

5 MITIGATION MONITORING AND REPORTING PROGRAM

5.1 STATUTORY REQUIREMENTS

Section 21081.6 of the Public Resources Code and Section 15097 of the State CEQA Guidelines require a lead agency that approves or carries out a project, where a CEQA document has identified significant environmental effects, to adopt a “reporting or monitoring program for the changes to the project which it has adopted or made a condition of a project approval in order to mitigate or avoid significant effects on the environment.”

The Placer County (County) Department of Facility Services is the lead agency that must adopt the mitigation monitoring program for the North Fork American River Trail Project (proposed project) Environmental Impact Report (EIR).

The CEQA statutes and Guidelines provide direction for clarifying and managing the complex relationships between a lead agency and other agencies with respect to implementing and monitoring mitigation measures. In accordance with State CEQA Guidelines Section 15097(d), “each agency has the discretion to choose its own approach to monitoring or reporting; and each agency has its own special expertise.” This discretion will be exercised by implementing agencies at the time they undertake any of the actions identified in the DEIR.

5.2 METHODOLOGY

The County has agreed to implement the mitigation measures listed in this Mitigation Monitoring and Reporting Program (MMRP) as part of the proposed project. The MMRP is contained within the following matrix and consists of the following components:

- ▶ Mitigation measures contained in the DEIR, as adopted by the County;
- ▶ Implementation/Monitoring Responsibility;
- ▶ Timing/Schedule; and
- ▶ Verification Responsibility.

This MMRP shall be maintained in the County’s files for use in implementing mitigation measures adopted as part of the proposed project.

5.3 CHANGES TO MITIGATION MEASURES

Any substantive change in the MMRP shall be reported in writing. Modifications to the mitigation measures may be made by the County subject to one of the following findings, documented by evidence included in the record:

- ▶ The mitigation measure included in the DEIR and the MMRP is no longer required because the significant environmental impact identified in the DEIR 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
- ▶ The modified or substitute mitigation measure provides a level of environmental protection equal to, or greater than that afforded by the mitigation measure included in the DEIR and the MMRP; and
- ▶ The modified or substitute mitigation measure or measures do 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 FEIR and the proposed project; and
- ▶ The modified or substitute mitigation measures are feasible, and the County, through measures included in the MMRP or other County procedures, can ensure implementation.

Mitigation Measure	Implementation/ Monitoring Responsibility	Timing/Schedule	Verification Responsibility
BIOLOGICAL RESOURCES			
<p>Mitigation Measure 5-1: Protect Foothill Yellow-legged Frog. Mitigation Measure 5-1 applies to Impact 5-1. The County and its primary construction contractor shall 100 implement the following measures to reduce impacts on foothill yellow-legged frogs:</p>			
<ul style="list-style-type: none"> ▶ Construction of the trail across drainages and streams shall occur when the drainages are dry, to the extent feasible. 	Contractors	During construction	County
<ul style="list-style-type: none"> ▶ Guidelines shall be implemented to protect water quality and prevent erosion, as outlined in the best management practices (BMPs) in Chapter 3.0, "Project Description," and Mitigation Measure 11-2, "Obtain Authorization for Construction Activities with the Central Valley RWQCB and Implement Erosion and Sediment Control Measures as Required." 	Contractors	Prior to, during, and following construction	County and Central Valley Regional Water Quality Control Board
<ul style="list-style-type: none"> ▶ If water is present during construction, disturbance to pools and slow runs with cobble-sized substrate shall be minimized. In particular, rocks shall not be collected from in-water environments from late March to early September to avoid disturbing foothill yellow-legged frog egg masses and tadpoles. 	Contractors	During construction	County
<p>Mitigation Measure 5-2: Protect Raptors and Other Nesting Birds. Mitigation Measure 5-2 applies to Impact 5-2. The County and its primary construction contractor shall implement the following measures to reduce impacts on raptors and other nesting birds:</p>			
<ul style="list-style-type: none"> ▶ Limit removal of trees greater than 6 inches dbh to the greatest degree possible. If trees larger than 6 inches dbh must be removed, then the following mitigation measures shall be implemented: 	Contractors	Prior to and during construction	County
<ul style="list-style-type: none"> ▶ Tree removal shall be done in accordance with the Placer County Tree Ordinance. 	Contractors	Prior to and during construction	County
<ul style="list-style-type: none"> ▶ Before removal of trees during the non-breeding season, a qualified biologist shall inspect the tree for potential raptor nest, which are protected under Section 3503.5 of the California Fish and Game Code. If raptor nests are present and cannot be avoided, consult with DFG regarding appropriate measures for tree removal. If no nests are found, no further mitigation is required. 	County	Prior to construction	County and California Department of Fish and Game
<ul style="list-style-type: none"> ▶ If any construction activities, including tree removal, take place between March 1 and August 31, preconstruction surveys for active raptor nests shall be conducted prior to the beginning of construction. If any active raptor nests are identified during preconstruction surveys, then impacts to active raptor nests shall be 	County and contractors	Prior to and during construction	County

