for nesting raptors and migratory birds shall be conducted by a qualified biologist pursuant to California and Federal requirements. These surveys should be completed no sooner than 7 days prior to commencement of grading activities. If active nests are found, a quarter-mile (1320 feet) initial temporary nest disturbance buffer shall be established, which may be reduced after consultation with CDFW.

If project-related activities within the temporary nest disturbance buffer are determined to be necessary during the nesting season, then an on-site biologist/monitor shall be retained by the project proponent to monitor the nest, and shall, along with the project proponent, consult with CDFW to determine the best course of action necessary to avoid nest abandonment or take of individuals. Work may be allowed to proceed within the temporary nest disturbance buffer if the nesting raptors and/or migratory birds are not exhibiting agitated behavior such as defensive flights at intruders, getting up from a brooding position, or flying off the nest. The designated on-site biologist/monitor shall be on-site daily while construction related activities are taking place and shall have the authority to stop work if the birds are exhibiting agitated behavior. In consultation with CDFW and depending on the behavior of the raptors and/or migratory birds, over time it may be determined that the on-site biologist/monitor may no longer be necessary due to the birds' acclimation to construction related activities.

Any trees containing nests that must be removed as a result of the project implementation shall be removed during the non-breeding season; and the project proponent shall be responsible for off-setting the loss of any nesting trees. The extent of any necessary compensatory mitigation shall be determined by the project proponent in consultation with the CDFW.

Monitoring Responsibility: Planning Services.

Monitoring Requirement: The applicant shall conduct all construction activities outside the nesting season or perform a pre-construction survey and obtain all necessary permits prior to initiation of construction activities. This requirement shall be placed on all grading plans. Planning Services shall review the surveys prior to issuance of a grading permit and/or removal of any trees within the entire project parcel.

BIO-2: Streambed Alteration Agreement: A Streambed Alteration Agreement, pursuant to Fish and Game Code 1602, shall be obtained by the applicants, from CDFW, if

applicable, for each stream crossing and any other activities affecting the bed, bank, or associated riparian vegetation of any stream on the site. The applicant has proposed to implement the mitigations identified in the *Addendum: Biological Inventory for the Dollar General Store* (Costella, 2015a) (Attachment 6 of Staff Report Exhibit N) and the *Nationwide Permit Pre-Construction Notification Form, Cultural Report, Wetland Delineation Report, and Biological Report* (Costella, 2015c) (Attachment 8 of Staff Report Exhibit N) as discussed in more detail in BIO-3 below. The applicant shall incorporate these proposed mitigation measures in addition to any appropriate mitigation measures developed in coordination with CDFW in the context of the agreement process. Additional mitigation may include:

- a. *Erosion Control methods or techniques that will prevent sediment from entering any watercourses during and after construction;*
- b. *Protection measures to avoid or minimize impacts to fish, wildlife, and plant resources; and*
- c. *Measures for mitigation or compensation of impacts to fish, wildlife, and plant resources.*

Monitoring Responsibility: Planning Services

Monitoring Requirement: The applicant shall provide a copy of the 1602 Streambed Alteration Agreement to Development Services, if applicable, prior to issuance of the grading permit. If it has been determined by CDFW that said permit does not apply after their review of the development plans for the project, the applicant shall provide Planning Services with verification from CDFW that no Agreement is needed for the project, prior to issuance of a building and/or grading permit for the project area.

BIO-3: Wetland Delineation Verification: The on-site intermittent stream (0.01 acres) and two small wetlands (0.05 acres) shall be verified by the ACOE as to whether or not they are considered waters of the U.S. If determined to be waters of the U.S., the applicant shall request a Department of the Army authorization through the Section 404 Permit process prior to placement of any fill material. Along with the request, the applicants shall provide project construction and development drawings or maps including, but not limited to, wetland areas denoting all proposed improvements in relation to the Ordinary High Water Mark (OHWM).

Applicant shall strive to avoid adverse effects and minimize impacts to waters of the U.S., and to achieve a goal of no net loss of wetlands functions and values. The ACOE permit will define the terms and conditions, including mitigation, for the fill activities. The applicant has proposed the following appropriate mitigation for unavoidable losses to waters of the U.S. using ACOE mitigation guidelines and regulations, and shall incorporate these proposed mitigation measures in addition to any appropriate mitigation measures developed in coordination with ACOE in the context of the permit process:

- a. *The applicant will purchase credits in the National Fish and Wildlife Foundation Fund for impacts to the stream and riparian habitat. Credits will be obtained at a minimum ratio of 1:1. This shall be done before County permits are issued.*
- b. *The applicant will implement the mitigation plans identified in the Addendum: Biological Inventory For the Dollar General Store (Costella, 2015a) (Attachment 6 of Staff Report Exhibit N) and the Nationwide Permit Pre-Construction Notification Form, Cultural Report, Wetland Delineation Report, and Biological Report (Costella, 2015c) (Attachment 8 of Staff Report Exhibit N). Elements of those plans include, but are not limited to:*
 - i. *Limiting construction near the seasonal drainage to the dry season;*
 - ii. *Establishing the area surrounding the seasonal drainage as an Environmentally Sensitive Area (ESA) during construction;*
 - iii. *Implementing Best Management Practices during and following construction;*
 - iv. *Implementing additional Best Management Practices during grading and construction; and*
 - v. *Providing copies of the permit conditions to contractors prior to grading and construction near the ESAs and adjacent non-disturbance buffer.*

Monitoring Responsibility: Planning Services

Monitoring Requirement: The applicant shall provide either a copy of the ACOE permit or no permit required letter to Planning Services prior to issuance of a building, and/or grading permit for the project.

BIO-4: Water Quality Certification: If an ACOE Section 404 permit is required, a Water Quality Certification, Section 401 permit shall be obtained by the applicant from the California Regional Water Quality Control Board (RWQCB) for applicable project improvements. Appropriate mitigation measures shall be developed in coordination with the RWQCB in the context of the agreement process.

Additionally, because the project proposes to disturb more than 1 acre of land, the project is required to obtain coverage under the California State Water Resources Control Board Construction General Permit Order Number 2009-0009-DWQ (CGP). Further, the following shall be included to the satisfaction of the RWQCB:

- a. *The applicant will prepare a Storm Water Pollution Prevention Plan (SWPPP) for approval. That plan will describe the methods for ensuring downstream water quality during construction and will be implemented before construction begins;*

- b. *Work areas to be separated by buffers and orange construction fencing to delineate the preserved riparian areas (No grading will be allowed within the fenced-off buffer zones); and*
- c. *Waste and construction materials will be placed where they will not run off into the seasonal drainage, or they will immediately be removed off-site.*

Monitoring Responsibility: Planning Services

Monitoring Requirement: The applicant shall provide a copy of the Section 401 permit to Planning Services prior to issuance of the grading permit, if applicable. If, after their review of the development plans for the project, the RWQCB determines that said permit does not apply, the applicant shall provide Planning Services with confirmation of that determination prior to issuance of a building and/or grading permit for the project. The SWPPP shall be reviewed and approved by Building Services prior to issuance of a grading permit.

NOISE-1: The project shall comply with the noise level standards of the El Dorado County General Plan noise level criteria by ensuring that all truck deliveries are restricted to be conducted between the hours of 7:00 a.m. and 7:00 p.m.

Monitoring Responsibility: Planning Services

Monitoring Requirement: The applicant shall provide Planning Services with documentation that all deliveries will be conducted between the daytime hours of 7 a.m. to 7 p.m. prior to issuance of the building permit for the commercial structure.