Mitigation Measure	Implementation/ Monitoring Responsibility	Timing/Schedule	Verification Responsibility
avoided by the establishment of appropriate buffers and/or nest monitoring by a qualified wildlife biologist.			
▶ Avoid construction within the buffer until the end of the breeding season and consult with DFG regarding alternative appropriate protection measures. The nest tree shall not be removed.	Contractors	During construction	County and California Department of Fish and Game
▶ Woody vegetation (e.g., small trees and shrubs) shall not be removed during the nesting season for raptors and migratory birds (i.e., March to August) to the extent feasible. If woody vegetation must be removed during the nesting season, the amount and extent to be removed shall be minimized to the extent feasible.	Contractors	Prior to and during construction	County
<p>Mitigation Measure 5-3: Protect Special-Status Plants. Mitigation Measure 5-3 applies to Impact 5-3. Note: Special-status plant surveys in support of the proposed project have been conducted along the entire alignment of the original and revised trail corridors; however, surveys of the new segment of the proposed trail alignment were completed during the non-blooming season. The only special-status plant species documented during these surveys is Brandegee’s clarkia. Brandegee’s clarkia is a CNPS list 2 species; it is not listed under the state or federal endangered species acts. Nevertheless, impacts to Brandegee’s clarkia resulting from the proposed project would be considered significant under CEQA. Brandegee’s clarkia is an annual species that is fairly common in the vicinity of the project site and appears to thrive on sites that have experienced some level of prior disturbance such as roadsides of along trails.</p> <p>The following mitigation measures shall be implemented to avoid, minimize, and mitigate adverse effects on Brandegee’s clarkia resulting from project implementation:</p>			
▶ The 2.3-mile new segment of the proposed trail alignment shall be surveyed during the blooming season for Brandegee’s clarkia prior to the start of construction.	County	Prior to construction	County
▶ The locations of all known Brandegee’s clarkia occurrences in the vicinity of the proposed trail alignment shall be clearly marked by a qualified biologist for avoidance by construction crews prior to the commencement of trail construction activities.	County	Prior to construction	County
▶ Construction crews shall be alerted to the presence of Brandegee’s clarkia in the vicinity of the proposed trail corridor, shall be shown maps of known locations and the methods used to identify populations in the field, and shall be asked to	County and contractors	Prior to and during construction	County

Mitigation Measure	Implementation/ Monitoring Responsibility	Timing/Schedule	Verification Responsibility
avoid these occurrences and a 25 foot buffer zone around them to the greatest extent possible.			
▶ If complete avoidance of the populations is not feasible, the areas where occurrences would be impacted shall be minimized to the greatest extent feasible.	Contractors	Prior to and during construction	County
▶ In those areas where Brandagee's clarkia cannot be avoided, trail construction shall take place after the plants have completed their flowering cycles and set seed.	County and contractors	Prior to and during construction	County
▶ A qualified biologist shall be present during trail construction in or near occurrences of Brandagee's clarkia and shall collect seeds from any occurrences of Brandagee's clarkia at those sites that will be impacted. Seeds collected shall be distributed immediately following collection in the immediate vicinity of the original site, but outside the construction footprint	County	During construction	County
<p>Mitigation Measure 5-4: Protect Jurisdictional Waters of the United States. Mitigation Measure 5-4 applies to Impact 5-4. Note: The wetland delineation completed in support of the proposed project in 2004 was submitted to and verified by the USACE. In addition, a nationwide permit for the proposed project has been obtained from USACE, and a water quality certification pursuant to Section 401 has been obtained from the Central Valley RWQCB. Both the wetland delineation and 401 permit will be resubmitted to the appropriate agencies to incorporate changes to the proposed trail alignment.</p> <p>The County and its primary construction contractor shall implement the following measures to reduce potential impacts on jurisdictional waters of the United States, including wetlands:</p>			
▶ Comply with the terms and conditions set forth in Nationwide Permit 42 obtained from USACE for the proposed project.	County and contractors	Prior to, during, and following construction	County and U.S. Army Corps of Engineers
▶ Comply with the terms and conditions set forth in the Section 401 water quality certification. For a complete list of these terms see Chapter 3.0, "Project Description."	County and contractors	Prior to, during, and following construction	County and Central Valley Regional Water Quality Control Board
<p>Mitigation Measure 5-5: Implement Conditions of Streambed Alteration Agreement. Mitigation Measure 5-5 applies to Impact 5-5. Note: A Section 1602 Streambed Alteration Agreement for the proposed project was obtained from DFG in August 2004.</p>			

Mitigation Measure	Implementation/ Monitoring Responsibility	Timing/Schedule	Verification Responsibility
The County shall comply with the terms and conditions set forth in the Section 1602 Streambed Alteration Agreement. Because of alignment changes and new drainages affected since the issuance of the 1602 Streambed Alteration Agreement, the permit application will be resubmitted following the filing of the Notice of Determination for the proposed project, and any new conditions attached to the reissuance of the Streambed Alteration Agreement will be implemented.	County and contractors	Prior to, during, and following construction	County and California Department of Fish and Game
Mitigation Measure 5-6: Prevent the Introduction and Spread of Invasive Weeds. Mitigation Measure 5-6 applies to Impact 5-6. The County shall implement the following measures to reduce potential impacts resulting from the introduction and spread of invasive weeds:			
▶ A target list of invasive weeds with the potential to occur and be problematic in the project area shall be developed. This may be accomplished by reviewing the California Invasive Plant Council’s “CalEPPC List,” or list of invasive wildland weeds (2006); the California Department of Food and Agriculture’s “Encycloweediea,” or list of invasive weeds (2004); and by consulting knowledgeable individuals such as the resource ecologists employed by Reclamation and the California Department of Parks and Recreation, and the County agricultural commissioner.	County	Prior to construction	County
▶ The County shall ensure that any equipment used during construction is free of mud or seed-bearing material before such equipment enters the construction area.	County and contractors	Prior to and during construction	County
▶ If populations of invasive weeds are documented in the construction area, they shall be eradicated prior to construction, preferably before they set seed. If eradication is infeasible, the population shall be clearly identified in the field by flagging and shall be avoided during construction to prevent spread.	County and contractors	Prior to and during construction	County
▶ The County shall ensure that any fill soil, mulch, seeds, and straw materials used during construction and implementation of BMPs are weed-free. Certified weed-free material shall be used if available.	County and contractors	Prior to and during construction	County
▶ Once the trail is constructed and open to the public, conduct periodic monitoring (at least once per year during the growing season) to ensure early detection and eradication of any invasive weed species brought in by users. Any populations detected during annual monitoring shall be treated and eradicated as soon as possible after detection, preferably before seeds set.	County	Following construction	County

Mitigation Measure	Implementation/ Monitoring Responsibility	Timing/Schedule	Verification Responsibility
Mitigation Measure 5-7: Replacement of Native Oaks. Mitigation Measure 5-7 applies to Impact 5-8.			
If removal of native oak trees larger than 6 inches dbh is required during construction of the proposed project, the County shall take measures to compensate for the removal of those trees consistent with the Placer County Tree Ordinance.	County	During and following construction	County
CULTURAL RESOURCES			
Mitigation Measure 6-1: Realign Trail to Avoid Potentially Significant Cultural Resources. Mitigation Measure 6-1 applies to Impact 6-1. To ensure that construction of the proposed trail avoids all significant documented cultural resources in the project area, the County shall realign the trail route as follows:			
▶ The proposed trail shall be realigned at least 25 feet downslope from sites NF-4, NF-5, NF-7, and NF-8 to eliminate direct impacts and reduce the possibility of trail-related erosion and siltation.	County and contractors	Prior to and during construction	County
▶ The proposed trail shall be realigned at least 25–50 feet upslope from the currently proposed trail alignment from the Ponderosa Bridge to approximately 2,000 feet downriver to avoid the historically mined bar (site NF-9) and associated features.	County and contractors	Prior to and during construction	County
Mitigation Measure 6-2: Protect Previously Unknown Cultural Resources. Mitigation Measure 6-2 applies to Impact 6-2.			
If archaeological materials such as historic building or structure remains, artifact deposits, or scatters, or prehistoric artifacts such as stone tool flaking debitage, mortars, pestles, shell, bone, or human remains are encountered during trail construction, all ground-disturbing activity in the area shall cease. A qualified cultural resources specialist shall be contacted to identify the materials, determine their possible significance, and formulate appropriate mitigation measures. Appropriate measures may include no action, avoidance of the resource through trail realignment, subsurface testing, and potentially data recovery.	County and contractors	During construction	County
Mitigation Measure 6-3: Stop Potentially Damaging Work if Human Remains are Uncovered during Construction. Mitigation Measure 6-3 applies to Impact 6-3.			
In accordance with the California Health and Safety Code, if human remains are uncovered during ground-disturbing activities, the contractor and/or the County shall immediately halt potentially damaging excavation in the area of the burial and notify	County and contractors	During construction	County

Mitigation Measure	Implementation/ Monitoring Responsibility	Timing/Schedule	Verification Responsibility
<p>the County Coroner and a professional archaeologist to determine the nature of the remains. The coroner is required to examine all discoveries of human remains within 48 hours of receiving notice of a discovery on private or state lands (Health and Safety Code Section 7050.5[b]). If the coroner determines that the remains are those of a Native American, he or she must contact the NAHC by phone within 24 hours of making that determination (Health and Safety Code Section 7050[c]). Following the coroner’s findings, the property owner, contractor or County, an archaeologist, and the NAHC-designated Most Likely Descendent (MLD) shall determine the ultimate treatment and disposition of the remains and take appropriate steps to ensure that additional human interments are not disturbed.</p>			
<p>Upon the discovery of Native American remains, the procedures above regarding involvement of the County Coroner, notification of the NAHC, and identification of a MLD shall be followed. The County shall ensure that the immediate vicinity (according to generally accepted cultural or archaeological standards and practices) is not damaged or disturbed by further development activity until consultation with the MLD has taken place. The MLD shall have 48 hours to complete a site inspection and make recommendations after being granted access to the site. A range of possible treatments for the remains, including nondestructive removal and analysis, preservation in place, relinquishment of the remains and associated items to the descendents, or other culturally appropriate treatment may be discussed. State Assembly Bill (AB) 2641 suggests that the concerned parties may extend discussions beyond the initial 48 hours to allow for the discovery of additional remains. AB 2641(e) includes a list of site protection measures and states that the County shall comply with one or more of the following:</p> <ul style="list-style-type: none"> ▶ Record the site with the NAHC or the appropriate Information Center ▶ Utilize an open-space or conservation zoning designation or easement ▶ Record a document with the county in which the property is located <p>The County or their authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further subsurface disturbance if the NAHC is unable to identify a MLD or the MLD fails to make a recommendation within 48 hours after being granted access to the site. The County or their authorized representative may also re-inter the remains in a location not subject to further disturbance if they reject the recommendation of the MLD, and mediation by the NAHC fails to provide measures acceptable to the landowner. Adherence to these procedures and other provisions of the California Health and Safety Code and AB 2641(e) will reduce potential impacts to human remains to a less-than-significant level.</p>	<p>County</p>	<p>During and following construction</p>	<p>County</p>

Mitigation Measure	Implementation/ Monitoring Responsibility	Timing/Schedule	Verification Responsibility
SOILS, GEOLOGY, AND SEISMICITY			
<p>Mitigation Measure 11-1: Obtain Authorization for Construction and Operation Activities with the Central Valley RWQCB and Implement Erosion and Sediment Control Measures as Required. Mitigation Measure 11-1 applies to Impact 11-1.</p>			
<p>The County and/or the California Department of Parks and Recreation (State Parks) shall design a drainage system for erosion control that incorporates the use of BMPs. Erosion and stormwater control shall be designed and implemented in accordance with the latest edition of the erosion and sediment control guidelines for developing areas of the Sierra Nevada foothills and mountains (HSRCOD 1991). BMPs for erosion and siltation prevention, as described in Chapter 3.0, "Project Description," of this document and developed in the trail plan, would be implemented along the trail. Because of the small size of the staging areas and the implementation of these design features, the proposed project is not anticipated to have significant effects on water quality.</p>	County	Prior to and during construction	County
<p>The County shall comply with the terms and conditions set forth in the Section 401 water quality certification obtained from the Central Valley RWQCB. Because of alignment changes and new drainages affected since the issuance of the 401 certification, this permit will be resubmitted following the filing of the Notice of Determination and any new conditions attached to that permit will be incorporated into the project.</p>	County and contractors	Prior to, during, and following construction	County
<p>As required under the NPDES stormwater permit for general construction activities, the County shall prepare and submit the appropriate notices of intent and shall prepare any other necessary engineering plans and specifications for pollution prevention and control. The County will prepared a SWPPP that identifies and specifies the use of erosion and sediment control BMPs, means of waste disposal, implementation of approved local plans, nonstormwater management controls, permanent postconstruction BMPs, and inspection and maintenance responsibilities. The SWPPP shall also specify the pollutants that are likely to be used during construction that could be present in stormwater drainage and nonstormwater discharges. A sampling and monitoring program shall be included in the SWPPP that meets the requirements of SWRCB Order 99-08-DWQ to ensure that the BMPs are effective.</p> <p>Construction techniques shall be identified that would reduce the potential for runoff, and the plan shall identify the erosion and sedimentation control measures to be implemented. The SWPPP shall also specify spill prevention and contingency measures, identify the types of materials used for equipment operation, and identify measures to prevent or clean up spills of hazardous materials used for equipment</p>	County	Prior to construction	County

Mitigation Measure	Implementation/ Monitoring Responsibility	Timing/Schedule	Verification Responsibility
<p>operation and hazardous waste. Emergency procedures for responding to spills shall also be identified. BMPs identified in the SWPPP shall be used in all subsequent site development activities. The SWPPP shall identify personnel training requirements and procedures that would be used to ensure that workers are aware of permit requirements and proper installation and performance inspection methods for BMPs specified in the SWPPP. The SWPPP shall also identify the appropriate personnel responsible for supervisory duties related to implementation of the SWPPP. All construction contractors shall retain a copy of the approved SWPPP on the construction site.</p>			
<p>Mitigation Measure 11-2: Implement Recommended Measures to Reduce the Potential for Exposure to Seismic Hazards. Mitigation Measure 11-2 applies to Impacts 11-3 and 11-4.</p>			
<p>A geotechnical report for the proposed project has been prepared (Blackburn Consulting 2006, 2007) (Appendix C) that evaluates the potential for various geologic and seismic-related hazards. During project design and construction, all measures outlined in the geotechnical report for the proposed project (Blackburn Consulting 2006, 2007) (Appendix C) and, if necessary, supplemental site-specific geotechnical recommendations shall be implemented to ensure that the proposed trail alignment and bridge crossings are safe. It is the responsibility of the County to provide for engineering inspection and certification that earthwork has been performed in conformity with recommendations contained in the report.</p>	County and contractors	Prior to, during, and following construction	County
HYDROLOGY AND WATER QUALITY			
<p>See Mitigation Measure 11-1 in Chapter 11.0, "Soils, Geology, and Seismicity." This mitigation measure applies to Impacts 12-1 and 12-2.</p>	County and contractors	Prior to, during, and following construction	County
HAZARDOUS MATERIALS AND HAZARDS			
<p>Mitigation Measure 15-1: Implement Measures to Reduce Hazards Associated with Potential Hazardous Materials Releases. Mitigation Measure 15-1 applies to Impact 15-2. It would be implemented in conjunction with Mitigation Measure 11-1, "Obtain Authorization for Construction and Operation Activities with the Central Valley RWQCB and Implement Erosion and Sediment Control Measures as Required," described in Chapter 11.0, "Soils, Geology, and Seismicity." Before the commencement of trail construction, the County shall implement the following measures.</p>			

Mitigation Measure	Implementation/ Monitoring Responsibility	Timing/Schedule	Verification Responsibility
▶ An accidental-spill prevention and response plan shall be prepared and implemented for storage and use of hazardous materials during trail construction and maintenance. This plan shall identify measures to prevent accidental spills from leaving the site and methods for responding to and cleaning up spills before neighboring properties are exposed to hazardous materials.	County and contractors	Prior to and during construction	County
▶ The County shall ensure that any employee handling hazardous materials is trained in the safe handling and storage of hazardous materials and trained to follow all applicable regulations with regard to such hazardous materials.	County and contractors	Prior to and during construction	County
▶ The primary construction contractor shall identify a staging area where hazardous materials will be stored during construction in accordance with applicable state and federal regulations.	Contractors	Prior to and during construction	County